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1932-33

THE
PUBLIC GENERAL ACTS

Passed in
The Twenty-third and Twenty-fourth Years of the
Reign of His Majesty

King George the Fifth

Being the Second Session of the Thirty-sixth
Parliament of the United Kingdom of
Great Britain and Northern Ireland

And the

Church Assembly Measures

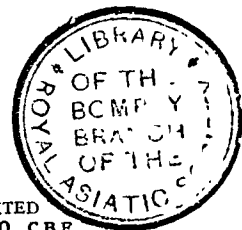
Which received the Royal Assent during that Session
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Tables of the Titles
The Effect of Legislation
and an Index

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CONTENTS.

Table.	Page.
I. TABLE OF THE TITLES OF THE PUBLIC GENERAL ACTS PASSED DURING THE SESSION - - -	c
THE PUBLIC GENERAL ACTS.	
II. MEASURES PASSED BY THE NATIONAL ASSEMBLY OF THE CHURCH OF ENGLAND WHICH RECEIVED THE ROYAL ASSENT DURING THE SESSION - - -	i
THE CHURCH ASSEMBLY MEASURES.	
III. THE EFFECT OF LEGISLATION - - - - -	xxv
IV. INDEX TO ACTS AND MEASURES - - - - -	lxi

TABLE I.

A TABLE

OF

THE TITLES OF THE PUBLIC GENERAL ACTS

PASSED in the SECOND SESSION of the THIRTY-SIXTH
PARLIAMENT of the UNITED KINGDOM of GREAT
BRITAIN AND NORTHERN IRELAND.

(NOVEMBER 22, 1932—NOVEMBER 17, 1933.)

23 & 24 GEORGE 5.—A.D. 1932-33.

ROYAL ASSENT, DECEMBER 22ND, 1932.

1. An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-three. (*Consolidated Fund (No. 1).*)
2. An Act to continue certain expiring laws. (*Expiring Laws Continuance.*)

ROYAL ASSENT, MARCH 29TH, 1933.

3. An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four. (*Consolidated Fund (No. 2).*)
4. An Act to make further and better provision with respect to the admissibility in evidence in the United Kingdom of entries contained in the public registers of other countries and with respect to the proof by means of duly authenticated official certificates of entries in such registers and in consular registers and of other matters. (*Evidence (Foreign, Dominion and Colonial Documents).*)

5. An Act to authorise the Treasury to guarantee a portion of a loan to be raised by the Government of Austria. (*Austrian Loan Guarantee.*)
6. An Act to make provision with respect to forces of His Majesty from other parts of the British Commonwealth when visiting the United Kingdom or a colony; with respect to the exercise of command and discipline when forces of His Majesty from different parts of the Commonwealth are serving together; with respect to the attachment of members of one such force to another such force, and with respect to deserters from such forces. (*Visiting Forces (British Commonwealth).*)
7. An Act to extend the period in respect of which abatements from pay may be made under the Indian Pay (Temporary Abatements) Act, 1931, subject to a reduction in the percentage to which such abatements are limited. (*Indian Pay (Temporary Abatements).*)
8. An Act to determine in respect of the years in the second fixed grant period such of the amounts to be included in the General Exchequer Contribution for England and the General Exchequer Contribution for Scotland, and in the payments to be made out of the Road Fund towards the said contributions respectively, as require to be determined periodically by Parliament. (*Local Government (General Exchequer Contributions).*)
9. An Act to provide for the winding up of insolvent assurance companies, and for purposes connected with the matter aforesaid. (*Assurance Companies (Winding up).*)

ROYAL ASSENT, APRIL 13TH, 1933.

10. An Act to authorise the prohibition of the importation of Russian goods. (*Russian Goods (Import Prohibition).*)
11. An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and the Air Force. (*Army and Air Force (Annual).*)
12. An Act to consolidate certain enactments relating to persons under the age of eighteen years. (*Children and Young Persons.*)
13. An Act to make provision for the enforcement in the United Kingdom of judgments given in foreign countries which accord reciprocal treatment to judgments given in the United Kingdom, for facilitating the enforcement in foreign countries of judgments given in the United Kingdom, and for other purposes in connection with the matters aforesaid. (*Foreign Judgments (Reciprocal Enforcement).*)

14. An Act to provide for the establishment of a Passenger Transport Board for an area to be known as the London Passenger Transport Area, which shall comprise certain portions of the London Traffic Area and of the districts adjacent thereto, and for the transfer to that Board of various transport undertakings and interests; to make other provisions with respect to traffic in the said area; and for purposes connected with the matters aforesaid. (*London Passenger Transport.*)

ROYAL ASSENT, MAY 18TH, 1933.

15. An Act to bring to an end the power of the Minister of Health to grant subsidies under sections one and three of the Housing, &c. Act, 1923, and the Housing (Financial Provisions) Act, 1924, and to enable him to undertake to make contributions in certain cases towards losses sustained by authorities under guarantees given by them for facilitating the provision of houses to be let to the working classes. (*Housing (Financial Provisions).*)
16. An Act to provide for the reduction of the subsidies payable to local authorities in Scotland under section two of the Housing (Financial Provisions) Act, 1924, in certain cases, and in all other respects to bring to an end the power of the Department of Health for Scotland to grant subsidies under sections one and three of the Housing, &c. Act, 1923, and the said Act of 1924; to enable the said Department to undertake to make contributions in certain cases towards losses sustained by local authorities under guarantees given by them for facilitating the provision of houses to be let to the working classes; and for purposes connected with or incidental to the foresaid matters. (*Housing (Financial Provisions) (Scotland).*)
17. An Act to enable courts to disqualify for keeping dogs persons convicted of cruelty to them. (*Protection of Animals (Cruelty to Dogs).*)
18. An Act to increase to three hundred and fifty million pounds the aggregate amount which may be issued to the Exchange Equalisation Account out of the Consolidated Fund. (*Exchange Equalisation Account.*)

ROYAL ASSENT, JUNE 28TH, 1933.

19. An Act to grant certain duties of Customs and Inland Revenue (including Excise), to alter other duties, and to amend the law relating to Customs and Inland Revenue (including Excise) and the National Debt, and to make further provision in connection with finance. (*Finance.*)

20. An Act to consolidate and simplify the law of Scotland relating to false oaths, declarations, and statements. (*False Oaths (Scotland).*)
21. An Act to consolidate and amend the law relating to Solicitors and Notaries Public in Scotland. (*Solicitors (Scotland).*)
22. An Act to amend section eleven of the Teachers (Superannuation) Act, 1925, and paragraph (d) of subsection (1) of section four of the Education (Scotland) (Superannuation) Act, 1925. (*Teachers (Superannuation).*)
23. An Act to amend the provisions of the Government of India Act relating to the extension of the duration of a Governor's Legislative Council. (*Government of India (Amendment).*)
24. An Act to amend the law relating to solicitors by providing for the making and enforcement of rules as to the keeping of accounts for clients' moneys and other matters of professional conduct. (*Solicitors.*)
25. An Act to amend the law relating to Pharmacy and Poisons and for purposes consequential on such amendment. (*Pharmacy and Poisons.*)
26. An Act to continue in force for a further period the Unemployment Insurance Act, 1930, and sections one and two of the Unemployment Insurance (No. 3) Act, 1931. (*Unemployment Insurance (Expiring Enactments).*)

ROYAL ASSENT, JULY 18TH, 1933.

27. An Act to amend the Ballot Act, 1872, so as to enable any blind voter at a poll regulated by that Act to avail himself of the assistance of a relative or friend, and for purposes connected with the matter aforesaid. (*Blind Voters.*)
28. An Act to enable Municipal Corporations to provide for the audit of their accounts and of the accounts of their officers by district auditors or by other qualified accountants. (*Municipal Corporations (Audit).*)
29. An Act to amend subsection (1) of section nineteen of the Education Act, 1921, and for purposes consequential on such amendment. (*Education (Necessity of Schools).*)
30. An Act to amend and prolong the duration of the Cotton Industry Act, 1923. (*Cotton Industry.*)
31. An Act to provide for the better organisation and development of the agricultural industry and of industries connected therewith by regulating the importation and sale of agricultural products and the production of secondary agricultural products; to amend the law with respect to the marketing of agricultural products; and to make further provision in connection with the matters aforesaid. (*Agricultural Marketing.*)

32. An Act to amend and continue the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1925. (*Rent and Mortgage Interest Restrictions (Amendment).*)
33. An Act to amend the enactments relating to the metropolitan police force in regard to the number of assistant commissioners of police, the age of compulsory retirement, membership of the Police Federation and the appointment of constables for a fixed period of service; to adapt to the case of constables so appointed the enactments relating to police pensions and gratuities, National Health Insurance, and Widows', Orphans' and Old Age Contributory Pensions; and for purposes connected with the matters aforesaid. (*Metropolitan Police.*)

ROYAL ASSENT, JULY 28TH, 1933.

34. An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-four, and to appropriate the Supplies granted in this Session of Parliament. (*Appropriation.*)
35. An Act to provide for the better protection of trout in Scotland, and for other purposes relating thereto. (*Trout (Scotland).*)
36. An Act to abolish grand juries and amend the law as to the presentment of indictments; to provide for the summary determination of questions as to liability for death duties; to make provision for alternative procedure for the recovery of Crown debts and to enable proceedings by the Crown to be instituted in county courts in appropriate cases; to amend the procedure as to certain prerogative writs and as to trials by jury in the High Court; to amend the law as to the payment of costs by and to the Crown; to provide for the further delegation of the jurisdiction of the Master in Lunacy; and for purposes connected with the matters aforesaid. (*Administration of Justice (Miscellaneous Provisions).*)
37. An Act to improve and extend the procedure under the Private Legislation Procedure (Scotland) Act, 1899. (*Private Legislation Procedure (Scotland).*)
38. An Act to amend the law relating to appeals from courts of summary jurisdiction. (*Summary Jurisdiction (Appeals).*)
39. An Act to provide for the humane and scientific slaughter of animals; and for purposes connected therewith. (*Slaughter of Animals.*)

40. An Act to amend the law with respect to Customs in the Isle of Man. (*Isle of Man (Customs)*.)
41. An Act to amend the law of Scotland relating to the Court of Session and procedure therein, to the appointment of Officers in the said Court and the High Court of Judiciary, to criminal jury trials and to the Sheriffs and procedure in the Sheriff Court, and with regard to solicitors' fees; and for purposes connected therewith. (*Administration of Justice (Scotland)*.)
42. An Act to make provision for the service by post of summonses issued by justices of the peace in England, to amend the law with respect to the mode of proving the service of process and other documents in proceedings before, and on appeal from, such justices, and for purposes connected with the matters aforesaid. (*Service of Process (Justices)*.)
43. An Act to make provision for certain deductions from remuneration to be disregarded in the computation of contributions, pensions and gratuities under enactments relating to the superannuation of persons employed, or paid, by local authorities and other public bodies; to give retrospective effect to such provision; and for purposes connected with the matters aforesaid. (*Local Government and other Officers' Superannuation (Temporary Provisions)*.)
44. An Act to amend the Church of Scotland (Property and Endowments) Act, 1925, to make further provision with regard to the properties and endowments of the Church of Scotland, and for purposes connected therewith. (*Church of Scotland (Property and Endowments) Amendment*.)
45. An Act to provide for regulating the catching, landing, and sale of sea-fish, for the constitution of a Sea-fish Commission, and for purposes connected with the matters aforesaid. (*Sea-Fishing Industry*.)
46. An Act to amend section sixteen of the Electricity (Supply) Act, 1919, and section twenty-one of the Electricity (Supply) Act, 1922. (*Electricity (Supply)*.)

ROYAL ASSENT, NOVEMBER 17TH, 1933.

47. An Act to amend the Superannuation (Ecclesiastical Commissioners and Queen Anne's Bounty) Act, 1914. (*Superannuation (Ecclesiastical Commissioners and Queen Anne's Bounty)*.)
48. An Act to continue certain expiring laws. (*Expiring Laws Continuance*.)

49. An Act to amend the law relating to the national status of married women so far as is necessary for giving effect to a Convention on certain questions relating to the Conflict of Nationality Laws, signed on behalf of His Majesty at the Hague on the twelfth day of April, nineteen hundred and thirty, and for purposes incidental to the matter aforesaid. (*British Nationality and Status of Aliens.*)
50. An Act to impose penalties for the use, attempted use and possession of firearms and imitation firearms in certain cases, to amend certain provisions of the Larceny Act, 1916, relating to offensive weapons or instruments, and for purposes connected with the matters aforesaid. (*Firearms and Imitation Firearms (Criminal Use).*)
51. An Act to consolidate with amendments the enactments relating to authorities for the purposes of local government in England and Wales exclusive (except in relation to certain matters) of London. (*Local Government.*)
52. An Act to provide for the protection of birds of species resident in or visiting Great Britain in a wild state. (*Protection of Birds.*)
53. An Act to make provision for regulating the carriage of goods on roads by motor vehicles and for controlling the use of vehicles on certain roads; to amend certain provisions of the Road Traffic Act, 1930; to amend the law relating to railways and to make provision for constituting a council to advise on questions in connection with the means of, and facilities for, transport; and for purposes connected with the matters aforesaid. (*Road and Rail Traffic.*)



THE
PUBLIC GENERAL STATUTES.

[23 GEO. 5.]

CHAPTER 1.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-three.

[22nd December 1932.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-three, the sum of twenty-one million four hundred and twenty thousand nine hundred and fifty-five pounds.

Issue of 21,420,955. out of the Consolidated Fund for the service of the year ending 31st March 1933.

2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance

Power for the Treasury to borrow.

to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole twenty-one million four hundred and twenty thousand nine hundred and fifty-five pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and thirty-three, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict.
c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

(5) The interest on any money borrowed under this section shall be paid out of the permanent annual charge for the National Debt.

Short title.

3. This Act may be cited as the Consolidated Fund (No. 1) Act, 1932 (Session 2).

CHAPTER 2.

An Act to continue certain expiring laws.

[22nd December 1932.]

WHEREAS the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire, as respects those mentioned in Part I. of that Schedule, on the thirty-first day of December, nineteen hundred and thirty-two, and, as respects that mentioned in Part II. thereof, in England on the twenty-fifth day of December, nineteen hundred and thirty-two, and in

Scotland on the twenty-eighth day of May, nineteen hundred and thirty-three:

And whereas it is expedient to provide for the continuance, as in this Act mentioned, of those Acts and of the enactments amending or affecting the same:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) The Acts mentioned in Part I. of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December, nineteen hundred and thirty-three. Continuance
of Acts in
Schedule.

(2) The Act mentioned in Part II. of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued in England until the twenty-fifth day of December, nineteen hundred and thirty-three, and in Scotland until the twenty-eighth day of May, nineteen hundred and thirty-four.

(3) Any unrepealed enactments which are temporary in their duration, shall, in so far as they amend or affect the enactments continued by the foregoing provisions of this Act, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act, 1932. Short title
and applica-
tion to
Northern
Ireland.

(2) This Act shall apply to Northern Ireland in so far as it deals with any enactment relating to a subject with respect to which the Parliament of Northern Ireland has not power to make laws, but subject to this provision this Act shall not apply to Northern Ireland.

SCHEDULE.

PART I.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1) 4Edw.7.c.24.	The Wireless Tele- graphy Act, 1904.	The whole Act -	6 Edw. 7. c. 13. 15&16Geo.5. c. 67. 16&17Geo.5. c. 54.
(2) 2 Geo. 5. c. 2.	The Coal Mines (Minimum Wage) Act, 1912.	The whole Act.	—
(3) 9 & 10 Geo. 5. c. 92.	The Aliens Restriction (Amendment) Act, 1919.	Section one.	—
(4) 9 & 10 Geo. 5. c. 97.	The Land Settlement (Scotland) Act, 1919.	Section two -	12 & 13 Geo. 5. c. 52.
(5) 10 & 11 Geo. 5. c. 21.	The Harbours, Docks and Piers (Temporary Increase of Charges) Act, 1920.	The whole Act -	12 & 13 Geo. 5. c. 23.
(6) 10 & 11 Geo. 5. c. 47.	The Ministry of Food (Continuance) Act, 1920.	So far as it authorises the making or revoking, in whole or in part, of Part III. of the Sale of Food Order, 1921, and provides for the enforcement, and imposes penalties for the breach, thereof.	—

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(7) 10&11 Geo.5. c. 57.	The Unemployment (Relief Works) Act, 1920.	The whole Act	20 & 21 Geo 5. c. 50.
(8) 10&11 Geo.5. c. 65.	The Employment of Women, Young Persons and Children Act, 1920.	Section two.	—
(9) 10&11 Geo.5. c. 77.	The Dyestuffs (Im- port Regulation) Act, 1920.	The whole Act.	—
(10) 11&12 Geo.5. c. 64.	The Poor Law Emer- gency Provisions (Scotland) Act, 1921.	The whole Act ex- cept subsection (4) of section two.	13 & 14 Geo.5. c. 6. 14 & 15 Geo.5. c. 9. 15 & 16 Geo.5. c. 35. 17 Geo. 5. c. 3.
(11) 14&15 Geo.5. c. 34.	The London Traffic Act, 1924.	The whole Act.	—
(12) 16&17 Geo.5. c. 28.	The Mining Industry Act, 1926.	Section eighteen.	—
(13) 17 Geo.5. c. 3.	The Poor Law Emer- gency Provisions (Scotland) Act, 1927.	Sections one, three and five.	—
(14) 20&21 Geo.5. c. 50.	The Public Works Facilities Act, 1930.	The whole Act.	—

PART II.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(15) 10&11 Geo.5. c. 17.	The Increase of Rent and Mortgage In- terest (Restric- tions) Act, 1920.	The whole Act	13 & 14 Geo.5. c. 32. 14 & 15 Geo.5. c. 18. 15 & 16 Geo.5. c. 32.

CHAPTER 3.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and thirty-two, one thousand nine hundred and thirty-three and one thousand nine hundred and thirty-four. [29th March 1933.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to His Majesty for the service of the years ending on the thirty-first day of March one thousand nine hundred and thirty-two and one thousand

Issue of
187,277*l.*
1*s.* 5*d.* out of
the Consoli-
dated Fund
for the service
of the years

nine hundred and thirty-three, the sum of one hundred and eighty-seven thousand two hundred and seventy-seven pounds one shilling and fivepence. ending
31st March
1932 and 1933.

2. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-four, the sum of two hundred and eight million seven hundred and seventy-two thousand one hundred pounds. Issue of
208,772,100l.
out of the
Consolidated
Fund for the
service of the
year ending
31st March
1934.

3.—(1) The Treasury may borrow from any person by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole two hundred and eight million nine hundred and fifty-nine thousand three hundred and seventy-seven pounds one shilling and fivepence. Power for
the Treasury
to borrow.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and thirty-four, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills. 40 & 41 Vict.
c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

(5) The interest on any money borrowed under this section shall be paid out of the permanent annual charge for the National Debt.

4. This Act may be cited as the Consolidated Fund (No. 2) Act, 1933. Short title.

CHAPTER 4.

An Act to make further and better provision with respect to the admissibility in evidence in the United Kingdom of entries contained in the public registers of other countries and with respect to the proof by means of duly authenticated official certificates of entries in such registers and in consular registers and of other matters. [29th March 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Proof and effect of foreign dominion and colonial registers and certain official certificates.

1.—(1) If, upon consideration of a report from the Lord Chancellor and a Secretary of State, His Majesty in Council is satisfied with respect to any country that, having regard to the law of that country as to the recognition therein of public registers of the United Kingdom as authentic records and as to the proof of the contents of such registers and other matters by means of duly authenticated certificates issued by public officers in the United Kingdom, it is desirable in the interests of reciprocity to make with respect to public registers of that country and certificates issued by public officers therein such an Order as is hereinafter mentioned, it shall be lawful for His Majesty in Council to make such an Order accordingly.

(2) An Order in Council made under this section may provide that in all parts of the United Kingdom—

(a) a register of the country to which the Order relates, being such a register as is specified in the Order, shall be deemed to be a public register kept under the authority of the law of that country and recognised by the courts thereof as an authentic record, and to be a document of such a public nature as to be admissible as evidence of the matters regularly recorded therein :

- (b) such matters as may be specified in the Order shall, if recorded in such a register, be deemed, until the contrary is proved, to be regularly recorded therein;
- (c) subject to any conditions specified in the Order and to any requirements of rules of court a document purporting to be issued in the country to which the Order relates as an official copy of an entry in such a register as is so specified, and purporting to be authenticated as such in the manner specified in the Order as appropriate in the case of such a register, shall, without evidence as to the custody of the register or of inability to produce it and without any further or other proof, be received as evidence that the register contains such an entry;
- (d) subject as aforesaid a certificate purporting to be given in the country to which the Order relates as an official certificate of any such class as is specified in the Order, and purporting to be signed by the officer, and to be authenticated in the manner, specified in the Order, as appropriate in the case of a certificate of that class, shall be received as evidence of the facts stated in the certificate;
- (e) no official document issued in the country to which the Order relates as proof of any matters for the proof of which provision is made by the Order shall, if otherwise admissible in evidence, be inadmissible by reason only that it is not authenticated by the process known as legalisation.

(3) Official books of record preserved in a central registry and containing entries copied from original registers may, if those entries were copied by officials in the course of their duty, themselves be treated for the purposes of this section as registers.

(4) In this section the expression "country" means a Dominion, the Isle of Man, any of the Channel Islands, a British colony or protectorate, a foreign country, a colony or protectorate of a foreign country, or any mandated territory:

Provided that where a part of a country is under both a local and a central legislature, an Order under this section may be made as well with respect to that part, as with respect to all the parts under that central legislature.

(5) His Majesty in Council may vary or revoke any Order previously made under this section.

Proof and effect of entries in certain consular registers.
4 & 5 Geo. 5.
c. 17.

2. In all parts of the United Kingdom entries made, whether before or after the commencement of the British Nationality and Status of Aliens Act, 1914, in any register kept in accordance with instructions of the Secretary of State by an officer in the diplomatic or consular service of His Majesty for the registration of the births and deaths of British subjects born or dying out of His Majesty's dominions may be proved by such copies, certified in such manner, as may be directed by the Secretary of State, and the copies of any such entries shall be evidence of any matters authorised by any instruction of the Secretary of State to be inserted in the register.

Short title.

3. This Act may be cited as the Evidence (Foreign, Dominion and Colonial Documents) Act, 1933.

CHAPTER 5.

An Act to authorise the Treasury to guarantee a portion of a loan to be raised by the Government of Austria. [29th March 1933.]

WHEREAS a Protocol in the form set out in the Schedule to this Act was drawn up at Geneva on the fifteenth day of July, nineteen hundred and thirty-two, and has been signed on behalf of His Majesty's Government and of the Governments of Belgium, France, Italy and the Netherlands :

And whereas the portion of the loan mentioned in the said Protocol (in this Act referred to as "the Austrian loan") which His Majesty's Government has undertaken to guarantee or to provide is an amount of one hundred million gold schillings :

Be it, therefore, enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows :—

1.—(1) The Treasury may guarantee, in such manner as they think fit, the payment of the principal of, and the interest on, a loan (being a portion of the Austrian loan) of such an amount as will, after payment of the expenses of issue, produce the equivalent of a sum not exceeding one hundred million gold schillings of the weight and fineness prescribed by Austrian law as at the date of the said Protocol. Guarantee of portion of Austrian loan.

(2) Any sums required by the Treasury for fulfilling a guarantee given under this Act shall be charged on and issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof, and any sums received by way of repayment of any amount so issued out of the Consolidated Fund shall be paid into the Exchequer.

(3) The Treasury shall lay before both Houses of Parliament a statement of any guarantee given under this Act and an account of any sums issued out of the Consolidated Fund of the United Kingdom for the purpose of any such guarantee as soon as may be after the guarantee is given or the sums are issued.

2. This Act may be cited as the Austrian Loan Guarantee Act, 1933. Short title.

SCHEDULE.

AUSTRIAN PROTOCOL.

PREAMBLE.

Considering—

That the Government of the Austrian Federal Republic has addressed to the League of Nations a request to be assisted in maintaining the work of economic and financial reconstruction undertaken in consequence of the decision of the Council of

the League of Nations of the 4th October, 1922, and of the signature of the three Protocols of the same date :

That the Austrian Government reaffirms its intention of meeting punctually all its foreign obligations :

That the Governments of Belgium, the United Kingdom of Great Britain and Northern Ireland, France, Italy,

are ready to grant further assistance to Austria for this purpose :

That the above Governments, including the Austrian Government, declare that such assistance is given on the basis of Protocol No. I signed at Geneva on the 4th October, 1922, and of all the undertakings resulting therefrom; the provisions of which Protocol are to be considered as here reproduced :

The Governments of Belgium, the United Kingdom of Great Britain and Northern Ireland, France, Italy, the Netherlands,

on the one hand, and the Government of the Austrian Federal Republic, on the other,

Have by common consent drawn up the following provisions :—

ARTICLE 1.

In order to assist the Austrian Government to borrow a sum in foreign currencies, freely and immediately available, the net amount of which shall be equivalent to a maximum of approximately 300 million Austrian Schillinge, at the present legal gold parity, the Governments of Belgium, the United Kingdom of Great Britain and Northern Ireland, France, Italy, the Netherlands,

undertake to apply without delay for such authority as may be required under their municipal law to enable them either to guarantee, as hereinafter provided, the principal and interest of

part of such loan or to furnish the amount to the Austrian Government in another manner. In case of an issue on their markets, they will grant facilities for the issue of the amount which they have guaranteed.

ARTICLE 2.

(i) There will be no joint guarantee as between the Governments. Each Government shall be responsible solely for the share in the total operation which it is to guarantee or to provide. No guarantor Government will be liable for the service or the repayment of a bond of the loan not included in the portion guaranteed by it.

As regards the public issues, the Austrian Government will prepare separate bonds for the portions of the loan issued in each country, specifically stating which Government is the guarantor.

The various national issues shall, however, form parts of one single loan. No discrimination may be made by the Austrian Government in carrying out its obligations as regards these different issues of the loan. The service and the repayment of the whole of the loan shall be carried out on conditions to be laid down in the General Bond, under the control of one or more trustees appointed by the Council of the League of Nations, acting jointly.

(ii) The participating Governments shall, at the moment of signing, state the amounts which they undertake to guarantee or to provide.

(iii) The expenses of issue, negotiation and delivery of each issue shall be added to the capital of the issue.

(iv) The loan shall be for a term of twenty years. The Austrian Government reserves the right to repay the loan before the expiration of that period, after ten years, on conditions which will be fixed by the Committee of Guarantor States at the time the operation is concluded. Subject to the priorities attached to the Loan of 1923-43, the Relief Credits and the 1930 Loan, the system of pledged assets by which the 1923-43 Loan is secured shall be made to apply to the present loan. The manner in which this shall be done shall be settled in detail in the General Bond. The service of the interest and the repayment of the present loan shall be free of all taxes, dues or charges, present or future, for the benefit of the Austrian State or of any other Austrian authority.

(v) The terms of issue (rates of interest, expenses, issue prices, the form of guarantee, &c.) shall be submitted for approval to the Committee of Guarantor States created by the Austrian Protocol No. II of the 4th October, 1922, or to persons appointed by that Committee; and any reference to the League of Nations in the prospectus of issue shall similarly be approved by the

Chairman of the Financial Committee. Those Governments which have signed the present Protocol without being parties to the Austrian Protocol No. II of the 4th October, 1922, shall be invited to send representatives to the Committee of the Guarantor States.

ARTICLE 3.

The proceeds of the operation shall be utilised by the Austrian Government for the objects set out in Annex I, in agreement, as the case may be, with the representatives of the League of Nations or the Adviser to the National Bank referred to in Article 7.

ARTICLE 4.

The Austrian Government undertakes to take the necessary steps to restore without delay and to maintain complete equilibrium between the revenue and expenditure of the State; it similarly undertakes to take all steps necessary to re-establish without delay the financial equilibrium of the Austrian State Railways, and in particular, to carry out the programme of budgetary and financial reforms set out in Annex II.

ARTICLE 5.

Austrian monetary policy will aim at the abolition as soon as possible, subject to the necessary safeguards, of the difference between the internal and external value of the schilling, and, in consequence, at the progressive removal of the existing control over exchange transactions and the resulting obstructions to international trade.

ARTICLE 6.

(i) It is agreed that the settlement of the question of the Creditanstalt must form part of the programme of financial reforms which are the object of the present Protocol.

(ii) The Austrian Government will take all possible steps without delay to conclude an agreement with the foreign creditors of the Creditanstalt. This agreement will take account of the necessity for avoiding excessive pressure on the schilling.

(iii) The Austrian Government undertakes to effect a settlement of the debt of the Creditanstalt to the National Bank and to issue as soon as possible one or more internal loans of a total amount of not less than 200 million schillings for the partial reimbursement of the debt due by the State to the National Bank.

ARTICLE 7.

The Austrian Government will request the Council of the League of Nations to appoint a representative of the League of

Nations, and to nominate an Adviser to the National Bank of Austria, with the object of continuing the collaboration contemplated in the declarations made in September, 1931, by the Austrian Federal Chancellor and in the provisions of the present Protocol and its Annexes.

ARTICLE 8.

The Committee of Guarantor States shall continue to perform its functions until the loan provided for in the present Protocol has been entirely repaid.

ARTICLE 9.

(i) All decisions to be taken by the Council of the League of Nations in virtue of the present Protocol shall be taken by a majority vote.

(ii) Any dispute as to the interpretation of the present Protocol shall be settled by the Council by a majority vote.

ARTICLE 10.

(i) The present Protocol, of which the English and French texts are equally authentic, shall remain open to signature by all Governments which desire to accede thereto. The Protocol shall be ratified, and the ratifications shall be deposited with the Secretariat of the League of Nations.

(ii) The present Protocol shall be approved by the Council of the League of Nations. It shall enter into force as regards the Governments which have ratified it as soon as the ratifications of Austria, the United Kingdom, France and Italy have been deposited. In order to enable the Protocol to enter into force, the ratifications of the above-mentioned States must be deposited not later than the 31st December, 1932. The Protocol shall enter into force as regards each of the other signatory Governments on the date of deposit of that Government's ratification.

In faith whereof, the undersigned, duly authorised, have signed the present Protocol.

Done at Geneva, the fifteenth day of July, nineteen hundred and thirty-two, in a single copy which shall be deposited at the Secretariat of the League of Nations.

AUSTRIA.

For the Austrian Government :

E. PFLÜGL.

BELGIUM.

For the Belgian Government :

JULES LE JEUNE DE MÜNSBACH - Five million Austrian
schillings.

UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND.

For the Government of Great Britain and Northern Ireland :
JOHN SIMON - One hundred million (100,000,000) schillings.

FRANCE.

For the Government of the French Republic and in accordance
with the declaration which I made before the Council on
July 15th, 1932 :

R. MASSIGLI - One hundred million (100,000,000) schillings.

ITALY.

For the Italian Government :

VITTORIO SCIALOJA - Thirty million (30,000,000) schillings.

THE NETHERLANDS.

For the Government of the Netherlands :

W. DOUDE VAN TROOSTWIJK - Three million Austrian schillings.

ANNEX I.

*Utilisation of the Proceeds of the Operation Provided for by the
Protocol.*

1. The proceeds in foreign exchange shall be credited to a special account or accounts as directed by the Austrian Government in agreement with the representative of the League of Nations.

2. The advance of 100 million Schillinge made by the Bank of England to the Austrian Government shall be repaid out of the proceeds of the loan.

3. The Austrian Government shall sell the remaining foreign exchange to the Austrian National Bank on conditions to be fixed in agreement with the representative of the League of Nations.

4. The use to be made of the foreign exchange thus sold by the Austrian Government to the Austrian National Bank shall be decided in agreement with the Adviser to the Bank.

5. The amount in Schillinge resulting from such sales shall be credited to a special account of the Austrian Government at the National Bank; this amount in Schillinge—with the exception, if necessary, of a sum to be determined in agreement with

the representative of the League of Nations—shall be used to repay part of the internal floating debt of the State and of the Railways, on condition that the creditors who thus obtain repayment shall simultaneously reduce their indebtedness to the Austrian National Bank by corresponding amounts. The Government may only draw on the sums standing to the credit of this account in agreement with the representative of the League of Nations.

ANNEX II.

Programme of Budgetary and Financial Reforms.

1. In conformity with the declaration made before the Financial Committee by the Austrian Chancellor in September 1931, the Austrian Government will take every step necessary to restore without delay and to maintain equilibrium between its revenue and expenditure.

In order to ensure the application of this principle from 1932 onwards, further permanent economies sufficient to secure the balancing of the budget for the current financial year, estimated on the basis of present figures at 45 million Schillings, must be made during the second half of the current year, in addition to those provided for in the supplementary budget which has been submitted to the Council of Ministers.

In view of the special circumstances and having regard to the arrangements contemplated in Annex I for reducing the short-term debt of the State, the 100-million-Schilling surplus provided in the present budget for the repayment of short-term obligations may be applied to current needs, such as the deficit on the Railways.

2. The Austrian Government undertakes to carry out without delay the general programme of economies and reorganisation contained in the report of Dr. Herold, the railway expert who was entrusted with the enquiry into the administration and policy of the Railway system, in conformity with the declaration made by the Chancellor last September.

An expert appointed by the Council of the League of Nations shall be invited by the Austrian Government to decide to what extent the capital outlays ("Investitionen") of the Railways are really indispensable and to what extent they could, in view of the present financial difficulties, be postponed.

3. All borrowing operations of the Austrian State, whether external or internal (other than those under the standing authority to issue Treasury Bills up to 75 million Schillings), remain subject to the approval of the Committee of Guarantor States. The Austrian State Railways shall for this purpose be regarded as a part of the Austrian State and shall not be authorised to

contract any loan unless the Minister of Finance certifies that the approval of the Committee of Guarantor States has been duly obtained.

As regards contracts on a credit basis for supplies or works which involve a substantial charge on future budgets, including the budget of the Railways, the representative of the League of Nations shall determine whether these operations present an exceptional character warranting recourse to the procedure provided for in the preceding paragraph.

Having regard^v to the provisions of Annex I, no issue of Treasury Bills or other similar short-term operation shall be carried out by the Austrian Government on the home market unless the prior consent of the representative of the League has been given.

4. In conformity with the declaration of the Chancellor made last September, the Austrian Government will use its existing powers in order to secure that the budgets of the "Länder" and of the Communes are balanced. It will come to an agreement with these local authorities with a view to obtaining such extension of its powers of control as may be necessary, particularly as regards borrowing; all such borrowing operations must in future be approved by the Austrian Government, which will give its consent on the motion of the Minister of Finance after previous consultation with the National Bank and the representative of the League of Nations.

5. Every proposed credit operation, either by a private individual or by a public or private corporation, which involves foreign indebtedness of more than 1 million Schilling, must be brought to the knowledge of the Austrian National Bank before being carried out.

6. The Austrian Government will revise the general legislation on banks in conformity with the September declaration.

7. In conformity with the declaration made in September, and in view of the responsibility assumed by the Austrian Government in regard to the Creditanstalt, the Government will take the necessary steps to secure a reduction in the administrative expenses of that bank and of the other banks operating in Austria.

ANNEX III.

League of Nations Representative and Bank Adviser.

1. The representative of the League of Nations and the Adviser to the Austrian National Bank appointed under Article 7 of the Protocol shall carry out the functions assigned to them in the present Protocol and its Annexes. They shall be responsible to the Council and removable by it.

2. The Austrian Government undertakes to collaborate with the representative of the League of Nations with regard to the execution of the programme of reforms contained in the declaration of September, 1931, and in the present Protocol, and further to furnish him with all the information which he may require for the execution of his mission.

3. The representative of the League of Nations will report to the League of Nations every three months on the execution of the programme of reforms. He will further address supplementary reports to the League of Nations whenever he thinks it is desirable to bring any fact as a matter of urgency to the knowledge of the League.

4. The provisions concerning the functions of the Adviser, which formerly constituted Articles 124 to 129 of the Statutes of the Austrian National Bank as enacted by the Federal Law of the 14th November, 1922 ("Bundesgesetzblatt," No. 823), shall be reincorporated in the Statutes, except that the words "Commissioner-General of the League of Nations" shall be replaced by the words "Council of the League of Nations."

5. The representative of the League of Nations shall provide himself with the necessary staff. His expenses and those of his office shall be approved by the Council and defrayed by Austria. The representative of the League of Nations shall enjoy diplomatic privileges; he and his staff shall enjoy fiscal immunities.

6. The Adviser to the Austrian National Bank shall enjoy fiscal immunities.

7. If the Austrian Government considers that the representative of the League of Nations, or the Adviser to the National Bank, has abused his authority, it may appeal to the Council of the League of Nations.

8. The Council shall terminate the appointment of the representative of the League of Nations and of the Adviser to the Bank when it decides that their services are no longer required.

9. The Council shall have the right, if it considers it necessary having regard to the financial situation, to reappoint the representative of the League of Nations or the Bank Adviser, or both; but such a measure may only be taken if the funds borrowed either in virtue of the present Protocol or through the Guaranteed Loan of 1923-43 have not been entirely repaid.

10. After the termination of the appointment of the representative of the League of Nations, contact shall be maintained between the Austrian Government and the Financial Organisation of the League of Nations by the preparation and

publication of periodical statements on Austrian public finances by the Financial Organisation of the League of Nations. The Austrian Government agrees to send a Treasury representative to discuss the statements so prepared with the Financial Organisation.

CHAPTER 6.

An Act to make provision with respect to forces of His Majesty from other parts of the British Commonwealth when visiting the United Kingdom or a colony; with respect to the exercise of command and discipline when forces of His Majesty from different parts of the Commonwealth are serving together; with respect to the attachment of members of one such force to another such force, and with respect to deserters from such forces. [29th March 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Provisions
with respect
to the
discipline
and internal
adminis-
tration
of visiting
forces.

1.—(1) When a visiting force is present in the United Kingdom, it shall be lawful for the naval, military and air force courts and authorities (in this Act referred to as the “service courts” and “service authorities”) of that part of the Commonwealth to which the force belongs to exercise within the United Kingdom in relation to members of the force in matters concerning discipline and in matters concerning the internal administration of the force all such powers as are conferred upon them by the law of that part of the Commonwealth.

(2) The members of any such service court as aforesaid exercising jurisdiction by virtue of this Act and witnesses appearing before any such court shall enjoy the like immunities and privileges as are enjoyed by a service court exercising jurisdiction by virtue of the Naval Discipline Act, the Army Act or the Air

Force Act, as the case may be, and by witnesses appearing before such a court.

(3) Where any sentence has, whether within or without the United Kingdom, been passed upon a member of a visiting force by a service court of that part of the Commonwealth to which the force belongs, then for the purposes of any legal proceedings within the United Kingdom the court shall be deemed to have been properly constituted, and its proceedings shall be deemed to have been regularly conducted, and the sentence shall be deemed to be within the jurisdiction of the court and in accordance with the law of that part of the Commonwealth, and if executed according to the tenor thereof shall be deemed to have been lawfully executed, and any member of a visiting force who is detained in custody in pursuance of any such sentence, or pending the determination by such a service court as aforesaid of a charge brought against him, shall for the purposes of any such proceedings as aforesaid be deemed to be in legal custody.

For the purposes of any such proceedings as aforesaid a certificate under the hand of the officer commanding a visiting force that a member of that force is being detained for either of the causes aforesaid shall be conclusive evidence of the cause of his detention, but not of his being such a member, and a certificate under the hand of such an officer that the persons specified in the certificate sat as a service court of that part of the Commonwealth to which the force belongs shall be conclusive evidence of that fact.

(4) No proceedings in respect of the pay, terms of service or discharge of a member of a visiting force shall be entertained by any court of the United Kingdom.

(5) For the purpose of enabling such service courts and service authorities as aforesaid to exercise more effectively the powers conferred upon them by this section, the Admiralty, Army Council, or Air Council, as the case may be, if so requested by the officer commanding a visiting force, or by the Government of that part of the Commonwealth to which the force belongs, may from time to time by general or special orders to any home force direct the members thereof to

arrest members of the visiting force alleged to have been guilty of offences against the law of that part of the Commonwealth, and to hand over any person so arrested to the appropriate authorities of the visiting force.

Relations
of visiting
forces to
the civil
power and
civilians.

2.—(1) His Majesty may by Order in Council authorise any Government department, Minister of the Crown, or other person in the United Kingdom, to perform, at the request of such authority or officer as may be specified in the Order, but subject to such limitations as may be so specified, any function in relation to a visiting force and members thereof which that department, Minister, or person performs or could perform in relation to a home force of like nature to the visiting force, or in relation to members of such a force and, for the purpose of the exercise of any such function, any power exercisable by virtue of any enactment by the Minister, department or person in relation to a home force or members thereof shall be exercisable by him or them in relation to the visiting force and members thereof :

Provided that nothing in this subsection shall authorise any interference with the visiting force in matters relating to discipline, or to the internal administration of the force.

For the purposes of this subsection, the Admiralty, the Army Council and the Air Council shall be deemed to be Government departments.

(2) If His Majesty by Order in Council so provides, members of a visiting force if sentenced by a service court of that part of the Commonwealth to which the force belongs to penal servitude, imprisonment or detention may, under the authority of a Secretary of State or the Admiralty, given at the request of the officer commanding the visiting force, be temporarily detained in custody in prisons or detention barracks in the United Kingdom, and if so sentenced to imprisonment may, under the like authority, be imprisoned during the whole or any part of the term of their sentences in prisons in the United Kingdom, and His Majesty may by the same or a subsequent Order make provision with respect to any of the following matters, that is to say, the reception of such persons from, and their return to, the service

authorities concerned, their treatment while in such custody, or while so imprisoned, the circumstances under which they are to be released, and the manner in which they are to be dealt with in the event of their unsoundness of mind while in such custody, or while so imprisoned.

Any costs incurred in the maintenance and return of, or otherwise in connection with, any person dealt with in accordance with the provisions of this subsection shall be defrayed in such manner as may, with the consent of the Treasury, be agreed between the Secretary of State or the Admiralty and the Government of that part of the Commonwealth which is concerned.

(3) Subject as hereinafter provided, any enactment (whether contained in the Naval Discipline Act, the Army Act, the Air Force Act or any other statute) which—

- (a) exempts, or provides for the exemption of, any vessel, vehicle, aircraft, machine or apparatus of, or employed for the purposes of, the home forces or any of them from the operation of any enactment; or
- (b) in virtue of a connection with the home forces or any of them, confers a privilege or immunity on any person; or
- (c) in virtue of such a connection, excepts any property, trade or business, in whole or in part, from the operation of any enactment, or from any tax, rate, imposition, toll or charge; or
- (d) imposes upon any person or undertaking obligations in relation to the home forces, or any of them, or any member or service court thereof; or
- (e) penalises misconduct by any person in relation to the home forces or any of them, or any member or service court thereof,

shall, with any necessary modifications, apply in relation to a visiting force as it would apply in relation to a home force of a like nature to the visiting force :

Provided that His Majesty may by Order in Council direct that any such enactment either shall not apply, or

shall apply with such exceptions and subject to such adaptations or modifications as may be specified in the Order.

(4) An Order in Council under this section may apply either generally, or in relation to visiting forces from any particular part of the Commonwealth, or in relation to any particular visiting force, or in relation to any particular place.

Provisions
with respect
to deserters
from certain
forces.

3.—(1) The forces to which this section applies are such of the naval, military and air forces of His Majesty raised in the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State, or Newfoundland, as His Majesty may by Order in Council direct.

(2) Subject to the provisions of this section, paragraphs (1) to (4) of section one hundred and fifty-four of the Army Act (which relates to the apprehension of deserters and absentees without leave from a home military force) shall within the United Kingdom apply in relation to a deserter, or absentee without leave, from any force to which this section applies (including any member of a reserve or auxiliary force who, having failed to obey a notice calling upon him to appear at any place for service, is by the law of that part of the Commonwealth to which the force belongs liable to the same punishment as a deserter, or to the same punishment as an absentee without leave), as they apply in relation to a deserter, or absentee without leave, from a home military force :

Provided that any reference in the said paragraphs to military custody shall be construed as including a reference to naval or air force custody.

(3) No person who is alleged to be a deserter from any such force as aforesaid shall be apprehended or dealt with under this section except in compliance with a specific request from the Government of that part of the Commonwealth to which the force belongs, and a person so dealt with shall be handed over to the authorities of that part of the Commonwealth at such place on the coast or frontier of the United Kingdom as may be agreed :

Provided that a person who is alleged to be a deserter or absentee without leave from a visiting force

may also be apprehended and dealt with under this section in compliance with a request, whether specific or general, from the officer commanding that force, and shall, if that force is still present in the United Kingdom, be handed over to the officer commanding that force at the place where the force is stationed.

(4) For the purposes of any proceedings under this section—

- (i) a document purporting to be a certificate under the hand of the Secretary of the Admiralty, the Secretary of the Army Council or the Secretary of the Air Council, that a request has been made under subsection (3) of this section shall be admissible without proof as evidence of the making of such a request;
- (ii) a document purporting to be a certificate under the hand of the officer commanding a unit or detachment of any force to which this section applies that a named and described person was at the date of the certificate a deserter, or absentee without leave, from that force shall be admissible without proof as evidence of the facts so certified.

4.—(1) The forces, other than home forces, to which this section applies are the naval, military and air forces of His Majesty raised in the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State or Newfoundland. Attachment of personnel and mutual powers of command.

(2) The Admiralty, Army Council or Air Council, as the case may be—

- (i) may attach temporarily to a home force any member of another force to which this section applies who is placed at their disposal for the purpose by the service authorities of that part of the Commonwealth to which the other force belongs;
- (ii) subject to anything to the contrary in the conditions applicable to his service, may place any member of a home force at the disposal of the service authorities of another part of the

Commonwealth for the purpose of being attached temporarily by those authorities to a force to which this section applies belonging to that part of the Commonwealth.

(3) Whilst a member of another force is by virtue of this section attached temporarily to a home force, he shall be subject, as the case may be, to the Naval Discipline Act, or to military law as an officer or soldier, or to the Air Force Act as an officer or airman, in like manner, and shall be treated and shall have the like powers of command and punishment over members of the home force to which he is attached, as if he were a member of that force of relative rank :

Provided that His Majesty may by Order in Council direct that in relation to members of a force of any part of the Commonwealth specified in the Order, the Naval Discipline Act, the Army Act or the Air Force Act, as the case may be, shall apply with such exceptions and subject to such adaptations and modifications as may be so specified.

(4) When a home force and another force to which this section applies are serving together, whether alone or not—

(a) any member of the other force shall be treated and shall have over members of the home force the like powers of command as if he were a member of the home force of relative rank; and

(b) if the forces are acting in combination, any officer of the other force appointed by His Majesty, or in accordance with regulations made by or by authority of His Majesty, to command the combined force, or any part thereof, shall be treated and shall have over members of the home force the like powers of command and punishment and may be invested with the like authority to convene, and confirm the findings and sentences of, courts martial as if he were an officer of the home force of relative rank and holding the same command.

(5) For the purposes of this section, forces shall be deemed to be serving together or acting in combination if and only if they are declared to be so serving or so acting by order of the Admiralty, the Army Council

or the Air Council, according as the home force is a naval, a military or an air force, and the relative rank of members of the home forces and of other forces shall be such as may be prescribed by Regulations made by His Majesty.

5.—(1) His Majesty may as regards any colony by Order in Council direct that the provisions of sections one to three of this Act, or such of those provisions as may be specified in the Order, shall, subject to such adaptations and modifications as may be so specified, apply in that colony in relation to forces visiting that colony and in relation to deserters and absentees without leave, as they apply in the United Kingdom.

Application
of Act to
colonies.

An Order in Council under this subsection may apply any such provisions either generally, or in relation to the forces of any particular part of the Commonwealth, or in relation to any particular visiting force.

(2) His Majesty may as regards any colony by Order in Council direct that the provisions of section four of this Act shall, with such exceptions and subject to such adaptations and modifications as may be specified in the Order, apply in relation to all or any of the forces raised in that colony, and in relation to officers and members thereof, as they apply in relation to home forces and officers and members thereof.

(3) In this section the expression "colony" includes Aden and any territory which is under His Majesty's protection.

6. This Act shall apply—

- (a) in relation to any territory in respect of which a mandate on behalf of the League of Nations is being exercised by His Majesty's Government in the United Kingdom as if that territory were for the time being a colony;
- (b) in relation to any territory in respect of which such a mandate is being exercised by His Majesty's Government in a Dominion as if that territory were for the time being part of that Dominion;

Application
of Act to
mandated
and certain
other
territories.

and for the purposes of this Act, any other territory which is being administered by His Majesty's Government in a Dominion shall be deemed to form part of that Dominion.

Saving for
other enact-
ments.

7.—(1) So far as regards any naval force and the members of any such force, the provisions of this Act shall be deemed to be in addition to and not in derogation of such of the provisions of the Naval Discipline Act and of any other Act of Parliament, whether of the United Kingdom or of any other part of the Commonwealth, as are for the time being applicable to that force and the members thereof.

(2) So far as regards the military and air forces of any Dominion to which this subsection applies and the members of any such forces, the provisions of this Act shall be deemed to be in addition to and not in derogation of the provisions of any Act of Parliament whether of the United Kingdom or of the Dominion which, by virtue of sections one hundred and seventy-seven and one hundred and eighty-seven C. of the Army Act or, as the case may be, by virtue of the corresponding sections of the Air Force Act, are for the time being applicable to a force of that Dominion and the members of that force.

The Dominions to which this subsection applies are the Commonwealth of Australia, the Dominion of New Zealand and Newfoundland.

Interpreta-
tion, &c.

22 & 23
Geo. 5. c. 4.

8.—(1) In this Act—

“The Commonwealth” means the British Commonwealth of Nations, and “Dominion” has the same meaning as in the Statute of Westminster, 1931;

“Home forces” means the naval, military and air forces of His Majesty raised in the United Kingdom; and “home force” includes any body, contingent, or detachment of any of the home forces, wherever serving;

“Visiting force” means any body, contingent or detachment of the naval, military and air forces of His Majesty raised in the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State or Newfoundland which is, with the consent of His Majesty’s Government in the United Kingdom, lawfully present in the United Kingdom;

“Forces” includes reserve and auxiliary forces;

“ Court ” includes a service Court of Inquiry, and any officer of a visiting force who is empowered by the law of that part of the Commonwealth to which the force belongs to review the proceedings of a service court, or to investigate charges, or himself to dispose of charges, and the expression “ sentence ” shall be construed accordingly;

“ Internal administration ” in relation to any visiting force includes the administration of the property of a deceased member of the force; and

“ Member ” in relation to a visiting force includes any person who is by the law of that part of the Commonwealth to which the force belongs subject to the naval, military or air force law thereof, and who, being a member of another force, is attached to the visiting force, or, being a civilian employed in connection with the visiting force, entered into his engagement outside the United Kingdom.

(2) An Order in Council under this Act may be revoked or varied by a subsequent Order in Council.

9. This Act may be cited as the Visiting Forces Short title.
(*British Commonwealth*) Act, 1933.

CHAPTER 7.

An Act to extend the period in respect of which abatements from pay may be made under the Indian Pay (Temporary Abatements) Act, 1931, subject to a reduction in the percentage to which such abatements are limited.

[29th March 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The period in respect of which abatements from pay may be made under the Indian Pay (Temporary Extension of duration

and reduc-
tion of
limit, of
abatements.
22 & 23
Geo. 5. c. 7.

Abatements) Act, 1931, shall be extended so as to expire on the thirty-first day of March, nineteen hundred and thirty-four, and accordingly proviso (a) to subsection (1) of section one of that Act shall be amended by substituting for the words "thirty-first day of March, nineteen hundred and thirty-three" the words "thirty-first day of March, nineteen hundred and thirty-four":

Provided that no abatement exceeding five per cent. shall be made under the said Act from any pay in so far as it is payable in respect of any period after the thirty-first day of March, nineteen hundred and thirty-three.

Short title,
construction
and citation.

2. This Act may be cited as the Indian Pay (Temporary Abatements) Act, 1933, and shall be construed as one with the Indian Pay (Temporary Abatements) Act, 1931, and that Act and this Act may be cited together as the Indian Pay (Temporary Abatements) Acts, 1931 and 1933.

CHAPTER 8.

An Act to determine in respect of the years in the second fixed grant period such of the amounts to be included in the General Exchequer Contribution for England and the General Exchequer Contribution for Scotland, and in the payments to be made out of the Road Fund towards the said contributions respectively, as require to be determined periodically by Parliament.

[29th March 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amounts to
be included
in, and
amounts to
be paid out
of the Road
Fund

1. In respect of each year in the second fixed grant period—

(a) the amounts to be included in the General Exchequer Contribution for England under paragraph (c) of subsection (3) of section

eighty-six of the Local Government Act, 1929, and in the General Exchequer Contribution for Scotland under paragraph (c) of subsection (3) of section fifty-three of the Local Government (Scotland) Act, 1929, shall be respectively the sum of five million three hundred and fifty thousand pounds and the sum of eight hundred and fifty thousand pounds; and

- (b) the amounts to be paid under paragraph (b) of subsection (1) of section eighty-seven of the Local Government Act, 1929, and under paragraph (b) of subsection (1) of section fifty-four of the Local Government (Scotland) Act, 1929, respectively out of the Road Fund towards the Contributions aforesaid shall be the same as were payable in respect of each year in the first fixed grant period.

2. This Act may be cited as the Local Government (General Exchequer Contributions) Act, 1933.

CHAPTER 9.

An Act to provide for the winding up of insolvent assurance companies, and for purposes connected with the matter aforesaid. [29th March 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. A petition for the winding up of an assurance company on the ground that it is unable to pay its debts within the meaning of sections one hundred and sixty-eight and one hundred and sixty-nine of the Companies Act 1929 may, with the leave of the court, be presented by the Board of Trade.

2.—(1) If it appears to the Board of Trade that there is reasonable ground for believing that an assurance company is insolvent, the Board may, by notice in writing served upon the company, require to be furnished

towards, General Exchequer Contributions for England and Scotland in second fixed grant period. 19 & 20 Geo. 5. c. 17. 19 & 20 Geo. 5. c. 25.

Short title.

Power of Board of Trade to petition on ground of insolvency. 19 & 20 Geo. 5. c. 23. Provisions as to companies of doubtful solvency.

to them within such time as may be specified in the notice, such explanations, information, accounts, balance sheets, abstracts, and statements, as they consider to be necessary for determining whether the company is, or was, at such date (not earlier than the close of the period to which the last deposited accounts and balance sheet of the company relate) as may be specified in the notice, insolvent; and may, by the notice, require any such explanations, information, accounts, balance sheets, abstracts, or statements to be signed by such number of the directors and by such officers of the company, and to be accompanied by such copies of documents, as may be specified in the notice, and to be certified as correct by an auditor approved by the Board, or by an actuary so approved, or by both such an auditor and such an actuary.

(2) If after such a notice as aforesaid has been served upon an assurance company the company does not, before the expiration of the time limited by the notice, comply with all the requirements of the notice, other than such requirements, if any, as may have been withdrawn by the Board of Trade, the Board may apply to the court, and upon any such application the court may, unless the company satisfies the court that the requirements are unreasonable, order the company and any director or officer of the company who is named in the order, to comply with all or any of those requirements, subject to such modifications, if any, and within such time, as may be specified in the order.

(3) If default is made by an assurance company or by any such director or officer as aforesaid in complying with an order of the court made under the last foregoing subsection, the default shall be a ground upon which the company may, on the petition of the Board of Trade presented by leave of the court, be wound up by the court in accordance with the provisions of the Companies Act 1929; and upon application being made by the Board in that behalf, the court, unless it is satisfied by the company that no such default has been made, may (without prejudice to any other power of the court) by order—

(a) grant leave to the Board to present a petition for the winding up of the company upon the ground of the default; or

- (b) direct the Board to appoint one or more inspectors to investigate the affairs of the company and to report thereon in such manner as the Board may require, and give such directions as to the payment of the costs of, and incidental to, the investigation as to the court may seem just.

3.—(1) Rules made under section three hundred and five of the Companies Act 1929 may regulate the procedure and the practice to be followed in the case of proceedings under this Act. Supple-
mental
provisions.

(2) Where an order is made under the last foregoing section directing the Board of Trade to appoint an inspector, the provisions of subsections (3), (4), and (5), of section one hundred and thirty-five of the Companies Act 1929 shall apply with respect to any inspector so appointed in like manner as they apply to inspectors appointed under that section.

(3) In any proceedings upon a petition to wind up an assurance company presented under this Act, evidence that the company was insolvent at the close of the period to which the last deposited accounts and balance sheet of the company relate, or at any date specified in a notice served under the last foregoing section, shall be evidence that the company continues to be unable to pay its debts, unless the contrary is proved.

4. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say— Definitions.

“ Assurance Company ” means an assurance company within the meaning of the Assurance Companies Act 1909 being a company which may be wound up by the court under the provisions of the Companies Act 1929; 9 Edw. 7.
c. 49.

“ Court ” has the meaning assigned to it by section three hundred and eighty of the Companies Act 1929;

“ Deposited accounts and balance sheet ” means, in relation to any assurance company, the accounts and balance sheet prepared by the company for the purposes of section four of the Assurance

Companies Act 1909 and deposited at the Board of Trade in pursuance of the requirements of section seven of that Act;

“Insolvent” means, in relation to an assurance company at any relevant date, that if proceedings had been taken for the winding up of the company the court could, in accordance with the provisions of sections one hundred and sixty-eight and one hundred and sixty-nine of the Companies Act 1929, hold, or have held, that the company was at that date unable to pay its debts.

Short title
and extent.

5.—(1) This Act may be cited as the Assurance Companies (Winding up) Act 1933.

(2) This Act shall not extend to Northern Ireland.

CHAPTER 10.

An Act to authorise the prohibition of the importation of Russian goods.

[13th April 1933.]

BE it enacted by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Power to
prohibit
the impor-
tation of
Russian
goods.

1.—(1) It shall be lawful for His Majesty by proclamation to prohibit the importation into the United Kingdom of all goods whatsoever grown, produced or manufactured in the Union of Soviet Socialist Republics, or of any class or description of such goods specified in the proclamation.

(2) Goods prohibited to be imported by virtue of a proclamation under this Act shall be deemed to be included among the goods enumerated and described in the Table of Prohibitions and Restrictions Inwards contained in section forty-two of the Customs Consoli-

dation Act, 1876, and the provisions of that Act and of any Act amending or extending that Act shall apply accordingly.

(3) If at any time a question arises whether any goods imported into the United Kingdom were grown, produced or manufactured in the said Union, it shall be lawful for the Commissioners to require the importer to furnish to them in such form as they may prescribe proof in respect of the country in which the goods were grown, produced or manufactured, and unless proof is furnished to the satisfaction of the Commissioners that the goods were grown, produced or manufactured elsewhere than in the said Union, the goods shall be deemed to be goods grown, produced or manufactured in the said Union.

(4) Where goods are manufactured partly in the said Union and partly in some other country, the goods shall be deemed, for the purposes of this Act, to be goods manufactured in the said Union unless it is proved to the satisfaction of the Commissioners that twenty-five per cent. or more of the value of the goods at the time of their exportation to the United Kingdom is attributable to processes of manufacture undergone since the goods last left the said Union.

(5) Subject to compliance with such conditions as to security for the re-exportation of the goods as the Commissioners may impose, a proclamation under this Act shall not apply to goods imported for exportation after transit through the United Kingdom or by way of transshipment.

(6) A proclamation under this Act may be revoked or varied by a subsequent proclamation.

(7) A proclamation under this Act, other than a proclamation revoking a previous proclamation, shall cease to have effect at the expiration of three months from the making thereof; but, if before the expiration of the said period of three months a resolution is passed by each House of Parliament praying that the proclamation be continued in force, either for such period as may be specified in the resolution or until a further resolution

praying that it be revoked is passed by each House, it shall be lawful for His Majesty by further proclamation to continue it in force in accordance with the terms of the resolution, but without prejudice to His power to revoke it at any time :

Provided that in reckoning any such period of three months as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than four days.

Provision
as to
licences.

2.—(1) The Board of Trade have power by licence to authorise, either generally or in any particular case, the importation of any of the goods, or of any class or description of the goods, prohibited to be imported by virtue of a proclamation under this Act.

(2) A licence granted for the purposes of this Act may be granted on such terms and subject to such conditions (including the payment of a fee not exceeding five pounds) as the Board of Trade may think proper.

(3) A licence granted for the purposes of this Act shall not be transferable.

Relief in case
of non-fulfil-
ment of con-
tract due to
existence of
proclamation
under Act.

3. On any proceedings against any person in respect of the non-fulfilment of any contract, it shall be a good defence to shew that the non-fulfilment was due to a proclamation under this Act being in force.

Short title,
commence-
ment and
interpreta-
tion.

4.—(1) This Act may be cited as the Russian Goods (Import Prohibition) Act, 1933.

(2) This Act shall come into operation on the eighteenth day of April, nineteen hundred and thirty-three.

(3) In this Act the expression " the Commissioners " means the Commissioners of Customs and Excise, and this Act shall be deemed to be an Act relating to customs within the meaning of the Customs Consolidation Act, 1876.

CHAPTER 11.

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and the Air Force. [13th April 1933.]

WHEREAS the raising or keeping of a standing army within the United Kingdom in time of peace, unless it be with the consent of Parliament, is against law :

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of land forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of one hundred and forty-eight thousand seven hundred, including those to be employed at the depots in the United Kingdom for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions, other than Aden :

And whereas under the Air Force (Constitution) Act, 1917, His Majesty is entitled to raise and maintain the air force, and it is judged necessary that the whole number of such force should consist of thirty-one thousand, including those employed as aforesaid, but exclusive of the numbers serving as aforesaid :

7 & 8 Geo. 5
c. 51.

And whereas it is also judged necessary for the safety of the United Kingdom and the defence of the possessions of this realm that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid :

And whereas the said marine forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea :

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of

punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet, nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law or to the Air Force Act, in their duty, that an exact discipline be observed and that persons belonging to the said forces who mutiny, or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military or air force discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow :

And whereas the Army Act and the Air Force Act will expire in the year one thousand nine hundred and thirty-three on the following days :—

- (a) In Great Britain and Northern Ireland, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and
- (b) Elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of July :

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the Army and Air Force (Annual) Act, 1933.

Army Act
and Air
Force
Act to be in
force for
specified
times.

2.—(1) The Army Act and the Air Force Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament, that is to say :—

- (a) Within Great Britain and Northern Ireland, the Channel Islands, and the Isle of Man, from the thirtieth day of April, one thousand nine hundred and thirty-three, to the thirtieth day of April, one thousand nine hundred and thirty-four, both inclusive; and
- (b) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day

of July, one thousand nine hundred and thirty-three, to the thirty-first day of July, one thousand nine hundred and thirty-four, both inclusive.

(2) The Army Act and the Air Force Act, while in force, shall apply to persons subject to military law or to the Air Force Act, as the case may be, whether within or without His Majesty's dominions.

(3) A person subject to military law or to the Air Force Act shall not be exempted from the provisions of the Army Act or Air Force Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the numbers hereinbefore mentioned.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act or the Air Force Act the prices specified in the Schedule to this Act. Prices in respect of billeting.

AMENDMENTS OF THE AIR FORCE ACT.

4.—(1) After section one hundred and eighty-four A of the Air Force Act, there shall be inserted the following section :—

“184B. When a body of the regular, reserve, or auxiliary air force and a body of an air force raised in India are serving together under such conditions as may be prescribed by regulations made by the Air Council and the Governor-General of India, a member of either body shall, if it is so provided by the regulations, but subject to any exceptions or limitations specified therein, have the like powers of command over members of the other body as if he were a member of that body holding relative rank. Relations between Royal Air Force and Indian Air Force, and attachment of personnel.

For the purposes of this section, the relative rank of members of different forces shall be such as may be provided by regulations made as aforesaid.”

(2) In paragraph (11) of section one hundred and seventy-five and paragraph (8A) of section one hundred and seventy-six of the Air Force Act (which sections

relate to the persons subject to the Air Force Act as officers and airmen respectively) the words "India or" shall be omitted, and after the said paragraphs (11) and (8A) respectively there shall be inserted the following paragraphs,—

“(11A) All officers belonging to an air force raised in India, when attached to or doing duty with any portion of the regular, reserve, or auxiliary air force outside India, subject, however, to such exceptions as may be prescribed by regulations made by the Air Council and the Governor-General of India.”

“(8B) All non-commissioned officers and men belonging to a force raised in India, when attached to, or otherwise acting as part of, or with, any portion of the regular, reserve, or auxiliary air force outside India, subject, however, to such exceptions as may be prescribed by regulations made by the Air Council and the Governor-General of India.”

(3) In section one hundred and seventy-seven of the Air Force Act (which relates to persons belonging to Indian and Colonial forces) for the words from “This section shall not apply” to the end of the section there shall be substituted the following proviso:—

“Provided that—

(i) this section shall not apply to any officer, non-commissioned officer or man of or belonging to any such force who is for the time being subject to this Act by virtue of paragraph (11) or paragraph (11A) of section one hundred and seventy-five or paragraph (8A) or paragraph (8B) of section one hundred and seventy-six of this Act; and

(ii) powers of command, when forces are serving together, shall, so far as provision in that behalf is made by regulations under section one hundred and eighty-four B of this Act, be determined by those regulations.”

(4) In paragraph (4) of section one hundred and ninety of the Air Force Act (which paragraph defines the expression “officer”), after the words “(d) any officer

of a Dominion force" there shall be inserted the words "or of a force raised in India."

(5) Notwithstanding anything in section fifteen of the Army and Air Force (Annual) Act, 1932, this section shall come into operation in all places on the thirtieth day of April, one thousand nine hundred and thirty-three. 22 & 23
Geo. 5. c. 22.

SCHEDULE.

Section 3.

PRICES IN RESPECT OF BILLETING

Accommodation to be provided.	Maximum price.
Lodging and attendance for a soldier where meals furnished.	Tenpence a night for the first soldier and eightpence a night for each additional soldier.
Breakfast as specified in Part I. of the Second Schedule to the Army Act.	Sevenpence each.
Dinner as so specified - - - -	Tenpence.
Supper as so specified - - - -	Fourpence.
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Tenpence a night for the first soldier and eightpence a night for each additional soldier.
Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw a day for each horse.	Two shillings and threepence a day.
Stable room without forage - - -	Sixpence a day.
Lodging and attendance for an officer -	Three shillings a night.

Note.—An officer shall pay for his food.

In the application of this Schedule to the Air Force, references to the Air Force Act and to an airman shall be substituted for references to the Army Act and to a soldier.

CHAPTER 12.

An Act to consolidate certain enactments relating to persons under the age of eighteen years.

[13th April 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.**PREVENTION OF CRUELTY AND EXPOSURE TO MORAL AND PHYSICAL DANGER.***Offences.*

Cruelty
to persons
under six-
teen.

1.—(1) If any person who has attained the age of sixteen years and has the custody, charge, or care of any child or young person under that age, wilfully assaults, ill-treats, neglects, abandons, or exposes him, or causes or procures him to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause him unnecessary suffering or injury to health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be guilty of a misdemeanour, and shall be liable—

- (a) on conviction on indictment, to a fine not exceeding one hundred pounds, or alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding two years;
- (b) on summary conviction, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding six months.

(2) For the purposes of this section—

- (a) a parent or other person legally liable to maintain a child or young person shall be deemed to have neglected him in a manner likely to cause injury to his health if he has

failed to provide adequate food, clothing, medical aid or lodging for him, or if, having been unable otherwise to provide such food, clothing, medical aid or lodging, he has failed to take steps to procure it to be provided under the Acts relating to the relief of the poor;

- (b) where it is proved that the death of an infant under three years of age was caused by suffocation (not being suffocation caused by disease or the presence of any foreign body in the throat or air passages of the infant) while the infant was in bed with some other person who has attained the age of sixteen years, that other person shall, if he was, when he went to bed, under the influence of drink, be deemed to have neglected the infant in a manner likely to cause injury to its health.

(3) A person may be convicted of an offence under this section—

- (a) notwithstanding that actual suffering or injury to health, or the likelihood of actual suffering or injury to health, was obviated by the action of another person;
- (b) notwithstanding the death of the child or young person in question.

(4) Upon the trial of any person who has attained the age of sixteen years and is indicted for infanticide or for the manslaughter of a child or young person under the age of sixteen years of whom he had the custody, charge, or care, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section to find him guilty of that offence.

(5) If it is proved that a person convicted under this section was directly or indirectly interested in any sum of money accruing or payable in the event of the death of the child or young person, and had knowledge that that sum of money was accruing or becoming payable, then—

- (a) in the case of a conviction on indictment, the maximum amount of the fine which may be

PART I.
—cont.

imposed under this section shall be two hundred pounds, and the court shall have power, in lieu of awarding any other penalty under this section, to sentence the person convicted to penal servitude for any term not exceeding five years; and

(b) in the case of a summary conviction, the court in determining the sentence to be awarded shall take into consideration the fact that the person was so interested and had such knowledge.

(6) For the purposes of the last foregoing subsection :—

(a) a person shall be deemed to be directly or indirectly interested in a sum of money if he has any share in or any benefit from the payment of that money, notwithstanding that he may not be a person to whom it is legally payable; and

(b) a copy of a policy of insurance, certified to be a true copy by an officer or agent of the insurance company granting the policy, shall be evidence that the child or young person therein stated to be insured has in fact been so insured, and that the person in whose favour the policy has been granted is the person to whom the money thereby insured is legally payable.

(7) Nothing in this section shall be construed as affecting the right of any parent, teacher, or other person having the lawful control or charge of a child or young person to administer punishment to him.

Causing or encouraging seduction or prostitution of girl under sixteen.

2.—(1) If any person having the custody, charge, or care of a girl under the age of sixteen years causes or encourages the seduction, unlawful carnal knowledge, or prostitution of, or the commission of an indecent assault upon, her, he shall be guilty of a misdemeanour and shall be liable to imprisonment for any term not exceeding two years.

(2) For the purposes of this section a person shall be deemed to have caused or encouraged the seduction, unlawful carnal knowledge, or prostitution of, or the commission of an indecent assault upon, a girl who has been seduced, unlawfully carnally known, or indecently

assaulted, or who has become a prostitute, if he has knowingly allowed her to consort with, or to enter or continue in the employment of, any prostitute or person of known immoral character.

PART I.
—cont.

3.—(1) If any person having the custody, charge or care of a child or young person who has attained the age of four years and is under the age of sixteen years, allows that child or young person to reside in or to frequent a brothel, he shall be guilty of a misdemeanour and shall be liable on conviction on indictment, or on summary conviction, to a fine not exceeding twenty-five pounds, or alternatively or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding six months.

Allowing persons under sixteen to be in brothels.

(2) Nothing in this section shall affect the liability of a person to be indicted under section six of the Criminal Law Amendment Act, 1885, but upon the trial of a person under that section it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section, to find him guilty of that offence.

48 & 49 Vict.
c. 69.

4.—(1) If any person causes or procures any child or young person under the age of sixteen years or, having the custody, charge, or care of such a child or young person, allows him to be in any street, premises, or place for the purpose of begging or receiving alms, or of inducing the giving of alms (whether or not there is any pretence of singing, playing, performing, offering anything for sale, or otherwise) he shall, on summary conviction, be liable to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding three months.

Causing or allowing persons under sixteen to be used for begging.

(2) If a person having the custody, charge, or care of a child or young person is charged with an offence under this section, and it is proved that the child or young person was in any street, premises, or place for any such purpose as aforesaid, and that the person charged allowed the child or young person to be in the street, premises, or place, he shall be presumed to have allowed him to be in the street, premises, or place for that purpose unless the contrary is proved.

(3) If any person while singing, playing, performing or offering anything for sale in a street or public place

PART I.
—cont.

has with him a child who has been lent or hired out to him, the child shall, for the purposes of this section, be deemed to be in that street or place for the purpose of inducing the giving of alms.

Giving intoxicating liquor to children under five.

5. If any person gives, or causes to be given, to any child under the age of five years any intoxicating liquor, except upon the order of a duly qualified medical practitioner, or in case of sickness, apprehended sickness, or other urgent cause, he shall, on summary conviction, be liable to a fine not exceeding three pounds.

Causing or allowing children to be in bars of licensed premises.

6.—(1) The holder of the licence of any licensed premises shall not allow a child to be at any time in the bar of the licensed premises during the permitted hours.

(2) If the holder of a licence acts in contravention of this section, or if any person causes, or procures, or attempts to cause or procure, any child to go to, or to be in, the bar of any licensed premises during the permitted hours, he shall be liable, on summary conviction, to a fine not exceeding, in respect of the first offence, forty shillings, and in respect of any subsequent offence, five pounds.

(3) If a child is found in the bar of any licensed premises during the permitted hours, the holder of the licence shall be deemed to have committed an offence under this section unless he shows that he had used due diligence to prevent the child from being admitted to the bar or that the child had apparently attained the age of fourteen years.

(4) Nothing in this section shall apply in the case of any child who is—

- (a) a child of the licence holder; or
- (b) resident but not employed in the licensed premises; or
- (c) in the bar of licensed premises solely for the purpose of passing to or from some other part of the premises, being a part to or from which there is no other convenient means of access or egress and not being itself a bar; or
- (d) in any railway refreshment rooms or other premises constructed, fitted and intended to be used in good faith for any purpose to which the holding of a licence is merely auxiliary.

(5) In this section the expression "bar" in relation to any licensed premises means any open drinking bar or any part of the premises exclusively or mainly used for the sale and consumption of intoxicating liquor, and the expressions "licence," "licensed premises" and "permitted hours" have the same meanings as in the Licensing Acts, 1910 to 1923.

PART I.
—cont.

7.—(1) Any person who sells to a person apparently under the age of sixteen years any tobacco or cigarette papers, whether for his own use or not, shall be liable, on summary conviction, in the case of a first offence to a fine not exceeding two pounds, in the case of a second offence to a fine not exceeding five pounds, and in the case of a third or subsequent offence to a fine not exceeding ten pounds :

Sale of tobacco, &c., to persons under sixteen.

Provided that a person shall not be guilty of an offence under this section in respect of any sale of tobacco otherwise than in the form of cigarettes, if he did not know and had no reason to believe that the tobacco was for the use of the person to whom it was sold.

(2) If on complaint to a court of summary jurisdiction it is proved to the satisfaction of the court that any automatic machine for the sale of tobacco kept on any premises is being extensively used by persons apparently under the age of sixteen years, the court may order the owner of the machine, or the person on whose premises the machine is kept, to take such precautions to prevent the machine being so used as may be specified in the order or, if necessary, to remove the machine, within such time as may be specified in the order, and if any person against whom such an order has been made fails to comply therewith, he shall be liable, on summary conviction, to a fine not exceeding five pounds, and to a further fine not exceeding one pound for each day during which the offence continues.

(3) It shall be the duty of a constable and of a park-keeper being in uniform to seize any tobacco or cigarette papers in the possession of any person apparently under the age of sixteen years whom he finds smoking in any street or public place, and any tobacco or cigarette papers so seized shall be disposed of, if seized by a constable, in such manner as the police

PART I.
—cont.

authority may direct, and if seized by a park-keeper, in such manner as the authority or person by whom he was appointed may direct.

(4) Nothing in this section shall make it an offence to sell tobacco or cigarette papers to, or shall authorise the seizure of tobacco or cigarette papers in the possession of, any person who is at the time employed by a manufacturer of or dealer in tobacco, either wholesale or retail, for the purposes of his business, or is a boy messenger in uniform in the employment of a messenger company and employed as such at the time.

(5) For the purposes of this section the expression "tobacco" includes cigarettes and smoking mixtures intended as a substitute for tobacco, and the expression "cigarettes" includes cut tobacco rolled up in paper, tobacco leaf, or other material in such form as to be capable of immediate use for smoking.

Taking
pawns from
persons under
fourteen.

35 & 36 Vict.
c. 93.

8. If a pawnbroker takes an article in pawn from any person apparently under the age of fourteen years, whether offered by that person on his own behalf or on behalf of any other person, he shall be guilty of an offence against the Pawnbrokers Act, 1872.

Purchase
of old metals
from per-
sons under
sixteen.
34 & 35 Vict.
c. 112.
57 & 58 Vict.
c. 60.

9.—(1) If a dealer in old metal as defined by the Prevention of Crimes Act, 1871, or a marine store dealer within the meaning of Part IX of the Merchant Shipping Act, 1894, purchases from any person apparently under the age of sixteen years any old metal, whether offered for sale by that person on his own behalf or on behalf of any other person, he shall be liable on summary conviction to a fine not exceeding five pounds.

(2) For the purposes of this section "old metal" includes scrap metal, broken metal, or partly manufactured metal goods, and old or defaced metal goods.

Vagrants
preventing
children
from
receiving
education.

10.—(1) If a person habitually wanders from place to place and takes with him any child who has attained the age of five years he shall, unless he proves that the child is totally exempted from school attendance or that the child is not, by being so taken with him, prevented from receiving efficient elementary education, be liable on summary conviction to a fine not exceeding with costs twenty shillings :

Provided that this provision shall not apply to a child in a canal boat for whose education provision is made under section fifty of the Education Act, 1921.

PART I.

—cont.

11 & 12

Geo. 5. c. 51.

(2) Any constable who finds a person wandering from place to place and taking a child with him may, if he has reasonable ground for believing that the person is guilty of an offence under this section, apprehend him without a warrant, and may take the child to a place of safety in accordance with the provisions of this Act.

(3) Without prejudice to the requirements of the Education Act, 1921, as to school attendance or to proceedings thereunder, this section shall not, during the months of April to September inclusive, apply to any child whose parent or guardian is engaged in a trade or business of such a nature as to require him to travel from place to place, if a certificate has been obtained that the child has made not less than two hundred attendances at a public elementary school during the months of October to March immediately preceding.

(4) The Board of Education shall have power to make regulations as to the issue of certificates of attendance for the purposes of the last foregoing subsection, and any such regulations shall be laid before Parliament as soon as may be after they are made.

11. If any person who has attained the age of sixteen years, having the custody, charge or care of any child under the age of seven years, allows the child to be in any room containing an open fire grate not sufficiently protected to guard against the risk of his being burnt or scalded without taking reasonable precautions against that risk, and by reason thereof the child is killed or suffers serious injury, he shall on summary conviction be liable to a fine not exceeding ten pounds :

Exposing children under seven to risk of burning.

Provided that neither this section, nor any proceedings taken thereunder, shall affect any liability of any such person to be proceeded against by indictment for any indictable offence.

12.—(1) Where there is provided in any building an entertainment for children, or an entertainment at which the majority of the persons attending are children, then, if the number of children attending the entertainment exceeds one hundred, it shall be the duty of the

Failing to provide for safety of children at entertainments.

PART I.
—cont.

person providing the entertainment to station and keep stationed wherever necessary a sufficient number of adult attendants, properly instructed as to their duties, to prevent more children or other persons being admitted to the building, or to any part thereof, than the building or part can properly accommodate, and to control the movement of the children and other persons admitted while entering and leaving the building or any part thereof, and to take all other reasonable precautions for the safety of the children.

(2) Where the occupier of a building permits, for hire or reward, the building to be used for the purpose of an entertainment, he shall take all reasonable steps to secure the observance of the provisions of this section.

(3) If any person on whom any obligation is imposed by this section fails to fulfil that obligation, he shall be liable, on summary conviction, to a fine not exceeding, in the case of a first offence fifty pounds, and in the case of a second or subsequent offence one hundred pounds, and also, if the building in which the entertainment is given is licensed under the Cinematograph Act, 1909, or under any of the enactments relating to the licensing of theatres and of houses and other places for music or dancing, the licence shall be liable to be revoked by the authority by whom the licence was granted.

9 Edw. 7.
c. 30.

(4) A constable may enter any building in which he has reason to believe that such an entertainment as aforesaid is being, or is about to be, provided, with a view to seeing whether the provisions of this section are carried into effect, and an officer authorised for the purpose by an authority by whom licences are granted under any of the enactments referred to in the last foregoing subsection shall have the like power of entering any building so licensed by that authority.

(5) The institution of proceedings under this section shall—

(a) in the case of a building licensed by the Lord Chamberlain, or licensed by the council of a county or county borough under the Cinematograph Act, 1909, or under the enactments relating to the licensing of theatres or of houses and other places for music or dancing, be the

duty of the council of the county or county borough in which the building is situated; and

PART I.
—cont.

(b) in any other case, be the duty of the police authority.

(6) This section shall not apply to any entertainment given in a private dwelling-house.

Special Provisions as to Prosecutions for Offences specified in First Schedule.

13.—(1) Any constable may take into custody, without warrant—

Power to take offenders into custody.

(a) any person who within his view commits any of the offences mentioned in the First Schedule to this Act, if the constable does not know and cannot ascertain his name and residence;

(b) any person who has committed, or whom he has reason to believe to have committed, any of the offences mentioned in the First Schedule to this Act, if the constable has reasonable ground for believing that that person will abscond or does not know and cannot ascertain his name and address.

(2) Where, under the powers conferred by this section, a constable arrests any person without warrant, the superintendent or inspector of police or an officer of police of equal or superior rank, or the officer in charge of the police station to which the person is brought, shall, unless in his belief the release of the person on bail would tend to defeat the ends of justice, or to cause injury or danger to the child or young person against whom the offence is alleged to have been committed, release the person arrested on his entering into such a recognisance, with or without sureties, as may in the judgment of the officer of police be required to secure his attendance upon the hearing of the charge.

14.—(1) Where a person is charged with committing any of the offences mentioned in the First Schedule to this Act in respect of two or more children or young persons, the same information or summons may charge the offence in respect of all or any of them, but the person charged shall not, if he is summarily convicted, be

Mode of charging offences and limitation of time.

PART I.
—cont.

liable to a separate penalty in respect of each child or young person except upon separate informations.

(2) The same information or summons may also charge any person as having the custody, charge, or care, alternatively or together, and may charge him with the offences of assault, ill-treatment, neglect, abandonment, or exposure, together or separately, and may charge him with committing all or any of those offences in a manner likely to cause unnecessary suffering or injury to health, alternatively or together, but when those offences are charged together the person charged shall not, if he is summarily convicted, be liable to a separate penalty for each.

(3) A person shall not be summarily convicted of an offence mentioned in the First Schedule to this Act, unless the offence was wholly or partly committed within six months before the information was laid; but, subject as aforesaid, evidence may be taken of acts constituting, or contributing to constitute, the offence, and committed at any previous time.

(4) When any offence mentioned in the First Schedule to this Act charged against any person is a continuous offence, it shall not be necessary to specify in the information, summons, or indictment, the date of the acts constituting the offence.

Evidence of
husband or
wife of
accused
person.
61 & 62
Vict. c. 36.

15. As respects proceedings against any person for any of the offences mentioned in the First Schedule to this Act, the Criminal Evidence Act, 1898, shall apply as if the Schedule to that Act included references to those offences.

Supplemental.

Application of
Vexatious
Indictments Act,
22 & 23 Vict.
c. 17.

16. Every misdemeanour under this Part of this Act shall be deemed to be an offence within, and subject to, the provisions of the Vexatious Indictments Act, 1859.

Interpre-
tation of
Part I.

17. For the purposes of this Part of this Act—

Any person who is the parent or legal guardian of a child or young person or who is legally liable to maintain him shall be presumed to have the custody of him, and as between father and

mother the father shall not be deemed to have ceased to have the custody of him by reason only that he has deserted, or otherwise does not reside with, the mother and the child or young person ;

PART I.
—cont.

Any person to whose charge a child or young person is committed by any person who has the custody of him shall be presumed to have charge of the child or young person ;

Any other person having actual possession or control of a child or young person shall be presumed to have the care of him.

PART II.

EMPLOYMENT.

General Provisions as to Employment.

18.—(1) Subject to the provisions of this section and of any byelaws made thereunder no child shall be employed—

Restrictions
on employ-
ment of
children.

- (a) so long as he is under the age of twelve years ; or
- (b) before the close of school hours on any day on which he is required to attend school ; or
- (c) before six o'clock in the morning or after eight o'clock in the evening on any day ; or
- (d) for more than two hours on any day on which he is required to attend school ; or
- (e) for more than two hours on any Sunday ; or
- (f) to lift, carry or move anything so heavy as to be likely to cause injury to him.

(2) A local authority may make byelaws with respect to the employment of children, and any such byelaws may distinguish between children of different ages and sexes and between different localities, trades, occupations and circumstances, and may contain provisions—

(a) authorising—

(i) the employment of children under the age of twelve years (notwithstanding anything in paragraph (a) of the last foregoing subsection) by their parents or guardians in light agricultural or horticultural work ;

(ii) the employment of children (notwithstanding anything in paragraph (b) of the

PART II.
—cont.

last foregoing subsection) for not more than one hour before the commencement of school hours on any day on which they are required to attend school;

(b) prohibiting absolutely the employment of children in any specified occupation;

(c) prescribing—

(i) the age below which children are not to be employed;

(ii) the number of hours in each day, or in each week, for which, and the times of day at which, they may be employed;

(iii) the intervals to be allowed to them for meals and rest;

(iv) the holidays or half-holidays to be allowed to them;

(v) any other conditions to be observed in relation to their employment;

so, however, that no such byelaws shall modify the restrictions contained in the last foregoing subsection save in so far as is expressly permitted by paragraph (a) of this subsection, and any restriction contained in any such byelaws shall have effect in addition to the said restrictions.

(3) Nothing in paragraph (c) or in paragraph (d) of subsection (1) of this section, or in any byelaw made under this section, shall prevent a child from taking part in an entertainment under and in accordance with the provisions of a licence granted and in force under the provisions of this Part of this Act.

Power
of local
authority
to make
byelaws
with respect
to employ-
ment of
persons
under
eighteen
other than
children.

19.—(1) Subject to the provisions of this section, a local authority may make byelaws with respect to the employment of persons under the age of eighteen years other than children, and any such byelaws may distinguish between persons of different ages and sexes, and between different localities, trades, occupations and circumstances, and may contain provisions prescribing—

(a) the number of hours in each day or in each week for which, and the times of day at which, they may be employed;

(b) the intervals to be allowed to them for meals and rest;

- (c) the holidays or half-holidays to be allowed to them;
- (d) any other conditions to be observed in relation to their employment.

PART II.
—cont.

(2) Nothing in this section shall empower a local authority to make byelaws with respect to—

- (a) employment in or about the delivery, collection, or transport of goods, except in the capacity of van boy, errand boy, or messenger;
- (b) employment in or in connection with factories, workshops, mines, quarries, shops, or offices, except in the capacity of van boy, errand boy, or messenger;
- (c) employment in the building or engineering trades, except in the capacity of van boy, errand boy, or messenger;
- (d) employment in agriculture;
- (e) employment in domestic service, except as non-resident daily servant;
- (f) employment in any ship or boat registered in the United Kingdom as a British ship or in any British fishing boat entered in the fishing boat register.

(3) This section shall not come into operation until such date as may be appointed by an order of the Secretary of State, and the Secretary of State shall not make such an order until a draft thereof has been laid before both Houses of Parliament and has been approved by resolutions passed in the same session of Parliament by both Houses.

20.—(1) No person under the age of sixteen years shall engage or be employed in street trading: Street trading.

Provided that byelaws made under this section may permit young persons who have not attained the age of sixteen years to be employed by their parents in street trading.

(2) A local authority may make byelaws regulating or prohibiting street trading by persons under the age of eighteen years, and byelaws so made may distinguish between persons of different ages and sexes and between different localities, and may contain provisions—

- (a) forbidding any such person to engage or be employed in street trading unless he holds a

PART II.
—cont.

licence granted by the authority, and regulating the conditions on which such licences may be granted, suspended, and revoked;

- (b) determining the days and hours during which, and the places at which, such persons may engage or be employed in street trading;
- (c) requiring such persons so engaged or employed to wear badges;
- (d) regulating in any other respect the conduct of such persons while so engaged or employed.

Penalties and legal proceedings in respect of general provisions as to employment.

21.—(1) If a person is employed in contravention of any of the foregoing provisions of this Part of this Act, or of the provisions of any byelaw made thereunder, the employer and any person (other than the person employed) to whose act or default the contravention is attributable shall be liable on summary conviction to a fine not exceeding five pounds or, in the case of a second or subsequent offence, not exceeding twenty pounds :

Provided that, if proceedings are brought against the employer, the employer, upon information duly laid by him and on giving to the prosecution not less than three days' notice of his intention, shall be entitled to have any person (other than the person employed) to whose act or default he alleges that the contravention was due, brought before the court as a party to the proceedings, and if, after the contravention has been proved, the employer proves to the satisfaction of the court that the contravention was due to the act or default of the said other person, that person may be convicted of the offence; and if the employer further proves to the satisfaction of the court that he has used all due diligence to secure that the provisions in question should be complied with, he shall be acquitted of the offence.

(2) Where an employer seeks to avail himself of the proviso to the last foregoing subsection,

- (a) the prosecution shall have the right to cross-examine him, if he gives evidence, and any witness called by him in support of his charge against the other person, and to call rebutting evidence; and
- (b) the court may make such order as it thinks fit for the payment of costs by any party to the proceedings to any other party thereto.

(3) A person under the age of eighteen years, who engages in street trading in contravention of the provisions of the last foregoing section, or of any byelaw made thereunder, shall be liable on summary conviction to a fine not exceeding twenty shillings, or in the case of a second or subsequent offence, not exceeding forty shillings.

PART II.
—cont.

Entertainments and Performances.

22.—(1) Subject to the provisions of this section a child shall not, except under and in accordance with the provisions of a licence granted and in force thereunder, take part in any entertainment in connection with which any charge, whether for admission or not, is made to any of the audience; and every person who causes or procures a child, or being his parent or guardian allows him, to take part in an entertainment in contravention of this section, shall, on summary conviction, be liable to a fine not exceeding five pounds or, in the case of a second or subsequent offence, not exceeding twenty pounds.

Restrictions
on children
taking part
in enter-
tainments.

(2) Subject as hereinafter provided and without prejudice to the provisions of this Part of this Act and any byelaws made thereunder with respect to employment, a licence under this section shall not be necessary for a child to take part in an entertainment if—

- (a) he has not during the preceding six months taken part on more than six occasions in entertainments in connection with which any such charge as aforesaid was made; and
- (b) the net proceeds of the entertainment are devoted to purposes other than the private profit of the promoters:

Provided that this subsection shall not apply in the case of an entertainment given in premises which are licensed for the sale of any intoxicating liquor unless either—

- (i) those premises are also licensed for the public performance of stage plays or for public music, singing or dancing; or
 - (ii) special authority for the child to take part in the entertainment has been granted in writing under the hands of two justices of the peace.
- (3) Subject to such restrictions and conditions as may be prescribed by rules made by the Board of

PART II.
—cont.

Education, a local authority may grant a licence for a child who has attained the age of twelve years and is residing in their area to take part in any specified entertainment or series of entertainments, whether within or without that area :

Provided that—

(a) no licence shall be granted unless the local authority are satisfied that the child is fit to take part in the entertainment, or series of entertainments, and that proper provision has been made to secure his health and kind treatment; and

(b) no licence shall be granted in respect of any entertainment which is to take place on a Sunday.

(4) The holder of a licence under this section shall, at least seven days before the child takes part in any entertainment, furnish to the local authority within whose area the entertainment is to take place particulars of the licence and such other information as the Board of Education may by rules prescribe and, if he fails so to do, he shall be liable on summary conviction to a fine not exceeding five pounds.

(5) If any restriction or condition contained in a licence under this section is not observed, the licence may be revoked by any local authority within whose area any entertainment to which it relates has taken or is about to take place; and, subject to any restrictions and conditions prescribed by rules made by the Board of Education, any such licence may at the request of the holder of the licence be varied or extended by any such local authority as aforesaid.

(6) If the applicant for, or holder of, a licence under this section feels aggrieved by any decision of a local authority, he may appeal to the Board of Education, who may thereupon exercise any of the powers conferred on a local authority by this section.

Prohibition
against
persons under
sixteen taking
part in per-
formances
endangering
life or limb.

23. No person under the age of sixteen years shall take part in any public performance in which his life or limbs are endangered and every person who causes or procures such a person, or being his parent or guardian allows him, to take part in such a performance,

shall be liable on summary conviction to a fine not exceeding ten pounds or, in the case of a second or subsequent offence, not exceeding fifty pounds :

PART II.
—cont.

Provided that no proceedings shall be taken under this subsection except by or with the authority of a chief officer of police.

24.—(1) No person under the age of twelve years shall be trained to take part in performances of a dangerous nature, and no person under the age of sixteen years shall be trained to take part in such performances except under and in accordance with the terms of a licence granted and in force under this section ; and every person who causes or procures a person, or being his parent or guardian allows him, to be trained to take part in performances of a dangerous nature in contravention of this section, shall be liable on summary conviction to a fine not exceeding five pounds or, in the case of a second or subsequent offence, not exceeding twenty pounds.

Restrictions
on training
for perform-
ances of a
dangerous
nature.

(2) A petty sessional court may grant a licence for a person who has attained the age of twelve years but is under the age of sixteen years to be trained to take part in performances of a dangerous nature.

(3) An applicant for a licence under this section shall, at least seven days before making the application, give notice thereof to the chief officer of police for the district in which the person is, in accordance with the provisions of the licence, to be trained, and that officer may appear, or instruct some person to appear, before the court and show cause why the licence should not be granted, and no licence shall be granted unless the court is satisfied that notice has been so given.

(4) A licence under this section shall specify the place or places at which the person is to be trained and shall embody such conditions as are, in the opinion of the court, necessary for his protection, but a licence shall not be refused if the court is satisfied that the person is fit and willing to be trained and that proper provision has been made to secure his health and kind treatment.

(5) A licence under this section may, on cause being shown by any person, be revoked by a petty sessional court acting for the same petty sessional division or place as the court by which the licence was granted.

PART II.

—cont.

Restrictions
on persons
under
eighteen
going
abroad for
the purpose
of per-
forming for
profit.

Employment Abroad.

25.—(1) No person having the custody, charge or care of any person under the age of eighteen years shall allow him, nor shall any person cause or procure any person under that age, to go abroad for the purpose of singing, playing, performing, or being exhibited, for profit, unless he has attained the age of fourteen years and a licence has been granted in respect of him under this section:

Provided that this subsection shall not apply in any case where it is proved that the person under the age of eighteen years was only temporarily resident within Great Britain and Ireland.

(2) A police magistrate may grant a licence in such form as the Secretary of State may prescribe, and subject to such restrictions and conditions as the police magistrate thinks fit, for any person who has attained the age of fourteen years but is under the age of eighteen years to go abroad for the purpose of singing, playing, performing, or being exhibited, for profit, but no such licence shall be granted in respect of any person unless the police magistrate is satisfied—

- (a) that the application for the licence is made by or with the consent of his parent or guardian;
- (b) that he is going abroad to fulfil a particular engagement;
- (c) that he is fit for the purpose, and that proper provision has been made to secure his health, kind treatment, and adequate supervision while abroad, and his return from abroad at the expiration or revocation of the licence;
- (d) that there has been furnished to him a copy of the contract of employment or other document showing the terms and conditions of employment drawn up in a language understood by him.

(3) A person applying for a licence under this section, shall, at least seven days before making the application, give to the chief officer of police for the district in which the person resides to whom the application relates, notice of the intended application together with a copy of the contract of employment or other document showing the terms and conditions of employment, and the chief officer of police shall send that copy

to the police magistrate and may make a report in writing on the case to him or may appear, or instruct some person to appear, before him and show cause why the licence should not be granted, and the police magistrate shall not grant the licence unless he is satisfied that notice has been properly so given :

PART II.
—cont.

Provided that if it appears that the notice was given less than seven days before the making of the application, the police magistrate may nevertheless grant a licence if he is satisfied that the officer to whom the notice was given has made sufficient enquiry into the facts of the case and does not desire to oppose the application.

(4) A licence under this section shall not be granted for more than three months but may be renewed by a police magistrate from time to time for a like period, so, however, that no such renewal shall be granted, unless the police magistrate—

- (a) is satisfied by a report of a British consular officer or other trustworthy person that the conditions of the licence are being complied with;
- (b) is satisfied that the application for renewal is made by or with the consent of the parent or guardian of the person to whom the licence relates.

(5) A police magistrate—

- (a) may vary a licence granted under this section and may at any time revoke such a licence for any cause which he, in his discretion, considers sufficient:
- (b) need not, when renewing or varying a licence granted under this section, require the attendance before him of the person to whom the licence relates.

(6) The police magistrate to whom application is made for the grant, renewal or variation of a licence shall, unless he is satisfied that in the circumstances it is unnecessary, require the applicant to give such security as he may think fit (either by entering into a recognisance with or without sureties or otherwise) for the observance of the restrictions and conditions in the licence or in the licence as varied, and the recognisance may be enforced in like manner as a recognisance for the doing

PART II.
—cont.

of some matter or thing required to be done in a proceeding before a court of summary jurisdiction is enforceable.

(7) If in any case where a licence has been granted under this section, it is proved to the satisfaction of a police magistrate that by reason of exceptional circumstances it is not in the interests of the person to whom the licence relates to require him to return from abroad at the expiration of the licence, then, notwithstanding anything in this section or any restriction or condition attached to the licence, the magistrate may by order release all persons concerned from any obligation to cause that person to return from abroad.

(8) Where a licence is granted, renewed or varied under this section, the police magistrate shall send the prescribed particulars to the Secretary of State for transmission to the proper consular officer, and every consular officer shall register the particulars so transmitted to him and perform such other duties in relation thereto as the Secretary of State may direct.

(9) In this section the expression "police magistrate" means one of the following magistrates, that is to say—

- (a) the chief magistrate of the metropolitan police courts;
- (b) any magistrate of the metropolitan police court in Bow Street;
- (c) any stipendiary magistrate appointed by Order in Council to exercise jurisdiction under this section,

and the powers conferred by this section on a police magistrate shall in every case be exercisable by any of the magistrates aforesaid.

(10) This and the next following section extend to Scotland and to Northern Ireland.

Punishment
of contra-
ventions
of last
foregoing
section and
proceedings
with respect
thereto.

26.—(1) If any person acts in contravention of the provisions of subsection (1) of the last foregoing section he shall be guilty of an offence under this section and be liable, on summary conviction, to a fine not exceeding one hundred pounds, or, alternatively, or in default of payment of such a fine, or in addition thereto, to imprisonment for any term not exceeding three months :

Provided that if he procured the person to go abroad by means of any false pretence or false representation, he shall be liable on conviction on indictment to imprisonment for any term not exceeding two years.

PART II.
—cont.

(2) Where, in proceedings under this section against a person, it is proved that he caused, procured, or allowed a person under the age of eighteen years to go abroad and that that person has while abroad been singing, playing, performing, or being exhibited, for profit, the defendant shall be presumed to have caused, procured, or allowed him to go abroad for that purpose, unless the contrary is proved :

Provided that where the contrary is proved, the court may order the defendant to take such steps as the court directs to secure the return of the person in question to the United Kingdom, or to enter into a recognisance to make such provision as the court may direct to secure his health, kind treatment, and adequate supervision while abroad, and his return to the United Kingdom at the expiration of such period as the court may think fit.

(3) Proceedings in respect of an offence under this section or for enforcing a recognisance under this or the last foregoing section may be instituted at any time within a period of three months from the first discovery by the person taking the proceedings of the commission of the offence or, as the case may be, the non-observance of the restrictions and conditions contained in the licence, or, if at the expiration of that period the person against whom it is proposed to institute the proceedings is outside the United Kingdom, at any time within six months after his return to the United Kingdom.

(4) In any such proceedings as aforesaid, a report of any British consular officer and any deposition made on oath before a British consular officer and authenticated by the signature of that officer, respecting the observance or non-observance of any of the conditions or restrictions contained in a licence granted under the last foregoing section shall, upon proof that the consular officer, or deponent, cannot be found in the United Kingdom, be admissible in evidence, and it shall not be necessary to prove the signature or official character of the

PART II. person appearing to have signed any such report or
—*cont.* deposition.

(5) The wife or husband of a person charged with an offence under this section may be called as a witness either for the prosecution or defence, and without the consent of the person charged.

(6) A constable or any person authorised by a justice of the peace may take to a place of safety any person under the age of seventeen years who there is reason to believe is about to go abroad in contravention of the provisions of the last foregoing section, and a person so taken to a place of safety may be detained there until he can be restored to his relatives or until other arrangements can be made with respect to him.

Supplemental.

Byelaws.

27.—(1) A byelaw made under this Part of this Act shall not have effect until confirmed by the Secretary of State and shall not be so confirmed until at least thirty days after the local authority have published it in such manner as the Secretary of State directs.

(2) Before confirming such a byelaw the Secretary of State shall consider any objections thereto which may be addressed to him by persons affected or likely to be affected thereby, and may order a local enquiry to be held, and where such an enquiry is held, the person holding it shall receive such remuneration as the Secretary of State determines, and that remuneration and the expenses of the enquiry shall be paid by the local authority.

38 & 39 Vict.
c. 55.

(3) Byelaws so made may, without prejudice to any other method of proof, be proved in the like manner as that in which byelaws made under the Public Health Act, 1875, by a local authority, not being the council of a borough, may be proved, and section one hundred and eighty-six of that Act shall apply accordingly.

Powers of
entry.

28.—(1) If it is made to appear to a justice of the peace by the local authority, or by any constable, that there is reasonable cause to believe that the provisions of this Part of this Act, other than those relating to employment abroad, or of a byelaw made under the said provisions, are being contravened with

respect to any person, the justice may by order under his hand addressed to an officer of the local authority, or to a constable, empower him to enter, at any reasonable time within forty-eight hours of the making of the order, any place in or in connection with which the person in question is, or is believed to be, employed, or as the case may be, in which he is, or is believed to be, taking part in an entertainment or performance, or being trained, and to make enquiries therein with respect to that person.

(2) Any authorised officer of the local authority or any constable may at any time during the currency of a licence granted under section twenty-two or twenty-four of this Act enter any place where the person to whom the licence relates is authorised by the licence to take part in an entertainment or to be trained, and may make enquiries therein with respect to that person.

(3) Any person who obstructs any officer or constable in the due exercise of any powers conferred on him by or under this section, or who refuses to answer or answers falsely any enquiry authorised by or under this section to be made, shall be liable on summary conviction in respect of each offence to a fine not exceeding twenty pounds.

29.—(1) The provisions of this Act imposing restrictions on employment or on the taking part by children in entertainments, other than those relating to employment abroad, and the provisions of any byelaws made under this Part of this Act, shall not apply in relation to a person who has attained the age of twelve years taking part in a performance, whether of the nature of an entertainment or not, which is being broadcast by the British Broadcasting Corporation, so long as the public are not admitted thereto on payment. Savings.

(2) The said provisions shall not affect the provisions of Part IV of the Education Act, 1921, with respect to school attendance or the provisions of sections ninety-three, ninety-four and ninety-five of that Act with respect to the employment of children and young persons.

(3) The said provisions shall not apply to a person detained in an approved school.

(4) The said provisions shall be in addition to and not in substitution for any enactments relating to

PART II.
—*cont.*

employment in factories, workshops, mines and quarries, or for giving effect to any international convention regulating employment.

Interpreta-
tion of
Part II.

30. For the purposes of this Part of this Act and of any byelaws made thereunder—

A person who is attending a public elementary school and who attains the age of fourteen years during a school term shall not (except for the purposes of the provisions relating to employment abroad) be deemed to cease to be a child until the end of that term;

The expression “performance of a dangerous nature” includes all acrobatic performances and all performances as a contortionist;

The expression “street trading” includes the hawking of newspapers, matches, flowers and other articles, playing, singing or performing for profit, shoe-blackening and other like occupations carried on in streets or public places;

A person who assists in a trade or occupation carried on for profit shall be deemed to be employed notwithstanding that he receives no reward for his labour;

A chorister taking part in a religious service or in a choir practice for a religious service shall not, whether he receives any reward or not, be deemed to be employed; and

The expression “abroad” means outside Great Britain and Ireland.

PART III.

PROTECTION OF CHILDREN AND YOUNG PERSONS IN RELATION TO CRIMINAL AND SUMMARY PROCEEDINGS.

General Provisions as to Preliminary Proceedings.

Separation
of children
and young
persons
from adults
in police
stations,
courts, &c.

31. Arrangements shall be made for preventing a child or young person while detained in a police station, or while being conveyed to or from any criminal court, or while waiting before or after attendance in any criminal court, from associating with an adult (not being a relative) who is charged with any offence other than an offence with which the child or young person is jointly charged, and

for ensuring that a girl (being a child or young person) shall while so detained, being conveyed, or waiting, be under the care of a woman.

PART III.
—cont.

32.—(1) Where a person apparently under the age of seventeen years is apprehended, with or without warrant, and cannot be brought forthwith before a court of summary jurisdiction, a superintendent or inspector of police, or other officer of police of equal or superior rank, or the officer in charge of the police station to which he is brought, shall inquire into the case, and may release him on a recognisance being entered into by him or his parent or guardian (with or without sureties), for such an amount as will, in the opinion of the officer, secure his attendance upon the hearing of the charge, and shall so release him unless—

Bail or
detention of
children and
young
persons
arrested.

- (a) the charge is one of homicide or other grave crime; or
- (b) it is necessary in his interest to remove him from association with any reputed criminal or prostitute; or
- (c) the officer has reason to believe that his release would defeat the ends of justice.

(2) Where a person apparently under the age of seventeen years having been apprehended is not so released as aforesaid, the officer of police shall cause him to be detained in a remand home until he can be brought before a court of summary jurisdiction, unless the officer certifies—

- (a) that it is impracticable to do so; or
- (b) that he is of so unruly a character that he cannot safely be so detained; or
- (c) that by reason of his state of health or of his mental or bodily condition it is inadvisable so to detain him,

and the certificate shall be produced to the court before which he is brought.

33.—(1) Any court, on remanding or committing for trial a child or young person who is not released on bail, shall, instead of committing him to prison, commit him to custody in a remand home named in the commitment, to be there detained for the period for

Remand or
committal
to custody
in remand
homes.

PART III. which he is remanded or until he is thence delivered in
—*cont.* due course of law :

Provided that—

(a) in the case of a young person it shall not be obligatory on the court so to commit him if the court certifies that he is of so unruly a character that he cannot safely be so committed, or that he is of so depraved a character that he is not a fit person to be so detained; and

(b) nothing in this subsection shall affect any power of a court of summary jurisdiction under section ten of the Criminal Justice Administration Act, 1914, to commit a person who has attained the age of sixteen years to prison until the next assizes or quarter sessions with a view to his being sentenced to detention in a Borstal institution.

4 & 5 Geo. 5.
c. 58.

(2) A commitment under this section may be varied, or, in the case of a young person who proves to be of so unruly a character that he cannot safely be detained in such custody, or to be of so depraved a character that he is not a fit person to be so detained, revoked, by the court which made the order, or if application cannot conveniently be made to that court, by a court of summary jurisdiction having jurisdiction in the place where the court which made the order sat, and if it is revoked the young person may be committed to prison.

Attendance
at court of
parent of
child or
young
person
charged
with an
offence, &c.

34.—(1) Where a child or young person is charged with any offence or is for any other reason brought before a court, his parent or guardian may in any case, and shall if he can be found and resides within a reasonable distance, be required to attend at the court before which the case is heard or determined during all the stages of the proceedings, unless the court is satisfied that it would be unreasonable to require his attendance.

(2) Where a child or young person is arrested or taken to a place of safety, the constable by whom he is arrested or the officer of police in charge of the police station to which he is brought, or the person by whom he is taken to the place of safety, as the case may be, shall cause the parent or guardian of the child or young person, if he can be found, to be warned to attend at the court before which the child or young person will appear.

(3) For the purpose of enforcing the attendance of a parent or guardian and enabling him to take part in the proceedings and enabling orders to be made against him, rules may be made under section twenty-nine of the Summary Jurisdiction Act, 1879, for applying, with the necessary adaptations and modifications, such of the provisions of the Summary Jurisdiction Acts and the Indictable Offences Act, 1848, as appear appropriate for the purpose, and such rules may provide for a summons to a child or young person including a summons to his parent or guardian.

PART III.
—cont.

42 & 43 Vict.
c. 49.

11 & 12 Vict.
c. 42.

(4) The parent or guardian whose attendance shall be required under this section shall be the parent or guardian having the actual possession and control of the child or young person :

Provided that if that person is not the father, the attendance of the father may also be required.

(5) The attendance of the parent of a child or young person shall not be required under this section in any case where the child or young person was before the institution of the proceedings removed from the custody or charge of his parent by an order of a court.

35.—(1) Where a child or young person is to be brought before a court of summary jurisdiction, or before a justice or justices acting under the Indictable Offences Act, 1848, in respect of an offence alleged to have been committed by him, or is to be brought before a juvenile court as being in need of care or protection, the responsible person (as hereinafter defined) shall forthwith notify the day and hour when, and the nature of the charge or other grounds on which, the child or young person is to be brought before the court or justices—

Notice to local authority of charges against and applications relating to children and young persons.

- (a) to the probation officer, or one of the probation officers, for the probation area in which the court or justices will sit; and
- (b) to the local authority for the district in which the child or young person is resident, or, if it is not known where he is resident, to the local authority for the district, or for any one of the districts, in which the offence is alleged to have been committed or the circumstances justifying an application to the court are alleged to have arisen :

PART III.
—cont.

Provided that no such notification need be given to a local authority where the child or young person is charged or brought before the court by a local or poor law authority.

For the purposes of this subsection the expression “responsible person” means, in a case where the child or young person is accused of an offence, the chief officer of police, and in any other case, the person bringing the child or young person before the court.

(2) A local authority who have received a notification under the last foregoing subsection, and a local or poor law authority who themselves charge any child or young person with any offence, or bring any child or young person before a juvenile court as being in need of care or protection shall, except in cases which appear to them to be of a trivial nature, make such investigations and render available to the court such information as to the home surroundings, school record, health, and character of the child or young person and, in proper cases, as to available approved schools, as appear to them to be likely to assist the court :

Provided that a local authority shall be under no obligation to make investigations as to the home surroundings of children or young persons in any petty sessional division in which by direction of the justices or probation committee arrangements have been made for such investigations to be made by a probation officer.

General Provisions as to Proceedings in Court.

Prohibition
against
children
being
present in
court during
the trial of
other per-
sons.

36. No child (other than an infant in arms) shall be permitted to be present in court during the trial of any other person charged with an offence, or during any proceedings preliminary thereto, except during such time as his presence is required as a witness or otherwise for the purposes of justice; and any child present in court when under this section he is not to be permitted to be so shall be ordered to be removed :

Provided that this section shall not apply to messengers, clerks, and other persons required to attend at any court for purposes connected with their employment.

37.—(1) Where, in any proceedings in relation to an offence against, or any conduct contrary to, decency or morality, a person who, in the opinion of the court, is a child or young person is called as a witness, the court may direct that all or any persons, not being members or officers of the court or parties to the case, their counsel or solicitors, or persons otherwise directly concerned in the case, be excluded from the court during the taking of the evidence of that witness :

PART III.
—*cont.*

Power to clear court while child or young person is giving evidence in certain cases.

Provided that nothing in this section shall authorise the exclusion of bonâ fide representatives of a newspaper or news agency.

(2) The powers conferred on a court by this section shall be in addition and without prejudice to any other powers of the court to hear proceedings in *camerâ*.

38.—(1) Where, in any proceedings against any person for any offence, any child of tender years called as a witness does not in the opinion of the court understand the nature of an oath, his evidence may be received, though not given upon oath, if, in the opinion of the court, he is possessed of sufficient intelligence to justify the reception of the evidence, and understands the duty of speaking the truth; and his evidence, though not given on oath, but otherwise taken and reduced into writing in accordance with the provisions of section seventeen of the Indictable Offences Act, 1848, or of this Part of this Act, shall be deemed to be a deposition within the meaning of that section and that Part respectively :

Evidence of child of tender years.

Provided that where evidence admitted by virtue of this section is given on behalf of the prosecution the accused shall not be liable to be convicted of the offence unless that evidence is corroborated by some other material evidence in support thereof implicating him.

(2) If any child whose evidence is received as aforesaid wilfully gives false evidence in such circumstances that he would, if the evidence had been given on oath, have been guilty of perjury, he shall be liable on summary conviction to be dealt with as if he had been summarily convicted of an indictable offence punishable in the case of an adult with imprisonment.

39.—(1) In relation to any proceedings in any court which arise out of any offence against, or any

Power to prohibit publication

PART III. conduct contrary to, decency or morality, the court may
—cont. direct that—

of certain
matter in
newspapers.

- (a) no newspaper report of the proceedings shall reveal the name, address, or school, or include any particulars calculated to lead to the identification, of any child or young person concerned in the proceedings, either as being the person against, or in respect of whom the proceedings are taken, or as being a witness therein;
- (b) no picture shall be published in any newspaper as being or including a picture of any child or young person so concerned in the proceedings as aforesaid;

except in so far (if at all) as may be permitted by the direction of the court.

(2) Any person who publishes any matter in contravention of any such direction shall on summary conviction be liable in respect of each offence to a fine not exceeding fifty pounds.

*Special Procedure with regard to Offences specified
in First Schedule.*

Warrant to
search for or
remove a
child or
young
person.

40.—(1) If it appears to a justice of the peace on information on oath laid by any person who, in the opinion of the justice, is acting in the interests of a child or young person, that there is reasonable cause to suspect—

- (a) that the child or young person has been or is being assaulted, ill-treated, or neglected in any place within the jurisdiction of the justice, in a manner likely to cause him unnecessary suffering, or injury to health; or
- (b) that any offence mentioned in the First Schedule to this Act has been or is being committed in respect of the child or young person,

the justice may issue a warrant authorising any constable named therein to search for the child or young person, and, if it is found that he has been or is being assaulted, ill-treated, or neglected in manner aforesaid, or that any such offence as aforesaid has been or is being committed in respect of him, to take him to and detain him in a place of safety, until he can be brought before a juvenile court,

or authorising any constable to remove him with or without search to a place of safety and detain him there until he can be brought before a juvenile court.

PART III.
—cont.

(2) A justice issuing a warrant under this section may by the same warrant cause any person accused of any offence in respect of the child or young person to be apprehended and brought before a court of summary jurisdiction, and proceedings to be taken against him according to law.

(3) Any constable authorised by warrant under this section to search for any child or young person, or to remove any child or young person with or without search, may enter (if need be by force) any house, building, or other place specified in the warrant, and may remove him therefrom.

(4) Every warrant issued under this section shall be addressed to and executed by a constable, who shall be accompanied by the person laying the information, if that person so desires, unless the justice by whom the warrant is issued otherwise directs, and may also, if the justice by whom the warrant is issued so directs, be accompanied by a duly qualified medical practitioner.

(5) It shall not be necessary in any information or warrant under this section to name the child or young person.

41. Where in any proceedings with relation to any of the offences mentioned in the First Schedule to this Act, the court is satisfied that the attendance before the court of any child or young person in respect of whom the offence is alleged to have been committed is not essential to the just hearing of the case, the case may be proceeded with and determined in the absence of the child or young person.

Power to proceed with case in absence of child or young person.

42.—(1) Where a justice of the peace is satisfied by the evidence of a duly qualified medical practitioner that the attendance before a court of any child or young person in respect of whom any of the offences mentioned in the First Schedule to this Act is alleged to have been committed would involve serious danger to his life or health, the justice may take in writing the deposition of the child or young person on oath, and shall thereupon subscribe the deposition and add thereto a statement of his reason for taking it and of the day when and

Extension of power to take deposition of child or young person.

PART III. place where it was taken, and of the names of the persons
—cont. (if any) present at the taking thereof.

(2) The justice taking any such deposition shall transmit it with his statement—

(a) if the deposition relates to an offence for which any accused person is already committed for trial, to the proper officer of the court for trial at which the accused person has been committed; and

(b) in any other case, to the clerk of the court before which proceedings are pending in respect of the offence.

Admission
of deposition
of child or
young
person in
evidence.

43. Where, in any proceedings in respect of any of the offences mentioned in the First Schedule to this Act, the court is satisfied by the evidence of a duly qualified medical practitioner that the attendance before the court of any child or young person in respect of whom the offence is alleged to have been committed would involve serious danger to his life or health, any deposition of the child or young person taken under the Indictable Offences Act, 1848, or this Part of this Act, shall be admissible in evidence either for or against the accused person without further proof thereof if it purports to be signed by the justice by or before whom it purports to be taken:

Provided that the deposition shall not be admissible in evidence against the accused person unless it is proved that reasonable notice of the intention to take the deposition has been served upon him and that he or his counsel or solicitor had, or might have had if he had chosen to be present, an opportunity of cross-examining the child or young person making the deposition.

*Principles to be observed by all Courts in dealing with
Children and Young Persons.*

General
considera-
tions.

44.—(1) Every court in dealing with a child or young person who is brought before it, either as being in need of care or protection or as an offender or otherwise, shall have regard to the welfare of the child or young person and shall in a proper case take steps for removing him from undesirable surroundings, and for securing that proper provision is made for his education and training.

(2) A court shall not order a child under the age of ten years to be sent to an approved school unless for any reason, including the want of a fit person of his own religious persuasion who is willing to undertake the care of him, the court is satisfied that he cannot suitably be dealt with otherwise.

PART III.
—cont.

Juvenile Courts.

45. Courts of summary jurisdiction constituted in accordance with the provisions of the Second Schedule to this Act and sitting for the purpose of hearing any charge against a child or young person or for the purpose of exercising any other jurisdiction conferred on juvenile courts by or under this or any other Act, shall be known as juvenile courts and in whatever place sitting shall be deemed to be petty sessional courts.

Constitution
of juvenile
courts.

46.—(1) Subject as hereinafter provided, no charge against a child or young person, and no application whereof the hearing is by rules made under this section assigned to juvenile courts, shall be heard by a court of summary jurisdiction which is not a juvenile court:

Assignment
of certain
matters to
juvenile
courts.

Provided that—

- (a) a charge made jointly against a child or young person and a person who has attained the age of seventeen years shall be heard by a court of summary jurisdiction other than a juvenile court; and
- (b) where a child or young person is charged with an offence, the charge may be heard by a court of summary jurisdiction which is not a juvenile court if a person who has attained the age of seventeen years is charged at the same time with aiding, abetting, causing, procuring, allowing or permitting that offence; and
- (c) where, in the course of any proceedings before any court of summary jurisdiction other than a juvenile court, it appears that the person to whom the proceedings relate is a child or young person, nothing in this subsection shall be construed as preventing the court, if it thinks fit so to do, from proceeding with the hearing and determination of those proceedings.

PART III.
—*cont.*

(2) No direction, whether contained in this or any other Act, that a charge shall be brought before a juvenile court shall be construed as restricting the powers of any justice or justices to entertain an application for bail or for a remand, and to hear such evidence as may be necessary for that purpose.

(3) The Lord Chancellor may by rules assign to juvenile courts the hearing of any applications for orders or licences relating to children or young persons, being applications cognisable by justices, courts of summary jurisdiction, or petty sessional courts, if, in his opinion, it is desirable in the interests of the children and young persons concerned that such applications should be heard by juvenile courts.

For the purposes of this subsection, any complaint under section forty-four or section forty-five of the Education Act, 1921 (which sections relate to the making of school attendance orders and to the proceedings to be taken where such orders are disobeyed), or under section fifty-four of that Act (which relates to the making of orders requiring defective or epileptic children to be sent to suitable classes or schools) shall be deemed to be an application for an order relating to a child.

Procedure
in juvenile
courts.

47.—(1) Juvenile courts shall sit as often as may be necessary for the purpose of exercising any jurisdiction conferred on them by or under this or any other Act.

(2) A juvenile court shall, subject as hereinafter provided, sit either in a different building or room from that in which sittings of courts other than juvenile courts are held, or on different days from those on which sittings of such other courts are held; and no person shall be present at any sitting of a juvenile court except—

- (a) members and officers of the court;
- (b) parties to the case before the court, their solicitors and counsel, and witnesses and other persons directly concerned in that case;
- (c) *bonâ fide* representatives of newspapers or news agencies;
- (d) such other persons as the court may specially authorise to be present:

Provided that juvenile courts for the City of London shall sit at such place or places as the Court of the Lord Mayor and Aldermen of the City may from time to time determine.

(3) The Lord Chancellor may make rules for regulating the procedure in juvenile courts, and such of the provisions of the Summary Jurisdiction Acts and of the Acts relating to indictable offences as regulate procedure shall have effect subject to any rules so made.

PART III.
—*cont.*

48.—(1) A juvenile court sitting for the purpose of hearing a charge against, or an application relating to, a person who is believed to be a child or young person may, if it thinks fit to do so, proceed with the hearing and determination of the charge or application, notwithstanding that it is discovered that the person in question is not a child or young person.

Miscellaneous provisions as to powers of juvenile courts.

(2) Where the court before which any person is bound by his recognisance under the Probation of Offenders Act, 1907, to appear is a juvenile court, the attainment by him of the age of seventeen years shall not deprive that court of jurisdiction to enforce his attendance and deal with him in respect of any failure to observe the conditions of his recognisance or of jurisdiction to vary or discharge the recognisance.

7 Edw. 7.
c. 17.

(3) When a juvenile court has remanded a child or young person for information to be obtained with respect to him, any juvenile court acting for the same petty sessional division or place—

- (a) may in his absence extend the period for which he is remanded, so, however, that he appears before a court or a justice of the peace at least once in every twenty-one days;
- (b) when the required information has been obtained, may deal with him finally;

and where the court by which he was originally remanded has recorded a finding that he is guilty of an offence charged against him, it shall not be necessary for any court which subsequently deals with him under this subsection to hear evidence as to the commission of that offence, except in so far as it may consider that such evidence will assist the court in determining the manner in which he should be dealt with.

(4) Notwithstanding anything in subsection (8) of section twenty of the Summary Jurisdiction Act, 1879, (which provides that an indictable offence shall not be dealt with summarily under that Act except on a day publicly appointed for the hearing of indictable offences)

PART III.
—cont.

a juvenile court may sit on any day for the purpose of hearing and determining a charge against a child or young person in respect of an indictable offence.

(5) A juvenile court sitting in the metropolitan police court area shall have all the powers of a metropolitan police magistrate; and for the purposes of any enactment by virtue of which any powers are exercisable—

- (a) by a court of summary jurisdiction acting for the same petty sessional division or place as a juvenile court by which some previous act has been done; or
- (b) by a juvenile court acting for the same petty sessional division or place as a court of summary jurisdiction by which some previous act has been done,

the metropolitan police court area shall be deemed to be the place for which all metropolitan police magistrates sitting in that area and all juvenile courts sitting in that area act.

(6) A juvenile court constituted and sitting in accordance with a determination of the Court of the Lord Mayor and Aldermen of the City of London shall have all the powers of a petty sessional court notwithstanding that the juvenile court is constituted only of the Lord Mayor or a single alderman and is not sitting in the justice room of the Mansion House or of the Guildhall.

Restrictions
on news-
paper
reports of
proceedings
in juvenile
courts.

49.—(1) Subject as hereinafter provided, no newspaper report of any proceedings in a juvenile court shall reveal the name, address or school, or include any particulars calculated to lead to the identification, of any child or young person concerned in those proceedings, either as being the person against or in respect of whom the proceedings are taken or as being a witness therein, nor shall any picture be published in any newspaper as being or including a picture of any child or young person so concerned in any such proceedings as aforesaid:

Provided that the court or the Secretary of State may in any case, if satisfied that it is in the interests of justice so to do, by order dispense with the requirements of this section to such extent as may be specified in the order.

(2) Any person who publishes any matter in contra-
vention of this section shall on summary conviction be
liable in respect of each offence to a fine not exceeding
fifty pounds.

PART III.
—cont.

Juvenile Offenders.

50. It shall be conclusively presumed that no child
under the age of eight years can be guilty of any offence.

Age of criminal
responsibility.

51. No conviction or finding of guilty of a child or
young person shall be regarded as a conviction of felony
for the purposes of any disqualification attaching to felony.

Removal of dis-
qualifications
attaching to
felony.

52.—(1) A child shall not be ordered to be im-
prisoned or be sent to penal servitude for any offence, or
be committed to prison in default of payment of a fine,
damages, or costs.

Restrictions
on punish-
ment of
children
and young
persons.

(2) A young person shall not be sent to penal
servitude for any offence.

(3) A young person shall not be ordered to be
imprisoned for an offence, or be committed to prison in
default of payment of a fine, damages, or costs, unless
the court certifies that he is of so unruly a character
that he cannot be detained in a remand home or that he
is of so depraved a character that he is not a fit person
to be so detained.

53.—(1) Sentence of death shall not be pronounced
on or recorded against a person under the age of eighteen
years, but in lieu thereof the court shall sentence him to
be detained during His Majesty's pleasure, and, if so
sentenced, he shall, notwithstanding anything in the
other provisions of this Act, be liable to be detained in
such place and under such conditions as the Secretary
of State may direct.

Punishment
of certain
grave
crimes.

(2) Where a child or young person is convicted
on indictment of an attempt to murder, or of man-
slaughter, or of wounding with intent to do grievous
bodily harm, and the court is of opinion that none of the
other methods in which the case may legally be dealt
with is suitable, the court may sentence the offender
to be detained for such period as may be specified in the
sentence; and where such a sentence has been passed the
child or young person shall, during that period, notwith-
standing anything in the other provisions of this Act,
be liable to be detained in such place and on such
conditions as the Secretary of State may direct.

PART III.
—cont.

(3) A person detained pursuant to the directions of the Secretary of State under this section shall, while so detained, be deemed to be in legal custody.

(4) Any person so detained as aforesaid may, at any time, be discharged by the Secretary of State on licence.

Such a licence may be in such form and may contain such conditions as the Secretary of State may direct, and may at any time be revoked or varied by the Secretary of State.

Where a licence has been revoked the person to whom the licence related shall return to such place as the Secretary of State may direct, and if he fails to do so may be apprehended without warrant and taken to that place.

Substitution
of custody
in remand
home
for im-
prisonment.

54. Where a child or young person is found guilty of an offence punishable in the case of an adult with penal servitude or imprisonment, or where a child or young person would, if he were an adult, be liable to be imprisoned in default of payment of any fine, damages, or costs, the court may, if it considers that none of the other methods in which the case may legally be dealt with is suitable, order that he be committed to custody in a remand home named in the order for such term as may be specified in the order, not exceeding the term for which he might, but for this Act, be ordered to be imprisoned or committed to prison, nor in any case exceeding one month.

Power to
order parent
to pay fine,
&c., instead
of child
or young
person.

55.—(1) Where a child or young person is charged with any offence for the commission of which a fine, damages, or costs may be imposed, if the court is of opinion that the case would be best met by the imposition of a fine, damages, or costs, whether with or without any other punishment, the court may in any case, and shall if the offender is a child, order that the fine, damages, or costs awarded be paid by the parent or guardian of the child or young person instead of by the child or young person, unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person.

(2) In the case of a child or young person charged with any offence, the court may order his parent or guardian to give security for his good behaviour.

(3) An order under this section may be made against a parent or guardian who, having been required to attend, has failed to do so, but, save as aforesaid, no such order shall be made without giving the parent or guardian an opportunity of being heard.

PART III.
—cont.

(4) Any sums ordered under this section, or on forfeiture of any such security as aforesaid, to be paid by a parent or guardian may be recovered from him by distress or imprisonment in like manner as if the order had been made on the conviction of the parent or guardian of the offence with which the child or young person was charged.

(5) A parent or guardian may appeal against an order under this section—

- (a) if made by a court of summary jurisdiction, to a court of quarter sessions; and
- (b) if made by a court of assize or a court of quarter sessions, to the Court of Criminal Appeal in accordance with the Criminal Appeal Act, 1907, ^{7 Edw. 7.} as if the parent or guardian against whom the order was made had been convicted on indictment, and the order were a sentence passed on his conviction. ^{c. 23.}

56.—(1) Any court by or before which a child or young person is found guilty of an offence other than homicide, may, if it thinks fit, remit the case to a juvenile court acting for the place where the offender was committed for trial, or, if he was not committed for trial, to a juvenile court acting either for the same place as the remitting court or for the place where the offender resides; and, where any such case is so remitted, the offender shall be brought before a juvenile court accordingly, and that court may deal with him in any way in which it might have dealt with him if he had been tried and found guilty by that court.

Power of other courts to remit juvenile offenders to juvenile courts.

(2) No appeal shall lie against an order of remission made under the last foregoing subsection, but nothing in this subsection shall affect any right of appeal against the verdict or finding on which such an order is founded, and a person aggrieved by the order of the juvenile court to which the case is remitted may appeal therefrom to quarter sessions as if he had been tried by, and had pleaded guilty before, the juvenile court.

PART III.
—cont.

(3) A court by which an order remitting a case to a juvenile court is made under this section may give such directions as appear to be necessary with respect to the custody of the offender or for his release on bail until he can be brought before the juvenile court, and shall cause to be transmitted to the clerk of the juvenile court a certificate setting out the nature of the offence and stating that the offender has been found guilty thereof, and that the case has been remitted for the purpose of being dealt with under this section.

Power to send juvenile offenders to approved schools or to commit them to fit persons.

57.—(1) Any court by or before which a child or young person is found guilty of an offence punishable in the case of an adult with imprisonment shall, in addition to any other powers exercisable by virtue of this or any other Act, have power—

- (a) to order him to be sent to an approved school;
- (b) to commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

(2) Where an order is made under this section committing a child or young person to the care of a fit person, a probation order may also be made under the Probation of Offenders Act, 1907.

Power of Secretary of State to send certain juvenile offenders to approved schools.

58. The Secretary of State may by order direct that—

- (a) a person who is under the age of eighteen years and is undergoing detention in a Borstal institution; or
- (b) a child or young person with respect to whom he is authorised to give directions under subsection (2) of section fifty-three of this Act; or
- (c) a young person who has been ordered to be imprisoned and has been pardoned by His Majesty on condition of his agreeing to undergo training in a school,

shall be transferred or sent to and detained in an approved school specified in the order; and any such order shall be an authority for the detention of the person to whom it relates until such date as may be specified in the order:

Provided that the date to be so specified shall be not later than that on which he will in the opinion of

the Secretary of State attain the age of nineteen years nor later—

PART III.
—cont.

- (a) in the case of a person who was undergoing detention in a Borstal Institution, or was sentenced to detention under the said subsection (2), than the date on which his detention would have expired;
- (b) in the case of a young person who has been sentenced to imprisonment and pardoned as aforesaid, than three years from the date as from which his sentence began to run.

59.—(1) The words “conviction” and “sentence” shall cease to be used in relation to children and young persons dealt with summarily and any reference in any enactment to a person convicted, a conviction or a sentence shall, in the case of a child or young person, be construed as including a reference to a person found guilty of an offence, a finding of guilt or an order made upon such a finding, as the case may be:

Miscellaneous provisions as to summary proceedings against juvenile offenders.

Provided that for the purposes of paragraph (b) of subsection (1) of section ten of the Criminal Justice Administration Act, 1914 (which relates to the power to send youthful delinquents to Borstal institutions), a finding that a person is guilty of an offence shall not have the effect of a conviction if he was dealt with for that offence under the Probation of Offenders Act, 1907.

(2) Where a child or young person is himself ordered by a court of summary jurisdiction to pay costs in addition to a fine, the amount of the costs so ordered to be paid shall in no case exceed the amount of the fine.

60.—The amendments specified in the second column of the Third Schedule to this Act shall be made in the enactments mentioned in the first column of that Schedule.

Amendments of certain enactments relating to criminal proceedings and courts of summary jurisdiction.

Children and Young Persons in need of Care or Protection.

61.—(1) For the purposes of this Act a child or young person in need of care or protection means a person who is—

Definition of “in need of care or protection.”

- (a) a child or young person who, having no parent or guardian or a parent or guardian unfit to

PART III.
—cont.

exercise care and guardianship or not exercising proper care and guardianship, is either falling into bad associations, or exposed to moral danger, or beyond control; or

(b) a child or young person who—

(i) being a person in respect of whom any of the offences mentioned in the First Schedule to this Act has been committed; or

(ii) being a member of the same household as a child or young person in respect of whom such an offence has been committed; or

(iii) being a member of the same household as a person who has been convicted of such an offence in respect of a child or young person; or

(iv) being a female member of a household whereof a member has committed an offence under the Punishment of Incest Act, 1908, in respect of another female member of that household;

8 Edw. 7.
c. 45.

requires care or protection; or

(c) a child in respect of whom an offence has been committed under section ten of this Act (which relates to the punishment of vagrants preventing children from receiving education).

(2) For the purposes of this section, the fact that a child or young person is found destitute, or is found wandering without any settled place of abode and without visible means of subsistence, or is found begging or receiving alms (whether or not there is any pretence of singing, playing, performing or offering anything for sale), or is found loitering for the purpose of so begging or receiving alms, shall (without prejudice to the generality of the provisions of paragraph (a) of the last foregoing subsection) be evidence that he is exposed to moral danger.

Powers of
juvenile
courts in
respect of
children and
young per-
sons in need

62.—(1) If a juvenile court is satisfied that any person brought before the court under this section by a local authority, constable, or authorised person, is a child or young person in need of care or protection, the court may either—

(a) order him to be sent to an approved school; or

- (b) commit him to the care of any fit person, whether a relative or not, who is willing to undertake the care of him; or
- (c) order his parent or guardian to enter into a recognisance to exercise proper care and guardianship; or
- (d) without making any other order, or in addition to making an order under either of the last two foregoing paragraphs, make an order placing him for a specified period, not exceeding three years, under the supervision of a probation officer, or of some other person appointed for the purpose by the court.

PART III.
—cont.
of care or
protection.

(2) Any local authority, constable or authorised person having reasonable grounds for believing that a child or young person is in need of care or protection may bring him before a juvenile court; and it shall be the duty of a local authority to bring before a juvenile court any child or young person residing or found in their district who appears to them to be in need of care or protection unless they are satisfied that the taking of proceedings is undesirable in his interests, or that proceedings are about to be taken by some other person.

(3) The Summary Jurisdiction Acts shall apply in relation to recognisances under subsection (1) of this section as they apply in relation to recognisances to be of good behaviour, and where a recognisance under the said subsection (1) is adjudged to be forfeited the court, if it thinks fit, instead of adjudging the person bound thereby to pay the sum for which he is bound, may adjudge him to pay part only of the said sum or may remit payment thereof.

(4) For the purposes of this section, the expression "authorised person" means any officer of a society which is authorised by general or special order of the Secretary of State to institute proceedings under this section, and any person who is himself so authorised.

63.—(1) Any court by or before which a person is convicted of having committed in respect of a child or young person any of the offences mentioned in the First Schedule to this Act or any offence under section ten of this Act, may—

- (a) direct that the child or young person be brought before a juvenile court with a view to that

Powers of
other courts
with respect
to last
foregoing
section.

PART III.
—cont.

court making such order under the last foregoing section as may be proper; or

- (b) if satisfied that the material before the court is sufficient to enable it properly to exercise jurisdiction, may make any order which the juvenile court might make.

(2) Where any court has, under this section, directed that a child or young person be brought before a juvenile court it shall be the duty of the local authority in whose district he was residing or found to bring him before such a court under subsection (1) of the last foregoing section.

Refractory Children and Young Persons.

Power of parent or guardian to bring child or young person before juvenile court.

64. Where the parent or guardian of a child or young person proves to a juvenile court that he is unable to control the child or young person, the court, if satisfied—

- (a) that it is expedient so to deal with the child or young person; and
(b) that the parent or guardian understands the results which will follow from and consents to the making of the order,

may order the child or young person to be sent to an approved school, or may order him to be placed for a specified period, not exceeding three years, under the supervision of a probation officer or of some other person appointed for the purpose by the court :

Provided that an order that the child or young person be sent to an approved school shall not be made unless the local authority within whose area he is resident agree.

Power of poor law authority to bring child or young person before juvenile court.

65. Where a poor law authority satisfy a juvenile court that any child or young person maintained in or boarded out from a school or other institution belonging to the authority is refractory, and that it is expedient that he should be sent to an approved school, the court may order him to be sent to such a school.

Supplemental.

Supervision by probation officers

66.—(1) Where a court makes an order under any of the foregoing provisions of this Part of this Act placing a child or young person under the supervision of

a probation officer or of some other person, that officer or person shall, while the order remains in force, visit, advise and befriend him and, when necessary, endeavour to find him suitable employment and may, if it appears necessary in his interests so to do, at any time while the order remains in force and he is under the age of seventeen years, bring him before a juvenile court, and that court may, if it thinks that it is desirable in his interests so to do, order him to be sent to an approved school or commit him to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

PART III.
—cont.
or other
persons.

(2) Where the probation officer or other person named in an order as aforesaid placing a child or young person under supervision has died or is unable for any reason to carry out his duties, or where it is made to appear that it is for any reason desirable that another person should be appointed in the place of that officer or person, a juvenile court may appoint another probation officer or person to act in his place.

(3) For the purposes of the provisions of the Criminal Justice Act, 1925, relating to the salaries, remuneration and expenses of probation officers and of persons not being probation officers named in probation orders, an order as aforesaid placing a child or young person under supervision shall be deemed to be a probation order.

15 & 16
Geo. 5. c. 86.

67.—(1) A constable, or any person authorised by any court or by any justice of the peace, may take to a place of safety any child or young person in respect of whom any of the offences mentioned in the First Schedule to this Act has been or is believed to have been committed, or who is about to be brought before a juvenile court in accordance with any of the last five foregoing sections, and a child or young person so taken to a place of safety, and any child or young person who has taken refuge in a place of safety, may be detained there until he can be brought before a juvenile court.

Removal or
remand of
child or
young
person to
place of
safety.

(2) If a juvenile court before which any child or young person is brought is not in a position to decide whether any and, if so, what, order ought to be made under the last five foregoing sections, it may make such interim order as it thinks fit for his detention or continued detention in a place of safety, or for his committal to the care of a fit person, whether a relative or not, who is willing to undertake the care of him.

PART III.
—cont.

An interim order under this subsection shall not remain in force for more than twenty-eight days; but if at the expiration of that period the court deems it expedient to do so, it may make a further interim order.

Regard to
be had to
religious
persuasion
of person
sent to
approved
school.

68.—(1) A court before making an approved school order with respect to any child or young person shall endeavour to ascertain his religious persuasion.

(2) A court, or the Secretary of State, in determining the approved school to which a person is to be sent shall, where practicable, select a school for persons of the religious persuasion to which he belongs.

(3) Where an order has been made sending a person to an approved school which is not a school for persons of the religious persuasion to which he belongs, his parent, guardian or nearest adult relative may apply—

(a) if the order was made by a court of summary jurisdiction, to a juvenile court acting for the same petty sessional division or place; and

(b) in any other case, to the Secretary of State,

to remove or send the person to an approved school for persons of his religious persuasion, and the court or Secretary of State shall, on proof of his religious persuasion and notwithstanding any declaration with respect thereto embodied in the approved school order, if any, relating to him, comply with the request of the applicant :

Provided that nothing in this subsection shall empower a court, or impose an obligation upon the Secretary of State, to comply with any such request as aforesaid unless the applicant has—

(i) made his application before, or within thirty days after, the person's arrival at the school; and

(ii) named a school for persons of the religious persuasion in question and shown to the satisfaction of the court or Secretary of State that the managers thereof have accommodation available.

Coming into
force of
approved
school
orders.

69.—(1) An approved school order may be made to take effect immediately, or its operation may be postponed to a later date specified in the order or to be subsequently specified by endorsement thereon in accordance with the provisions of this Act :

Provided that the operation of the order shall not be postponed except pending the completion of arrangements for the reception of the child or young person into a suitable school, or on account of his ill-health.

PART III.
—cont.

(2) If an approved school order is not made to take effect immediately, or if at the time when such an order takes effect the child or young person cannot be sent to the school, the court which made the order or any other court which would have jurisdiction to make an endorsement thereon under the next following section may make an order committing him either to custody in any place to which he might be committed on remand, or to the custody of a fit person to whose care he might be committed under this Act, and, subject as hereinafter provided, that order shall have effect until he is sent to an approved school in pursuance of the approved school order :

Provided that an order made under this subsection shall not remain in force for more than twenty-eight days, but if at the expiration of that period any such court as aforesaid considers it expedient so to do, the court may make a further order under this subsection.

Any order made under this subsection may be made in the absence of the child or young person concerned.

70.—(1) Every approved school order shall contain a declaration—

- (a) as to the age; and
- (b) as to the religious persuasion;

of the child or young person with respect to whom it is made.

(2) Every approved school order, other than an order made on the application of a poor law authority in their capacity as such or made by reason of the commission of an offence under section ten of this Act (which relates to the punishment of vagrants preventing children from receiving education), shall name the local authority within whose district the child or young person was resident, or if that is not known, the local authority or one of the local authorities within whose district the offence was committed or the circumstances arose (as the case may be) rendering him liable to be sent to an approved school :

Contents of
approved
school
orders.

PART III.
—cont.

Provided that—

- (a) in determining for the purposes of this subsection the place of residence of a child or young person, any period during which he resided in any place as an inmate of a school or other institution, or while boarded out under this Act by a local authority to whose care he has been committed, or in accordance with the conditions of a recognisance, shall be disregarded; and
- (b) in the case of a child or young person not resident in England, the order shall, instead of naming a local authority, state that he was resident outside England.
- (3) Every approved school order which is made to take effect immediately shall—
- (a) specify the approved school to which the child or young person with respect to whom the order is made is first to be sent, being that one of the available schools (whether situate within the jurisdiction of the court making the order or not) which the court, after considering any representations made to it by the local authority concerned, considers to be most suitable to the case; and
- (b) state whether the local or poor law authority, if any, named therein or the probation officer or the police authority is to be responsible for conveying to his school the child or young person with respect to whom the order is made.
- (4) Where an approved school order is not made to take effect immediately, then if either the date to which its operation is postponed or the school to which the child or young person is to be sent or the authority or person who is to be responsible for conveying him, is not specified in the order, the date, school, authority, or person, shall be subsequently specified by endorsement thereon.
- (5) If for any reason a child or young person with respect to whom an approved school order has been made cannot be received into the approved school specified in or endorsed upon the order, another school may be

specified by an endorsement or further endorsement thereon, as the case may be. PART III.
—cont.

(6) An endorsement under the foregoing provisions of this section may be made either—

- (a) by the court which made the approved school order; or
- (b) if the order was made by a court of summary jurisdiction, by a juvenile court acting for the same petty sessional division or place; or
- (c) if the order was made by a court not being a court of summary jurisdiction, by a juvenile court acting for the petty sessional division or place where the child or young person was committed for trial, or if he was not committed for trial, by a juvenile court acting for the petty sessional division or place within which he was resident;

and any such endorsement may be made in the absence of the child or young person concerned.

(7) An approved school order made on the application of a poor law authority in their capacity as such shall state that it is so made upon the application of that authority, and an approved school order made by reason of the commission of an offence under section ten of this Act (which relates to the punishment of vagrants preventing children from receiving education) shall state that it is so made.

71.—(1) Where a court orders a child to be sent to an approved school, the order shall be an authority for his detention in an approved school until the expiration of a period of three years from the date of the order and, if at the expiration of that period he is under the age of fifteen years, for his further detention until he attains that age. Duration of
approved
school
orders.

(2) Where a court orders a young person to be sent to an approved school, the order shall be an authority for his detention in an approved school—

- (a) if at the date of the order he has not attained the age of sixteen years, until the expiration of a period of three years from the date of the order; and

PART III.
—cont.

(b) if at the date of the order he has attained the age of sixteen years, until he attains the age of nineteen years.

Conveyance
of children
or young
persons to
approved
school.

72.—(1) The court which makes, or makes any endorsement upon, an approved school order shall cause it to be delivered to the authority or person responsible for conveying the child or young person to his school, and the person who conveys him to the school shall deliver the order to the headmaster or person for the time being in charge of the school.

(2) The court by which an approved school order is made shall cause a record in the prescribed form, embodying all such information in the possession of the court with respect to the child or young person as is in the opinion of the court material to be known by the managers of the school, to be prepared and transmitted to the headmaster or person for the time being in charge of the school.

(3) The local or poor law authority, probation officer or police authority, stated by any approved school order to be responsible for conveying a child or young person to his school, shall be responsible for conveying him there at the expense of the local or poor law authority, the probation committee, or police authority, as the case may be.

(4) Where a child or young person has been ordered to be sent to an approved school, any person who harbours or conceals him after the time has come for him to go to his school shall on summary conviction be liable to be imprisoned for any term not exceeding two months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(5) Where a person authorised to take a child or young person to an approved school is, when the time has come for him to go to his school, unable to find him or unable to obtain possession of him, a court of summary jurisdiction may, if satisfied by information on oath that some person named in the information can produce the child or young person, issue a summons requiring the person so named to attend at the court on such day as may be specified in the summons and produce the child or young person and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which

he may be subject under the provisions of this Act, be liable on summary conviction to a fine not exceeding five pounds.

PART III.
—cont.

Extension
of period of
detention in
approved
schools.

73. If the managers of an approved school are satisfied that a person whose period of detention therein is, under the foregoing provisions of this Act, about to expire needs further care or training and cannot without it be placed in suitable employment they may, if the Secretary of State consents, detain him for a further period not exceeding six months, so, however, that he is not detained beyond the date on which he will attain the age of nineteen years :

Provided that the powers conferred by this section shall not extend to a person who, having been a person undergoing detention in a Borstal Institution or sentenced to detention under subsection (2) of section fifty-three of this Act, is detained in an approved school by order of the Secretary of State.

74.—(1) A person sent to an approved school shall after the expiration of the period of his detention be under the supervision of the managers of his school—

Supervision
and recall
after ex-
piration of
order.

(a) if at the expiration of that period he has not attained the age of fifteen years, until he attains the age of eighteen years ;

(b) if he has at the expiration of that period attained the age of fifteen years, for a period of three years or until he attains the age of twenty-one years, whichever may be the shorter period.

(2) The managers may, and, if the Secretary of State so directs, shall, by notice in writing recall to the school any person under their supervision who is at the date of the recall under the age of nineteen years :

Provided that a person shall not be so recalled, unless in the opinion of the managers, or, as the case may be, of the Secretary of State, it is necessary in his interests to recall him.

(3) A person who has been so recalled shall be released as soon as the managers think that he can properly be released, and in no case shall he be detained—

(a) after the expiration of a period of three months, or of such longer period not exceeding six

PART III.
—cont.

months as the Secretary of State may, after considering the circumstances of his case, direct;
or

(b) after attaining the age of nineteen years.

(4) The managers shall forthwith notify the Secretary of State of the recall of any person and shall state the reasons for his recall, and when the managers release any person so recalled they shall forthwith notify the Secretary of State that they have done so.

(5) For the purposes of this Act a person who is out under supervision from an approved school shall be deemed to be under the care of the managers of the school.

Provisions
as to
making,
duration,
and effect,
of orders
of com-
mittal to fit
persons.

75.—(1) Before making an order under this Act committing a child or young person to the care of a fit person, the court shall endeavour to ascertain the religious persuasion of the child or young person, and in selecting the person to whose care the child or young person is to be committed the court shall if possible select a person who is of the same religious persuasion as the child or young person or who gives an undertaking that he will be brought up in accordance with that religious persuasion.

(2) Every order committing a child or young person to the care of a fit person shall contain a declaration—

(a) as to the age; and

(b) as to the religious persuasion;

of the child or young person with respect to whom it is made.

(3) Every order committing a child or young person to the care of a fit person shall, subject to the provisions of this Act, remain in force until he attains the age of eighteen years.

(4) The person to whose care a child or young person is committed by any such order as aforesaid shall, while the order is in force, have the same rights and powers and be subject to the same liabilities in respect of his maintenance as if he were his parent, and the person so committed shall continue in his care notwithstanding any claim by a parent or any other person.

76.—(1) The local authority shall for the purposes of the provisions of this Act relating to the making of orders committing children and young persons to the care of fit persons be deemed to be a fit person and accordingly orders may be made committing children and young persons to their care and they may undertake the care of children and young persons so committed.

PART III.
—cont.
Committal to local and other authorities as "fit persons."

(2) An order may be made under this Act committing to the care of the Minister of Pensions, or of a person appointed by him, any child or young person for the care of whom it is the duty of the Minister under section nine of the War Pensions (Administrative Provisions) Act, 1918, to make provision, and accordingly in subsection (4) of that section the reference to an order made under section twenty-one or subsection (7) of section fifty-eight of the Children Act, 1908, shall be construed as including a reference to an order made under this Act.

8 & 9 Geo. 5.
c. 57.

8 Edw. 7.
c. 67.

PART IV.

REMAND HOMES, APPROVED SCHOOLS, AND PERSONS TO WHOSE CARE CHILDREN AND YOUNG PERSONS MAY BE COMMITTED.

Remand Homes.

77.—(1) It shall be the duty of the council of every county and county borough to provide for their area remand homes, which may be situate either within or without the area, and for that purpose they may arrange with the occupiers of any premises for the use thereof, or may themselves establish, or join with the council of another county or county borough in establishing, such homes.

Provision of remand homes by councils of counties and county boroughs.

(2) The authority or persons responsible for the management of any institution other than a prison may, subject in the case of an institution supported wholly or partly out of public funds to the consent of the Government department concerned, arrange with the council of a county or county borough for the use of the institution, or any part thereof, as a remand home upon such terms as may be agreed.

(3) A child or young person who may lawfully be remanded in custody to any place situated within a

PART IV.
—cont.

county or county borough may be so remanded to any remand home, wherever situate, which is provided under this section for that county or county borough.

(4) Nothing in this section shall be construed as requiring a council to provide additional remand homes for their area so long as any places of detention provided under the Children Act, 1908, and available for use by the council as remand homes remain suitable for that purpose and sufficient for the needs of the area.

Provisions
as to
custody of
children
and young
persons in
remand
homes.

78.—(1) The order or judgment in pursuance of which a child or young person is committed to custody in a remand home shall be delivered with the child or young person to the person in charge of the home and shall be a sufficient authority for his detention in the home in accordance with the tenour thereof.

(2) A child or young person while so detained and while being conveyed to and from the remand home shall be deemed to be in legal custody.

(3) The Secretary of State shall cause remand homes to be inspected, and may make rules as to the places to be used as remand homes, and as to their inspection, and as to the classification, treatment, employment and control of children and young persons detained in custody in a remand home, and for the children and young persons while so detained being visited from time to time by persons appointed in accordance with those rules.

(4) A child or young person who escapes from a remand home may be apprehended without warrant, and brought back thereto, and any person who knowingly assists or induces a child or young person so to escape or knowingly harbours or conceals a child or young person who has so escaped, or prevents him from returning, shall on summary conviction be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding two months or to both such fine and imprisonment.

Approved Schools.

Approval
of schools.

79.—(1) The managers of any school intended for the education and training of persons to be sent there in pursuance of this Act may apply to the Secretary of State to approve the school for that purpose, and the

Secretary of State may, after making such inquiries as he thinks fit, approve the school for that purpose and issue a certificate of approval to the managers.

PART IV.
—cont.

(2) If at any time the Secretary of State is dissatisfied with the condition or management of an approved school, or considers its continuance as an approved school unnecessary, he may by notice served on the managers withdraw the certificate of approval of the school as from a date specified in the notice, not being less than six months after the date of the notice, and upon the date so specified (unless the notice is previously withdrawn) the withdrawal of the certificate shall take effect and the school shall cease to be an approved school :

Provided that the Secretary of State, instead of withdrawing the certificate of approval, may by a notice served on the managers of the school prohibit the admission of persons to the school for such time as may be specified in the notice, or until the notice is revoked.

(3) The managers of an approved school may, on giving six months' notice in writing to the Secretary of State of their intention so to do, surrender the certificate of approval of the school, and at the expiration of six months from the date of the notice (unless the notice is previously withdrawn), the surrender of the certificate shall take effect, and the school shall cease to be an approved school.

(4) No person shall in pursuance of this Act be received into the care of the managers of an approved school after the date of the receipt by the managers of the school of a notice of withdrawal of the certificate of approval of the school or after the date of a notice of intention to surrender the certificate; but the obligations of the managers with respect to persons under their care at the respective dates aforesaid shall continue until the withdrawal or surrender takes effect.

(5) The Secretary of State shall cause any grant of a certificate of approval of an approved school, and any notice of the withdrawal of, or intention to surrender, such a certificate, to be advertised within one month from the date thereof in the London Gazette.

80.—(1) A local authority may, with the approval of the Secretary of State, undertake, or combine with any other local authority in undertaking, or contribute

Provision
of approved
schools by

PART IV.
—cont.
local authorities.

such sums of money upon such conditions as they may think fit towards, the purchase, establishment, building, alteration, enlargement, rebuilding or management of an approved school :

Provided that, before giving his approval, the Secretary of State shall satisfy himself that the proposed expenditure is reasonable and, where it is proposed to purchase, build or establish a new school, that there is a deficiency of approved school accommodation which cannot properly be remedied in any other way.

(2) In the event of a deficiency of approved school accommodation, it shall be the duty of every local authority concerned to take, either alone or in combination with other local authorities, appropriate steps under this section to remedy the deficiency.

Classification,
administration,
and management.

81.—(1) The Secretary of State may classify approved schools according to the age of the persons for whom they are intended, the religious persuasion of such persons, the character of the education and training given therein, their geographical position, and otherwise as he thinks best calculated to secure that a person sent to an approved school is sent to a school appropriate to his case, or as may be necessary for the purposes of this Act.

(2) The managers of an approved school shall be bound to accept any person who in pursuance of this Act is sent or transferred to their school or otherwise to their care, unless—

- (a) the school is a school for persons of a particular religious persuasion not being that of the person whom it is proposed to send or transfer; or
- (b) the school is a school provided by a local authority which is not, or by a combination of local authorities no one of which is, liable to make contributions in respect of the person whom it is proposed to send or transfer; or
- (c) the managers of the school satisfy the Secretary of State that there are already as many persons detained in that school, or, as the case may be, otherwise under their care, as is desirable.

(3) The provisions set out in the Fourth Schedule to this Act shall have effect in relation to the administration of approved schools and the treatment of persons sent thereto.

82.—(1) Any person who has been ordered to be sent to an approved school and who—

PART IV.
—cont.

- (a) escapes from the school in which he is detained, or from any hospital, home or institution in which he is receiving medical attention; or
- (b) being absent from his school on temporary leave of absence or on licence, runs away from the person in whose charge he is, or fails to return to the school upon the expiration of his leave; or upon the revocation of his licence; or
- (c) being absent from his school under supervision, fails to return to the school upon being recalled,

Escapes
from
approved
schools,
&c.

may be apprehended without warrant, and may (any other Act to the contrary notwithstanding) be brought before a court of summary jurisdiction having jurisdiction where he is found, or where his school is situate; and that court may (notwithstanding any limitations contained in this Act upon the period during which he may be detained in an approved school) order him—

- (i) if he is under the age of sixteen years, to be brought back and to have the period of his detention in the school increased by such period not exceeding six months as the court may direct; or
- (ii) if he has attained the age of sixteen years, to be brought back and to have the period of his detention so increased, or to be sent to a Borstal institution for two years.

(2) Where a person is under the last foregoing subsection brought back to his school, the period of his detention shall (notwithstanding any limitations contained in this Act upon the period during which he may be detained in an approved school) be increased, over and above any increase ordered by a court, by a period equal to the period during which he was unlawfully at large.

(3) The expenses of bringing a person back to a school shall be borne by the managers of the school.

(4) If any person knowingly—

- (a) assists or induces a person to commit any such offence as is mentioned in subsection (1) of this section; or

PART IV.
—cont.

(b) harbours or conceals a person who has committed such an offence, or prevents him from returning,

he shall, on summary conviction, be liable to be imprisoned for any term not exceeding two months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(5) If a court of summary jurisdiction is satisfied by information on oath that such an offence as aforesaid has been committed and that there is reasonable ground for believing that some person named in the information could produce the offender, the court may issue a summons requiring that person to attend at the court on such day as may be specified in the summons, and to produce the offender, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of this Act, be liable on summary conviction to a fine not exceeding five pounds.

Power to send children and young persons from Scotland, Northern Ireland, Isle of Man and Channel Islands to approved schools in England.

83.—(1) Any person detained in a school under the law in force in Scotland or Northern Ireland may, with the consent of the Secretary of State, be transferred by order of the competent authority in Scotland or Northern Ireland to an approved school in England designated for the purpose by the Secretary of State, and after delivery to the managers of that school may be dealt with and shall be subject to the provisions of this Act as if the order sending him to the school in Scotland or Northern Ireland were an approved school order made upon the same date by a juvenile court.

(2) The Secretary of State may at any time by order direct that a person who under the last preceding subsection has been transferred to an approved school in England from a school in Scotland or Northern Ireland, shall be retransferred to the last-mentioned school, or to such other school as may be specified by the competent authority in Scotland or Northern Ireland, and thereupon the managers of that school shall receive him accordingly.

(3) If under any law of the Isle of Man or of any of the Channel Islands a court is empowered to order children or young persons under seventeen years of age

to be sent to approved schools in England and if by that law provision satisfactory to the Secretary of State is made—

PART IV.
—cont.

- (a) for the expenses of the conveyance of the children or young persons, and of their reconveyance when discharged, or released on licence;
- (b) for contributions towards the expenses of the managers of the school; and
- (c) for the contribution (if any) to be made by the parent or person legally liable to maintain a child or young person so sent, and the mode in which such contribution is to be raised,

a child or young person with respect to whom such an order is made by a court under the said law may be received into such approved school as the Secretary of State may direct, and after delivery to the managers of that school may be dealt with, and shall be subject to the provisions of this Act, as if the order sending him to the school were an approved school order made upon the same date by a juvenile court.

(4) A person so ordered by the competent authority in Scotland or Northern Ireland or by a court in the Isle of Man or the Channel Islands to be retransferred or sent to an approved school in England, or so ordered by the Secretary of State to be retransferred to a school in Scotland or Northern Ireland, may be conveyed in the custody of any constable or other person acting under a warrant issued by the competent authority in Scotland or Northern Ireland, or by a court in the Isle of Man or the Channel Islands, or by the Secretary of State, as the case may be, to the school to which he is ordered to be transferred, sent or retransferred, and he shall during his conveyance to that school be deemed to be in legal custody.

(5) In this section the expression "competent authority" means, in relation to Scotland, the Scottish Education Department, and, in relation to Northern Ireland, the Minister of Home Affairs for Northern Ireland, or such authority or person as may be designated by the Parliament of Northern Ireland to exercise the powers conferred by this section on the competent authority in Northern Ireland.

PART IV.

—cont.

General provisions as to children and young persons committed to the care of fit persons.

. Fit Persons.

84.—(1) The provisions of this section shall apply in relation to orders under this Act committing a child or young person to the care of a fit person, and in this section the expressions “child” and “young person” mean a person with respect to whom such an order is in force, irrespective of whether at the date of the making of the order, or at any subsequent date while the order is in force, he was, or is, a child or young person.

(2) The Secretary of State may, if he thinks fit, make rules as to the manner in which children and young persons so committed are to be dealt with and as to the duties of the persons to whose care they are committed and may cause any children or young persons committed to the care of a local authority to be visited from time to time.

(3) A local authority may board out children and young persons committed to their care for such periods and on such terms as to payment and otherwise as they think fit :

Provided that—

(a) the power of a local authority under this subsection shall be exercised in accordance with any rules made under the last foregoing subsection as to the persons with whom and the conditions under which children and young persons committed to the care of local authorities may be so boarded out ;

(b) in selecting the person with whom any child or young person is to be boarded out, the local authority shall, if possible, select a person who is of the same religious persuasion as the child or young person, or who gives an undertaking that he will be brought up in accordance with that religious persuasion.

(4) The Secretary of State may at any time in his discretion discharge a child or young person from the care of the person to whose care he has been committed, and any such discharge may be granted either absolutely or subject to conditions.

(5) The Secretary of State in any case where it appears to him to be for the benefit of a child or young

person may empower the person to whose care he has been committed to arrange for his emigration, but except with the authority of the Secretary of State no person to whose care a child or young person has been committed shall arrange for his emigration :

PART IV.
—cont.

Provided that the Secretary of State shall not empower such a person to arrange for the emigration of a child or young person, unless he is satisfied that the child or young person consents and also that his parents have been consulted or that it is not practicable to consult them.

(6) An order committing a child or young person to the care of a fit person may, on the application of any person, be varied or revoked—

- (a) if the order was made by a court of summary jurisdiction, by a juvenile court acting for the same petty sessional division or place ;
- (b) in any case, by a juvenile court acting for the petty sessional division or place within which the child or young person is residing.

(7) If on an application made by the parent or guardian or any near relative of a child or young person committed by any such order as aforesaid any court having power to vary or revoke the order is satisfied that he is not being brought up in accordance with his religious persuasion, the court shall, unless a satisfactory undertaking is offered by the person to whose care he has been committed, either revoke the order or vary it in such manner as the court thinks best calculated to secure that he is thenceforth brought up in accordance with that persuasion.

(8) Where the local authority are of opinion that any child or young person who has been committed to their care and who is under seventeen years of age should be sent to an approved school, they may apply to a juvenile court, and that court may, if it thinks that it is desirable in his interests to do so, order him to be sent to such a school.

85.—(1) A child or young person who runs away from a person to whose care he has been committed under this Act may be apprehended without warrant and

Escapes
from care of
fit persons.

PART IV. brought back to that person, if he is willing to receive
—cont. him, and if he is not willing to receive him, may be
brought—

(a) if the order committing him to the care of that person was made by a petty sessional court, before a juvenile court acting for the same petty sessional division or place as that court; or

(b) in any other case, before a juvenile court having jurisdiction in the place where he was residing immediately before he ran away,

and that court may make any order with respect to him which the court might have made if he had been brought before it as being a child or young person who, having no parent or guardian, was beyond control.

(2) A child or young person who runs away from any person with whom he has been boarded out by a local authority under this Act may be apprehended without warrant and brought back to that person, or to such other person as the local authority direct.

(3) Any person who knowingly—

(a) assists or induces a child or young person to run away from a person to whose care he has been committed or with whom he has been boarded out by a local authority, under this Act; or

(b) harbours or conceals a child or young person who has so run away, or prevents him from returning,

shall on summary conviction be liable to a fine not exceeding twenty pounds or to imprisonment for a term not exceeding two months, or to both such fine and imprisonment.

Provisions as to Contributions towards Expenses.

Contributions to be made by parents, &c., of children and young persons committed to the care

86.—(1) Where an order has been made by a court committing a child or young person to the care of a fit person, or sending him to an approved school, it shall be the duty of the following persons to make contributions in respect of him, that is to say:—

(a) his father or stepfather;

(b) his mother or stepmother;

- (c) any person who, at the date when any such order as aforesaid is made, is cohabiting with the mother of the child or young person, whether he is his putative father or not.

PART IV.
—cont.
of fit persons, or to approved schools.

(2) Where the child or young person has been committed to the care of a fit person not being a local authority, contributions under this section shall be payable to that person to be applied by him in or towards the maintenance, or otherwise for the benefit, of the child or young person.

(3) Where the child or young person has been committed to the care of a local authority, or ordered to be sent to an approved school, the contributions shall be payable to the council of the county or county borough within which the person liable to make the contributions is for the time being residing, and shall be paid over by the council to the Secretary of State at such times and in such manner, but subject to such deductions in respect of the services rendered by the council, as may be prescribed.

(4) Any sums received by the Secretary of State under the last foregoing subsection shall be applied in such manner as the Treasury may direct as appropriations in aid of moneys provided by Parliament for the purposes of this Act.

87.—(1) Where an order has been made by a court committing a child or young person to the care of a fit person or sending him to an approved school, the court which makes it may at the same time, and any court of summary jurisdiction having jurisdiction in the place where the person to be charged is for the time being residing may subsequently at any time, make an order (hereafter in this Act referred to as a "contribution order") on any person who is under the last foregoing section liable to make contributions in respect of the child or young person, requiring him to contribute such weekly sum as the court having regard to his means thinks fit :

Enforcement of duty of parent, &c., to make contributions.

Provided that the total amount to be contributed for any week in respect of any one child or young person under contribution orders shall not (together with any sum payable in respect of that child or young person under an affiliation order with respect to which an order under the

PART IV.
—cont.

next following section is in force) exceed such sum as may be prescribed, and for this purpose different sums may be prescribed in relation to different circumstances and, in the case of children sent to approved schools, in relation to different schools or classes of school.

(2) A contribution order may, if the child or young person is committed to the care of a fit person not being a local authority, be made on the application of that person and may, if the child or young person is committed to the care of a local authority, or ordered to be sent to an approved school, be made on the application—

- (a) in the case of an order applied for at the time when the child or young person is so dealt with, of the local authority to whose care he has been committed, or who are named in the approved school order, as the case may be;
- (b) in the case of an order applied for subsequently, of the council of the county or county borough entitled to receive contributions.

(3) A contribution order shall remain in force, in the case of a child or young person committed to the care of a fit person, so long as the order for his committal is in force, and in the case of a child or young person ordered to be sent to an approved school, until he ceases to be under the care of the managers of such a school :

Provided that no contributions shall be payable under a contribution order in respect of any period during which a person ordered to be sent to an approved school is out on licence or under supervision from such a school.

(4) Subject to the provisions of this subsection—

- (a) a contribution order shall be enforceable as an affiliation order and the enactments relating to the enforcement of affiliation orders shall apply accordingly, subject to any necessary modifications; and
- (b) section thirty of the Criminal Justice Administration Act, 1914 (which contains provisions as to orders for the periodical payment of money made by courts of summary jurisdiction) shall apply to every contribution order whether the court which made it was, or was not, a court of summary jurisdiction;

but any powers conferred by any of the enactments aforesaid on any justices or courts of summary jurisdiction shall be exercisable, and exercisable only, by justices and courts of summary jurisdiction having jurisdiction in the place where the person liable is for the time being residing.

PART IV.
—cont.

(5) A person on whom a contribution order is made shall, if he changes his address, forthwith give notice thereof to the person who was, immediately before the change, entitled to receive the contributions and, if he fails so to do, he shall be liable on summary conviction to a fine not exceeding two pounds.

88.—(1) Where a child or young person who is ordered by a court to be committed to the care of a fit person, or to be sent to an approved school, is illegitimate, and an affiliation order for his maintenance is in force, that court may at the same time, and any court of summary jurisdiction having jurisdiction in the place where the putative father is for the time being residing may subsequently at any time, order the payments under the affiliation order to be paid to the person who is from time to time entitled under section eighty-six of this Act to receive contributions in respect of the child or young person.

Provision
as to affilia-
tion orders.

Applications for orders under this subsection may be made by the persons by whom, and in the circumstances in which, applications for contribution orders may be made.

(2) Where an order made under this section with respect to an affiliation order is in force—

- (a) any powers conferred on any justices or courts of summary jurisdiction by the enactments relating to the enforcement of affiliation orders or by section thirty of the Criminal Justice Administration Act, 1914, shall as respects the affiliation order in question be exercisable, and exercisable only, by justices and courts of summary jurisdiction having jurisdiction in the place where the person liable is for the time being residing;
- (b) any sums received under the affiliation order shall be applied in like manner as if they were contributions received under a contribution order;

PART IV.
—*cont.*

- (c) if the putative father changes his address, he shall forthwith give notice thereof to the person who was immediately before the change entitled to receive payments under the order and, if he fails so to do, he shall be liable on summary conviction to a fine not exceeding two pounds;
- 4 & 5 Geo. 5.
c. 6. (d) section one of the Affiliation Orders Act, 1914 (which relates to the duties of collecting officers), shall not apply in relation to the affiliation order, but nothing in this paragraph shall affect any powers of any court under section thirty of the Criminal Justice Administration Act, 1914, to order payments to be made through an officer of the court or any other specified person or officer.

(3) The making of an order under this section with respect to an affiliation order shall not, where the putative father was, at the date of the order committing the child or young person to the care of a fit person or ordering him to be sent to an approved school, cohabiting with the mother of the child or young person, be taken to relieve him from his obligation under the last two foregoing sections to make contributions in respect of the child or young person, except to the extent of any sums actually paid under the affiliation order to the person entitled to receive contributions.

(4) The making of an order under this section with respect to an affiliation order shall not extend the duration of that order, and that order shall not in any case remain in force (except for the purpose of the recovery of arrears)—

- (a) in the case of a child or young person committed to the care of a fit person, after the order for his committal has ceased to be in force;
- (b) in the case of a child or young person ordered to be sent to an approved school, after he has been released from his school, either absolutely, or on licence or under supervision :

Provided that, where an affiliation order would, but for the provisions of this subsection have continued in force, the mother, or any person entitled to make an application for an order under section three of the Affiliation Orders Act, 1914, may apply to a court of

summary jurisdiction having jurisdiction in the place where she or he is for the time being residing, for an order that the affiliation order may be revived, and that payments thereunder may until the expiration thereof be made to the applicant at such rate (not exceeding the maximum rate allowed by the law in the case of affiliation orders) as may be proper, and the court may make such an order accordingly, and where such an order is so made, any power to vary, revoke or again revive the affiliation order or any part thereof, being a power which would but for the provisions of this subsection be vested in the court which originally made the affiliation order, shall be exercisable, and exercisable only, by the court which made the order under this subsection.

PART IV.
—cont.

89.—(1) The Secretary of State may in his discretion remit the whole or any part of any payment ordered under either of the two last foregoing sections to be made to a person entitled to receive contributions thereunder.

Miscellaneous provisions as to contribution orders.

(2) Where, by virtue of an order made under either of the two last foregoing sections, any sum is payable to the council of a county or county borough, the council of the county or county borough in which the person liable under the order is for the time being residing shall be entitled to receive and give a discharge for, and, if necessary, enforce payment of, any arrears accrued due under the order, notwithstanding that those arrears may have accrued at a time when he was not resident in that county or county borough.

(3) In any proceedings under either of the two last foregoing sections a certificate purporting to be signed by the clerk to a council for the time being entitled to receive contributions, or by some other officer of the council duly authorised in that behalf, and stating that any sum due to the council under an order is overdue and unpaid shall be evidence of the facts stated therein.

(4) Nothing in this or in the three last foregoing sections shall apply in relation to an approved school order made on the application of a poor law authority in their capacity as such, but the sending of a child or young person to an approved school under such an order shall not affect any maintenance order made under section nineteen of the Poor Law Act, 1930, or any

20 & 21
Geo. 5. c. 16.

PART IV.
—cont.

power of the poor law authority to obtain such an order, and for the purposes of the enactments relating to affiliation orders, he shall, while under the care of the managers of an approved school, be deemed to be still in receipt of relief.

Contributions by local authorities in respect of persons sent to approved schools.

90.—(1) Subject to the provisions of this section, the local authority named in an approved school order as being the authority within whose district the person to whom the order relates was resident, or within whose district the offence was committed, or the circumstances arose rendering him liable to be sent to an approved school, shall make in respect of him, throughout the time during which he is under the care of the managers of an approved school, such contributions to the expenses of the managers of his school as may be prescribed and for this purpose different contributions may be prescribed in relation to different circumstances and in relation to different schools or classes of school.

(2) A court by which an approved school order is made shall cause a copy thereof to be served forthwith on the local authority named in the order, and if that authority desire to contend that the person to whom the order relates was resident in the district of some other local authority or was resident outside England they may, by notice in writing given at any time within three months after the service upon them of the order, appeal—

- (a) if the order was made by a petty sessional court, to a court of summary jurisdiction acting for the same petty sessional division or place; and
- (b) if the order was made by a court which was not a petty sessional court, to a court of summary jurisdiction having jurisdiction in the place where that court sat, or in the place from which the person to whom the order relates was committed for trial,

and if, upon the hearing of the appeal, the court is satisfied that the person to whom the order relates was resident in the district of that other local authority, or was resident outside England, the court may by order vary the approved school order by substituting therein the name of that other authority or, as the case may

be, a statement that the said person was resident outside England.

PART IV.
—cont.

Notice of any appeal under this subsection shall be given to the other local authority concerned, if any, and to the clerk of the court, and the clerk of the court shall give to the parties to the appeal fourteen days' notice of the date fixed by the court for the hearing thereof.

(3) Any person aggrieved by an order made under the last foregoing subsection, or by a refusal to make such an order, may appeal to quarter sessions, and, in relation to an appeal from such a refusal, the refusal shall be deemed to be an order.

(4) An order made under this section by a court of summary jurisdiction or by a court of quarter sessions shall have effect retrospectively as from the making of the approved school order, and all necessary payments by way of adjustment shall be made accordingly.

(5) The foregoing provisions of this section shall not apply in relation to an approved school order which—

- (a) is made on the application of a poor law authority in their capacity as such; or
- (b) is made by reason of the commission of an offence under section ten of this Act (which relates to the punishment of vagrants preventing children from receiving education); or
- (c) relates to a child or young person stated in the order to have been resident outside England,

but in the first mentioned case the poor law authority on whose application the order is made shall, throughout the periods during which the child or young person belongs to either of the following classes of persons, that is to say—

- (i) persons under the care of the managers of an approved school, not being persons out on licence or under supervision;
- (ii) persons out on licence or under supervision from an approved school,

make such contributions in respect of him to the expenses of the managers of his school as the Secretary of State may determine to be reasonable, regard being had to the average expenses of the managers (including

PART IV. establishment and administrative expenses) fairly attributable to persons belonging to the class in question.
—*cont.*

(6) In determining for the purposes of this section the place of residence of a child or young person, any period during which he resided in any place as an inmate of a school or other institution, or while boarded out under this Act by a local authority to whose care he has been committed, or in accordance with the conditions of a recognisance, shall be disregarded.

Variation of trusts for maintenance of child or young person.

91.—(1) Where a child or young person is by an order of any court made under this Act removed from the care of any person, and that person is entitled under any trust to receive any sum of money in respect of the maintenance of the child or young person, the court may order the whole or any part of the sums so payable under the trust to be paid to any person to whose care the child or young person is committed, to be applied by that person for the benefit of the child or young person in such manner as, having regard to the terms of the trust, the court may direct.

(2) An appeal shall lie from an order of a court of summary jurisdiction under this section to quarter sessions.

PART V.

HOMES SUPPORTED BY VOLUNTARY CONTRIBUTIONS.

Definition of voluntary homes.

92. In this Part of this Act the expression “voluntary home” means any home or other institution for the boarding, care, and maintenance of poor children or young persons, being a home or other institution supported wholly or partly by voluntary contributions, but does not include any institution, house, or home certified or approved by the Board of Control under the Mental Deficiency Acts, 1913 to 1927, unless children or young persons who are not mental defectives within the meaning of those Acts are received therein.

Notification of particulars with respect to voluntary homes.

93.—(1) It shall be the duty of the person in charge of any voluntary home to send the prescribed particulars with respect to the home to the Secretary of State within three months after the commencement of this Act, or in the case of a home established after the commencement of this Act within three months from the establishment

of the home and to send such particulars in every subsequent year before such date as may be prescribed.

PART V.
—cont.

(2) If default is made in sending the prescribed particulars with respect to any voluntary home in accordance with the requirements of this section, the person in charge of the home shall, on summary conviction, be liable to a fine not exceeding five pounds and to a further fine not exceeding twenty shillings in respect of each day during which the default continues after conviction.

94.—(1) The Secretary of State may cause any voluntary home to be inspected from time to time, unless the home is one which is, as a whole, otherwise subject to inspection by, or under the authority of, a Government department.

Inspection
of volun-
tary homes.

(2) The Secretary of State may, with the consent of the council of any county, county borough, or county district, appoint officers of that council to conduct inspections under this section on his behalf.

(3) Any person appointed by the Secretary of State to inspect any voluntary home shall have power to enter the home and to make such examinations into the state and management thereof and the condition and treatment of the children and young persons therein as he thinks requisite, and any person who obstructs him in the execution of his duties shall be liable on summary conviction to a fine not exceeding five pounds, and a refusal to allow a person so appointed to enter the home shall, for the purposes of section forty of this Act (which relates to search warrants) be deemed to be a reasonable cause to suspect that a child or young person in the home is being neglected in a manner likely to cause him unnecessary suffering or injury to health.

95.—(1) If the Secretary of State is satisfied that the management of any voluntary home, or the accommodation provided for, or the treatment of, the children and young persons therein, is such as to endanger their welfare, he may serve upon the persons responsible for the management of the home such general or special directions with respect to the matters aforesaid, or any of them, as he thinks expedient for the welfare of the children and young persons in the home.

Control over
voluntary
homes.

PART V.
—cont.

A direction under this subsection—

(a) may be served on the persons responsible for the management of a home by being delivered personally to any one of them, or by being sent, by post or otherwise, in a letter addressed to them or any of them at the home;

(b) may be varied by a subsequent direction, or withdrawn by the Secretary of State.

(2) Where any such direction is not complied with, a court of summary jurisdiction having jurisdiction in the place where the home is situate may, on the complaint of any person appointed for the purpose by the Secretary of State, cause a summons to be served upon the person in charge of the home and upon such other persons as the court may direct, and upon the hearing of the summons may, if the court thinks fit, make an order for the removal of all children and young persons from the home :

Provided that—

(a) such an order shall not be made unless the court is satisfied that the welfare of some of the children or young persons is endangered;

(b) the court may, if it thinks fit, order that the direction shall be deemed to be modified to such extent as may be specified in the order and the direction shall have effect accordingly.

(3) An order for the removal of all children and young persons from a voluntary home shall operate as an authority to any person named in the order, and to any constable, to enter the home and to remove the children and young persons therein to a place of safety; and where any persons are so removed, it shall be the duty of the local authority to maintain them in a place of safety until they can be restored to their relatives, or until other arrangements have been made with respect to them.

(4) Where an order has been made for the removal of all children and young persons from a voluntary home, the home shall not be used for the reception of children or young persons without the consent of the Secretary of State, and any person who knowingly

permits it to be so used shall, on summary conviction, be liable to a fine not exceeding five pounds and to a further fine not exceeding twenty shillings in respect of each day during which the user continues after conviction.

PART V.
—cont.

PART VI.

SUPPLEMENTAL.

Local Authorities.

96.—(1) Subject to the modifications hereinafter contained as to the City of London, where any powers or duties are by this Act conferred or imposed on local authorities (by that description), those powers and duties shall, as respects children, be powers and duties of local education authorities for elementary education and, as respects other persons, be powers and duties of councils of counties and county boroughs:

Provisions
as to local
authorities.

Provided that—

- (a) the attainment of the age of fourteen years by a person who has previously been ordered to be sent to an approved school, or to be committed to the care of a fit person, shall not divest or relieve any local education authority for elementary education of any powers or duties in respect of him, or confer or impose any powers or duties in respect of him upon the council of any county or county borough;
- (b) the council of an urban district (whether a borough or not) who have under the Education Act, 1921, or the Acts repealed by that Act, relinquished in favour of the council of the county all their powers and duties as a local education authority for elementary education, shall for the purposes of this Act be deemed not to be a local education authority for elementary education, and their district shall for the purposes of this Act be deemed to be part of the area of the county council.

(2) A county council may arrange with the councils of urban districts, whether boroughs or not, within the county which are local education authorities for elementary education for the exercise and performance by those councils within their respective areas of such of the

PART VI.
—cont.

powers and duties of the county council under this Act and on such terms as to payment and otherwise, as may be agreed.

An arrangement under this subsection may provide for the exercise and performance of powers and duties by the urban district council either instead of, or as agents for, the county council, but notwithstanding anything in any such arrangement every county council shall remain accountable to the Secretary of State for all contributions paid in their county by parents and other persons in respect of persons committed to the care of local authorities or ordered to be sent to approved schools.

(3) Expenses incurred by a local authority in connection with powers and duties which are, under this Act, exercised and performed by them as local education authorities for elementary education shall be defrayed as expenses of elementary education under the Education Act, 1921.

(4) Expenses incurred under this Act by the council of a county or county borough, exclusive of any expenses to be defrayed under the last foregoing subsection as expenses of elementary education under the Education Act, 1921, shall be defrayed—

(a) in the case of expenses incurred by the council in their capacity of poor law authority, as expenses of administering the Poor Law Act, 1930; and

(b) in any other case, as expenses for general county purposes or, as the case may be, out of the general rate.

(5) A local authority may, for the purposes of their functions under this Act, acquire, dispose of, or otherwise deal with land—

(a) in the case of a county council, in like manner as for the purposes of their other functions, and subsection (3) of section sixty-four and section sixty-five of the Local Government Act, 1888, shall apply accordingly;

(b) in the case of the council of a county borough or urban district, in like manner as for the purposes of the Public Health Act, 1875, and

sections one hundred and seventy-five to one hundred and seventy-eight of that Act shall apply accordingly. PART VI.
—cont.

(6) A local authority may borrow for the purposes of this Act—

- (a) in the case of the London County Council, under and in accordance with the London County Council (Finance Consolidation) Act, 1912, as amended by any subsequent enactment, and in the case of any other county council, under and in accordance with section sixty-nine of the Local Government Act, 1888, as amended by the Local Government Act, 1929; and 2 & 3 Geo. 5.
c. cv.
- (b) in the case of the council of a county borough or urban district, as for the purposes of the Public Health Acts, 1875 to 1926. 19 & 20
Geo. 5. c. 17.

(7) Subject to the provisions of section four of the Education Act, 1921 (which require certain matters to be referred to education committees) a local authority may refer to a committee appointed for the purposes of this Act, or to any committee appointed for the purposes of any other Act, any matter relating to the exercise by the authority of any of their powers under this Act and may delegate any of the said powers (other than any power to borrow money) to any such committee.

(8) A local authority, or a committee to whom any powers of a local authority under this Act have been delegated, may by resolution empower the clerk or the chief education officer of the authority to exercise in the name of the authority in any case which appears to him to be one of urgency any powers of the authority or, as the case may be, of the committee with respect to the institution of proceedings under this Act.

97. The last foregoing section shall, in its application to the City of London, have effect subject to the modifications that the powers and duties of a local authority under this Act as respects young persons, and as respects street trading and employment, shall be powers and duties of the Common Council and any expenses of the Common Council shall be defrayed out of the general rate : Modifica-
tions of last
foregoing
section as
to City of
London.

PART VI.
—*cont.*

Provided that—

- (a) the powers and duties of a local authority with respect to the granting of licences for children to take part in entertainments shall be powers and duties of the London County Council in their capacity as local education authority for elementary education; and
- (b) nothing in this section shall exempt the City of London from the liability to contribute towards the expenses incurred by the London County Council as local authority under this Act, but the London County Council shall in each year repay to the Common Council any contributions paid by the Common Council in respect of persons under the care of the managers of an approved school.

Institution
of proceed-
ings by local
or poor law
authorities.

98.—(1) A local authority or a poor law authority may institute proceedings for any offence under this Act, or under Part I of the Children Act, 1908.

(2) Any such authority may appear by their clerk or other officer duly authorised in that behalf in any proceedings instituted by them under this Act.

Supplementary Provisions as to Legal Proceedings.

Presump-
tion and
determina-
tion of age.

99.—(1) Where a person, whether charged with an offence or not, is brought before any court otherwise than for the purpose of giving evidence, and it appears to the court that he is a child or young person, the court shall make due inquiry as to the age of that person, and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, but an order or judgment of the court shall not be invalidated by any subsequent proof that the age of that person has not been correctly stated to the court, and the age presumed or declared by the court to be the age of the person so brought before it shall, for the purposes of this Act, be deemed to be the true age of that person, and, where it appears to the court that the person so brought before it has attained the age of seventeen years, that person shall for the purposes of this Act be deemed not to be a child or young person.

(2) Where in any charge or indictment for any offence under this Act or any of the offences mentioned in the First Schedule to this Act, except an offence under the Criminal Law Amendment Act, 1885, it is alleged that the person by or in respect of whom the offence was committed was a child or young person or was under or had attained any specified age, and he appears to the court to have been at the date of the commission of the alleged offence a child or young person, or to have been under or to have attained the specified age, as the case may be, he shall for the purposes of this Act be presumed at that date to have been a child or young person or to have been under or to have attained that age, as the case may be, unless the contrary is proved.

(3) Where, in any charge or indictment for any offence under this Act or any of the offences mentioned in the First Schedule to this Act, it is alleged that the person in respect of whom the offence was committed was a child or was a young person, it shall not be a defence to prove that the person alleged to have been a child was a young person or the person alleged to have been a young person was a child in any case where the acts constituting the alleged offence would equally have been an offence if committed in respect of a young person or child respectively.

(4) Where a person is charged with an offence under this Act in respect of a person apparently under a specified age it shall be a defence to prove that the person was actually of or over that age.

100. In any proceedings under this Act a copy of an entry in the wages book of any employer of labour, or if no wages book be kept a written statement signed by the employer or by any responsible person in his employ, shall be evidence that the wages therein entered or stated as having been paid to any person, have in fact been so paid. Evidence of wages of defendant.

101.—(1) Subject to the provisions of this Act, all orders of a court of summary jurisdiction, whether a petty sessional court or not, under this Act shall be made, and all proceedings in relation to any such orders shall be taken, in manner provided by the Summary Application of Summary Jurisdiction Acts.

PART VI.
—cont.

Jurisdiction Acts, and the power of making rules under section twenty-nine of the Summary Jurisdiction Act, 1879, shall extend to making rules for regulating the procedure of courts of summary jurisdiction under this Act and matters incidental thereto.

(2) The provisions of section twenty-nine of the Summary Jurisdiction Act, 1879, with respect to the laying of rules before Parliament shall apply in relation to rules made by the Lord Chancellor under this Act as they apply in relation to rules made by him under the said section.

Appeals to
quarter
sessions.

102.—(1) Appeals to quarter sessions from orders of a court of summary jurisdiction under this Act may be brought in the following cases and by the following persons, that is to say—

- (a) in the case of an order committing a child or young person to the care of a fit person, requiring a child or young person to be sent to an approved school, or placing a child or young person under the supervision of a probation officer or other person, by the child or young person or his parent or guardian on his behalf;
- (b) in the case of an order requiring a person to enter into a recognisance to exercise proper care and guardianship over a child or young person, by the person required to enter into the recognisance;
- (c) in the case of an order requiring a person to contribute in respect of a child or young person, by the person required to contribute;
- (d) in the case of an order requiring all or any part of the payments accruing due under an affiliation order to be paid to some other person, by the person who would but for the order be entitled to the payments;
- (e) in the case of an order requiring the owner of an automatic machine for the sale of tobacco or the person on whose premises such a machine is kept, to take precautions to prevent the machine

being extensively used by persons apparently under the age of sixteen years or to remove the machine, by any person aggrieved;

PART VI.
—cont.

- (f) in the case of an order under subsection (2) of section ninety-five of this Act directing the removal of children and young persons from a voluntary home or, in the case of a refusal to make such an order, by any person aggrieved,

and, in relation to an appeal from a refusal to make an order under the said subsection (2), the refusal shall be deemed to be an order.

(2) Nothing in this section shall be construed as affecting the rights of appeal to quarter sessions conferred by sections fifty-five, fifty-six, ninety, and ninety-one of this Act or any other right of appeal conferred by this or any other Act.

Supplementary Provisions as to Secretary of State.

103. The Secretary of State may appoint for the purposes of the enactments relating to children and young persons a chief inspector, and such number of inspectors to act under the direction of the chief inspector as the Treasury may approve, and may pay to the persons so appointed such remuneration and allowances as with the consent of the Treasury he may determine, and they shall perform such duties as the Secretary of State may from time to time direct.

Power of
Secretary of
State to
appoint
inspectors.

104.—(1) There shall be paid out of money provided by Parliament—

Exchequer
grants and
expenses of
Secretary of
State.

- (a) such sums on such conditions as the Secretary of State with the approval of the Treasury may recommend towards—

(i) the expenses of the managers of an approved school;

(ii) the expenses of a local authority in respect of children and young persons committed to their care;

(iii) the expenses of a council of a county or county borough in respect of remand homes;

PART VI.
—cont.

- (b) any sums by which any education grants under any other Act are increased by reason of the additional powers and duties conferred or imposed by this Act upon local education authorities for elementary education;
- (c) any expenses incurred by the Secretary of State in the administration of this Act.

(2) The conditions on which any sums are paid under this section towards the expenses incurred in connection with the provision of a site for, or with the erection, enlargement, improvement or repair of, an approved school, may include conditions for securing the repayment in whole or in part of the sums paid in the event of the school ceasing to be an approved school, and, notwithstanding anything in the constitution of the school or of the managers thereof, or in the trusts, if any, to which the property of the school or of the managers is subject, the managers and any persons who are trustees of any of the said property may accept those sums on those conditions, and execute any instrument required for carrying into effect those conditions, and shall be bound by those conditions and by any instrument so executed and have power to fulfil the conditions and the obligations created by the instrument.

General.

Variation
of Orders
in Council.

105. An Order in Council under this Act may be revoked or varied by any subsequent Order in Council.

Provisions
as to docu-
ments, &c.

106.—(1) An order or other act of the Secretary of State under this Act may be signified under the hand of the Secretary of State or an Under-Secretary of State or an Assistant Under-Secretary.

- (2) A document purporting to be a copy—
- (a) of an order made by a court under or by virtue of any of the provisions contained in sections fifty-six, fifty-seven and sixty-two to ninety of this Act or in the Fourth Schedule to this Act; or
- (b) of an order made after the commencement of this Act under section forty-five of the Education Act, 1921, sending a person to an

approved school or committing him to the care of a fit person; or

PART VI.
—cont.

(c) of an affiliation order referred to in an order under section eighty-eight of this Act,

shall, if it purports to be certified as a true copy by the clerk of the court, be evidence of the order.

(3) The production of a copy of the London Gazette containing a notice of the grant, or of the withdrawal or surrender, of a certificate of approval of an approved school shall be sufficient evidence of the fact of a certificate having been duly granted to the school named in the notice, or of the withdrawal or surrender of such a certificate, and the grant of a certificate of approval of an approved school may also be proved by the production of the certificate itself, or of a document purporting to be a copy of the certificate and to be authenticated as such by an Under-Secretary of State or Assistant Under-Secretary.

(4) Any notice or other document required or authorised by this Act to be served on the managers of an approved school may, if those managers are a local authority or a joint committee representing two or more local authorities, be served either personally or by post upon their clerk, and in any other case, may be served either personally or by post upon any one of the managers, or their secretary, or the headmaster of the school.

(5) An order, licence, or other document may be authenticated on behalf of the managers of an approved school, if they are a local authority or a joint committee representing two or more local authorities, by the signature of their clerk or some other officer of the local authority duly authorised in that behalf, and in any other case, by the signature of one of the managers or their secretary, or of the headmaster.

107.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say,—

Interpre-
tation.

“Approved school” means a school approved by the Secretary of State under section seventy-nine of this Act;

“Approved school order” means an order made by a court sending a child or young person to an approved school;

PART VI.

—cont.

53 & 54 Vict.
c. 45.
53 & 54 Vict.
c. 67.

- “Chief officer of police” means as regards the city of London, the Commissioner of the City Police, as regards other parts of England has the same meaning as in the Police Act, 1890, as regards Scotland has the same meaning as in the Police (Scotland) Act, 1890, and as regards Northern Ireland means a district inspector of the Royal Ulster Constabulary;
- “Child” means a person under the age of fourteen years;
- “Guardian,” in relation to a child or young person, includes any person who, in the opinion of the court having cognisance of any case in relation to the child or young person or in which the child or young person is concerned, has for the time being the charge of or control over the child or young person;
- “In need of care or protection” has the meaning assigned to it by section sixty-one of this Act;
- “Intoxicating liquor” means any fermented, distilled or spirituous liquor which cannot according to any law for the time being in force be legally sold without a licence from the Commissioners of Customs and Excise;
- “Legal guardian” in relation to a child or young person, means a person appointed, according to law, to be his guardian by deed or will, or by order of a court of competent jurisdiction;
- “Managers,” in relation to an approved school established or taken over by a local authority or by a joint committee representing two or more local authorities, means the local authority or the joint committee as the case may be, and in relation to any other approved school, means the persons for the time being having the management or control thereof;
- “Metropolitan police court area” means the area consisting of the police court divisions for the time being constituted under the Metropolitan Police Courts Acts, 1839 and 1840;
- “Place of safety” means any remand home, work-house, or police station, or any hospital, surgery, or any other suitable place, the occupier of

which is willing temporarily to receive a child or young person;

PART VI.
—cont.

“Police authority” means as respects the city of London, the common council, and elsewhere has the same meaning as in the Police Act, 1890;

“Poor law authority” means the council of a county or county borough and includes also a joint committee of two or more such councils established under section three of the Poor Law Act, 1930;

“Prescribed” means prescribed by regulations made by the Secretary of State;

“Public place” includes any public park, garden, sea beach or railway station, and any ground to which the public for the time being have or are permitted to have access, whether on payment or otherwise;

“Street” includes any highway and any public bridge, road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

“Young person” means a person who has attained the age of fourteen years and is under the age of seventeen years.

(2) References in this Act to findings of guilty and findings that an offence has been committed shall be construed as including references to pleas of guilty and admissions that an offence has been committed.

(3) References in this Act to any enactment or to any provision in any enactment shall, unless the context otherwise requires, be construed as references to that enactment or provision as amended by any subsequent enactment including this Act.

108.—(1) Without prejudice to the provisions of the Interpretation Act, 1889, with respect to repeals, the transitory provisions set out in the Fifth Schedule to this Act shall have effect for the purposes of the transition to the provisions of this Act from the provisions of the enactments repealed by the Children and Young Persons Act, 1932; and by this Act.

Transitory
provisions.
52 & 53 Vict.
c. 63.

22 & 23
Geo. 5. c. 46.

(2) References in any Act to places of detention provided under section one hundred and eight of the Children Act, 1908, shall be construed as references to remand homes provided under this Act.

PART VI.
—cont.

(3) References in any Act or other document to reformatory schools or industrial schools and to youthful offenders and children sent thereto or detained therein shall be construed as including references to approved schools and to children and young persons sent thereto or detained therein, and references in any Act or other document to orders committing a child or young person to the care of a fit person under any of the provisions of the Children Act, 1908, shall be construed as including references to orders of the like nature made under this Act.

(4) References in any Act or other document to juvenile courts under the Children Act, 1908, shall be construed as including references to such courts under this Act.

(5) References in any Act or other document to any enactment repealed and re-enacted with or without modifications by this Act (except references in Part VI of the Children Act, 1908, or Part VI of the Children and Young Persons Act, 1932) shall be construed as including references to the corresponding provision of this Act.

(6) The reference in the First Schedule to this Act to any offence under sections one, two, three, eleven or twenty-three of this Act shall be construed as including a reference to any offence under the Dangerous Performances Acts, 1879 and 1897, or under Part II of the Children Act, 1908.

Short title,
commence-
ment,
extent and
repeals.

109.—(1) This Act may be cited as the Children and Young Persons Act, 1933.

(2) This Act, except section nineteen thereof, shall come into operation on the first day on which, by virtue of orders made by the Secretary of State under subsection (3) of section ninety of the Children and Young Persons Act, 1932, all the provisions of that Act, except section fifty-one thereof, will be in operation in England.

(3) Save as therein otherwise expressly provided, this Act shall not extend to Scotland or Northern Ireland.

(4) The enactments mentioned in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

SCHEDULES.FIRST SCHEDULE.

Sections 13,
14, 15, 40,
41, 42, 43,
63, 67, 99
and 108.

OFFENCES AGAINST CHILDREN AND YOUNG PERSONS,
WITH RESPECT TO WHICH SPECIAL PROVISIONS OF
THIS ACT APPLY.

The murder or manslaughter of a child or young person.

Infanticide.

Any offence under sections twenty-seven, fifty-five, or fifty-six of the Offences against the Person Act, 1861, and any offence against a child or young person under sections five, forty-two, forty-three, fifty-two or sixty-two of that Act, or under the Criminal Law Amendment Act, 1885.

24 & 25 Vict.
c. 100.

Any offence under the Punishment of Incest Act, 1908, in respect of a child or young person.

Any offence under sections one, two, three, four, eleven or twenty-three of this Act.

Any other offence involving bodily injury to a child or young person.

SECOND SCHEDULE.

Section 45.

CONSTITUTION OF JUVENILE COURTS.

Outside Metropolitan Areas.

1.—(1) The provisions of this paragraph shall have effect with respect to juvenile courts outside the metropolitan police court area and the City of London.

(2) Subject to the provisions of the next following subparagraph, a panel of justices specially qualified for dealing with juvenile cases shall be formed for the purposes of this Act in every petty sessional division, and no justice shall be qualified to sit as a member of a juvenile court unless he is a member of such a panel.

2ND SCH.
—cont.

(3) The Secretary of State, after considering any representations made to him by the justices of the petty sessional divisions concerned, may by order direct that there shall be only one panel for any two or more petty sessional divisions and may by the same or a subsequent order provide for sittings of juvenile courts constituted from that panel being held at such places, whether within or without the petty sessional division for which the court is for the time being acting, as may be specified in the order.

An order under this sub-paragraph may contain such supplemental, incidental and consequential provisions as appear to the Secretary of State to be necessary or proper for the purposes of the order, and may be varied or revoked by a subsequent order.

(4) Rules made by the Lord Chancellor shall provide—

- (a) for the formation and periodical revision of panels of justices;
- (b) for limiting the number of justices who may sit as members of any juvenile court, and for the manner in which they are to be selected;
- (c) for one of the justices acting as chairman of the court and for the manner in which the chairman is to be selected.

In Metropolitan Police Court Area.

2.—(1) His Majesty may by Order in Council specify as respects the metropolitan police court area the places (which, notwithstanding anything in the Metropolitan Police Courts Acts, 1839 and 1840, may be places other than police courts) in which juvenile courts are to sit, and assign as a division to each such place such portion of that area as may be specified in the Order.

(2) Every juvenile court in the metropolitan police court area shall be constituted of a metropolitan police magistrate nominated by the Secretary of State to act as chairman of juvenile courts within the said area and two justices of the peace for the county of London, one of whom shall be a woman, and both of whom shall be selected, in such manner as may be directed by Order in Council, from a panel of such justices nominated from time to time by the Secretary of State :

Provided that—

- (a) if for special reasons the Secretary of State considers it advisable so to do, he may nominate such a justice of the peace as aforesaid to act as a chairman of juvenile courts within the said area; and

- (b) if at any time, by reason of illness or other emergency, no person so nominated is available to act as chairman of a juvenile court, any metropolitan police magistrate although not so nominated, or, with the consent of the Secretary of State, any justice of the peace selected from the panel, may act temporarily as chairman; and
- (c) where it appears to the chairman that the court cannot without adjournment be fully constituted, and that the adjournment would be inexpedient in the interests of justice, he may sit with one justice selected from the panel (whether a man or a woman) or, if he is a metropolitan police magistrate, may sit alone.

2ND SCH.
—cont.

(3) The Secretary of State, in nominating the chairmen of juvenile courts and the members of a panel, shall have regard to the previous experience of the persons available and their special qualifications for dealing with juvenile cases; and every such nomination shall be for a specified period and shall be revocable by the Secretary of State.

(4) An Order in Council made under this paragraph may contain such supplemental, incidental and consequential provisions as appear to His Majesty in Council to be necessary or proper for the purposes of the Order.

In the City of London.

3. Juvenile courts for the City of London shall be constituted in such manner as the Court of the Lord Mayor and Aldermen of the City may from time to time determine.

THIRD SCHEDULE.

Section 60.

AMENDMENTS OF CERTAIN ENACTMENTS RELATING TO CRIMINAL PROCEEDINGS AND COURTS OF SUMMARY JURISDICTION.

Enactment.	Amendment.
42 & 43 Vict. c. 49. Summary Jurisdiction Act, 1879.	For section ten there shall be substituted the following section :— “ 10.—(1) A court of summary jurisdiction before whom a child is charged with an indictable offence other than homicide may, without consulting the parent or guardian of

3RD SCH.
—*cont.*

Enactment.

Amendment.

the child, deal with him summarily and shall so deal with him unless some other person who is charged jointly with him and is not a child is committed for trial, in which case the court may, if in the interests of justice they think it necessary so to do, also commit the child for trial.

- (2) A court of summary jurisdiction who deal summarily with a child in respect of an indictable offence shall, in addition to any other powers exercisable by virtue of this or any other Act, have power to impose a fine not exceeding forty shillings and when the child is a male, to adjudge the child to be, as soon as practicable, privately whipped with not more than six strokes of a birch rod by a constable, in the presence of an inspector or other officer of police of higher rank than a constable, and also in the presence, if he desires to be present, of the parent or guardian of the child."

In subsection (2) of section eleven the words "by the evidence" shall be omitted.

In subsection (3) of section seventeen the words from "unless the parent or guardian" to the end of the subsection shall be omitted.

In section forty-nine, for the definitions of child and young person there shall be substituted the following definitions—

"The expression 'child' means a person who in the opinion of the court before whom he is brought is under the age of fourteen years.

The expression 'young person' means a person who in the opinion of the court before whom he is brought is of the age of fourteen years and under the age of seventeen years."

Enactment.

Amendment.

3RD SCH.
—cont.

7 Edw. 7. c. 17. Pro-
bation of Offenders
Act, 1907.

At the end of subsection (2) of section
two there shall be inserted the following
proviso—

“ Provided that—

(a) it shall not be made a condition
of a recognisance that a person
under the age of seventeen years
shall reside in any institution
which is not subject to inspection
by the Secretary of State unless
he is while residing in the institu-
tion to be employed, or to seek
employment, outside it; and

(b) where it is made a condition of a
recognisance that a person under
the age of seventeen years shall
reside in any institution the court
by which the probation order is
made shall forthwith give notice
of the terms of the order to the
Secretary of State; and

(c) where such residence as aforesaid
has, in the case of a person under
the age of seventeen years, been
made a condition of a recognisance
the Secretary of State may at any
time, if he considers that it is in
the interests of that person so to
do, cause an application to be made
to the court before which he is
bound by his recognisance to
appear, and thereupon that court
may vary the conditions of the
recognisance by excluding there-
from the condition as to residence,
or by substituting the name of
some other institution.”

In subsection (5) of section six for the
words “ if the case was one in which the
“ court in the first instance might under
“ section fifteen of the Industrial Schools
“ Act, 1866, have ordered the offender to
“ be sent to a certified industrial school
“ and the offender is still apparently under
“ the age of twelve years ” there shall be

3RD SCH.
—cont.

Enactment.

Amendment.

substituted the words "if the case was
" one in which the court had power to
" make an order sending him to an
" approved school and he is still under
" the age of seventeen years."

11 & 12 Geo. 5. c. 51.
Education Act,
1921.

For section forty-five there shall be
substituted the following section—

"Proceedings
on disobe-
dience of
order of court
for attendance
at school.

45.—(1) Where a school attendance
order is not complied with, without any
reasonable excuse, a court of summary
jurisdiction, on complaint made by the
local education authority, may, if they
think fit, order as follows :—

(a) in the first case of non-compliance
if the parent of the child does not
appear, or appears and fails to satisfy
the court that he has used all reason-
able efforts to enforce compliance
with the order, the court may impose
a fine not exceeding with the costs
twenty shillings; but if the parent
satisfies the court that he has used
all reasonable efforts as aforesaid,
the court may, without inflicting a
fine, order the child to be sent to an
approved school or to be committed
to the care of a fit person in accord-
ance with the provisions of the
Children and Young Persons Act,
1933; and

(b) in the second or any subsequent case
of non-compliance with the order,
the court may order the child to be
sent to an approved school or to be
committed to the care of a fit person
in accordance with the provisions of
the Children and Young Persons Act,
1933, and may further in their dis-
cretion inflict any such fine as afore-
said, or they may for each such non-
compliance inflict any such fine as
aforesaid without ordering the child
to be so sent or committed as
aforesaid :

Enactment.

Amendment.

3RD SCH.
—cont.

Provided that a complaint under this section with respect to a continuing non-compliance with a school attendance order shall not be repeated by the local education authority at any less interval than two weeks.

(2) Where an order is made under this section either sending a child to an approved school, or committing him to the care of a fit person, the provisions of the Children and Young Persons Act, 1933, shall apply in relation to the order as if it were an order made under that Act."

15 & 16 Geo. 5. c. 86. In subsection (4) of section twenty-four, Criminal Justice for the word "sixteen" there shall be Act, 1925. substituted the word "seventeen."

FOURTH SCHEDULE.

Sections 81
and 106.

PROVISIONS AS TO ADMINISTRATION OF APPROVED
SCHOOLS AND TREATMENT OF PERSONS SENT THERETO.

General Provisions.

1.—(1) The Secretary of State may make rules for the management and discipline of approved schools, and different rules may be made as respects different schools or classes of school.

(2) The managers of an approved school may make supplementary rules for the management and discipline of the school, but rules so made shall not have effect unless approved by the Secretary of State.

2. No substantial addition to, or diminution or alteration of, the buildings or grounds of an approved school shall be made without the approval in writing of the Secretary of State.

Treatment of Pupils.

3. A minister of the religious persuasion to which a person in an approved school belongs may visit him at the school on such days, at such times, and on such conditions, as may be fixed by rules made by the Secretary of State, for the purpose of affording him religious assistance and instruction.

4TH SCH.
—cont.

4. If it appears to the managers of an approved school that a person who has been ordered to be sent to their school requires medical attention before he can properly be received into the school, or that a person detained in the school requires such attention, they may make arrangements for him to be received into and detained in any hospital, home or other institution where he can receive the necessary attention; and that person, while so detained, shall for the purposes of this Act be deemed to be under the care of the managers of the school, and shall, for the purposes of section nine of the Mental Deficiency Act, 1913, be deemed to be detained in the school.

3 & 4 Geo. 5.
c. 28.

Power to Place out Pupils.

5. At any time during the period of a person's detention in an approved school the managers of the school may grant leave to him to be absent therefrom in the charge of such person and for such period as they think fit, but during such leave he shall, for the purposes of this Act, be deemed to be under the care of the managers of the school, and the managers may at any time require him to return to the school.

6.—(1) At any time during the period of a person's detention in an approved school the managers of the school may and, if the Secretary of State so directs, shall by licence in writing permit him to live with his parent, or with any trustworthy and respectable person (to be named in the licence) who is willing to receive and take charge of him :

Provided that, without the consent of the Secretary of State, a licence shall not be granted during the first twelve months of the period of a person's detention.

(2) The Secretary of State shall through his inspectors review the progress made by persons detained in approved schools with a view to ensuring that they shall be placed out on licence as soon as they are fit to be so placed out.

(3) The managers of the school may at any time by order in writing revoke any licence, and require the person to whom it relates to return to the school.

(4) For the purposes of this Act a person who is out on licence from an approved school shall be deemed to be under the care of the managers of the school.

7. If a person under the care of the managers of an approved school conducts himself well, the managers of the school may, with his written consent, apprentice or place him in any trade, calling, or service, including service in the Navy, Army or Air Force, or may, with his written consent and with the written consent of the Secretary of State, arrange for his emigration.

Before exercising their powers under this paragraph the managers shall, in any case where it is practicable so to do, consult with the parents of the person concerned.

4TH SCH.
—cont.

Misconduct of Pupils.

8. If a person detained in an approved school is guilty of serious misconduct, the managers, if authorised by the Secretary of State so to do, may bring him before a court of summary jurisdiction and that court may (notwithstanding any limitations contained in this Act upon the period during which he may be detained in an approved school) order him—

- (a) if he is under the age of sixteen years, to have the period of his detention in the school increased by such period not exceeding six months as the court may direct; or
- (b) if he has attained the age of sixteen years but is under the age of seventeen years, to have the period of his detention so increased, or to be sent to a Borstal institution for a period of two years; or
- (c) if he has attained the age of seventeen years, to have the period of his detention so increased, or to be sent to a Borstal institution for two years, or to be imprisoned for three months.

Discharge and Transfer.

9.—(1) The Secretary of State may at any time order a person under the care of the managers of an approved school to be discharged, or to be transferred to the care of the managers of another school, or with the consent of the Scottish Education Department, to the care of the managers of a school in Scotland which is an approved school within the meaning of the Children and Young Persons (Scotland) Act, 1932.

22 & 23
Geo. 5. c. 47.

(2) Upon a person being so discharged or transferred as aforesaid, the Secretary of State shall cause notice to be sent to the local authority liable to make contributions in respect of him.

(3) Where a person is transferred under the foregoing provisions of this paragraph to the care of the managers of a school in Scotland, the provisions of this Act relating to contributions by parents, guardians and others, and local authorities, shall apply in respect of him as if the school in Scotland were an approved school within the meaning of this Act, and if under the law in force in Scotland he is retransferred to the care of the managers of a school in England which is an approved school within the meaning of this Act, this Act shall have effect in relation to the retransfer as if it were a

4TH SCH.
—cont.

transfer under this paragraph from the care of the managers of one approved school in England to the care of the managers of another approved school in England.

10. The provisions of section sixty-eight of this Act (which relate to religious persuasion) shall apply in relation to the transfer of persons to approved schools and orders made for that purpose as they apply in relation to the sending of persons to such schools and orders made for that purpose.

11. Where a person detained in an approved school is transferred to the care of the managers of another school, he shall be conveyed to his new school by and at the expense of the managers of the first-mentioned school.

*Powers and duties of Managers and other Persons
in Charge of Pupils.*

12.—(1) Subject as hereinafter provided, all rights and powers exercisable by law by a parent shall as respects any person under the care of the managers of an approved school be vested in them :

Provided that, where a person out on licence or under supervision from an approved school is lawfully living with his parents or either of them, the said rights and powers shall be exercisable by the parents or, as the case may be, by the parent with whom he is living ; but it shall be the duty of any such parent so to exercise those rights and powers as to assist the managers to exercise control over him.

(2) The managers of an approved school shall be under an obligation to provide for the clothing, maintenance and education of the persons under their care, except that while such a person is out on licence, or under supervision, their obligation shall be to cause him to be visited, advised and befriended and to give him assistance (including, if they think fit, financial assistance) in maintaining himself and finding suitable employment.

13. Every person who—

(a) is authorised by the managers of an approved school to take charge of a person under their care, or to apprehend such a person and bring him back to the school ; or

(b) is authorised by a local or poor law authority or, being a probation officer, is authorised by a court, to take to an approved school a person ordered to be detained therein,

shall, for the purposes of his duty as aforesaid have all the powers, protection, and privileges of a constable.

*Superannuation of Officers.*4TH SCH.
—cont.

14. The managers of any approved school may, as part of the expenses of the management of the school, pay, or contribute towards the payment of—

(a) a superannuation allowance or gratuity—

(i) to any officer who retires by reason of old age or permanent infirmity of mind or body;

(ii) to any officer, who, in accordance with the terms of his appointment, is required to vacate his office by reason of the death, or the retirement on account of old age or permanent infirmity, of another officer;

(b) a gratuity to any dependant of an officer who has died in the service of the school :

Provided that no payment or contribution in respect of any such superannuation allowance or gratuity shall be made unless it is made in accordance with rules approved by the Secretary of State with the concurrence of the Treasury for regulating the grant of such allowances and gratuities, or unless it is specially sanctioned by the Secretary of State.

FIFTH SCHEDULE.

Section 108.

TRANSITORY PROVISIONS.

1. Any Order in Council, order, or regulation made, any certificate given, any deposition taken, and anything done, under any enactment repealed by this Act shall, for the purposes of this Act, be deemed to have been made, given, taken or done, under the corresponding provisions of this Act.

2. Any rule, byelaw, warrant or licence under any enactment repealed either by the Children and Young Persons Act, 1932 (hereinafter referred to as the Act of 1932) or by this Act and re-enacted, with or without modifications, by this Act shall have the like effect, and the like proceedings may be had thereon and in respect thereof, as if it had been made, made and confirmed, or granted, under this Act :

Provided that this paragraph shall not apply to rules made under section fifty-four of the Children Act, 1908 (hereinafter referred to as the Act of 1908) for the management and discipline

5TH SCH.
—*cont.*

of a certified school or to byelaws made under section ninety-one of the Education Act, 1921, with respect to street trading.

3. Any person who at the commencement of the Act of 1932 is under section twenty of the Act of 1908 being detained in a place of safety may be so detained until he can be brought before a juvenile court under this Act.

4. Nothing in this Act or in the Act of 1932 shall render invalid any summons pending at the commencement of that Act for bringing a child or young person before a petty sessional court with a view to his being committed under section twenty-one or under Part IV of the Act of 1908 to the care of a relative or other fit person or with a view to his being sent to a certified school, but the petty sessional court before which the child or young person is brought under the summons, if it is constituted as a juvenile court, shall proceed as if he had been brought before it as being a child or young person in need of care or protection, and if it is not constituted as a juvenile court, shall adjourn the case until it can be so constituted and shall then proceed as aforesaid.

5. Where before the commencement of the Act of 1932 an order has been made under the Act of 1908 or under section forty-five of the Education Act, 1921, committing a child or young person to the care of a relative or other fit person, this Act shall have effect in relation to the child or young person as if the order were an order made under this Act :

Provided that notwithstanding anything in this Act the order shall not have effect for any longer period than the period for which it would have had effect if neither this Act nor the Act of 1932 had passed.

6. This Act shall apply in relation to a school which at the commencement of the Act of 1932 was a certified reformatory school or a certified industrial school as if the certificate for the school were a certificate of approval issued under this Act.

7. The Secretary of State may, if he thinks fit, approve for the purposes of this Act any school which on the twelfth day of July nineteen hundred and thirty-two was a certified day industrial school, and if he so approves any such school the provisions of this Act shall apply in relation to that school and to children previously sent or thereafter to be sent thereto, subject to such adaptations, modifications and exceptions as he may from time to time by order direct.

8. Where a child or young person had at the commencement of the Act of 1932 been ordered to be sent to a certified school but has not reached his school, the like proceedings may be had and the like things done for the purpose of securing that he is

sent to a school, and with respect to his custody in the meantime, as might have been had or done if neither this Act nor the Act of 1932 had passed.

5TH SCH.
—*cont.*

9. Subject to the provisions of this Schedule, this Act shall apply in relation to persons who at or after the commencement of the Act of 1932 are lawfully detained in, or out on licence or under supervision from, or are absentees from, a certified school, as if they were persons detained in, or out on licence or under supervision from, or absentees from, an approved school under the provisions of this Act :

Provided that the periods for which such persons are liable to be detained in approved schools and to remain under the supervision of the managers shall (except so far as increased by virtue of the provisions of this Act relating to persons guilty of misconduct in schools or of escaping, running away or refusing to return when recalled) be such as if neither this Act nor the Act of 1932 had passed.

10. Where a child or young person has before the commencement of the Act of 1932 been ordered to be sent to a certified school, it shall be the duty of the local authority, if any, who under the Act of 1908 were liable to provide for his reception and maintenance in the school to make such contributions in respect of him as would by this Act be required to be made if he had been sent to the school under an approved school order and they were the local authority named in that order as being the authority within whose district he was resident: and if in any such case as aforesaid—

- (a) it had not been determined at the commencement of the Act of 1932 who are the authority who are responsible as aforesaid; or
- (b) proceedings might but for the passing of this Act and the Act of 1932 have been had for varying a determination as to that question,

the like proceedings may be had for determining the question and for varying any determination in respect thereof as might have been had if neither this Act nor the Act of 1932 had passed.

11. Where a child or young person has before the commencement of the Act of 1932 been ordered to be sent to a certified school at the instance of a poor law authority or of the managers of a district poor law school, the poor law authority concerned shall be under the like obligation to make contributions to the expenses of the managers of the school as they would be under if he had been sent to the school by virtue of an approved school order made on their application in their capacity as a poor law authority.

5TH SCH.
—cont.

12. Where before the commencement of the Act of 1932 a child or young person has been committed to the care of a relative or other fit person or has been ordered to be sent to a certified school and an order is in force at the commencement of the said Act requiring any person liable to maintain him to contribute to his maintenance, or requiring the whole or any part of any payment under an affiliation order to be paid to a person named in the order, this Act shall apply in relation to the order as if it had been made under this Act, and where the order provides for the making of payments to the chief inspector of reformatory and industrial schools it shall, by virtue of this Act and without more, be deemed to provide that the payments shall be made to the council of the county or county borough within which the person liable to make the payments is from time to time resident.

13. Where in pursuance of section fifty-three of the Act of 1908 a child has been boarded out by the managers of a certified school, this Act shall apply in relation to that child—

- (a) if the managers are a local authority, as if he had been committed under this Act to their care and had been boarded out by them under this Act;
- (b) if the managers are not a local authority, as if he were out on licence from the school.

14. Where before the commencement of the Act of 1932 a child or young person has entered into a recognisance under the proviso to subsection (4) of section fifty-eight of the Act of 1908 or under section sixty of that Act, the provisions of section sixty-six of this Act shall apply as if such an order as is mentioned in that section had been made placing him under the supervision of a probation officer, and the recognisance shall cease to have effect.

15. The repeal by the Act of 1932 of the provisions of the Act of 1908 relating to places of detention shall not render illegal the custody of a child or young person in such a place unless and until a remand home for the area in question has been provided in substitution therefor, and when such a home has been provided, the children or young persons in custody in the place of detention shall be transferred to and kept in custody in the home.

SIXTH SCHEDULE.

Section 109.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 67.	The Children Act, 1908.	<p>Sections twelve to seventeen, nineteen, twenty-four, twenty-seven to thirty-two, thirty-five, and thirty-seven; subsection (2) of section thirty-eight; sections thirty-nine to forty-three, ninety-four, ninety-five, ninety-seven to one hundred and six, one hundred and nine, and one hundred and fourteen to one hundred and twenty-one; in section one hundred and twenty-three, subsection (1); in subsection (2) the words "or indictment," from the words "or any of the offences" to the words "Criminal Law Amendment Act, 1885," the words "by or," the words "was a child or young person or" and the words "a child or young person or to have been," wherever those words occur; and subsections (3) and (4); section one hundred and twenty-four; in section one hundred and twenty-seven the words "or young person" wherever those words occur; sections one hundred and twenty-eight and one hundred and thirty; in section one hundred and thirty-one the definitions of "guardian," "local education authority," "police authority," "street," "public place," and "intoxicating liquor," and in the</p>

6TH SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
8 Edw. 7. c. 67. —cont.	- - -	definitions of "legal guardian" and "place of safety" the words "child or young person"; and the First Schedule.
10 Edw. 7. & 1 Geo. 5. c. 25.	The Children Act (1908) Amendment Act, 1910.	The whole Act.
3 & 4 Geo. 5. c. 7.	The Children (Employment Abroad) Act, 1913.	The whole Act, as well in its application to Scotland and Northern Ireland as in its application to England.
4 & 5 Geo. 5. c. 58.	The Criminal Justice Administration Act, 1914.	Subsection (2) of section twenty-eight.
15 & 16 Geo. 5. c. 86.	The Criminal Justice Act, 1925.	Section forty-eight.
20 & 21 Geo. 5. c. 21.	The Children (Employment Abroad) Act, 1930.	The whole Act, as well in its application to Scotland and Northern Ireland as in its application to England.
22 & 23 Geo. 5. c. 46.	The Children and Young Persons Act, 1932.	Sections one to sixty-three; section sixty-four, as well in its application to Northern Ireland as in its application to England; in section seventy from the words "and in the definitions" to the end of the section; sections seventy-one to seventy-six, seventy-eight, sections eighty to eighty-six; in subsection (1) of section eighty-seven the definitions of "Chief Officer of Police," "Metropolitan Police Court Area," "needing care or protection," and "prescribed," and subsections (2), (3) and (4) of that section; section eighty-eight; in subsection (2) of section ninety the words "save as otherwise expressly provided;" the First Schedule; the Second Schedule, except so far as it relates to the following provisions of the Children Act, 1908, that is to say, sections one, two, three,

Session and Chapter.	Short Title.	Extent of Repeal.
22 & 23 Geo. 5. c. 46— <i>cont.</i>	. . .	eight and nine, subsection (2) of section one hundred and twenty-three, and the definitions in section one hundred and thirty-one of "young person," "legal guardian," "place of safety," "police fund" and "common fund"; and the Third and Fourth Schedules.
22 & 23 Geo. 5. c. 47.	The Children and Young Persons (Scotland) Act, 1932.	Section fifty-eight.

6TH SCH.
—*cont.*

CHAPTER 13.

An Act to make provision for the enforcement in the United Kingdom of judgments given in foreign countries which accord reciprocal treatment to judgments given in the United Kingdom, for facilitating the enforcement in foreign countries of judgments given in the United Kingdom, and for other purposes in connection with the matters aforesaid. [13th April 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

Registration of Foreign Judgments.

1.—(1) His Majesty, if he is satisfied that, in the event of the benefits conferred by this Part of this Act being extended to judgments given in the superior courts of any foreign country, substantial reciprocity of treatment will be assured as respects the enforcement in

Power to extend Part I of Act to foreign countries

PART I.
—cont.
giving reci-
procal treat-
ment.

that foreign country of judgments given in the superior courts of the United Kingdom, may by Order in Council direct—

- (a) that this Part of this Act shall extend to that foreign country; and
- (b) that such courts of that foreign country as are specified in the Order shall be deemed superior courts of that country for the purposes of this Part of this Act.

(2) Any judgment of a superior court of a foreign country to which this Part of this Act extends, other than a judgment of such a court given on appeal from a court which is not a superior court, shall be a judgment to which this Part of this Act applies, if—

- (a) it is final and conclusive as between the parties thereto; and
- (b) there is payable thereunder a sum of money, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty; and
- (c) it is given after the coming into operation of the Order in Council directing that this Part of this Act shall extend to that foreign country.

(3) For the purposes of this section, a judgment shall be deemed to be final and conclusive notwithstanding that an appeal may be pending against it, or that it may still be subject to appeal, in the courts of the country of the original court.

(4) His Majesty may by a subsequent Order in Council vary or revoke any Order previously made under this section.

Application
for, and
effect of,
registration
of foreign
judgment.

2.—(1) A person, being a judgment creditor under a judgment to which this Part of this Act applies, may apply to the High Court at any time within six years after the date of the judgment, or, where there have been proceedings by way of appeal against the judgment, after the date of the last judgment given in those proceedings, to have the judgment registered in the High Court, and on any such application the court shall, subject to proof of the prescribed matters and to the other provisions of this Act, order the judgment to be registered :

Provided that a judgment shall not be registered if at the date of the application—

PART I.
—cont.

- (a) it has been wholly satisfied ; or
- (b) it could not be enforced by execution in the country of the original court.

(2) Subject to the provisions of this Act with respect to the setting aside of registration—

- (a) a registered judgment shall, for the purposes of execution, be of the same force and effect; and
- (b) proceedings may be taken on a registered judgment; and
- (c) the sum for which a judgment is registered shall carry interest; and
- (d) the registering court shall have the same control over the execution of a registered judgment;

as if the judgment had been a judgment originally given in the registering court and entered on the date of registration :

Provided that execution shall not issue on the judgment so long as, under this Part of this Act and the Rules of Court made thereunder, it is competent for any party to make an application to have the registration of the judgment set aside, or, where such an application is made, until after the application has been finally determined.

(3) Where the sum payable under a judgment which is to be registered is expressed in a currency other than the currency of the United Kingdom, the judgment shall be registered as if it were a judgment for such sum in the currency of the United Kingdom as, on the basis of the rate of exchange prevailing at the date of the judgment of the original court, is equivalent to the sum so payable.

(4) If at the date of the application for registration the judgment of the original court has been partly satisfied, the judgment shall not be registered in respect of the whole sum payable under the judgment of the original court, but only in respect of the balance remaining payable at that date.

(5) If, on an application for the registration of a judgment, it appears to the registering court that the

PART I.
—*cont.*

judgment is in respect of different matters and that some, but not all, of the provisions of the judgment are such that if those provisions had been contained in separate judgments those judgments could properly have been registered, the judgment may be registered in respect of the provisions aforesaid but not in respect of any other provisions contained therein.

(6) In addition to the sum of money payable under the judgment of the original court, including any interest which by the law of the country of the original court becomes due under the judgment up to the time of registration, the judgment shall be registered for the reasonable costs of and incidental to registration, including the costs of obtaining a certified copy of the judgment from the original court.

Rules of
court.
15 & 16
Geo. 5. c. 49.

3.—(1) The power to make rules of court under section ninety-nine of the Supreme Court of Judicature (Consolidation) Act, 1925, shall, subject to the provisions of this section, include power to make rules for the following purposes—

- (a) For making provision with respect to the giving of security for costs by persons applying for the registration of judgments;
- (b) For prescribing the matters to be proved on an application for the registration of a judgment and for regulating the mode of proving those matters;
- (c) For providing for the service on the judgment debtor of notice of the registration of a judgment;
- (d) For making provision with respect to the fixing of the period within which an application may be made to have the registration of the judgment set aside and with respect to the extension of the period so fixed;
- (e) For prescribing the method by which any question arising under this Act whether a foreign judgment can be enforced by execution in the country of the original court, or what interest is payable under a foreign judgment under the law of the original court, is to be determined;
- (f) For prescribing any matter which under this Part of this Act is to be prescribed.

(2) Rules made for the purposes of this Part of this Act shall be expressed to have, and shall have, effect subject to any such provisions contained in Orders in Council made under section one of this Act as are declared by the said Orders to be necessary for giving effect to agreements made between His Majesty and foreign countries in relation to matters with respect to which there is power to make rules of court for the purposes of this Part of this Act.

PART I.
—cont.

4.—(1) On an application in that behalf duly made by any party against whom a registered judgment may be enforced, the registration of the judgment—

Cases in which registered judgments must, or may, be set aside.

(a) shall be set aside if the registering court is satisfied—

(i) that the judgment is not a judgment to which this Part of this Act applies or was registered in contravention of the foregoing provisions of this Act; or

(ii) that the courts of the country of the original court had no jurisdiction in the circumstances of the case; or

(iii) that the judgment debtor, being the defendant in the proceedings in the original court, did not (notwithstanding that process may have been duly served on him in accordance with the law of the country of the original court) receive notice of those proceedings in sufficient time to enable him to defend the proceedings and did not appear; or

(iv) that the judgment was obtained by fraud; or

(v) that the enforcement of the judgment would be contrary to public policy in the country of the registering court; or

(vi) that the rights under the judgment are not vested in the person by whom the application for registration was made;

(b) may be set aside if the registering court is satisfied that the matter in dispute in the proceedings

PART I.
—cont.

in the original court had previously to the date of the judgment in the original court been the subject of a final and conclusive judgment by a court having jurisdiction in the matter.

(2) For the purposes of this section the courts of the country of the original court shall, subject to the provisions of subsection (3) of this section, be deemed to have had jurisdiction—

(a) in the case of a judgment given in an action in personam—

(i) if the judgment debtor, being a defendant in the original court, submitted to the jurisdiction of that court by voluntarily appearing in the proceedings otherwise than for the purpose of protecting, or obtaining the release of, property seized, or threatened with seizure, in the proceedings or of contesting the jurisdiction of that court; or

(ii) if the judgment debtor was plaintiff in, or counter-claimed in, the proceedings in the original court; or

(iii) if the judgment debtor, being a defendant in the original court, had before the commencement of the proceedings agreed, in respect of the subject matter of the proceedings, to submit to the jurisdiction of that court or of the courts of the country of that court; or

(iv) if the judgment debtor, being a defendant in the original court, was at the time when the proceedings were instituted resident in, or being a body corporate had its principal place of business in, the country of that court; or

(v) if the judgment debtor, being a defendant in the original court, had an office or place of business in the country of that court and the proceedings in that court were in respect of a transaction effected through or at that office or place;

(b) in the case of a judgment given in an action of which the subject matter was immovable property or in an action in rem of which the subject

matter was moveable property, if the property in question was at the time of the proceedings in the original court situate in the country of that court;

- (c) in the case of a judgment given in an action other than any such action as is mentioned in paragraph (a) or paragraph (b) of this subsection, if the jurisdiction of the original court is recognised by the law of the registering court.

(3) Notwithstanding anything in subsection (2) of this section, the courts of the country of the original court shall not be deemed to have had jurisdiction—

- (a) if the subject matter of the proceedings was immovable property outside the country of the original court; or
- (b) except in the cases mentioned in sub-paragraphs (i), (ii) and (iii) of paragraph (a) and in paragraph (c) of subsection (2) of this section, if the bringing of the proceedings in the original court was contrary to an agreement under which the dispute in question was to be settled otherwise than by proceedings in the courts of the country of that court; or
- (c) if the judgment debtor, being a defendant in the original proceedings, was a person who under the rules of public international law was entitled to immunity from the jurisdiction of the courts of the country of the original court and did not submit to the jurisdiction of that court.

5.—(1) If, on an application to set aside the registration of a judgment, the applicant satisfies the registering court either that an appeal is pending, or that he is entitled and intends to appeal, against the judgment, the court, if it thinks fit, may, on such terms as it may think just, either set aside the registration or adjourn the application to set aside the registration until after the expiration of such period as appears to the court to be reasonably sufficient to enable the applicant to take the necessary steps to have the appeal disposed of by the competent tribunal.

Powers of
registering
court on
application
to set aside
registration.

(2) Where the registration of a judgment is set aside under the last foregoing subsection, or solely for the

PART I.
—cont.

reason that the judgment was not at the date of the application for registration enforceable by execution in the country of the original court, the setting aside of the registration shall not prejudice a further application to register the judgment when the appeal has been disposed of or if and when the judgment becomes enforceable by execution in that country, as the case may be.

(3) Where the registration of a judgment is set aside solely for the reason that the judgment, notwithstanding that it had at the date of the application for registration been partly satisfied, was registered for the whole sum payable thereunder, the registering court shall, on the application of the judgment creditor, order judgment to be registered for the balance remaining payable at that date.

Foreign judgments which can be registered not to be enforceable otherwise.

6. No proceedings for the recovery of a sum payable under a foreign judgment, being a judgment to which this Part of this Act applies, other than proceedings by way of registration of the judgment, shall be entertained by any court in the United Kingdom.

Power to apply Part I of Act to British dominions, protectorates and mandated territories.
10 & 11
Geo. 5. c. 81.

7.—(1) His Majesty may by Order in Council direct that this Part of this Act shall apply to His Majesty's dominions outside the United Kingdom and to judgments obtained in the courts of the said dominions as it applies to foreign countries and judgments obtained in the courts of foreign countries, and, in the event of His Majesty so directing, this Act shall have effect accordingly and Part II of the Administration of Justice Act, 1920, shall cease to have effect except in relation to those parts of the said dominions to which it extends at the date of the Order.

(2) If at any time after His Majesty has directed as aforesaid an Order in Council is made under section one of this Act extending Part I of this Act to any part of His Majesty's dominions to which the said Part II extends as aforesaid, the said Part II shall cease to have effect in relation to that part of His Majesty's dominions.

(3) References in this section to His Majesty's dominions outside the United Kingdom shall be construed as including references to any territories which are under His Majesty's protection and to any territories in respect

of which a mandate under the League of Nations has been accepted by His Majesty.

PART I.
—cont.

PART II.

Miscellaneous and General.

8.—(1) Subject to the provisions of this section, a judgment to which Part I of this Act applies or would have applied if a sum of money had been payable thereunder, whether it can be registered or not, and whether, if it can be registered, it is registered or not, shall be recognised in any court in the United Kingdom as conclusive between the parties thereto in all proceedings founded on the same cause of action and may be relied on by way of defence or counter-claim in any such proceedings.

General effect of certain foreign judgments.

(2) This section shall not apply in the case of any judgment—

(a) where the judgment has been registered and the registration thereof has been set aside on some ground other than—

(i) that a sum of money was not payable under the judgment; or

(ii) that the judgment had been wholly or partly satisfied; or

(iii) that at the date of the application the judgment could not be enforced by execution in the country of the original court; or

(b) where the judgment has not been registered, it is shown (whether it could have been registered or not) that if it had been registered the registration thereof would have been set aside on an application for that purpose on some ground other than one of the grounds specified in paragraph (a) of this subsection.

(3) Nothing in this section shall be taken to prevent any court in the United Kingdom recognising any judgment as conclusive of any matter of law or fact decided therein if that judgment would have been so recognised before the passing of this Act.

9.—(1) If it appears to His Majesty that the treatment in respect of recognition and enforcement accorded

Power to make foreign

PART II.
—*cont.*
judgments
unenforce-
able in
United
Kingdom
if no
reciprocity.

by the courts of any foreign country to judgments given in the superior courts of the United Kingdom is substantially less favourable than that accorded by the courts of the United Kingdom to judgments of the superior courts of that country, His Majesty may by Order in Council apply this section to that country.

(2) Except in so far as His Majesty may by Order in Council under this section otherwise direct, no proceedings shall be entertained in any court in the United Kingdom for the recovery of any sum alleged to be payable under a judgment given in a court of a country to which this section applies.

(3) His Majesty may by a subsequent Order in Council vary or revoke any Order previously made under this section.

Issue of cer-
tificates of
judgments
obtained in
the United
Kingdom.

10. Where a judgment under which a sum of money is payable, not being a sum payable in respect of taxes or other charges of a like nature or in respect of a fine or other penalty, has been entered in the High Court against any person and the judgment creditor is desirous of enforcing the judgment in a foreign country to which Part I of this Act applies, the court shall, on an application made by the judgment creditor and on payment of such fee as may be fixed for the purposes of this section under section two hundred and thirteen of the Supreme Court of Judicature (Consolidation) Act, 1925, issue to the judgment creditor a certified copy of the judgment, together with a certificate containing such particulars with respect to the action, including the causes of action, and the rate of interest, if any, payable on the sum payable under the judgment, as may be prescribed :

15 & 16 Geo.
5. c. 49.

Provided that, where execution of a judgment is stayed for any period pending an appeal or for any other reason, an application shall not be made under this section with respect to the judgment until the expiration of that period.

Interpreta-
tion.

11.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“Appeal” includes any proceeding by way of discharging or setting aside a judgment

or an application for a new trial or a stay of execution;

“Country of the original court” means the country in which the original court is situated;

“Judgment” means a judgment or order given or made by a court in any civil proceedings, or a judgment or order given or made by a court in any criminal proceedings for the payment of a sum of money in respect of compensation or damages to an injured party;

“Judgment creditor” means the person in whose favour the judgment was given and includes any person in whom the rights under the judgment have become vested by succession or assignment or otherwise;

“Judgment debtor” means the person against whom the judgment was given, and includes any person against whom the judgment is enforceable under the law of the original court;

“Judgments given in the superior courts of the United Kingdom” means judgments given in the High Court in England, the Court of Session in Scotland, the High Court in Northern Ireland, the Court of Chancery of the County Palatine of Lancaster or the Court of Chancery of the County Palatine of Durham, and includes judgments given in any courts on appeals against any judgments so given;

“Original court” in relation to any judgment means the court by which the judgment was given;

“Prescribed” means prescribed by rules of court;

“Registration” means registration under Part I of this Act, and the expressions “register” and “registered” shall be construed accordingly;

“Registering court” in relation to any judgment means the court to which an application to register the judgment is made.

(2) For the purposes of this Act, the expression “action in personam” shall not be deemed to include

PART II.
—cont.

any matrimonial cause or any proceedings in connection with any of the following matters, that is to say, matrimonial matters, administration of the estates of deceased persons, bankruptcy, winding up of companies, lunacy, or guardianship of infants.

Application
to Scotland.

12. This Act in its application to Scotland shall have effect subject to the following modifications:—

- (a) For any reference to the High Court (except in section eleven of this Act) there shall be substituted a reference to the Court of Session:
- (b) The Court of Session shall, subject to the provisions of subsection (2) of section three of this Act, have power by Act of Sederunt to make rules for the purposes specified in subsection (1) of the said section:
- (c) Registration under Part I of this Act shall be effected by registering in the Books of Council and Session or in such manner as the Court of Session may by Act of Sederunt prescribe:
- (d) For any reference to section two hundred and thirteen of the Supreme Court of Judicature (Consolidation) Act, 1925, there shall be substituted a reference to the Courts of Law Fees (Scotland) Act, 1895:
- (e) For any reference to the entering of a judgment there shall be substituted a reference to the signing of the interlocutor embodying the judgment.

58 & 59 Vict.
c. 14.

Application
to Northern
Ireland.

13. This Act in its application to Northern Ireland shall have effect subject to the following modifications:—

- (a) References to the High Court shall, unless the context otherwise requires, be construed as references to the High Court in Northern Ireland:
- (b) For the references to section ninety-nine and section two hundred and thirteen of the Supreme Court of Judicature (Consolidation)

Act, 1925, there shall be substituted respectively references to section sixty-one and section eighty-four of the Supreme Court of Judicature Act (Ireland), 1877, as amended by any subsequent enactment.

PART II.
—cont.
40 & 41 Vict.
c. 57.

14. This Act may be cited as the Foreign Judgments (Reciprocal Enforcement) Act, 1933. Short title.

CHAPTER 14.

An Act to provide for the establishment of a Passenger Transport Board for an area to be known as the London Passenger Transport Area, which shall comprise certain portions of the London Traffic Area and of the districts adjacent thereto, and for the transfer to that Board of various transport undertakings and interests; to make other provisions with respect to traffic in the said area; and for purposes connected with the matters aforesaid. [13th April 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

CONSTITUTION AND GENERAL POWERS OF LONDON PASSENGER TRANSPORT BOARD.

1.—(1) For the purposes of this Act there shall, as soon as may be after the passing of this Act, be established a public authority to be called the London Passenger Transport Board (in this Act referred to as "the Board"), consisting of a chairman and six other members from time to time appointed by a body (in

Establishment of London Passenger Transport Board.

PART I.
—cont.

this Act referred to as “the Appointing Trustees”) consisting of the following persons:—

- the chairman of the London County Council;
- a representative of the Advisory Committee (as hereinafter in this Act defined);
- the chairman of the Committee of London Clearing Bankers;
- the president of the Law Society;
- the president of the Institute of Chartered Accountants in England and Wales; and
- in the case of appointments to fill vacancies in the Board at any time after the first constitution of the Board, the chairman of the Board or some other member of the Board nominated by the Board for the purpose.

The appointments to be made by the Appointing Trustees shall be made after consultation with such persons as they may think fit.

(2) The chairman and other members of the Board shall be persons who have had wide experience, and have shown capacity, in transport, industrial, commercial or financial matters or in the conduct of public affairs and, in the case of two members, shall be persons who have had not less than six years experience in local government within the London Passenger Transport Area.

(3) A Member of the Commons House of Parliament shall be disqualified for being appointed or being a member of the Board.

(4) A member of the Board shall hold office for such term, not less than three years nor longer than seven years, as the Appointing Trustees may determine at the time of his appointment:

Provided that a member may resign his office by notice in writing under his hand given to the Minister of Transport (in this Act referred to as “the Minister”).

(5) Where any member of the Board is absent from the meetings of the Board for more than six months consecutively, except for some reason approved by the Minister, or becomes disqualified for being such a member, or becomes bankrupt or makes a composition or arrangement with his creditors, the Minister shall forthwith declare the office to be vacant, and shall notify

the fact in such manner as he thinks fit, and thereupon the office shall become vacant.

PART I.
—cont.

(6) The Minister after consultation with the Appointing Trustees may remove any member of the Board from his office for inability or misbehaviour.

(7) A member on vacating his office at the expiration of the term thereof shall be eligible for re-appointment.

(8) Subject to the provisions of this section the provisions contained in the First Schedule to this Act shall have effect with respect to the constitution and proceedings of the Appointing Trustees.

2.—(1) The Board shall be a body corporate with power to purchase and hold land for the purposes of this Act without licence in mortmain.

Incorporation, proceedings and officers of Board.

(2) The quorum of the Board shall be three, but subject as aforesaid the Board may regulate their own procedure.

(3) The Board may act notwithstanding a vacancy in their number so long as that number is not reduced below three.

(4) The Board shall have a common seal, and the seal of the Board shall be authenticated by the signatures of the chairman of the Board, or some other member of the Board authorised by the Board to act in his stead in that behalf, and of the secretary to the Board, or some person authorised by the Board to act in his stead in that behalf.

(5) Every document purporting to be an instrument issued by the Board and to be sealed with the seal of the Board authenticated in manner provided by this section, or to be signed by the secretary to the Board or by a person authorised by the Board to act in his stead in that behalf, as the case may be, shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

(6) The Board shall appoint a secretary and such other officers and servants as the Board may determine, and, subject to the provisions of this Act, there shall be paid to the secretary, officers and servants of the Board such salaries and remuneration, and, on retirement or death, there shall be paid to them or their

PART I. representatives such pensions and gratuities, as the
—*cont.* Board may determine.

General
duty of
Board as to
passenger
transport.

3.—(1) It shall be the general duty of the Board so to exercise their powers under this Act as to secure the provision of an adequate and properly co-ordinated system of passenger transport for the London Passenger Transport Area (as hereinafter in this Act defined), and for that purpose, while avoiding the provision of unnecessary and wasteful competitive services, to take from time to time such steps as they consider necessary for extending and improving the facilities for passenger transport in that area in such manner as to provide most efficiently and conveniently for the needs thereof.

(2) The undertakings and parts of undertakings which are by this Act transferred to the Board, and any undertakings or parts of undertakings which under this Act are from time to time acquired, taken on lease or established by the Board, shall constitute, and be administered by them as, one undertaking.

(3) Subject to the provisions of this Act, the Board may in the exercise of their duty as aforesaid—

- (a) maintain, manage, carry on, extend and improve their undertaking :
- (b) by agreement acquire or take on lease the whole or any part of any other passenger transport undertaking if that undertaking or that part is being worked within or mainly within the London Passenger Transport Area :
- (c) purchase, repair or maintain rolling-stock, vehicles, appliances and apparatus for use or used in connection with their undertaking :
- (d) purchase by agreement or take on lease land, and erect thereon such buildings as may be requisite in connection with their undertaking :
- (e) do or cause to be done all other things necessary for the convenient and efficient working of their undertaking.

(4) It shall be the duty of the Board to conduct their undertaking in such manner, and to fix such fares and charges in accordance with the provisions of this Act, as to secure that their revenues shall be sufficient to defray all charges which are by this Act required to be defrayed out of the revenues of the Board.

4.—(1) There shall be paid to the chairman and other members of the Board such salaries, or fees, and allowances for expenses as the Minister after consultation with the Appointing Trustees and with the consent of the Treasury may determine.

PART I.
—cont.
Provisions
as to
members of
Board.

(2) A member of the Board shall within six months, or in the case of an original member twelve months, after his appointment sell any securities which he may hold for his own benefit, whether in his own name or in that of some other person, in any company which is carrying on any passenger transport undertaking in the London Passenger Transport Area, and any transport stock issued under this Act which he may so hold, and it shall not be lawful for a member of the Board to purchase for his own benefit any securities in any such company or any such transport stock.

(3) If a member of the Board becomes entitled for his own benefit to any securities in any such company as aforesaid, or to any such transport stock, he shall sell those securities or that stock within three months after the date on which he becomes entitled to have them transferred to him.

(4) It shall be the duty of a member of the Board who is in any way, whether directly or indirectly, interested in any contract made or proposed to be made by the Board to disclose the nature of his interest at a meeting of the Board, and the disclosure shall be forthwith recorded in the Minutes of the Board, and the member who is so interested shall not take any part in any deliberation or decision of the Board with respect to that contract.

(5) A member of the Board who fails to comply with, or acts in contravention of, any of the provisions of this section shall become disqualified for being a member.

PART II.

THE UNDERTAKING OF THE BOARD.

Transfer to the Board of existing Undertakings.

5.—(1) Subject to the provisions of this Act, the undertakings specified in the Second Schedule to this Act shall on the appointed day, by virtue of this Act, be transferred to and vest in the Board.

Transfer to
Board of
passenger
transport
under-
takings.

PART II.
—cont.

(2) The transfer effected by this section shall (subject to the provisions of section eighty-two of this Act) extend—

- (a) in the case of each of the undertakings specified in Part I of the said Schedule, other than the tramway and light railway undertaking of the South Metropolitan Electric Tramways and Lighting Company, Limited, (all of which undertakings, together with the last-mentioned undertaking, are in this Act referred to as “the Underground undertakings”), to the whole of the undertaking, including all lands, works, and other property, assets, powers, rights and privileges held or enjoyed in connection therewith or appertaining thereto and any rights or interests of the undertakers in any other undertaking; and
- (b) in the case of the tramway and light railway undertaking of the South Metropolitan Electric Tramways and Lighting Company, Limited, to the whole of the undertaking including all lands, works, and other property, assets, powers, rights and privileges held or enjoyed in connection therewith or appertaining thereto (other than transforming stations, investments, cash or other liquid assets or book debts and any rights or interests of the undertakers in any other undertaking); and
- (c) in the case of the undertaking specified in Part II of the said Schedule (in this Act referred to as “the Metropolitan undertaking”) to the whole of the undertaking including all lands, works and other property, assets, powers, rights and privileges held or enjoyed in connection therewith or appertaining thereto and any rights or interests of the undertakers in any other undertaking but excluding the undertaking of the Surplus Lands Committee as hereinafter in this Act defined; and
- (d) in the case of each of the undertakings specified in Part III of the said Schedule (in this Act referred to as “the local authorities’ undertakings”) to the whole of the undertaking

including all lands, works and other property, assets (other than moneys representing any fund established by the authority for the redemption of any loan raised by them for the purposes of the transferred undertaking), powers, rights and privileges held or enjoyed in connection therewith or appertaining thereto, other than such lands or buildings as the Board and the local authority concerned may before the appointed day agree to exclude, or in default of agreement as the arbitration tribunal may determine ought to be excluded, from the transfer effected by this section as being lands or buildings which are not being used for the purposes of the transferred undertaking and are not likely to be required for those purposes, or, in the case of the undertaking of the mayor, aldermen and burgesses of the county borough of West Ham, other than the lands or buildings delineated in red on the maps lettered 'A,' 'B' and 'C' signed by the Treasury Solicitor and by the borough surveyor of the said county borough and deposited with the Ministry of Transport; and

- (e) in the case of each of the undertakings specified in Part IV or Part V of the said Schedule (in this Act referred to as "the Tiling undertakings" and "the independent undertakings" respectively)—

(i) to such part of the undertaking as consists in the provision of services of stage carriages in respect of which schedules have been deposited with the licensing authority under section six of the London Traffic Act, 1924, consequent upon the grant of a licence under the Metropolitan Public Carriage Act, 1869, subject to the condition of not plying for hire without the consent of the licensing authority except in maintaining regular services on approved routes, including any property of the owners of the undertaking (other than book debts or cash) which was immediately before the appointed day wholly or mainly applied to, or used in connection with, the

14 & 15
Geo. 5. c. 34.
32 & 33
Vict. c. 115.

PART II
—*cont.*

provision of those services, and any unexpired licence or insurance in respect of any such property; and

(ii) in any case where the owners of the undertaking by notice in writing served on the Board not later than three months from the passing of this Act claim that the transfer to the Board of part only of their undertaking would injuriously affect a part of their undertaking not so transferred, to so much of that remaining part as consists in running public service vehicles wholly or mainly in the London Passenger Transport Area and as the Board by a requisition in writing served on the owners not later than three months from the receipt of the notice elects to take over:

Provided that, if the Premier Omnibus Company, Limited, by notice in writing served as aforesaid claims that the transfer to the Board of the whole or part only of the undertaking of that company would injuriously affect the undertaking of the Premier Line, Limited, the Board shall take over the whole undertaking of the Premier Line, Limited, including all lands, works, and other property, powers, rights, and privileges held or enjoyed in connection therewith or appertaining thereto (other than investments, cash, or other liquid assets or book debts and the freehold premises comprising a garage situate in Bicester Road, Aylesbury, in the county of Buckingham, and any rights or interests of the undertakers in any other undertaking) and for the purposes of this Act the undertaking so taken over shall be deemed to be an undertaking specified in Part V of the Second Schedule to this Act; and

(f) in the case of the undertaking specified in Part VI of the said Schedule (in this Act referred to as "the Lewis undertaking") to the whole of that undertaking, including all lands, works, and other property, assets, powers, rights, and

privileges held or enjoyed in connection therewith or appertaining thereto and any rights or interests of the undertakers in any other undertaking.

PART II.
—cont.

For the purposes of sub-paragraph (ii) of paragraph (e) of this subsection and of paragraph (a) of subsection (6) of section fourteen of this Act the undertaking of the Westminster Omnibus Company, Limited, and the undertaking of the Westminster Coaching Services, Limited, shall be deemed to be one undertaking owned by the Westminster Omnibus Company, Limited.

(3) If any question arises as to the extent of any transfer effected or to be effected by this section, that question shall, subject to the provisions of this section, be referred to the arbitration tribunal constituted under this Act.

(4) Subject to the provisions of this Act, the Board, on the transfer of any undertaking specified in Parts I, II, III or VI of the Second Schedule to this Act—

- (a) may exercise and enforce all the rights, powers and privileges which were immediately before the appointed day vested in the undertakers in respect of the undertaking; and
- (b) shall, to the exclusion of the undertakers, be subject to all liabilities and obligations, whether arising by statute or otherwise howsoever, to which the undertakers were subject immediately before the appointed day in respect of the undertaking:

Provided that—

- (i) no liability or obligation of a local authority in respect of any loan raised for the purposes of a transferred undertaking and further in the case of the Hertfordshire County Council, London County Council and Middlesex County Council, and in the case of the mayor, aldermen and burgesses of the county borough of West Ham, no liability or obligation in respect of capital expenditure on work done, services rendered, goods delivered, or land or property acquired before the appointed day shall be transferred to the Board, and any dispute which may arise between the Board and any

PART II.
—cont.

of those councils or that corporation under this proviso shall, in default of agreement, be determined by an arbitrator to be agreed or to be appointed by the Minister of Health ;

- (ii) no liability or obligation in respect of any debenture stock or other like security in substitution for which transport stock is issued under this Act shall be transferred to the Board ;
- (iii) no liability or obligation to which the Board is made subject, and no right, power or privilege vested in the Board, by virtue of this section by reason of the transfer to the Board of any undertaking shall be taken to extend to, or apply in respect of, any part of the undertaking of the Board other than so much thereof as represents the transferred undertaking ;
- (iv) the Board shall not by virtue of this section be entitled to exercise any power of borrowing which was before the appointed day exercisable by the undertakers of any transferred undertaking ;
- (v) the Board shall not by virtue of this section be entitled to exercise any power vested in any undertaker being an existing company within the meaning of the Companies Act, 1929, unless that power was conferred on that undertaker by a special Act or order having the force of an Act or had been exercised by that undertaker before the appointed day ;
- (vi) the Board shall not by virtue of this section be entitled to exercise any rights under section twenty-seven of the Leyton Urban District Council Act, 1904, save with the consent in writing of the mayor, aldermen and burgesses of the Borough of Leyton ;
- (vii) no liability of the tramway and light railway undertaking of the South Metropolitan Electric Tramways and Lighting Company, Limited, in respect of work done, services rendered, goods delivered or money borrowed before the appointed day shall be transferred to the Board ;

19 & 20
Geo. 5. c. 23.

4 Edw. 7.
c. cxi.

- (viii) the Board shall not without the consent in writing of the mayor, aldermen and burgesses of the county borough of Croydon exercise the powers which were conferred upon the said mayor, aldermen and burgesses by so much of Part IV of the Croydon Corporation Act, 1924, as relates to trolley vehicles;
- (ix) the transfer effected by this section shall not extend in the case of the London County Council or in the case of the mayor, aldermen and burgesses of the county borough of West Ham to any rights in the Consolidated Loans Fund of that council or of that corporation;
- (x) in respect of any roads whereon any light railway is laid by virtue of the Middlesex Light Railways Orders, 1901 to 1932, the Board shall be subject to the same liability to repair, maintain, and keep in good condition parts of the roads of which the Middlesex County Council are the highway authority as they are, by virtue of the transfer effected by this section, subject to in respect of parts of the roads of which the said county council are not the highway authority; and the said county council shall, in respect of the roads of which they are the highway authority, have all the powers, rights, and privileges which by the County of Middlesex Light Railways Orders, 1901 to 1932, and Part IV of the Middlesex County Council Act, 1925, are vested in highway authorities other than the said county council;
- (xi) the liability of the Middlesex County Council under subsection (2) of section twenty-five of the County of Middlesex Light Railways Order, 1901, subsection (2) of section twenty-five of the County of Middlesex Light Railways Order, 1903, and subsection (2) of section twenty-five of the County of Middlesex (Waltham Cross and Enfield) Light Railways Order, 1906, or under any of the said subsections as incorporated with, or made applicable to, the County of Middlesex Light

PART II.
—cont.

14 & 15
Geo. 5.
c. xcvi.

15 & 16
Geo. 5.
c. xciv.

PART II.
—cont.

Railways Orders, 1901 to 1932, shall continue to be and shall be deemed always to have been discharged by the Middlesex County Council as highway authority ;

(xii) the Middlesex County Council may and, if so required by the Board, shall at the expense of the council lay down, execute and complete to the satisfaction of the Minister the tramways and works authorised by section fifteen of the Middlesex County Council Act, 1925, within the period limited by that Act as extended by any subsequent enactment and for that purpose may exercise all the powers conferred and shall be subject to all the obligations imposed on the council by that Act in connection therewith ;

(xiii) the powers and obligations conferred or imposed on the Middlesex County Council by any order made by the Minister under the Light Railways Acts, 1896 to 1912, in pursuance of an application made to the Minister by the council on the thirtieth day of October, nineteen hundred and thirty-one, for an order authorising the making of a light railway in the urban district of Finchley, or by any agreement made in contemplation of that order, shall remain vested in the council until the railway as defined and authorised by the order is laid down and completed, and the council, if so required by the Board, shall at the expense of the council complete the railway within the period limited by the order or by any subsequent order extending the period and, if the Minister certifies that the railway has been duly constructed and that all the obligations of the council in connection with its construction have been discharged, the undertaking authorised by the order (except any land acquired by the council under the powers conferred on the council by the order) shall, as from the date of the certificate or such later date as may be specified in the certificate, by virtue of this Act be transferred to and vest in the Board ; and

(xiv) all rights, powers and privileges vested in or purporting to be vested in, and all liabilities and obligations imposed on or purporting to be imposed on the undertakers by virtue of any private or local Act which receives the Royal Assent in the same session of Parliament as this Act shall for the purposes of this Act be deemed in so far as they relate to undertakings transferred to the Board by this Act to have been vested in or imposed on the undertakers immediately before the appointed day.

PART II.
—cont.

6.—(1) Subject to the provisions of this section, no rights or liabilities arising by virtue of any contract between the Associated Equipment Company Limited (in this section referred to as the "Equipment Company") and any of the undertakers specified in Part I of the Second Schedule to this Act shall be transferred to the Board by this Act and as from the appointed day any such contract as aforesaid shall be discharged.

Provisions
relating to
Associated
Equipment
Company,
Limited.

(2) It shall be lawful for the Board at any time after the appointed day to enter into any such contract as they may think fit with the Equipment Company in relation to the supply to the Board of public service vehicles or spare parts or otherwise for the purposes of the undertaking of the Board.

(3) If within six months from the appointed day no such contract as aforesaid is entered into by the Board, the Equipment Company shall be entitled to recover from the Board such compensation as may be agreed or in default of agreement as may be determined by the arbitration tribunal in respect of any loss which the Equipment Company would have suffered on the following assumptions:—

- (a) that a contract in the form of the pro forma contract identified by the signatures of the Treasury Solicitor and of the Secretary of the Equipment Company had been entered into between the London General Omnibus Company, Limited, and the Equipment Company immediately before the appointed day and had been transferred to the Board by this Act; and
- (b) that the Board had repudiated that contract immediately after the appointed day.

PART II.
—*cont.*

(4) This section shall not apply to rights or liabilities arising by virtue of the deed of covenant made the twelfth day of May, nineteen hundred and thirty, between the Equipment Company and the Union Surplus Lands Company, Limited, or any deed of covenant varying or amending the aforementioned deed of covenant.

(5) For the purposes of this section the appointed day means the first day of July, nineteen hundred and thirty-three.

Consideration for transfer of undertakings other than local authorities' undertakings.

7.—(1) In the case of the Underground undertakings the Board shall, as consideration for the transfer to the Board of those undertakings, issue to the several companies owning those undertakings in such manner as is provided by this Act, the amounts of stock created under this Act (in this Act referred to as "transport stock") which are specified in Part I of the Third Schedule to this Act and of the classes therein specified and the stock so issued shall, in the case of the companies specified in Part II of the said Schedule, be distributed among the holders of the existing debenture and other stocks and shares of those companies at the rates of substitution specified in that Part :

Provided that, where any of the companies specified in Part I of the said Schedule (other than the Tramways (M.E.T.) Omnibus Company, Limited) has at any time after the thirty-first day of December, nineteen hundred and thirty, and before the appointed day redeemed any debenture stocks of the company, the appropriate reduction calculated on the basis of the said rates of substitution shall be made in the transport stock to be issued to the company under this section.

(2) In the case of the Metropolitan undertaking the Board shall, as consideration for the transfer to the Board of that undertaking, issue to the company owning the undertaking in such manner as is provided by this Act the amounts of transport stock which are specified in Part I of the Fourth Schedule to this Act and of the classes therein specified, and the stock so issued shall be distributed among the holders of the existing stocks of the company (other than the Four per cent. Terminable Debenture Stock) at the rates of substitution specified in Part II of the said Schedule.

(3) No interest shall accrue due in respect of any period after the appointed day on any existing debenture

stock or other stock in substitution for which transport stock is to be distributed under the preceding subsections of this section.

PART II.
—cont.

(4) The provisions of the Fifth Schedule to this Act shall have effect in relation to and for the purpose of the distribution of the transport stock issued under the preceding subsections of this section.

(5) In the case of a Tilling undertaking the Board shall, as consideration for the transfer of the part of the undertaking transferred to the Board, issue to the undertakers such an amount of transport stock as may under the next following section of this Act be agreed or determined by arbitration.

(6) In the case of an independent undertaking, or the Lewis undertaking, the Board shall pay or issue to the undertakers as consideration for the transfer of the undertaking or the part of the undertaking transferred to the Board such an amount of cash or of transport stock, or of both cash and transport stock, as may under the next following section of this Act be agreed or determined by arbitration :

Provided that, subject to the provisions of subsection (3) of the said section, the consideration shall, at the option of the undertaker, be payable wholly in cash or wholly in transport stock, or partly in cash and partly in transport stock, in such proportions as the undertaker may require.

8.—(1) The Board and any undertakers to whom this section applies being undertakers whose undertaking is by this Act transferred in whole or in part to the Board may enter into an agreement as to the consideration to be given by the Board for the transfer, but no such agreement shall have effect unless and until it has been confirmed by the arbitration tribunal to be constituted under this Act and the tribunal may confirm any such agreement either with or without modification.

Determina-
tion of
amount of
considera-
tion and
terms of
transfer of
the Tilling,
Inde-
pendent
and Lewis
under-
takings.

(2) Subject to the provisions of this Act the amount and nature of the consideration, shall be determined by the arbitration tribunal in accordance with the provisions of this Act in the following cases, that is to say—

- (a) where the undertakers or the Board notify the tribunal that they are unable to agree ;

PART II.
—cont.

- (b) where an agreement submitted to the tribunal for confirmation is not confirmed by the tribunal; and
- (c) where no such agreement as aforesaid has been so submitted to the tribunal within six months after the passing of this Act or within such longer period as the Minister, either generally or in relation to any particular case, may prescribe;

and in any case where the undertakers or the Board notify the tribunal that they are unable to agree, or where no such agreement as aforesaid has been submitted within the time so limited, either party may, and, if no scheme is submitted before the expiration of the time so limited, the Board, so soon as may be, shall, prepare and submit to the tribunal a scheme setting out the amount and nature of the consideration which the party so submitting the scheme considers ought to be accepted by the tribunal as being in accordance with the provisions of this Act.

(3) Where in pursuance of the last preceding subsection the amount and nature of the consideration payable in respect of the transfer of an independent undertaking, or of the Lewis undertaking, is to be determined by the arbitration tribunal, the undertakers shall for the purposes of subsection (6) of section seven of this Act be deemed to have elected to have the consideration paid wholly in cash unless, within such time and in such manner as the arbitration tribunal may direct, they elect to have the consideration paid wholly or partly in transport stock.

(4) The undertakers to whom this section applies are the undertakers specified in Parts IV, V and VI of the Second Schedule to this Act.

Consideration
for transfer of
local
authorities'
under-
takings.

9.—(1) In the case of a local authority's undertaking being an undertaking owned by a local authority specified in the Sixth Schedule to this Act, the Board shall, on or as soon as may be after the appointed day, as consideration for the transfer to the Board of that undertaking, issue to the local authority in such manner as is provided by this Act transport stock of the amount and class shown against the name of that authority in the second column of that Schedule; and in the event of any land or buildings which immediately before the appointed day formed part of the transferred undertaking being

excluded, either by agreement between the local authority and the Board or in accordance with a determination of the arbitration tribunal, from the transfer in accordance with the provisions of paragraph (d) of subsection (2) of section five of this Act the authority shall pay to the Board such sum as may be agreed or in default of agreement as may be determined by the arbitration tribunal to be the equivalent of the outstanding liabilities or obligations of the authority as at the appointed day in respect of so much of any loan raised by them as has been applied for the purposes of the land or buildings so excluded.

PART II.
—cont.

(2) In the case of the undertaking of the Bexley Urban District Council (in this Act referred to as “the Bexley undertaking”) and in the case of the undertaking of the mayor, aldermen and burgesses of the borough of Ilford (in this Act referred to as “the Ilford undertaking”) the Board shall as consideration for the transfer to the Board of that undertaking issue to the local authority in such manner as is provided by this Act transport stock of such amount and class as may under the next following section of this Act be agreed or determined by arbitration.

(3) In the case of any other local authority’s undertaking the Board, in order to enable the authority to satisfy their outstanding liabilities or obligations in respect of any loan raised by them for the purposes of the transferred undertaking as and when they fall to be met, shall, as consideration for the transfer to the Board of that undertaking—

(a) where the authority have established a fund for the redemption of the loan—

(i) pay to the authority from time to time sums by way of capital payment equal to the amounts of the annual or other periodical contributions which, regard being had to the interest for the time being earned by the moneys representing the fund, it is necessary to pay into the fund in respect of any period after the appointed day in order to make provision for the repayment of the loan within the redemption period; and

(ii) so long as the moneys representing the fund are insufficient to redeem the loan, make

PART II.
—cont.

annual payments to the authority (either half-yearly or at some shorter period) equal to the annual amounts of any interest due on the loan;

(b) where provision has been made for the redemption of the loan by instalments—

(i) if the instalments do not include interest, pay to the authority sums by way of capital payment equal to the amounts of the instalments and also make annual payments (either half-yearly or at some shorter period) equal to the annual amounts of any interest due on the loan; or

(ii) if the instalments are instalments of principal and interest combined, pay to the authority sums by way of capital payment equal to the amounts of principal included in the instalments and concurrently therewith make annual payments equal to the amounts of interest included in the instalments :

Provided that—

(i) the redemption period by reference to which the amount of any such contribution or instalment as aforesaid is to be calculated shall, unless the Board otherwise agree, be the period by reference to which the contributions to be made or instalments to be paid, as the case may be, were calculated during the last complete financial year before the appointed day; and

(ii) the consideration payable for the transfer of the undertaking of the local authority may, if it is so agreed between the Board and the authority, and the agreement is confirmed in manner provided by the next following section, be satisfied by the issue to the authority of such an amount of transport stock as may be so agreed as sufficient to enable the authority to discharge their liabilities in respect of the said loans.

(4) For the purposes of this Act—

(a) references to a loan raised by a local authority for the purposes of a transferred undertaking

shall, where a loan has been raised by a local authority both for the purposes of a transferred undertaking and for other purposes, be construed as references to such part of the loan as had before the appointed day been applied for the purposes of the transferred undertaking;

- (b) where a loan has been raised both for the purposes of a transferred undertaking and for other purposes, references to any fund established for the redemption of any such loan or to moneys representing any such fund or to any instalment for the redemption of any such loan shall be construed as references to such portion of the fund, or of the moneys representing the fund, or of the instalment, as relates to the part of the loan which had before the appointed day been applied for the purposes of the transferred undertaking;
- (c) where a tramway which originally formed part of a transferred undertaking has been abandoned before the appointed day, so much of any loan as had before the appointed day been applied for the purposes of the part of the undertaking so abandoned shall be treated as a loan raised for the purposes of the transferred undertaking; and
- (d) where any land or buildings which immediately before the appointed day formed part of a local authority's undertaking have been excluded from the transfer of that undertaking in accordance with the provisions of paragraph (d) of subsection (2) of section five of this Act, any liability of the local authority in respect of the redemption of, or the payment of interest upon, any loan raised by them and applied for the purposes of the land or buildings so excluded shall not be taken into account in determining the amount of the payments to be made or of the transport stock to be issued by the Board to the authority as consideration for the transfer of the undertaking.

PART II.
—cont.
Determina-
tion of
amount of
considera-
tion and
terms of
transfer in
case of local
authorities'
under-
takings.

10.—(1) The Board and any local authority whose undertaking is transferred to the Board by this Act (not being a local authority specified in the Sixth Schedule to this Act) may enter into an agreement as to the consideration payable for the transfer in accordance with the provisions of this Act and as to the dates on which and the manner in which that consideration is to be paid; but no such agreement shall have effect unless and until it has been confirmed by the arbitration tribunal and the tribunal may confirm any such agreement either with or without modification.

(2) Where no such agreement as aforesaid has been submitted to the tribunal within six months after the passing of this Act or within such longer period as the Minister either generally or in relation to any particular case may prescribe, the Board, so soon as may be, shall prepare and submit to the tribunal a scheme setting out, in the case of the Bexley or the Ilford undertaking, the amount and class of transport stock which the Board consider ought to be awarded by the tribunal as consideration for the transfer of that undertaking and providing, in the case of any other local authority's undertaking, for the calculation of the sums to be paid by the Board as consideration for the transfer which the Board consider ought to be accepted by the tribunal as being in accordance with the provisions of this Act and, where any scheme is so submitted, all questions covered by the scheme shall be determined by the arbitration tribunal.

(3) If after the date on which any such agreement or scheme as aforesaid has been confirmed or determined by the arbitration tribunal any dispute arises between the Board and a local authority as to any matter arising out of the agreement or scheme, that dispute shall be determined by the arbitration tribunal, or if that tribunal has been dissolved, by an arbitrator to be agreed or failing agreement to be appointed by the Minister of Health.

Payments
on account
to be made
by the
Board.

11. Pending the confirmation of an agreement as to, or the determination by arbitration of, the consideration to be given by the Board for the transfer of any undertaking, or part of an undertaking, the Board shall from time to time pay to the undertakers—

(a) in the case of a local authority (not being a local authority specified in the Sixth Schedule

to this Act or an authority which by this Act is to receive or which has agreed with the Board to accept an issue of transport stock), such sums on account of the consideration as may be necessary to enable the authority to meet its obligations in respect of the redemption or repayment of and interest on any loan raised by the authority for the purposes of the transferred undertaking, after taking into account any moneys then representing any fund established by the local authority for the redemption of the loan and any interest then earned by those moneys; and

PART II.
—cont.

- (b) in any other case, amounts on account of any payments to be made in cash, or on account of interest on any transport stock to which those owners may ultimately become entitled;

and, in default of agreement, the amount of any payments to be made under this section and the dates on which those payments are to be made, shall be determined by the arbitration tribunal.

12.—(1) For the purposes of this Act there shall be constituted a tribunal, to be called the London Passenger Transport Arbitration Tribunal (in this Act referred to as “the arbitration tribunal”) consisting of three commissioners, of whom one, who shall be the president, shall be a person of legal experience, one shall be a person of experience in business and one shall be a person of experience in finance.

Constitution
and pro-
cedure of
arbitration
tribunal.

(2) The commissioners shall hold office until all questions to be disposed of by them under the provisions of this Act other than questions referred to in subsection (3) of section ten or in subsection (5) of section sixteen of this Act have been so disposed of.

(3) The commissioners shall be appointed by the Lord Chancellor, and in the event of any vacancy occurring among the commissioners for the time being by death, resignation, or otherwise, before the expiration of their term of office, the Lord Chancellor may appoint a person to fill the vacancy.

(4) If any commissioner becomes, by reason of illness or other infirmity, temporarily incapable of

PART II.
—cont.

performing the duties of his office, the Lord Chancellor may appoint some other fit person to discharge his duties for any period not exceeding six months at one time, and the person so appointed shall, during that period, have the same powers as the commissioner in whose place he is appointed.

(5) The arbitration tribunal shall be a court of record and shall have an official seal, which shall be judicially noticed.

(6) The arbitration tribunal may hold such inquiries as appear to the tribunal to be necessary for the purpose of the proper discharge of the functions of the tribunal under this Act.

Before holding any such inquiry the tribunal shall give such public notice as appears to them best adapted for informing persons affected of the date on which and the place at which the inquiry will be held.

(7) The arbitration tribunal shall take into consideration any objections to any agreement or scheme which are, within the prescribed time and in the prescribed manner, lodged by any person or any class or body of persons affected by the agreement or scheme or by any organisation representative of labour engaged in any transferred undertaking or by any local authority whose area, or any part of whose area, is comprised in the London Passenger Transport Area and, where any objection is so lodged and is not withdrawn, shall hear in support thereof any person who is authorised by the party lodging the objection to appear in support thereof unless the tribunal consider the objection to be unreasonable.

52 & 53 Vict.
c. 49.

(8) The provisions of the Arbitration Act, 1889, with respect to—

(a) the administration of oaths and the taking of affirmations;

(b) the summoning, attendance, and examination of witnesses and the production of documents;

(c) the correction of mistakes and errors in awards;

shall apply in respect of any proceedings before the arbitration tribunal, but, save as aforesaid, the Arbitration Act, 1889, shall not apply to proceedings before the arbitration tribunal.

(9) The arbitration tribunal shall have power to make interim awards.

PART II.
—cont.

(10) The arbitration tribunal may state an award, or any part of an award, in the form of a special case for the decision of the Court of Appeal, and may at any stage of the proceedings, and if so ordered by the Court of Appeal shall, state in the form of a special case for the decision of the Court of Appeal any question of law arising in the course of any proceedings before the tribunal.

(11) The decision of the Court of Appeal upon any award or case so stated shall be final.

(12) The costs of the owner of any undertaking which is in whole or in part transferred to the Board by this Act shall, except and in so far as the arbitration tribunal otherwise determine, be borne by the Board, and the costs of any other person appearing before the tribunal in support of an objection shall be in the discretion of the arbitration tribunal, so however that where the tribunal consider that a claim or objection, as the case may be, is unreasonable or frivolous and vexatious the tribunal may direct the person putting forward the claim or objection to pay the whole or any part of the costs of the Board and the arbitration tribunal may order the taxation of any costs referred to in this subsection in such manner and on such scale or principle as they may think fit.

(13) Subject to the provisions of this section, the arbitration tribunal shall, subject to the approval of the Lord Chancellor, make rules regulating the procedure of the tribunal and providing for the publication of notice of the submission of agreements and schemes and the place where agreements and schemes may be inspected, and prescribing the time within which and the manner in which objections to agreements and schemes may be lodged.

(14) Subject to the provisions of this section, every award or order made by the arbitration tribunal under this Act shall be binding and conclusive for all purposes, and shall have the like effect as if it were an order of the High Court.

(15) The arbitration tribunal shall commence their sittings as soon as may be after the passing of this Act,

PART II. and shall dispose of the matters referred to them under
—*cont.* this Act with all reasonable dispatch.

Staff and
expenses of
tribunal.

13.—(1) The arbitration tribunal may appoint a clerk and, subject to the consent of the Treasury as to numbers, such other officers and servants as they consider necessary for assisting them in the proper discharge of their functions.

(2) There shall be paid to the members of the arbitration tribunal and to any person temporarily discharging the duties of a member of the tribunal, and to any such clerk, officers and servants as aforesaid, such remuneration as the Minister, with the approval of the Treasury, may determine.

(3) The expenses of the arbitration tribunal, including any remuneration paid as aforesaid, as certified by the Treasury, shall be defrayed in the first instance by the Minister out of moneys provided by Parliament, but the amount paid by the Minister under this subsection, with interest at such rate as the Treasury may determine, shall on demand be repaid to the Minister by the Board.

Rules to be
applied in
determining
compensa-
tion.

14.—(1) The arbitration tribunal in determining the consideration to be paid by the Board for the transfer of—

- (a) the Bexley undertaking;
- (b) the Ilford undertaking; and
- (c) any other undertaking or part of an undertaking not being a local authority's undertaking;

shall have regard to all the circumstances of the case, and shall, subject to the provisions of this section, determine the value of such undertaking or part of an undertaking, and award a consideration which in their opinion is equivalent to such value.

(2) The arbitration tribunal shall endeavour to secure that the standard of consideration payable in respect of the several undertakings and parts of undertakings transferred by this Act (other than local authorities' undertakings which are transferred on the terms set out in subsection (1) or (3) of section nine of this Act) shall be fair and equitable as between the several owners thereof, and in order to secure that result may, amongst

the circumstances to which they have regard in determining the value of any of the undertakings mentioned in subsection (1) of this section, have regard to the nature and value and the consideration paid for the transfer of any other undertaking or part of an undertaking (other than as aforesaid) transferred by this Act, whether that consideration is fixed by this Act or by agreement under this Act.

PART II.
—cont.

(3) Where the arbitration tribunal are satisfied that in settling the consideration payable in respect of the transfer of any such other undertaking or part of an undertaking to the Board under this Act any factor has been taken into account which is relevant to the case pending before them, they shall, in making their award, take such factor into account, and shall in respect of that factor make their award on a similar basis.

(4) Notwithstanding anything in this Act the parties to any proceedings before the arbitration tribunal shall, subject to any legal objection, submit to be examined by the tribunal on oath or affirmation in relation to the matters in dispute, and shall subject as aforesaid produce before the tribunal all books, deeds, papers, accounts, writings and documents within their possession or power respectively which may be required or called for by the tribunal, and do all other things which during the proceedings the tribunal may require, and this subsection shall apply to the owners of any undertaking or part of an undertaking the consideration for the transfer of which has been fixed by this Act or by agreement under this Act as if they were parties to the proceedings.

(5) The arbitration tribunal in determining the consideration to be paid by the Board for the transfer of a local authority's undertaking (other than an undertaking owned by an authority specified in the Sixth Schedule to this Act or the Bexley or Ilford undertaking) shall proceed on the basis of the provisions of subsection (3) of section nine of this Act.

(6) The arbitration tribunal—

- (a) shall in the case of a Tilling undertaking or an independent undertaking, in any case where, after notice has been given in accordance with this Act by the owners of the undertaking claiming that the transfer to the

PART II.
—cont.

Board of part only of their undertaking would injuriously affect a part of the undertaking not so transferred, the Board have not taken over the whole of the remaining part, take into consideration any damage suffered or to be suffered by the owners by reason of the severance of the part of the undertaking transferred to the Board from the remainder of the undertaking;

- (b) shall not, in the case of an undertaking, or part of an undertaking, not being a local authority's undertaking, take into account so much of the value of the undertaking as is attributable to the possibility or probability of the undertaking being amalgamated with or purchased by or being made the subject of an arrangement with some other undertaking working in whole or in part within the London Passenger Transport Area.

(7) The arbitration tribunal shall in no case make any allowance on account of the compulsory nature of the transfer.

(8) The arbitration tribunal in determining any application for the confirmation of an agreement made under subsection (1) of section eight or subsection (1) of section ten of this Act shall have regard to the like considerations as when themselves determining the consideration to be paid and the foregoing provisions of this section shall apply accordingly.

(9) For the purposes of this section the undertakings owned by the following companies, that is to say, the Central London Railway Company, the City and South London Railway Company, the London Electric Railway Company, the London General Omnibus Company, Limited, and the Metropolitan District Railway Company shall be treated as a single undertaking.

Transport Services, Fares and Charges.

15.—(1) Subject to the provisions of this section, it shall be lawful for the Board to provide road services of stage and express carriages on any of the following roads, but not otherwise, that is to say—

- (a) on any road within the area described in Part I of the Seventh Schedule to this Act (in this Act

Power of
Board to
run public
service
vehicles.

referred to as the "London Passenger Transport Area");

PART II.
—cont.

- (b) on any road outside that area, being a road specified in Part II or Part III of that Schedule; and
- (c) in accordance with working agreements made in pursuance of section eighteen of this Act, on any other road outside that area within a radius of ten miles, or in the county of Kent five miles, from any point on the boundary of the London Passenger Transport Area :

Provided that—

- (i) a service provided by the Board within the London Passenger Transport Area may for the purpose of reaching a convenient terminal point or stand be extended for a distance of not more than half a mile, or in the county of Berkshire one mile, beyond the boundary of that area; and
- (ii) the Board shall not both pick up and set down a passenger on any road specified in Part III of the said Schedule or within the borough of Luton.

(2) It shall be lawful for the Board to run any public service vehicle as a contract carriage on any road within the London Passenger Transport Area and on any road outside that area within a radius of ten miles, or in the county of Kent five miles, from any point on the boundary of that area but not otherwise.

(3) Sections seventy-two to seventy-six, both inclusive, of the Road Traffic Act, 1930, shall not apply to a road service provided by the Board wholly within such portion of the London Passenger Transport Area as lies within the London Traffic Area (which portion is in this Act referred to as "the special area") and, in the case of a road service provided by the Board partly within and partly without the special area shall not apply to that service in so far as it is within the special area.

20 & 21
Geo. 5. c. 43.

(4) The Traffic Commissioners appointed under the said Act, in considering whether they will grant or back a road service licence to the Board in respect of any route or part of a route which is outside the special area shall, in addition to the matters to which they

PART II.
—*cont.*

are required to have regard by virtue of section seventy-two of the said Act, have regard to the general duty imposed on the Board by this Act of securing the provision of an adequate and properly co-ordinated system of passenger transport for the London Passenger Transport Area.

56 & 57 Vict.
c. 38.

(5) The Board shall, in respect of road services provided by them, perform such services in regard to the conveyance of mails as are prescribed by the Conveyance of Mails Act, 1893, in respect of a tramway to which that Act applies.

Restriction
on carriage
of road
passengers
on certain
journeys in
special area.

16.—(1) Subject to the provisions of this section, no person other than the Board shall, after the appointed day, except with the written consent of the Board, carry within the special area any passengers on any vehicle while that vehicle is being used as a stage carriage or an express carriage, other than passengers entering the vehicle within the special area for the purpose of being set down outside that area, or entering the vehicle outside the special area for the purpose of being set down within that area, or entering the vehicle outside the special area for the purpose of being set down outside that area :

Provided that—

(a) where a service operating outside the special area is, for the purpose of reaching a convenient terminal point or stand, extended within the special area for a distance not exceeding half a mile from the boundary of that area, any portion of a road along which the service is so extended shall (except in the borough of Gravesend) be deemed, for the purposes of this section in so far as it relates to that service, to be outside the special area ;

(b) nothing in this section—

(i) shall apply to the carriage of passengers entering a vehicle on a road specified in Part IV of the Seventh Schedule to this Act for the purpose of being set down at another place on any such road as aforesaid in any case where the vehicle is being

used as a stage carriage or express carriage on a route which, except in so far as it traverses roads specified in the said Part, lies wholly outside the special area ;

PART II.
—cont.

(ii) shall apply to the carriage of passengers to a terminal point within the special area for the purpose of enabling those passengers to transfer to another vehicle forming part of a service of express carriages proceeding from that terminal point to a place outside the special area, or to the carriage from a terminal point within the special area of passengers who have transferred at the terminal point from another vehicle forming part of a service of express carriages proceeding to the terminal point from a place outside the special area, if the following conditions are satisfied :—

- (A) that no separate fare is charged for the conveyance to or from the terminal point ; and
 - (B) that the vehicle in which the passengers are so carried is owned and operated by the person providing the service aforesaid and is being used solely for the purpose of carrying passengers to or from the terminal point of that service, and for the purposes of this condition a vehicle shall be deemed to be owned by the person providing the service if, being the subject of a hiring agreement or hire-purchase agreement, it is in the possession of that person under that agreement ;
- (c) nothing in this section shall authorise the use of any stage or express carriage otherwise than in accordance with the provisions of the Road Traffic Act, 1930.

(2) If any person carries any person as a passenger in contravention of this section, or permits any person to be so carried, he shall be guilty of an offence under the Road Traffic Act, 1930.

PART II.
—cont.

(3) An application may be made to the Board on or before the first day of October, nineteen hundred and thirty-three or such later date as the Minister may determine, by any person who is at any time before the date of his application operating a service of stage or express carriages under a road service licence under the Road Traffic Act, 1930, on any route any part of which lies within the special area (not being a service operated by an undertaking or part of an undertaking which is transferred to the Board by this Act) for permission to operate that service free from the restrictions imposed by subsection (1) of this section, and where any application is so made, the Board may grant the application either unconditionally or subject to such conditions as it may think fit or may refuse the application :

Provided that, if within two months after the receipt of any application under this subsection the Board fails to grant the application in accordance with the provisions of this section, the Board shall be deemed to have refused the application.

(4) If any person is aggrieved by the refusal of the Board to grant any application so made or by any condition attached by the Board to the grant of any such application, he shall—

- (a) if the service in respect of which the application is made is a service operated wholly or mainly within the special area, be entitled, by notice in writing served on the Board within one month from the date when he is notified by the Board of its decision on his application, or from the date on which the Board is to be deemed to have refused his application, to require the Board to take over such part of his undertaking as consists in the provision of services of stage or express carriages wholly or mainly within the special area on such terms as may be agreed or in default of agreement as may be determined by arbitration; or
- (b) if he lodges with the Board a claim in writing within six months from the date when the restriction first operated in relation to that service, be entitled to recover from the Board such reasonable compensation as may be agreed

or, in default of agreement, determined by arbitration in respect of any damage which has been or will be suffered by him by reason of that restriction:

PART II
—cont.

Provided that, where a claim for compensation is duly lodged under this paragraph in respect of a service operated wholly or mainly within the special area, the Board shall, by notice in writing served on the claimant within one month from the date of the lodging of the claim, be entitled, in lieu of paying compensation under this paragraph, to take over such part of the undertaking of the claimant as consists in the provision of the service in respect of which the claim is made on such terms as may be agreed or in default of agreement as may be determined by arbitration.

For the purposes of this subsection a service shall be treated as being operated mainly within the special area if the car mileage run within the special area by vehicles while running on that service during the twelve months last preceding the date when the Board is required or elects to take over the service amounted to not less than seventy-five per cent. of the total car mileage run by vehicles while so running both within and without that area during that period.

(5) Any question which under the last preceding subsection is required to be determined by arbitration shall be determined by the arbitration tribunal, or if that tribunal has been dissolved by an arbitrator to be appointed by the Lord Chancellor; and that tribunal or arbitrator, as the case may be, in determining the terms upon which the part of an undertaking is to be taken over by the Board under paragraph (a) or paragraph (b) of that subsection shall have regard to the same considerations as the arbitration tribunal would have had regard to if that part had been an undertaking specified in Part V of the Second Schedule to this Act, and, where the person carrying on the undertaking shows that the taking over by the Board of part only of his undertaking would injuriously affect a part of his undertaking not so taken over, may award reasonable compensation in respect of any damage which has been or will be suffered by him by reason of the severance of his undertaking.

PART II.
--cont.

(6) For the purposes of this section the appointed day shall be the first day of January, nineteen hundred and thirty-four, or such later date as the Minister may appoint.

(7) This section shall not apply to the following companies, that is to say, the Aldershot and District Traction Company Limited, the Chatham and District Traction Company, the Eastern National Omnibus Company Limited, the East Kent Road Car Company Limited, the Hants and Dorset Motor Services Limited, the Maidstone and District Motor Services Limited, the Redcar Services Limited, the Southdown Motor Services Limited and the Thames Valley Traction Company Limited.

Provisions
relating to
provincial
operating
companies.

17.—(1) As from the appointed day the Board shall purchase from the Aldershot and District Traction Company Limited, the Eastern National Omnibus Company Limited, the Maidstone and District Motor Services Limited, the Redcar Services Limited and the Thames Valley Traction Company Limited, such buildings, premises, vehicles, plant, stores and equipment belonging to those companies as are specified in or may be determined in accordance with the provisions of Part I of the Eighth Schedule to this Act and in consideration therefor the Board shall pay to each of those companies such price as may be agreed or in default of agreement determined by the arbitration tribunal in accordance with the rules prescribed for the determination of that price in Part II of the said Schedule, and in addition such compensation in respect of the severance of their undertakings as may be so agreed or determined in accordance with the rules prescribed for the determination of that compensation in Part III of the said Schedule.

(2) Subject to the provisions of this section, no person shall after the appointed day, except with the written consent of the Board, carry within the London Passenger Transport Area any passengers on any vehicle owned or operated by or on behalf of any of the provincial operating companies, or by or on behalf of any person to whom the goodwill or any part thereof of any of those companies is assigned, while that vehicle is being used as a stage carriage or express carriage, other than passengers entering the vehicle within that area for the purpose of being set down outside that area, or entering the vehicle outside that area for the purpose

of being set down within that area, or entering the vehicle outside that area for the purpose of being set down outside that area :

PART II.
—*cont.*

Provided that—

(a) where a service operating outside the London Passenger Transport Area is, for the purpose of reaching a convenient terminal point or stand, extended within that area for a distance not exceeding half a mile from the boundary of that area, any portion of a road along which the service is so extended shall (except in the borough of Gravesend) be deemed, for the purposes of this section in so far as it relates to that service, to be outside the London Passenger Transport Area ;

(b) nothing in this section—

(i) shall apply to the carriage of passengers entering a vehicle on a road specified in Part IV of the Seventh Schedule to this Act for the purpose of being set down at another place on any such road as aforesaid in any case where the vehicle is being used as a stage carriage or express carriage on a route which, except in so far as it traverses roads specified in the said Part, lies wholly outside that area ;

(ii) shall apply to the carriage of passengers to a terminal point within the London Passenger Transport Area for the purpose of enabling those passengers to transfer to another vehicle forming part of a service of express carriages proceeding from that terminal point to a place outside that area, or to the carriage from a terminal point within that area of passengers who have transferred at the terminal point from another vehicle forming part of a service of express carriages proceeding to the terminal point from a place outside that area, if the following conditions are satisfied :—

(A) that no separate fare is charged for the conveyance to or from the terminal point ; and

PART II.
—*cont.*

(B) that the vehicle in which the passengers are so carried is owned and operated by the person providing the service aforesaid and is being used solely for the purpose of carrying passengers to or from the terminal point of that service, and for the purposes of this condition a vehicle shall be deemed to be owned by the person providing the service, if, being the subject of a hiring agreement or hire-purchase agreement, it is in the possession of that person under that agreement;

(c) nothing in this section shall authorise the use of any stage or express carriage otherwise than in accordance with the provisions of the Road Traffic Act, 1930.

(3) If any person carries any person as a passenger in contravention of this section, or permits any person to be so carried, he shall be guilty of an offence under the Road Traffic Act, 1930.

(4) In this section the expression "provincial operating companies" means the Aldershot and District Traction Company Limited, the Chatham and District Traction Company, the Eastern National Omnibus Company Limited, the East Kent Road Car Company Limited, the Hants and Dorset Motor Services Limited, the Maidstone and District Motor Services Limited, Redcar Services Limited, the Southdown Motor Services Limited and the Thames Valley Traction Company Limited.

(5) For the purposes of this section the appointed day shall be the first day of July, nineteen hundred and thirty-three, or such later date as the Minister may appoint.

Working
agreements.

18.—(1) It shall be lawful for the Board and any local authority or other person providing or authorised to provide road services of stage or express carriages in any county borough or county district wholly or partly within the London Passenger Transport Area or adjacent to any such county borough or county district as aforesaid to make, carry into effect, rescind or vary, notwith-

standing any enactment to the contrary, agreements for all or any of the following purposes, that is to say—

PART II.

—cont.

- (a) the interchange, accommodation and conveyance of traffic arising on, coming from or destined for any service provided by the Board or any other party to the agreement;
- (b) the payment, collection and apportionment of the fares and charges and other receipts arising from any such service as aforesaid;
- (c) the through running of stage and express carriages and the fixing of fares and charges in relation thereto;
- (d) the provision and use of any vehicles, lands, depots, buildings, sheds or property required in connection with any services to which the agreement relates.

(2) Nothing in this section shall authorise the Board to enter into any agreement for any of the purposes mentioned in paragraphs (b), (c) or (d) of the last preceding subsection in relation to any service of stage or express carriages operating within the borough of Luton or proceeding beyond a radius of ten miles, or in the county of Kent five miles, from a point on the boundary of the London Passenger Transport Area.

(3) Nothing in this section shall be taken to prejudice any powers vested in the Traffic Commissioners under the Road Traffic Act, 1930.

(4) In this section the expression "authorised" means authorised otherwise than by virtue of an agreement made under this section.

19.—(1) As from the appointed day the powers of the London County Council (in this section referred to as "the Council") under the Thames River Steamboat Service Acts, 1904 and 1908 (in this section referred to as "the said Acts") with respect to the provision of a service of passenger vessels on the River Thames shall be transferred to the Board.

Provision of
service of
passenger
vessels on
River
Thames.

(2) It shall be the duty of the Board, in the exercise of their general duty under section three of this Act, to consider and take such measures as they may think fit by virtue of the powers transferred to them by this section to utilise the River Thames for the purposes of

PART II. passenger transport, whether with steamboats, motor-
—cont. boats, or other vessels.

(3) The Board may from time to time enter into arrangements with the Council for the transfer to, or exercise by, the Board of any other powers vested in, or any duties imposed on, the Council by virtue of the said Acts and for the transfer to or use by the Board of any works, land or property vested in or acquired by the Council under or in pursuance of the said Acts upon such terms as may be agreed or, in default of agreement, as may be determined by arbitration.

(4) An arrangement made under subsection (3) of this section may provide for (a) the alteration or improvement by the Board of any works vested in the Council by virtue of the said Acts; and (b) for the making of payments by the Board to the Council or by the Council to the Board in respect of any matter for which provision is made by the arrangement.

(5) In the event of the Board deciding not themselves to exercise the powers transferred to them by this section, the Board may from time to time enter into arrangements with other persons willing to provide such a service as aforesaid for the exercise or discharge by such persons of any of the powers or duties transferred to the Board by, or by virtue of any arrangement made under, this section upon such terms and under such conditions as may be specified in the arrangement.

(6) An arrangement made under subsection (5) of this section may provide for (a) the interchange, accommodation and conveyance of traffic arising on, coming from, or destined for, any service provided by the Board or any other party to the arrangement; and (b) the payment, collection and apportionment of fares and charges and other receipts arising from any such service as aforesaid.

(7) Nothing in, or in any arrangement made under, this section shall prejudice or affect any provision of the said Acts relating to the protection of or the saving of any rights of any person other than the Council.

(8) For the purpose of this section the appointed day shall be the first day of July, nineteen hundred and thirty-three, or such later date as the Minister may appoint for the purpose.

20.—(1) Subject to the provisions of this section the Board may, if they by resolution so decide, sell or let on lease any lands or property forming part of their undertaking which in their opinion are not required for the proper carrying out of their duties under this Act.

PART II.
—*cont.*
Power of Board to lease or sell surplus lands.

(2) Where within ten years from the appointed day the Board by resolution decide to sell or let on lease any land or building which immediately before the appointed day formed part of a local authority's undertaking, the Board shall send to the local authority concerned notice of the resolution, and, if within three months from the date of the receipt of that notice, the local authority notify the Board that they desire to purchase the land or building or to take it on lease, as the case may be, they shall be entitled so to purchase the land or building or to take it on lease on such terms as may be agreed between the Board and the authority or, in default of agreement, as may be determined by arbitration to be fair and reasonable having regard to all the circumstances of the case.

21. Subject to the provisions of this section, it shall not be lawful for the Board to manufacture, or apply their funds to the manufacture of any rolling-stock or vehicles except for the purposes of experiment or research :

Restriction on power of manufacture.

Provided that, where immediately before the date of transfer any premises were being used for the purpose of manufacturing omnibus bodies by undertakings or parts of undertakings which are transferred to the Board by this Act, the Board may continue to use those premises for the purpose of manufacturing such bodies for use in connection with their undertaking, so however that the number of omnibus bodies so manufactured by the Board in any year shall not exceed the average number of omnibus bodies manufactured annually by the London General Omnibus Company Limited at its premises at Chiswick in the County of Middlesex during the five years last preceding the first day of January, nineteen hundred and thirty-two.

22. Subject to the provisions of this section, the Board shall not—

- (a) carry on the business of maintaining, repairing, storing, selling or providing any service for

Restriction on power of Board to establish garages.

PART II.
—cont.

motor vehicles except such vehicles as may be used for the purposes of its undertaking, or used for the purpose of any working agreement made in pursuance of section eighteen of this Act;

- (b) sell or supply for the use of other persons fuel, lubricants, accessories, spare parts or equipment for motor vehicles;
- (c) let motor vehicles on hire for the conveyance of passengers or goods except as in this Act expressly provided:

Provided that nothing in this section shall prevent the Board from—

- (i) continuing to carry on at Morden in the County of Surrey the undertaking of Morden Station Garage Limited;
- (ii) continuing to carry on the business of any other garage forming part of an undertaking which or part of which is transferred to the Board by this Act or which or part of which the Board is required to take over under this Act for such period not exceeding three years as may be necessary to enable the Board to dispose of the business so transferred or taken over;
- (iii) selling or otherwise disposing of vehicles which have been used for the purposes of its undertaking, or for the purpose of any working agreement made in pursuance of section eighteen of this Act, or spare parts or equipment held by the Board for use in connection with any such vehicle as aforesaid; or
- (iv) providing open or covered spaces where the private motor vehicles of persons using the transport services of the Board may stand.

Power to
abandon
tramway
systems.

23.—(1) Subject to the provisions of this section, the Board may abandon either in whole or in part any tramway forming part of their undertaking.

(2) At least three months before the date on which any such abandonment is to take effect the Board shall give notice of the proposed abandonment and the date upon which that abandonment is to take effect to the highway authority responsible for the road on or above which the tramway is laid or erected.

(3) Upon any such abandonment the Board may, and if so required by the responsible highway authority, shall, within a period not exceeding three months from the date upon which the abandonment takes effect or such longer period as the highway authority may allow, take up, remove and dispose of the rails, conduits, paving setts, posts, poles, wires and other works used or provided for the purpose of the tramway so abandoned (in this section collectively referred to as "tramway equipment").

(4) Subject to the provisions of this section, the Board in any such case shall forthwith fill in and make good the surface of the road to the reasonable satisfaction of the highway authority to as good a condition as that in which it was before the tramway equipment was laid or erected.

(5) Within two months after receiving a notice of the proposed abandonment of a tramway or any part of a tramway, the highway authority may give notice to the Board that they propose themselves to take up, remove and dispose of all or any of the tramway equipment, and to make good the surface of the road, and in that event the Board shall not remove such tramway equipment or make good the surface of the road but shall pay to the highway authority such sum as may be agreed, or in default of agreement as may be determined by arbitration to be equivalent to the cost which the Board would have incurred in respect of their obligations under subsections (3), (4) and (6) of this section, if the highway authority had not given notice to the Board as aforesaid, due allowance being made for the value (less the cost of removal) of such tramway equipment, and where any such notice as aforesaid is given in respect of any such road or equipment, the Board shall (subject as aforesaid) be relieved from their obligations under the said subsections in respect of that road and the highway authority shall indemnify the Board against all claims, liabilities, costs, charges and expenses in respect of or in connection with such tramway equipment or the removal thereof or the making good of the surface of the road and shall with all reasonable dispatch carry out the work as to which such notice has been given.

In an arbitration under this section the arbitrator shall be an engineer appointed by agreement, or failing such agreement, at the request of either party, after

PART II. notice in writing to the other, by the President of the
—cont. Institution of Civil Engineers.

(6) In any case where the tramway equipment is laid or erected on, under or above any bridge or embankment the Board or the highway authority (as the case may be) shall make good to the satisfaction of the authority responsible for the maintenance of such bridge or embankment, any damage caused to the structure of such bridge or embankment by reason or in consequence of any work carried out under the provisions of this section.

(7) As from the date on which abandonment by the Board of any tramway or part thereof takes effect, the Board shall cease to be charged with any expenses incurred under, and shall be relieved of any liability arising by virtue of, any statutory enactment relating to the maintenance or repair of the road by the persons working the tramway or part thereof, as the case may be.

(8) In this section the expression "highway authority" where used in relation to any road vested in or repairable by the London County Council means the Council.

(9) Nothing in this section—

(a) shall affect the provisions of any Act or order having the force of an Act which immediately before the appointed day applied to any tramway undertaking transferred to the Board by this Act and which relates to the protection or is for the benefit of—

(i) any highway authority in respect of reinstatement of roads; or

(ii) the Southern Railway Company in respect of the maintenance and repair or reinstatement of roads, footpaths, bridges, drains or other works or the abandonment of existing tramways; or

(b) shall authorise any interference with any electric lines or works of any undertakers within the meaning of the Electricity (Supply) Acts, 1882 to 1928, otherwise than in accordance with and subject to the provisions

of section fifteen of the Electric Lighting Act, 1882 (which relates to the right of persons to alter the position of electric lines or works belonging to those undertakers).

PART II.
—*cont.*
45 & 46 Vict.
c. 56.

24.—(1) Where immediately before the appointed day a local authority was furnishing from an electricity undertaking owned by that authority the whole or any part of the supply of electricity necessary for the purposes of a tramway undertaking, being an undertaking which is owned or worked by that authority and which is transferred to the Board by this Act (in this section referred to as “a transferred undertaking”) the following provisions shall have effect.

Supply of
electricity
by local
authorities.

(2) Subject to the provisions of this section, the Board shall continue to take the whole or, as the case may be, the same proportionate part of the supply of electricity necessary for the purposes of the transferred undertaking from the electricity undertaking of the authority and shall pay for that supply such price as may be agreed between the Board and the local authority, or in default of agreement as may be determined by an arbitrator to be agreed or, failing agreement, to be appointed by the Minister.

(3) Where the Board is desirous of substituting for the supply of electricity furnished by the local authority for the purposes of the transferred undertaking a supply from some other source of supply, the Board shall notify the local authority concerned at least six months before the date when the proposed substitution is to take effect, and, if within one month from the receipt of that notice the local authority serves on the Board notice of objection to the proposed substitution, the Board shall not, unless otherwise agreed between the Board and the local authority concerned, substitute the supply from that other source of supply—

- (a) unless and until the Electricity Commissioners established under the Electricity (Supply) Act, 1919, give their written consent to the substitution; and
- (b) where the generating station from which at the date of the notice of objection the supply of electricity is being furnished is owned by the local authority and is a station which by virtue

9 & 10 Geo. 5.
c. 100.

PART II.
—*cont.*
16 & 17
Geo. 5. c. 51.

of a scheme made under the Electricity (Supply) Act, 1926, has become a selected station, unless and until that station is being operated as a selected station under the directions of the Central Electricity Board.

(4) Where in pursuance of the last preceding subsection a supply of electricity from a source of supply other than the electricity undertaking of the authority is substituted, or where the Board abandons the working of the transferred undertaking, then, unless otherwise agreed between the Board and the local authority concerned—

(a) the Board, if so required by the authority—

(i) shall take over from the authority all such plant (other than generating plant), including mains, cables, sub-station buildings and sub-station equipment as has been provided by the authority solely for the purpose of supplying electricity for the transferred undertaking and is not suitable for use by the electricity undertaking of the authority except for that purpose; and

(ii) shall from time to time pay to the authority such sums as may be sufficient to enable the authority to satisfy its outstanding liabilities or obligations in respect of any loan raised by the authority and applied for the purposes of the plant so taken over, calculated on the basis prescribed by section nine of this Act for the calculation of the sums to be paid by the Board as consideration for the transfer of a transferred undertaking; and

(b) where after the Board has taken over any such plant as aforesaid, there remains as part of the electricity undertaking of the authority any such plant as aforesaid (other than generating plant) which has been provided by the authority solely for the purpose of supplying electricity for the transferred undertaking and is suitable, but is not immediately required, for use by the electricity undertaking of the authority for other purposes, the Board shall at its option either—

(i) take over that remaining plant on the same terms as if it had been plant which the

Board had been required to take over under paragraph (a) of this subsection; or

PART II.
—cont.

(ii) pay to the authority from time to time in respect of each item of that remaining plant until that item of plant can again be brought into use by the electricity undertaking for those other purposes such sums as may be sufficient to enable the authority to satisfy its outstanding liabilities or obligations as they fall due for payment in respect of any loan raised by the authority and applied for the purposes of the item of plant so remaining unsuitable for use, calculated in the same manner as the sums which are to be paid by the Board in respect of the plant taken over by it under paragraph (a) of this subsection.

(5) Where in pursuance of subsection (3) of this section a supply of electricity from a source of supply other than the electricity undertaking of the authority is substituted and the supply of electricity furnished by the authority is procured wholly or in part from some source other than a generating station owned by the local authority, the Board shall pay such compensation to the authority in respect of the increased costs, if any, of supplies of electricity required for the purposes of its electricity undertaking by reason of the loss of the demand for tramway purposes and the adverse effect, if any, upon the load factor of the electricity undertaking of the authority as may be agreed or in default of agreement as may be determined by an arbitrator to be agreed or, failing agreement, to be appointed by the Minister.

(6) Nothing in this section shall affect any rights of the mayor aldermen and burgesses of the borough of Leyton arising under any contract relating to the supply of electricity for the purpose of a tramway undertaking which is transferred to the Board by this Act.

25.—(1) Subject to the provisions of this Act, the statutory provisions in force immediately before the appointed day relating to the charging powers of the undertakings transferred to the Board by this Act shall have effect as if the Board were named in those provisions instead of the undertakers.

Statutory
charging
powers of
the Board.

PART II.
—cont.
11 & 12
Geo. 5.
c. 55.

(2) Part III of the Railways Act, 1921 (except section forty-seven thereof), shall not, in so far as it relates to fares in respect of passengers conveyed over the railway which was immediately before the appointed day the railway of the Metropolitan Railway Company, apply to the Board as owners of that railway but, subject to the provisions of this Act relating to the revision of fares of the Board, the Board shall be entitled to fix and charge such fares in respect of passengers conveyed over that railway as they may think fit, so however that the fares so fixed and charged shall not exceed the fares which the Metropolitan Railway Company was immediately before the appointed day entitled to charge under any schedule of charges applied to that company under Part III of the Railways Act, 1921.

(3) As from the appointed day all provisions contained in any special or local Act, or in any order having the force of an Act, with respect to the power of the Minister to revise the maximum fares and charges to be demanded by the tramway undertakings transferred to the Board by this Act shall cease to have effect.

Road service fares and charges of the Board.

26.—(1) Subject to the provisions of this Act, it shall be lawful for the Board on a road service provided by them to carry, in addition to passengers and personal luggage in their charge not exceeding twenty-eight pounds in weight, small parcels not exceeding fifty-six pounds in weight and dogs in charge of passengers, but, save as aforesaid, no goods or animals shall be carried on any public service vehicles used in connection with any road service provided by the Board :

Provided that it shall not be lawful for the Board to carry parcels on public service vehicles within the Metropolitan Police District or the City of London except when accompanied by passengers.

(2) In the case of a road service provided by them, the Board may, subject to the provisions of this Act relating to the revision of fares of the Board and, in the case of public service vehicles operating wholly or in part outside the special area, subject, as respects any part of the service outside that area, to the provisions of section seventy-two of the Road Traffic Act, 1930, demand and take for the carriage of passengers, personal luggage accompanied by a passenger, parcels and dogs such charges and fares as they think fit, so however that

no charge shall be made for personal luggage not exceeding twenty-eight pounds in weight in charge of a passenger, and the charge for the carriage of a dog shall not exceed the fare payable by the passenger having charge of the dog.

PART II.
—cont.

27.—(1) Within three months after the appointed day or within such further period not exceeding two months as the Minister may allow, the Board shall deposit at the offices of the Ministry of Transport schedules containing detailed particulars specifying the various fares charged on the appointed day as respects the undertaking of the Board.

Fares in
force on
appointed
day.

(2) The schedules referred to in subsection (1) of this section shall be open for inspection at all reasonable times.

28. The Board shall before making any alterations in fares give public notice of their intention to do so in accordance with regulations to be made by the Minister under this Act.

Notifica-
tion of
alterations
in fares.

29.—(1) The Railway Rates Tribunal established under the Railways Act, 1921 (in this Part of this Act referred to as "the rates tribunal"), may from time to time, on the application of a local authority, or in any case where the Board have not themselves power to make the alteration in the fares which they desire to make, on the application of the Board, by order reduce or increase the fares or any of them charged or chargeable by the Board, whether generally or in respect of any particular hours, in the case of any passenger service provided by the Board, or modify any conditions applicable to such fares :

Revision of
fares of the
Board.

Provided that the rates tribunal in making any order may have regard to the establishment and maintenance of a general basis for fares throughout the London Passenger Transport Area.

(2) An order under this section shall have effect notwithstanding anything in any Act or order having the force of an Act limiting or regulating the fares to be charged by the owners of any undertaking which by this Act is transferred to and forms part of the undertaking of the Board and notwithstanding anything in any condition attached to a road-service licence granted under section seventy-two of the Road Traffic Act, 1930.

PART II.
—cont.

(3) Subject as hereinafter provided, no application under this section for a general revision of the fares of the Board shall be made within twelve months after the date on which the rates tribunal having considered an application for such a general revision made an order thereon, and no application for the revision of any particular fares shall be made at any time within twelve months after the date on which the rates tribunal having considered an application for the revision of those particular fares made an order thereon :

Provided that, if at any time the Minister certifies that, since the date on which an order was made by the rates tribunal on any matter, there has been such a material change in the circumstances as to justify a reconsideration of the matter, an application with respect thereto may be made at any time after the date of the certificate, notwithstanding that a period of twelve months has not elapsed since the date of the order.

(4) The rates tribunal in determining an application under this section shall have regard to the desirability of the establishment and maintenance by the Board of an adequate reserve fund and shall not make any order which would in their opinion preclude the Board from complying with their obligations under subsection (4) of section three of this Act.

Representations by local authorities as to the services or facilities of the Board.

30.—(1) A local authority may at any time apply to the rates tribunal with respect to the withdrawal or reduction, or the proposed withdrawal or reduction, of any services or facilities provided by the Board, or with respect to the need for the provision by the Board of new or improved services or facilities affecting the area of the authority.

(2) Where any such application is made, the rates tribunal may, if and so far as they think proper, by order require the Board to restore, or prohibit the withdrawal or reduction of, the services in question, or permit the withdrawal or reduction of such services subject to such conditions (including the provision of alternative facilities) as they may prescribe, or require the Board to provide new or improved services or facilities, as the case may be :

Provided that the rates tribunal in determining an application under this section shall have regard to the desirability of the establishment and maintenance

by the Board of an adequate reserve fund, and shall not make any order which would in their opinion preclude the Board from complying with their obligations under subsection (4) of section three of this Act, or which would necessitate the raising of additional capital save with the consent of the Board, or which would necessitate an application by the Board to Parliament for additional powers.

PART II.
—cont.

(3) Subject as hereinafter provided, the Board may at any time apply to the rates tribunal to amend, alter or revoke any order made by the tribunal under this section and on any such application the tribunal, after hearing any local authority desiring to be heard, being a local authority whose area is affected by the order, and upon being satisfied that since the date upon which the order was made there has been such a material change of circumstances as to justify a revision of the order, may, subject to the provisions of subsection (2) of this section, make such amendments or alterations in the order as they think fit or may revoke the order :

Provided that no application shall be made by the Board under this subsection until the expiration of a period of twelve months from the date upon which the order was made, unless the Minister certifies that since the date on which the tribunal made the order there has been such a material change of circumstances as to justify a reconsideration of the order.

31.—(1) With a view to securing that the services provided or to be provided by the Board shall be properly co-ordinated with the suburban passenger services of the four amalgamated railway companies constituted under the Railways Act, 1921 (in this Act referred to as “the amalgamated railway companies”), there shall be established a Standing Joint Committee (in this section referred to as “the Joint Committee”) which shall consist of eight members of whom four shall be appointed by the Board and one shall be appointed by each of the amalgamated railway companies.

Co-ordina-
tion of
services of
Board and
amalgama-
ted rail-
way com-
panies.

(2) The Joint Committee shall make rules for regulating its procedure, including the fixing of a quorum and the times and places of meeting and the appointment, powers, duties and procedure of sub-committees, and shall elect one member from among its number to be

PART II. chairman who shall hold office for one year but shall be
—*cont.* eligible for re-election.

(3) It shall be the duty of the Joint Committee to consider and report to the Board and to each of the amalgamated railway companies on any of the following matters which may be referred to the Joint Committee by the Board, or by any of the amalgamated railway companies—

- (a) proposals for co-operation between the Board and the amalgamated railway companies, or any of them, in the provision or working of passenger services or facilities, including proposals for through bookings, through working, leasing or working of lines, running powers, working of services, inter-availability of tickets and apportionment of receipts;
- (b) proposals affecting any other matter of interest to any two or more of the parties appointing members to the Joint Committee.

(4) Where the Joint Committee has made a report under the last preceding subsection, the Board and any amalgamated railway company concerned may enter into agreements in relation to any proposals forming the subject matter of the report, and in pursuance of any such agreement as aforesaid may apply their funds in the provision of any service or facility which the Board or the amalgamated railway company concerned may be authorised to provide, and the Board or any amalgamated railway company may, if they think fit, make advances of or otherwise contribute any moneys which may be necessary for the provision of any such service or facility as aforesaid.

(5) It shall be the duty of the Joint Committee within twelve months from the appointed day or such longer period as the Minister may fix for the purpose to prepare and submit to the Board and to each of the amalgamated railway companies a scheme (in this Act referred to as “the pooling scheme”) framed in accordance with the provisions of the Tenth Schedule to this Act for the pooling in the manner prescribed by the scheme of the whole of the passenger receipts to which by the said Schedule the pooling scheme is required to apply.

PART II.
—cont.

(6) If within three months from the date on which the scheme is so submitted the scheme is adopted by the Board and by all the amalgamated railway companies, the scheme shall forthwith be submitted to the arbitration tribunal for confirmation; and the arbitration tribunal, if satisfied that the scheme is in accordance with the provisions of the said Schedule or, with such necessary modifications as the tribunal may require, would be in accordance with the provisions of the said Schedule, shall confirm the scheme as so submitted or as so modified, as the case may be.

(7) If no scheme is so submitted within the time mentioned in subsection (5) of this section, or if the scheme is not so adopted within the period limited by subsection (6) of this section, it shall be the duty of the arbitration tribunal to prepare and settle the pooling scheme in accordance with the provisions of the said Schedule and in preparing and settling the scheme the arbitration tribunal shall take into account any scheme prepared by the Joint Committee or by the Board or by any of the amalgamated railway companies.

(8) The order of the tribunal confirming or settling the scheme under this section shall have effect as if it were an award by that tribunal under section twelve of this Act; and the scheme so confirmed or settled shall, notwithstanding anything in this or any other Act or in any order having the force of an Act limiting the powers of the Board or of any of the amalgamated railway companies, be or be deemed to have been of full force and effect as from the appointed day.

(9) Subject to the provisions of sections thirty and thirty-five of this Act, any question which may arise between the Board and any of the amalgamated railway companies or between any of those companies after the date on which the pooling scheme under this section has come into operation as to services or facilities the receipts from which are or would be covered by the scheme involving (a) any substantial alteration of those services or facilities or (b) the introduction of any new service or facility or (c) the undertaking of any extension or development necessitating additional capital expenditure shall be submitted to and determined by the Joint Committee.

PART II.
—cont.

(10) If the Joint Committee is unable to agree on any question so submitted, any party to the scheme may refer the matter in question to the rates tribunal for their decision; and, where any matter is so referred, the rates tribunal may by order authorise or require the Board or any of the amalgamated railway companies to make such alteration of services or facilities, or to introduce such new service or facility, or to undertake such extension or development, as the rates tribunal may think fit:

Provided that the rates tribunal in considering whether any order should be made under this section shall have regard to the desirability of the establishment and maintenance by the Board of an adequate reserve fund, and shall not make any order which would in their opinion preclude the Board from complying with their obligations under subsection (4) of section three of this Act, or which would be likely to affect prejudicially the financial position of the amalgamated railway companies or any of them, or which would necessitate the raising of additional capital, save with the consent of the Board or of the amalgamated railway company concerned, as the case may be, or which would necessitate an application to Parliament for additional powers.

(11) The amalgamated railway companies shall furnish to the Minister statistics and returns of—

- (a) originating passenger journeys and receipts;
- (b) steam train miles;
- (c) electric train miles; and
- (d) electric vehicle miles

relating to the suburban passenger services of those companies compiled in the same manner and for the same periods as the corresponding returns compiled under subsection (2) of section seventy-seven of the Railways Act, 1921, with such modifications, if any, as may from time to time be agreed between the Minister and the Railway Companies' Association.

(12) In this section the expression "authorised" means authorised otherwise than by virtue of an agreement under this section, and the expression "the appointed day" means the first day of July, nineteen hundred and thirty-three.

*Special Provisions relating to Amalgamated Railway
Companies.*PART II.
—cont.

32. As from the first day of July, nineteen hundred and thirty-three, the provisions of the next three succeeding sections shall have effect in relation to the fares to be charged, and the facilities to be provided in respect of, or in connection with, the suburban passenger services of the amalgamated railway companies.

Application of provisions relating to amalgamated railway companies.

33. Part III of the Railways Act, 1921 (except section forty-seven thereof), shall cease to have effect in relation to the amalgamated railway companies in so far as it relates to fares in respect of the suburban passenger services of those companies; but, subject to the provisions of the next succeeding section, each amalgamated railway company shall be entitled to fix and charge such fares in respect of those services as it may think fit, so, however, that the fares so fixed and charged shall not exceed the fares which that company is immediately before the date when this section takes effect entitled to charge in respect of those services by virtue of any schedule of standard charges which is in force in respect of that company under Part III of the Railways Act, 1921.

Charging powers of amalgamated railway companies.

34.—(1) The rates tribunal may from time to time, on the application of a local authority, or in any case where any of the amalgamated railway companies has not itself power to make the alteration in the fares which it desires to make, on the application of that company, by order reduce or increase the fares or any of them charged or chargeable by the company, whether generally or in relation to any particular hours, in respect of its suburban passenger services or modify the conditions applicable to any such fares.

Revision of fares of amalgamated railway companies.

(2) An order under this section shall have effect notwithstanding anything in any Act or order having the force of an Act, limiting or regulating the fares to be charged by the amalgamated railway company concerned.

(3) Subject as hereinafter provided, no application under this section for a general revision of fares shall be made within twelve months after the date on which the

PART II.
—cont.

rates tribunal, having considered an application for such a general revision, made an order thereon, and no application for the revision of any particular fares shall be made at any time within twelve months after the date on which the rates tribunal, having considered an application for the revision of those particular fares, made an order thereon :

Provided that, if at any time the Minister certifies that, since the date on which an order was made by the rates tribunal on any matter, there has been such a material change in the circumstances as to justify a reconsideration of the matter, an application with respect thereto may be made at any time after the date of the certificate, notwithstanding that a period of twelve months has not elapsed since the date of the order.

(4) The rates tribunal shall not make any order under this section which would be likely to affect prejudicially the financial position of the amalgamated railway companies or any of them.

Representations by local authorities as to services or facilities of amalgamated railway companies.

35.—(1) A local authority may at any time apply to the rates tribunal with respect to the withdrawal or reduction, or the proposed withdrawal or reduction, of any suburban passenger service or any facility provided by any of the amalgamated railway companies in connection with its suburban passenger services or with respect to the need for the provision by any of those companies of new or improved suburban passenger services or facilities in connection therewith affecting the area of the authority.

(2) Where any such application is made, the rates tribunal may, if and so far as they think proper, by order require any of the amalgamated railway companies to restore, or prohibit the withdrawal or reduction of the services in question or permit the withdrawal or reduction of, such services subject to such conditions (including the provision of alternative facilities) as they may prescribe, or require any of the amalgamated railway companies to provide new or improved passenger services or facilities as the case may be :

Provided that the rates tribunal shall not make any order under this section which would be likely to affect prejudicially the financial position of the amalgamated

railway companies or any of them or which would necessitate the raising of additional capital by any of those companies save with the consent of the company concerned, or which would necessitate an application by any of those companies to Parliament for additional powers.

PART II.
—cont.

(3) Subject as hereinafter provided, any of the amalgamated railway companies affected by an order of the rates tribunal made under this section may at any time apply to the tribunal to amend, alter or revoke that order and upon any such application the tribunal, after hearing any local authority desiring to be heard, being a local authority whose area is affected by the order, and upon being satisfied that, since the date upon which the order was made, there has been such a material change of circumstances as to justify a revision of the order, may, subject to the provisions of subsection (2) of this section, make such amendments or alterations in the order as they think fit, or may revoke the order :

Provided that no application shall be made by any of the amalgamated railway companies under this section until the expiration of a period of twelve months from the date upon which the order was made, unless the Minister certifies that since that date there has been such a material change of circumstances as to justify a reconsideration of the order.

36.—(1) Any existing functions of or powers exercisable by the Railway and Canal Commission shall, in so far as they are exercisable by the rates tribunal by virtue of this Act, cease to be the functions of or powers exercisable by that Commission.

Transfer of
powers of
Railway and
Canal Com-
mission, &c.

(2) The provisions set out in the Ninth Schedule to this Act shall have effect in relation to the exercise by the rates tribunal of the functions and powers conferred on that tribunal by this Act.

PART III.

FINANCIAL PROVISIONS.

37. There shall be established a transport fund, and, subject to the provisions of this Act, all receipts of the Board shall be carried to that fund, and all payments by the Board shall be made out of that fund.

Transport
fund.

PART III.

—*cont.*Power of
Board to
borrow
for capital
purposes.

38.—(1) For the capital purposes mentioned in the next following subsection, the Board may, subject to regulations to be made by the Minister with the approval of the Treasury, borrow money by the issue of transport stock in the manner provided by this Act.

(2) Such powers of borrowing as aforesaid may be exercised for any of the following purposes :—

- (a) the payment of the consideration for the transfer of undertakings or parts of undertakings (other than local authorities' undertakings) to the Board by this Act, in so far as the consideration is, in accordance with agreements confirmed by the arbitration tribunal or with decisions of the arbitration tribunal, required to be paid in cash;
- (b) the payment of the consideration for the transfer of the local authorities' undertakings to the Board by this Act, in so far as that payment is by way of capital payment and is required to be paid in cash;
- (c) the discharge of any liability imposed on or incurred by the Board under section sixteen or section seventeen of this Act;
- (d) the provision of working capital;
- (e) the provision of money for meeting any expenditure incurred in connection with any permanent work or other thing which the Board are authorised to execute or do, the cost of which is properly chargeable to capital, and, where the time for the completion of the work in respect of which the money was borrowed is limited by statute, the payment of interest on that money for a period not exceeding the time so limited or the period actually required for the completion of that work, whichever is the shorter;
- (f) any other purpose, within the powers of the Board under this Act, including the payment of compensation and the purchase of undertakings or parts of undertakings by agreement, being a purpose properly chargeable to capital;

- (g) the payment to the Minister of the costs of this Act; PART III
—cont.
- (h) the redemption of any transport stock in so far as borrowing for that purpose is authorised by the regulations relating to the issue and redemption of stock.

(3) The maximum amount which may be borrowed by the Board under this section, exclusive of any sums borrowed under paragraphs (a), (b), (c), or (h) of subsection (2) of this section, shall be an amount representing the aggregate of the following sums, that is to say—

- (a) a sum equivalent to the additional moneys which, under the London Electric, Metropolitan District, Central London and City and South London Railway Companies Act, 1930, and the London Electric, Metropolitan District and Central London Railway Companies' (Works) Act, 1931, the London Electric Railway Company, the Metropolitan District Railway Company and the Central London Railway Company are respectively empowered to raise, reduced by an amount equivalent to any additional moneys which before the appointed day any of the said companies may have raised in pursuance of the powers conferred by those Acts; and 20 & 21
Geo. 5.
c. lxxxviii.
21 & 22
Geo. 5.
c. cxi.

- (b) the sum of ten million pounds.

(4) Any money borrowed under this section (other than money borrowed by the issue of "C" Stock) shall be repaid before the expiration of a period of ninety years from the date of the borrowing:

Provided that any money borrowed for the purpose of redeeming any transport stock (other than "C" Stock) shall be repaid before the expiration of a period of ninety years from the date of the issue of the stock so redeemed.

(5) Where by virtue of the transfer to the Board of the undertakings of the London Electric Railway Company, the Metropolitan District Railway Company, or the Central London Railway Company any cash or other liquid assets are transferred to the Board being cash

PART III.
—cont.
20 & 21
Geo. 5.
c. lxxxviii.

or assets representing any part of the additional moneys raised before the appointed day by any of the said companies by the issue of debenture stocks under the powers conferred by the London Electric, Metropolitan District, Central London, and City and South London Railway Companies Act, 1930, or the London Electric, Metropolitan District and Central London Railway Companies' (Works) Act, 1931, the Board may, notwithstanding anything in this Act, apply that cash or those assets to the payment of interest on the transport stock issued in substitution for those debenture stocks of those companies and charge the same to capital account in the like manner as those companies might have applied those moneys to the payment of interest on those debenture stocks and have charged the same to capital account.

Issue of
transport
stock.

39.—(1) For the purpose of enabling the Board—

- (a) to satisfy the consideration to be given by them for the transfer to them by this Act of undertakings and parts of undertakings in so far as such consideration is by this Act or in accordance with agreements confirmed by the arbitration tribunal or with decisions of that tribunal required to be satisfied by the issue of stock;
- (b) to raise money which they are empowered by the last preceding section to borrow for capital purposes; and
- (c) to carry into effect any arrangements for the issue of new stock for the redemption of stock previously issued by the Board;

the Board may create stock to be called London Transport Stock, and in this Act referred to as "transport stock."

(2) Transport stock shall consist of the following classes, viz. :—

London Transport "A" Stock, London Transport "T.F.A." Stock, London Transport "L.A." Stock, London Transport "B" Stock and London Transport "C" Stock.

(3) London Transport "A" Stock, "T.F.A." Stock, "L.A." Stock and "B" Stock together with the interest on those stocks, and London Transport "C" Stock together with the interest thereon up to the standard rate, shall be charged on the undertaking of, and on all the revenues of the Board, and for that purpose the different classes of stocks shall rank in the order of priority in which they are named in the last preceding subsection.

PART III.
—cont.

(4) London Transport "A" Stock and "B" Stock—

(a) shall bear interest as follows:—

(i) stock issued as consideration for the transfer to the Board of the Underground undertakings and of the Metropolitan undertaking shall in the case of "A" Stock bear interest at such rate, being either four and one-half per cent. per annum or five per cent. per annum, as is necessary to enable effect to be given to the provisions of Part I of the Third Schedule and of Part I of the Fourth Schedule to this Act, and in the case of "B" Stock at five per cent. per annum;

(ii) stock issued as consideration for the transfer to the Board of undertakings or parts of undertakings by this Act, other than the Underground undertakings and the Metropolitan undertaking, shall bear interest, in the case of "A" Stock at four and one-half per cent. or five per cent. per annum as the Board may determine, and in the case of "B" Stock at five per cent. per annum;

(iii) in any other case, the stock shall bear interest at such rates as the Board with the approval of the Treasury, may determine at the time of the issue of that stock; and

(b) in the case of stock issued under paragraph (a) of subsection (1) of this section may be redeemed at par at the option of the Board in the case of "A" Stock on or after the thirty-first day of December, one thousand nine hundred and

PART III.
—cont.

eighty-five, and in the case of " B " Stock on or after the thirty-first day of December, one thousand nine hundred and sixty-five, and in either case shall be redeemed at par before the expiration of a period of ninety years from the date of the issue of the stock.

(5) London Transport " T.F.A. " Stock—

- (a) shall bear interest at the rate of four and one-half per cent. per annum ;
- (b) shall be issued by the Board only in accordance with the provisions of the Third Schedule to this Act in substitution for the existing four and a half per cent. debenture stocks of the London Electric Railway Company, the Central London Railway Company, and the City and South London Railway Company, being stocks of which the principal and interest is guaranteed by the Treasury under the Trade Facilities Acts, 1921 to 1926 ; and
- (c) shall be subject to the same provisions with respect to the date of redemption as the said debenture stocks.

The guarantee given by the Treasury in respect of the principal and interest of the said debenture stocks shall be transferred to the transport stock issued in substitution therefor, and shall apply to that stock in the like manner as that in which it applied at the date of the substitution to those debenture stocks and subject to the like conditions and in the case of any default by the Board in respect of the said stock the Treasury shall have the same remedies against the Board as they would have had against those companies in the case of the like default.

(6) London Transport " L.A. " Stock—

- (a) shall bear interest at the rate of four and one-half per cent. per annum ;
- (b) shall be issued by the Board only to the local authorities specified in the Sixth Schedule to this Act ;
- (c) may be redeemed at par at the option of the Board on or after the thirty-first day of December, one thousand nine hundred

and seventy-five, and shall be redeemed at par before the expiration of a period of ninety years from the date of the issue of that stock. PART III.
—cont.

(7) London Transport "C" Stock shall, subject to the provisions of this section, bear interest as follows :—

- (a) interest shall be paid at the rate (in this Act referred to as "the standard rate") of five per cent. per annum in respect of each of the first two years after the appointed day and of five and one-half per cent. per annum in respect of each subsequent year; and
- (b) in respect of any year after the first two years in which there is a sum available out of the revenues of the Board applicable to the payment of additional interest on that stock under subsection (3) of section forty-six of this Act, additional interest shall be paid at whichever of the following rates, that is to say, one-eighth, one-quarter, three-eighths, or one-half of one per cent. per annum, is the highest rate that that sum is sufficient to pay :

Provided that—

- (i) if in any year the revenues of the Board applicable to the payment of interest at the standard rate are insufficient to pay interest at that rate in respect of that year, interest shall be paid in respect of that year at the highest rate that can be paid out of the revenues so applicable, so however that the rate so paid shall be a multiple of one-eighth of one per cent. ;
- (ii) in any year in which the amount which is applicable out of revenue for the payment of interest at the standard rate or additional interest is not wholly distributed as interest, any amount not so distributed shall be paid into a special fund to be called the London Transport "C" Stock Interest Fund (in this section referred to as "the fund"); and

PART III.
—cont.

(iii) in any year in which the revenues of the Board applicable to the payment of interest on the "C" Stock are insufficient to pay interest at the rate of six per cent. per annum, any sums standing to the credit of the fund shall be applicable to making up interest for that year on the "C" Stock to any rate (being a multiple of one-eighth of one per cent.) not exceeding six per cent. per annum.

Any money standing to the credit of the fund shall be invested in statutory securities and the interest thereon shall be credited to the fund.

(8) London Transport "C" Stock may be redeemed at par at the option of the Board on the thirty-first day of December, one thousand nine hundred and fifty-five, or at any time thereafter, so, however, that the said stock shall not be redeemable before the date of the dissolution of the trust for which provision is made by section eighty-nine of this Act, except upon six months' notice of intention to redeem expiring on the thirtieth day of June in any year.

(9) Transport stock issued as consideration for the transfer by this Act to the Board of undertakings, or parts of undertakings, or issued pursuant to subsection (1) or subsection (3) of section eighty-eight of this Act shall bear interest from the appointed day.

(10) Subject to the provisions of this section, transport stock issued as consideration for the transfer to the Board of undertakings or parts of undertakings by this Act (other than the Underground undertakings, the Metropolitan undertaking and the undertakings owned by the local authorities specified in the Sixth Schedule to this Act) shall be of such classes as may be provided for in any agreement confirmed by, or in default of agreement as may be determined by, the arbitration tribunal:

Provided that no agreement shall be confirmed or determination made by the tribunal which would oblige or entitle the Board in the case of stock issued as consideration or part of the consideration for the transfer

of a local authority's undertaking, a Tilling undertaking, an independent undertaking or the Lewis undertaking, to issue more than two-thirds of the total stock so issued in respect of any particular undertaking in stock other than "C" Stock.

(11) Subject to the provisions of this section—

- (a) transport stock created for raising any part of the sums mentioned in paragraph (a) of subsection (3) of section thirty-eight of this Act, shall be of such class or classes as may be determined by the Board;
- (b) transport stock created for raising any part of the moneys the borrowing of which is authorised by paragraphs (a), (b) and (c) of subsection (2) of section thirty-eight of this Act and of the sum of ten million pounds mentioned in paragraph (b) of subsection (3) of the said section shall be of such class or classes as may be determined by the Board, so however that in the case of such stock not more than one-third part of the amount outstanding at any time shall be "A" Stock and not less than one-third of the amount outstanding at any time shall be "C" Stock, unless the Minister with the approval of the Treasury otherwise consents.

(12) Subject to the provisions of this section interest on transport stock shall be paid as follows:—

- (a) in the case of "A" Stock, "T.F.A." Stock, "L.A." Stock and "B" Stock by equal half-yearly payments; and
- (b) in the case of "C" Stock by yearly payments:

Provided that, if in any year the Board are satisfied that the revenues of the Board applicable to the payment of interest on "C" Stock are sufficient to justify a payment being made at the end of the first six months of the year on account of the interest for that year, such a payment may be made, but no such payment shall be at a higher rate than one-half of the standard rate for that year.

PART III.
—cont.

(13) All transport stock of the same class, though issued at different dates and bearing interest at different rates, shall rank *pari passu*.

(14) Subject to the provisions of this Act, transport stock shall be issued, transferred, dealt with and redeemed in accordance with regulations to be made by the Minister, with the approval of the Treasury, prior to the issue of such stock, or such other regulations as the Minister may with such approval from time to time by order prescribe, and such regulations shall provide for the enforcement of the security by the appointment of a receiver or a receiver and manager or otherwise and may apply for the purposes of this section with or without modifications any provisions of the Local Loans Act, 1875, the Public Health Acts Amendment Act, 1890, and the Acts amending those Acts, and of any Act relating to stock issued by any local authority :

38 & 39 Vict.
c. 83.
53 & 54 Vict.
c. 59.

Provided that regulations made under this section—

- (a) shall not require or authorise any annual provision to be made for the repayment of moneys borrowed or the redemption of transport stock (other than transport stock issued for the purpose of redeeming transport stock previously issued) before the expiration of ten years from the date of the borrowing of the money or the issue of the stock; and
- (b) shall authorise the holders of "A" Stock, "L.A." Stock or "B" Stock respectively, being holders in the aggregate of not less than five per cent. of the total amount of stock of that class then outstanding, to apply to the High Court for the appointment of a receiver or a receiver and manager of the undertaking of the Board in the event of the Board making default in the payment of interest on those stocks respectively for a period of not less than three months; and
- (c) shall authorise the holders of "C" Stock, being holders in the aggregate of not less than five per cent. of the total amount of "C" Stock then outstanding, to apply to the High Court for the appointment of a receiver or a receiver

and manager of the undertaking of the Board in the event of the Board failing in respect of each of three consecutive years of which the first shall be not earlier than the year ending on the thirtieth day of June nineteen hundred and thirty-six to pay interest on the "C" Stock at the standard rate for those years.

PART III.
—cont.

Where under any regulations made under this section any application is made to the court for the appointment of a receiver or receiver and manager, the Board in such manner as may be prescribed by such regulations shall convene meetings of the holders of each class of transport stock for the purpose of ascertaining and informing the court whether such holders desire to support or to oppose the application; and the court, after considering any resolutions passed at any such meeting as aforesaid and hearing any holders of transport stock desiring to be heard in opposition to or in support of the application may, if it thinks fit, appoint a receiver or a receiver and manager, as the case may be, on such terms as it may think fit.

(15) Transport stock, other than "C" Stock, shall be included amongst the securities in which trustees may invest trust funds under the powers of section one of the Trustee Act, 1925, or section ten of the Trusts (Scotland) Act, 1921.

15 & 16 Geo. 5.
c. 19.
11 & 12 Geo. 5.
c. 58.

40.—(1) A local authority to whom transport stock has been issued as consideration for the transfer of their undertaking may, subject to the provisions of this section, hold or sell or otherwise dispose of that stock or any part thereof and the proceeds of any such sale or disposal shall be applied as follows:—

Dealings
with trans-
port stock
by local
authorities.

(a) in the case of the London County Council, they shall be carried to the Consolidated Loans Fund of that council and shall be dealt with as moneys carried to that fund under section twelve of the London County Council (Finance Consolidation) Act, 1912; and

2 & 3 Geo. 5.
c. cv.

(b) in the case of any other local authority, they shall be applied to one or more of the following purposes:—

(i) to any purpose to which capital receipts are authorised to be applied by any Act

PART III.
—cont.

or order relating to the transferred undertaking; or

(ii) in the repayment of any loan raised or the redemption of any stock issued for the purposes of the transferred undertaking; or

(iii) to such other purpose as the local authority, with the approval of the Minister of Health, may determine;

and the provision required by law to be made for the repayment or redemption of any loan or stock raised or issued for the purposes of the transferred undertaking (including, in the case of the London County Council, any moneys standing to the credit of the Consolidated Loans Fund of that council which have been employed for the purposes of the transferred undertaking) may be suspended, altered or dispensed with to such extent as may be approved, as respects the London County Council, by the Treasury and, as respects any other local authority, by the Minister of Health :

Provided that a local authority to which "L.A." Stock is issued shall not, save with the consent of the Board, sell or otherwise dispose of the stock so issued before the expiration of ten years from the date of the issue of that stock.

(2) The interest received by a local authority on any transport stock held by them shall, in the case of the London County Council, be carried to the credit of the county fund and allocated to general county purposes or special county purposes as the council may decide, and in any other case be applied in aid of the fund or rate from which the expenses of the local authority in respect of the transferred undertaking were payable before the date of transfer.

Power of
Board to
borrow tem-
porarily.

41.—(1) The Board may borrow temporarily by the issue of bonds or otherwise or by arrangements with bankers such sums, in addition to the sums which they are authorised by this Act to borrow for capital purposes, as they may require for meeting their obligations and carrying out their duties under this Act, provided that the total amount so borrowed and outstanding shall not at any time exceed three million pounds.

(2) Any sum borrowed under this section, together with interest thereon, shall be charged on the undertaking of and on all the revenues of the Board.

PART III.
—cont.

42.—(1) The Board shall establish a reserve fund and shall carry to that fund in each year such part of the revenues of the Board as is under the provisions of this Act relating to the application of the revenues of the Board applicable to that purpose.

Reserve
fund.

(2) The reserve fund shall, subject to the provisions of this Act, be applicable to any of the following purposes at the discretion of the Board—

- (a) the meeting of any charges to be defrayed out of the revenues of the Board to the extent to which those revenues are insufficient to meet those charges;
- (b) the redemption of or the purchase and cancellation of London Transport “C” Stock:
 Provided that no stock shall be purchased for cancellation at a price above par;
- (c) the benefit of passenger transport in the London Passenger Transport Area including the development, extension and improvement of the undertaking of the Board and the reduction of fares;
- (d) the general purposes of the undertaking of the Board.

(3) Any sum transferred from the reserve fund for the purpose of meeting any charge which by this Act is to be defrayed out of the revenues of the Board shall be deemed to form part of the revenues of the Board applicable to defraying that charge.

43.—(1) The Board may, if they think fit, establish a fund (in this Act referred to as “the insurance fund”) with the view of providing a sum of money which shall be available for making good all losses, damages, costs and expenses which the Board may suffer, incur or become liable to in consequence of or in connection with any of the following risks:—

Insurance
fund.

- (a) risk of fire in respect of buildings, works, premises and the contents thereof and other property forming part of the undertaking of the Board or for which the Board may be responsible;

PART III.
—cont.43 & 44 Vict.
c. 42.
15 & 16
Geo. 5. c. 84.

- (b) risks of accident and claims by third parties in respect of any vehicles (including vessels) forming part of the undertaking of the Board;
- (c) risks of explosion in respect of boilers;
- (d) risks under the common law, the Employers' Liability Act, 1880, the Workmen's Compensation Act, 1925, or any Act or Acts for the time being amending or extending those Acts, or otherwise in respect of accidents to the officers, servants or workmen of the Board or to third parties;
- (e) risks of mechanical breakdown in connection with the undertaking of the Board;
- (f) risk of loss due to infidelity of officers or servants of the Board;
- (g) any other risks against which in the absence of such an insurance fund the Board would in accordance with ordinary commercial practice prudently insure:

Provided that nothing in this subsection shall be taken to prevent the Board from effecting insurances with insurers of good repute against the whole or any part of all or any of the risks for which the insurance fund is intended to provide or to require the Board to continue the insurance fund if and when established.

(2) In the event of the establishment of the insurance fund, during its continuance the Board may pay into that fund annually such sum as is in their opinion required, having regard to the several risks for which the insurance fund is intended to provide, and any insurances effected by the Board against those risks.

(3) When the insurance fund amounts to such aggregate amount as in the opinion of the Board adequately covers the several risks for which the fund is intended to provide, the Board shall discontinue the yearly payments to the fund, but if the fund is at any time reduced below that aggregate amount the Board may recommence and continue the yearly payments to that fund in accordance with subsection (2) of this section until the fund is again in their opinion adequate.

(4) The following amounts, that is to say—

- (a) any yearly payments made to the insurance fund; and
(b) the premiums payable in respect of insurances effected with insurers;

shall form part of the working expenses of the Board.

44. The Board shall establish a separate fund to be called "the Tramway Debt Liquidation Fund," to the account of which shall be charged the sums to be paid from time to time by the Board to local authorities by way of capital payment in respect of loans raised for the purpose of the transferred undertakings, and the Board shall in each year transfer to that fund out of revenue such amount as may be necessary to enable the total sum charged to the fund to be written off within such period not exceeding ninety years as the Board may determine.

Tramway
Debt
Liquidation
fund

45. In any case where before the appointed day a grant under the Development (Loan Guarantees and Grants) Act, 1929, or a grant in aid of an approved scheme of useful work to relieve unemployment was made to the owners of any undertaking specified in the Second Schedule to this Act, any sum which would, if this Act had not been passed, have become due after the appointed day to the owners of that undertaking in respect of that grant, shall be paid to the Board in the same manner as, and subject to the same conditions as would have been applicable, if the payment had been made to those owners.

Continu-
ance of
grants un-
der 20 & 21
Geo. 5. c. 7.

46.—(1) The revenues of the Board in any year shall be applied in defraying the following charges and in the following order :—

- (a) working and establishment expenses, and expenditure on or provision for the maintenance and renewal of the undertaking and the execution and performance of the powers and duties of the Board (including the remuneration and salaries of the members and officers and servants of the Board and payments on account of pensions, superannuation allowances and compensation to officers and servants) properly chargeable to revenue account;
(b) interest on any temporary loan raised by the Board;

Application
of revenues
of Board.

PART III
—cont.

PART III.
—cont.

- (c) the amount to be transferred to the Tramway Debt Liquidation Fund and the amount of any sums payable to local authorities by way of annual payments in respect of the interest on loans raised by them for the purposes of transferred undertakings;
 - (d) interest on the "A" Stock, "T.F.A." Stock, "L.A." Stock and "B" Stock respectively and any arrears of interest thereon in the order specified;
 - (e) any sum becoming payable by virtue of any guarantee given by the Board under section eighty-eight of this Act;
 - (f) interest for that year on the "C" Stock at the standard rate; and
 - (g) any sums required under this Act to be transferred to any sinking fund or redemption fund in connection with the "A" Stock, "T.F.A." Stock, "L.A." Stock and "B" Stock.
- (2) The balance, if any, arising in respect of each of the first two years after the appointed day shall be transferred to the reserve fund established in accordance with this Act.

(3) The balance, if any, arising in respect of any subsequent year shall, subject to the repayment to the reserve fund of any sum which may have been transferred from that fund and applied for the purpose of paying interest on the "C" stock at the standard rate, be applied up to one moiety thereof to the payment of additional interest for that year on the "C" Stock at a rate not exceeding one-half of one per cent. per annum, and the residue of the said balance shall be transferred to the reserve fund established in accordance with this Act.

Annual
report,
statistics
and returns.

47.—(1) The Board shall annually, at such date and in such form as the Minister may prescribe, make to him a report dealing generally with the operations of the Board during the preceding year (including any action taken under section thirty-one of this Act) and containing such detailed information with regard to the proceedings and policy of the Board as may properly be given without detriment to the interests of the undertaking of the Board or of any of the amalgamated

railway companies, and such report shall be laid before both Houses of Parliament and shall be on sale at a reasonable charge to the public at the offices of the Board.

PART III.
—cont.

(2) The Board shall furnish to the Minister such financial and statistical returns as may be agreed between the Minister and the Board or, in default of agreement, as may be determined by the rates tribunal.

48.—(1) The Board shall cause proper accounts and other records in relation thereto to be kept, and shall prepare an annual statement of accounts in such form and containing such particulars and compiled in such manner as may from time to time be prescribed by the Minister.

Accounts
and audit.

(2) The accounts of the Board and their officers shall be audited by auditors to be appointed annually by the Board after consultation with and with the approval of the Minister.

(3) So soon as the accounts of the Board have been audited, and in any case within a period of two months from the completion of each financial year or such longer period as the Minister may allow, the Board shall send a copy thereof to the Minister together with a copy of any report of the auditor thereon and shall publish the accounts in such manner as the Minister may direct, and shall place copies thereof on sale at a reasonable price.

49. Sections nine and ten of the Regulation of Railways Act, 1871, section thirty-two of the Railway and Canal Traffic Act, 1888, the Railway Companies (Accounts and Returns) Act, 1911, and section seventy-seven of the Railways Act, 1921, (which relate to the keeping of and audit of accounts of railway companies, the making of returns and keeping of statistics by railway companies) and, except in so far as the Minister may by order otherwise provide, so much of any special Act or statutory order as relates to the accounts, statistics and returns to be kept or made by the owners of any particular undertaking specified in Parts I, II or III of the Second Schedule to this Act or to the audit or publication of any such accounts as aforesaid, shall not apply to the Board.

Enactments
relating to
accounts of
railway or
tramway
under-
takings
not to apply
to Board.
34 & 35 Vict.
c. 78.
51 & 52 Vict.
c. 25.
1 & 2 Geo. 5.
c. 34.

PART IV.

AMENDMENTS OF THE ROAD TRAFFIC ACT, 1930.

Alteration
of traffic
areas under
20 & 21
Geo. 5. c. 43.

50. The following amendments shall be made with respect to the traffic areas constituted by the Road Traffic Act, 1930 (in this Part of this Act referred to as "the Act of 1930") :—

(1) In the Third Schedule to the Act of 1930, for the words—

" 11. Metropolitan Traffic Area. The Metropolitan Police District and the City of London."

there shall be substituted the following words—

" 11. Metropolitan Traffic Area. The London Passenger Transport Area as constituted by the London Passenger Transport Act, 1933, with the addition of such parts of the London Traffic Area, as constituted by the London Traffic Act, 1924, and of the administrative county of Hertford, of the borough of Chepping Wycombe in the county of Buckingham, of the boroughs of Dunstable and Luton in the county of Bedford, of the urban district of Wrotham in the county of Kent, of the urban district of East Grinstead in the county of East Sussex, and of the urban district of Horsham in the county of West Sussex, as lie outside the London Passenger Transport Area as so constituted."

(2) There shall be excluded from the East Midland, Eastern, Southern and South-Eastern Traffic Areas as constituted immediately before the date on which this section comes into operation such parts of those areas as form part of the Metropolitan Traffic Area aforesaid.

51.—(1) The provisions of this section shall have effect in relation to the Metropolitan Traffic Area.

(2) The following enactments, that is to say, the Metropolitan Public Carriage Act, 1869 (in this section referred to as “the Act of 1869”), sections eight and fourteen of the Metropolitan Streets Act, 1867, and the London Cab and Stage Carriage Act, 1907, shall not apply to any public service vehicle, or to the driver or conductor thereof.

(3) Subject to the provisions of the next following subsection, the powers which, under the Act of 1869, as amended, extended, or applied by, or by any order made under any subsequent enactment, are exercisable within the City of London and the Metropolitan police district by the Secretary of State, with respect to tramcars, light railway cars and trolley vehicles, and the licensing of such vehicles and their drivers and conductors (including the power of granting licences which by his direction is exercisable by the Commissioner of Police of the Metropolis) shall be transferred to the Minister and for the purpose of the exercise by the Minister of the powers so transferred the limits of the Act of 1869 shall be extended to include the whole of the Metropolitan Traffic Area and any reference in any such enactment to the Secretary of State shall, in relation to the said vehicles or matters, be construed as a reference to the Minister.

(4) The Minister may by order provide—

- (a) that any licences in respect of tramcars, light railway cars or trolley vehicles, or any class of such vehicles, which are grantable by him by virtue of the powers transferred to him by the last preceding subsection may be granted by the Commissioner for the Metropolitan Traffic Area (in this section referred to as “the Traffic Commissioner”) and that any licences to drivers and conductors of tramcars, light railway cars, and trolley vehicles, or any class of such vehicles, which are so grantable by him may be granted by the Commissioner of Police of the Metropolis or by the Traffic Commissioner; and

PART IV.
—*cont.*

Special provisions with respect to Metropolitan Traffic Area.

32 & 33 Vict.
c. 115.

30 & 31 Vict.
c. 134.

7 Edw. 7.
c. 55.

PART IV.
—cont.

- (b) that as regards persons residing in the Metropolitan Traffic Area, or any specified part of that area, the function of the Traffic Commissioner of granting licences to drivers and conductors of public service vehicles, or of any class of such vehicles, shall be transferred to the said Commissioner of Police :

Provided that no order conferring any power, or imposing any duty, on the said Commissioner of Police shall be made under this subsection, save with the concurrence of the Secretary of State.

(5) An order made under the last preceding subsection may—

- (a) make such adaptations and modifications in the provisions of Part IV of the Act of 1930 as may be necessary for the purpose of giving effect to the transfer of the said functions from the Traffic Commissioner to the said Commissioner of Police ;
- (b) provide for the payment by the Minister, as part of the expenses of the Roads Department of the Ministry of Transport, into the Metropolitan Police Fund of such sum in respect of the costs incurred by the said Commissioner of Police in connection with the exercise of the functions transferred by the order as the Treasury, after consultation with the Minister, may from time to time determine ; and
- (c) be revoked or altered by subsequent order made in the like manner.

(6) Before determining the conditions to be attached to a road service licence with respect to routes, stopping places or terminal points within the City of London or the Metropolitan police district, the Traffic Commissioner shall consult with the Commissioner of Police, and if the Commissioner of Police is dissatisfied with any condition attached to a road service licence with respect to a route, stopping place, or terminal point within his police district, he may appeal to the Minister, who shall make such order in the matter as he thinks fit, and any order so made by the Minister shall have effect as if it were an order made by the Traffic Commissioner.

(7) No local authority shall exercise under the Town Police Clauses Act, 1847, as amended, extended, or applied by any subsequent enactment any powers with respect to public service vehicles, tramcars, light railway cars, and trolley vehicles, or the licensing of such vehicles, or of their drivers or conductors, and there shall be repealed so much of any other Act as empowers any local authority to regulate such vehicles, or to make regulations for the conduct of drivers or conductors of, or passengers in, such vehicles.

PART IV.
—cont.
10 & 11 Vict.
c. 89.

(8) The provisions of this section shall have effect in substitution for the provisions of section ninety-nine of the Act of 1930.

52. Section ninety of the Act of 1930 shall have effect as if the following new subsection were inserted after subsection (10):—

Amendment
of s. 90 of
20 & 21
Geo. 5.
c. 43.

“(11) The power of making orders conferred upon local authorities by subsection (1) of this section shall not be exercised within the London Traffic Area as defined by the London Traffic Act, 1924.”

53. The amendments set out in the second column of the Eleventh Schedule to this Act, being amendments of a consequential or minor character, shall be made in the provisions of the Act of 1930 specified in the first column of that schedule.

Consequen-
tial and
minor
amend-
ments.

54. Notwithstanding anything contained in section sixty-four of the Act of 1930, public sittings of the Traffic Commissioners for the South Eastern Traffic Area may be held at such places in the Metropolitan Traffic Area as appear to those Commissioners to be convenient.

Powers of Com-
missioners for
South Eastern
Traffic Area to
hold public
sittings in
Metropolitan
Traffic Area.

55.—(1) The Minister may by order provide that any licence which has been granted in respect of a vehicle, or to the driver or conductor thereof, by any authority whose powers in that behalf are abolished or transferred by this Part of this Act, and which is in force immediately before the date on which section fifty-one of this Act comes into operation, shall continue in force for such a period, and have such effect for the purposes of any enactment relating to any such licence or of the Act of 1930, as may be provided by the order.

Transitory
provisions
as to
licences.

PART IV.
—*cont.*

(2) The Minister may revoke, vary or amend an order made under this section.

(3) Notwithstanding the provisions of section fifty-one hereof, a road-service licence granted under the Act of 1930 before the date on which the said section comes into operation and any backing of any such licence shall, during the currency thereof and until the date of expiry, so far as it relates to a route or portion of a route falling within any part of a traffic area transferred by this Act to the Metropolitan Traffic Area, have effect as if granted by the Commissioner for the Metropolitan Traffic Area on the date of transfer, so, however, that no service of public service vehicles may be provided under any such licence otherwise than in accordance with the provisions of this Act.

Date of
operation of
this Part of
this Act.

56. Sections fifty-two and fifty-four of this Act shall come into operation on the passing of this Act, but, save as aforesaid, this Part of this Act shall come into operation on the first day of July, nineteen hundred and thirty-three, or such later date as the Minister may by order appoint and different dates may be fixed for different purposes and different provisions of this Part of this Act.

PART V.**AMENDMENTS OF LONDON TRAFFIC ACT, 1924.**

London
Traffic Act,
1924, made
permanent.
14 & 15
Geo. 5. c. 34.

57. The London Traffic Act, 1924 (in this Part of this Act referred to as "the Act of 1924"), which is limited to expire on the thirty-first day of December, nineteen hundred and thirty-three, shall become a permanent Act.

Reconstitu-
tion of
Advisory
Committee.

58.—(1) The Committee (in the Act of 1924 and this Act referred to as "the Advisory Committee") for the constitution of which provision was made by section one of the Act of 1924 shall, instead of being constituted in the manner provided by subsections (2) and (3) of the said section one, be constituted in the manner provided by the Twelfth Schedule to this Act, and subsections (4) and (5) of the said section one shall cease to have effect.

(2) The term of office of the members of the Advisory Committee first appointed under this section shall be from the first day of July, nineteen hundred and thirty-three, until the thirtieth day of June,

nineteen hundred and thirty-six, and, subject to the provisions of the said section one with respect to the term of office of persons appointed to fill casual vacancies, the term of office of persons subsequently appointed shall be three years.

PART V.
—cont.

(3) The chairman of the Advisory Committee shall be such member of the Committee as the Committee may elect from amongst the members appointed by local authorities or groups of local authorities (other than the representative of the City Police).

(4) Subject to the provisions of this Part of this Act, the provisions of the said section one shall apply in relation to the Advisory Committee appointed under this section as they applied in relation to the Committee appointed under the said section one as originally enacted.

59.—(1) It shall be the duty of the Advisory Committee—

Extension
of duties
of Advisory
Committee.

- (a) to consider, report to and advise the Minister on, any matters relating to traffic within the London Traffic Area which in their opinion ought to be brought to the notice of the Minister and, in particular, to consider, and to report to and advise the Minister on, any of the matters mentioned in the Second Schedule to the Act of 1924, which may be referred to them by the Minister;
- (b) to make representations to the Board with respect to any matter connected with the services or facilities provided by the Board in the London Traffic Area which ought, in the opinion of the Committee, to be considered by the Board; and
- (c) to consider, report to and advise the Minister on any other matters which, either under the Act of 1924 or this Act, are referred to them by the Minister.

The provisions of this subsection shall have effect in substitution for the provisions of section two of the Act of 1924.

(2) Joint meetings of the Advisory Committee and of the Board, or, if so agreed between the Committee and the Board, of representatives of the Committee and

PART V.
—*cont.*

of the Board, shall be held with a view to facilitating an interchange of views with reference to any representation so made as aforesaid, or with reference to any matter of common interest of which notice has been given by the Committee or by the Board, as the case may be, not less than fourteen days before the day fixed for the meeting.

(3) Joint meetings for the purposes aforesaid shall be convened by the Chairman of the Advisory Committee at least three times in every year:

Provided that notwithstanding anything in this subsection a meeting shall not be required to be convened so long as the Board and the Committee agree that for the time being a meeting is not necessary.

Extension
of powers
of Advisory
Committee
with respect
to inquiries.

60.—(1) In any case where in pursuance of section three of the Act of 1924 a public inquiry is held by a member of the Advisory Committee, or by the Committee themselves, that member or the Committee may by order require any person, subject to payment or tender of the reasonable expenses of his attendance, to attend as a witness at the inquiry and to give evidence, or to produce any documents in his possession or power which relate to the subject matter of the inquiry and are such as would not be privileged from production in a court of law, and shall have power to take evidence on oath, and that member or the chairman of the Committee shall have power to administer oaths for that purpose.

(2) If any person fails without reasonable excuse to comply with an order made under this section, he shall, on summary conviction, be liable to a fine not exceeding five pounds.

Provisions
as to routes
for road
services
within
special area.

61.—(1) It shall not be lawful for the Board or any other person, not being a person using the vehicle in accordance with a road service licence granted to him under Part IV of the Road Traffic Act, 1930, to use a vehicle for the purpose of conveying passengers for hire or reward at separate fares on any road within the special area except on a route approved by the Traffic Commissioner for the Metropolitan Traffic Area (in this section referred to as the "Traffic Commissioner"), and the Traffic Commissioner in approving

any route may define the route by reference to the streets or parts of streets which may be traversed and to the terminal points, if such points are within the special area, and may attach to his approval conditions for securing that—

PART V.
—cont.

- (a) no vehicles, except vehicles of such class or description, or vehicles used for such purposes, as may be specified in the condition, shall be used on that route;
- (b) passengers shall not be taken up or shall not be set down except at or between specified points, or shall not be taken up or shall not be set down between specified points; and
- (c) vehicles on reaching the end of the approved route shall turn at such places, or by using such streets or parts of streets as may be specified;

and for the purposes of this subsection the Minister after consultation with the Commissioner of Police of the Metropolis may give directions to the Traffic Commissioner requiring him to attach to his approval of any route specified conditions relating to the construction of vehicles to be used on the route either in the case of all routes or in the case of particular routes any part of which lies within the Metropolitan Police District or the City of London

(2) The Traffic Commissioner before approving any route, or any part of a route, which lies within the metropolitan police district, or within the City of London, shall consult with the Commissioner of Police.

(3) If any person who has applied to the Traffic Commissioner for his approval of a route is aggrieved by the refusal of the Commissioner to approve that route, or by any condition attached by him to his approval (other than a condition attached by him in pursuance of a direction of the Minister given under subsection (1) of this section), or if the Commissioner of Police is aggrieved by the approval of any route within his district or by any condition attaching to the approval (other than as aforesaid), the applicant or Commissioner of Police, as the case may be, may appeal to the Minister.

Upon any such appeal the Minister may approve the route, or part of the route, in question either unconditionally, or subject to such conditions, whether the

PART V.
—cont.

same conditions as those imposed by the Traffic Commissioner or not, as he may think fit, or may refuse approval, and the decision of the Minister shall have effect as if it were a decision of the Traffic Commissioner and shall be final and conclusive.

(4) The Traffic Commissioner, either on the application of the Commissioner of Police or of any person who is using a vehicle upon a route approved under this section or without any such application, may at any time alter an approved route or revoke his approval of a route under this section or alter or revoke any condition attached by him to his approval.

(5) If the Commissioner of Police is aggrieved by the failure of the Traffic Commissioner to revoke any approval of a route under this section, or if the Commissioner of Police or any person who is using a vehicle upon a route approved under this section is aggrieved by any alteration of any route or revocation by the Traffic Commissioner of his approval of a route, or the alteration or revocation of any condition attached by him to his approval (other than a condition attached by him in pursuance of a direction of the Minister given under subsection (1) of this section), or by the failure of the Traffic Commissioner to alter an approved route, or to alter or revoke any condition attached by him to his approval (other than as aforesaid), the Commissioner of Police or that person, as the case may be, may appeal to the Minister and upon any such appeal the Minister shall be entitled to take any action which the Traffic Commissioner might have taken in the first instance, and the decision of the Minister shall have effect as if it were the decision of the Traffic Commissioner and shall be final and conclusive.

(6) If any person uses a vehicle for the purposes mentioned in subsection (1) of this section on a route not being an approved route, or if any person using any such vehicle on a route approved under this section fails to comply with, or acts in contravention of any condition attaching to the approval, he shall be liable on summary conviction to a fine not exceeding in the case of a first offence twenty pounds and in the case of a second or subsequent offence fifty pounds :

Provided that a person shall not be deemed to be acting in contravention of this section—

PART V.
—cont.

- (i) if he is using the vehicle in accordance with a road service licence granted to him under Part IV of the Road Traffic Act, 1930; or
- (ii) by reason only of the fact that on such special occasions and under such conditions as the Traffic Commissioner may approve, either in relation to vehicles generally or a particular class of vehicles specified by the Traffic Commissioner in his approval, he is using a vehicle for the purpose of conveying passengers at separate fares to or from a specified destination.

(7) For the purpose of the last preceding subsection, a vehicle used on a special occasion for the conveyance of a private party shall not be deemed to be a vehicle carrying passengers for hire or reward at separate fares by reason only that the members of the party have made separate payments which cover their conveyance by that vehicle on that occasion.

(8) Nothing in this section shall apply to any tramcar or trolley vehicle which is being operated under statutory powers.

(9) Proceedings for an offence under this section shall not be instituted except by or by the direction of the Director of Public Prosecutions, the Traffic Commissioner, or a chief officer of police.

(10) The Minister may by order make such provision as he may consider necessary for the transition from the enactments in force immediately before the day upon which the provisions of this section come into operation and relating to the user of vehicles for the purpose of conveying passengers for hire or reward at separate fares in the special area to the provisions of this section, and may by any such order provide that any vehicle which is immediately before that day being lawfully used by any person for such purpose as aforesaid may continue to be so used, notwithstanding the provisions of this section, for such period as may be prescribed by the order and subject to such conditions as may be prescribed by the order.

The Minister may revoke, vary, or amend an order made under this subsection.

PART V.
—cont.

(11) The provisions of this section shall have effect in substitution for the provisions of section six of the Act of 1924.

Restriction
on number
of passenger
vehicles
using cer-
tain streets.

62.—(1) If the Minister is of opinion that with a view to relieving congestion or promoting public safety or on account of the existence of alternative facilities for the conveyance of passengers or on other grounds of public interest it is desirable so to do, he may by regulations under this section regulate the number and frequency of journeys to be made, either generally or during particular periods, by vehicles conveying passengers for hire or reward at separate fares over any street or part of a street within the special area, and may further by any such regulations—

- (a) classify such vehicles by reference to their class or description, or the route on which, or the conditions under which, or the purposes for which, they are being operated;
- (b) allot a specified number of journeys of a specified frequency, or a specified proportion of the aggregate number of journeys permitted to be made during specified periods, to a particular person or group of persons by whom such vehicles or any class of such vehicles are or are to be operated, or to persons who operate such vehicles on particular routes specified in the regulations, or subject to particular conditions so specified or for particular purposes so specified, so, however, that the number of journeys allotted to persons operating vehicles with the written consent of the Board under section sixteen of this Act shall be included in the allotment of journeys to the Board;
- (c) require persons operating vehicles to which the regulations apply over, or over any part of, any such street as aforesaid to submit to the Minister particulars of the services maintained or to be maintained by them with such vehicles; and
- (d) provide for any limitation imposed by the regulations being dispensed with or relaxed in special circumstances or on special occasions.

(2) Before making any regulations under this section, the Minister shall refer the matter to the Advisory Committee for their advice and report, and shall give such notice of his intention to make the regulations as he may think best adapted for informing persons affected, and, if any organisation representative of the operators of public service vehicles affected by the proposed regulations make objection thereto in writing addressed to the Minister and requesting that a public inquiry be held, the Advisory Committee shall before reporting to the Minister either appoint one or more of their number to hold, or shall themselves hold, a public inquiry, at which the organisation and any other person whose interests may be affected by the proposed regulations shall be entitled to be heard in support of the objection or of the proposed regulations.

Before any such inquiry is held the Advisory Committee shall give notice of the date and place at which the inquiry will be held, and of the matters to be dealt with at the inquiry.

(3) Any regulation made under this section shall be laid forthwith before both Houses of Parliament, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after the regulation is laid before it praying that the regulation may be annulled, it shall thenceforth be void but without prejudice to the validity of anything previously done thereunder or the making of a new regulation.

(4) Any such regulations may provide for imposing fines recoverable summarily in respect of breaches thereof not exceeding in the case of a first offence twenty pounds, or in the case of a second or subsequent offence fifty pounds, together with, in the case of a continuing offence, a further fine not exceeding five pounds for every day, subsequent to the day on which he is convicted of the offence, during which the offence continues.

(5) Proceedings for an offence against regulations made under this section shall not be instituted except by, or by the direction of, the Director of Public Prosecutions, the Traffic Commissioner for the Metropolitan Traffic Area or a chief officer of police.

PART V.
—cont.

(6) Nothing in this section or in any regulation made thereunder shall apply to any tramcar or trolley vehicle which is being operated under statutory powers.

(7) The provisions of this section shall have effect in substitution for the provisions of section seven of the Act of 1924.

Power to
make regu-
lations with
respect to
road traffic
generally in
London
Traffic Area.

63. For subsection (1) of section ten of the Act of 1924 (which relates to the power of the Minister to make regulations), the following subsection shall be substituted:—

“(1) The Minister may make regulations for controlling or regulating vehicular and other traffic on roads within the London Traffic Area and, in particular but without prejudice to the generality of the foregoing words, for any of the purposes, or with respect to any of the matters, mentioned in the Third Schedule to this Act.

Any such regulations may be made so as to apply—

- (a) to the London Traffic Area as a whole, or to particular parts thereof, or to particular places or streets, or parts of streets, therein;
- (b) throughout the day, or during particular periods;
- (c) on special occasions only, or at special times only;
- (d) to vehicles and traffic of any particular class;

and, for the purposes of paragraph (d) of this subsection, may classify vehicles and traffic by reference to any one or more of the following considerations, that is to say, weight, motive power, speed, the character of the load carried, or the absence of any load, and the purpose for which, and the direction in which, the traffic is being conducted, and, in the case of public service vehicles, the nature of the service provided by the vehicle, the route on which the vehicle is being operated and whether it is for the time being engaged in carrying passengers or not.”

64. The amendments set out in the second column of the Thirteenth Schedule to this Act, being amendments of a consequential or minor character, shall be made in the provisions of the Act of 1924 specified in the first column of that schedule.

PART V.
—*cont.*
Consequen-
tial and
minor
amend-
ments.

65. Notwithstanding anything in this Part of this Act, the members of the Advisory Committee in office on the passing of this Act shall continue in office as such members until the reconstitution of the Committee has been completed in accordance with this Part of this Act with the like powers and duties as if this Act had not been passed.

Transitory
provisions.

66. The provisions of this Part of this Act making permanent the Act of 1924 and making provision for the reconstitution of the Advisory Committee and for the continuance in office of existing members pending such reconstitution shall come into operation on the passing of this Act, but save as aforesaid, this Part of this Act shall come into operation on the first day of July, nineteen hundred and thirty-three, or such later date as the Minister may by order appoint, and different days may be fixed for different purposes and different provisions of this Part of this Act.

Date of
operation of
Part V of
Act.

PART VI.

WAGES AND CONDITIONS OF SERVICE.

67. If at any time any question arises with respect to the rates of pay, hours of duty or other conditions of service of any of the employees of the Board to whom this Part of this Act applies, and the Board and such of the trades unions as may be concerned are unable to come to an agreement thereon, the question shall be referred to a Negotiating Committee, and, if the question is not disposed of as a result of being so referred, it shall be further referred to a Wages Board.

Settlement
of disputes
as to pay
and
conditions
of service.

68.—(1) The Negotiating Committee referred to in the last preceding section shall, subject to the provisions of this section, consist of—

Constitu-
tion of
Negotiating
Committee
and Wages
Board.

- (a) six representatives of the Board to be appointed by the Board; and

PART VI.
--cont.

(b) six representatives of the employees of the Board, two of whom shall be appointed by each of the trades unions.

(2) The Wages Board referred to in the last preceding section shall, subject to the provisions of this section, consist of—

(a) an independent chairman to be nominated by the Minister of Labour;

(b) six representatives of the Board to be appointed by the Board;

(c) six representatives of the employees of the Board, two of whom shall be appointed by each of the trades unions; and

(d) four other persons to be appointed, as to one, by the General Council of the Trades Union Congress, as to one, by the Co-operative Union, as to one, by the Association of British Chambers of Commerce and, as to one, by the National Confederation of Employers' Organisations.

(3) On the consideration by the Negotiating Committee or the Wages Board of any question referred to them, any party to the reference may raise any point they may consider relevant to the issue, and any point so raised shall be taken into consideration by the Negotiating Committee or the Wages Board, as the case may be.

(4) The constitution of the Negotiating Committee or of the Wages Board may upon twelve months' notice being given either by the Board or by the trades unions be varied by a scheme prepared by a committee consisting of six representatives of the Board and two representatives of each of the trades unions and upon the scheme becoming operative references in this Part of this Act to the Negotiating Committee or to the Wages Board shall be construed as references to the Negotiating Committee or to the Wages Board as so varied.

Establish-
ment of
councils.

69.—(1) As soon as may be after the first day of July, nineteen hundred and thirty-three, provision shall be made by schemes made under the next following section for the establishment of one or more councils consisting of officers of the Board and representatives of

the employees of the Board to whom this Part of this Act applies, to be elected by those employees. PART VI.
—cont.

(2) The schemes shall define the constitution and functions of the councils so to be established in such manner as to secure, so far as practicable, that the arrangements in respect of these councils shall be no less favourable to the employees of the Board to whom this Part of this Act applies and such of the trades unions as may be concerned than the arrangements which existed on the twelfth day of March, nineteen hundred and thirty-one, in respect of the councils established in connection with the several undertakings which are in whole or in part transferred to the Board by this Act.

70.—(1) For the purpose of giving effect to the foregoing provisions of this Part of this Act, schemes shall be made and may, from time to time, be varied by a committee consisting of six representatives of the Board and two representatives of each of the trades unions. Power to
make
schemes.

(2) Any scheme so made may be determined by twelve months' notice given either by the aforesaid representatives of the Board or by the aforesaid representatives of the trades unions, so however that no notice determining any scheme so made shall be given before the first day of January, nineteen hundred and thirty-five.

71.—(1) Subject to the provisions of this section, the employees of the Board to whom this Part of this Act applies are such employees, being persons engaged on or in connection with the railways of the Board, or in the performance of clerical, administrative, supervisory or technical duties, and not being— Application
of Part VI
of Act.

(a) persons who, in accordance with the classification for the time being in force, are comprised within the special class mentioned in the national agreements referred to in the Seventh Schedule to the Railways Act, 1921, or who, if they had been engaged on or in connection with any railway of the Board to which any of those agreements applies, would have been so comprised therein; or

PART VI.
—*cont.*

- (b) persons in receipt of a weekly wage and employed under shop conditions, either on constructional or repair or maintenance work, or in connection with electricity generating stations or sub-stations or high tension cables between any such stations or sub-stations,

as the committee in making schemes under the last preceding section may from time to time agree to include in those schemes.

(2) The committee, in making schemes under the last preceding section, shall not include in those schemes any persons who immediately before they became officers or servants of the Board were members of the London County Council Staff Association, so long as not less than one hundred of such persons as aforesaid, being officers or servants of the Board, express their desire to be excluded from those schemes.

Definition
of trades
unions.

72. In this Part of this Act the expression “trades unions” means the National Union of Railwaymen, the Associated Society of Locomotive Engineers and Firemen and the Railway Clerks Association.

PART VII.

STAFF AND SUPERANNUATION.

Transfer
and compensation
rights of
officers and
servants
solely or
mainly
occupied in
transferred
under-
takings.

73.—(1) The provisions of this section shall apply in relation to any person who—

- (a) was on the twelfth day of March, nineteen hundred and thirty-one, an officer or servant of a local authority, company or person specified in the Second Schedule to this Act; and
- (b) either (i) was on the said date occupied in or in connection with the undertaking or, as the case may be, the part of the undertaking transferred by this Act from that authority, company or person to the Board; or (ii) between the said date and the appointed day became so occupied on being transferred by his employers from other duties, such transfer being reasonably necessary in the ordinary course of the management of their business; and

- (c) was immediately before the appointed day an officer or servant of that authority, company or person, and solely or mainly so occupied as aforesaid.

PART VII.
—cont.

Any such person as aforesaid is in this section referred to as an “existing officer” or “existing servant.”

(2) Subject to the provisions of this Act, every existing officer or servant shall, as from the appointed day, be transferred to and become an officer or servant of the Board and if any question arises as to whether any person is so transferred, that question shall be determined by an arbitrator who shall be appointed by the Lord Chancellor in accordance with the provisions hereafter in this Part of this Act contained and is hereafter in this Part of this Act referred to as the “standing arbitrator.”

(3) No existing officer or servant so transferred shall, without his consent, be by reason of such transfer in any worse position in respect to the conditions of his service as a whole as compared with the conditions of service formerly obtaining with respect to him and, in determining whether an officer or servant is, or is not, in a worse position, regard shall be had to all relevant considerations, including tenure of office, remuneration, gratuities, pension, superannuation, sick fund and any other benefits or allowances, whether provided for himself or for his widow, family or representatives and whether obtaining legally or by customary practice of the authority, company or person under whom he held his office or employment.

(4) If any question arises as to whether the provisions of the last preceding subsection have been complied with, that question shall be referred to the standing arbitrator, and if the arbitrator is of opinion that those provisions have not been complied with and that the officer or servant in question has thereby suffered any loss or injury, not being a direct pecuniary loss in respect of which he is entitled to compensation under the provisions hereafter in this section contained, the arbitrator shall award to him such sum to be paid by

PART VII.
—cont.

the Board as he considers sufficient to compensate him for that loss or injury.

(5) If the Board are of opinion—

- (a) that any appointment to any office or employment in connection with any undertaking, or any part of an undertaking, transferred to the Board by this Act, or any alteration in the rate of remuneration of any existing officer or servant, made after the third day of December, nineteen hundred and thirty, was not reasonably necessary in the ordinary course of the business of that undertaking; or
- (b) that any right to the grant, or any alteration of a right to the grant, of a pension or superannuation allowance or other benefit or allowance conferred or made after that date by any authority, company or person whose undertaking is wholly or in part transferred to the Board by this Act was not in accordance with the usual practice of that authority, company or person with respect to the grant or alteration of pensions, benefits or allowances,

the Board may, within six months after the appointed day, give notice in writing to that effect to the authority, company or person concerned, and if in any case where such a notice has been given a dispute arises, it shall be referred to the standing arbitrator, who shall consider whether or not the appointment or alteration in the rate of remuneration was reasonably necessary in the ordinary course of the business, or whether or not the conferring or alteration of the right to the grant was in accordance with the usual practice of that authority, company or person and shall determine whether, and to what extent, as between the Board and that authority, company or person any liability arising in respect thereof is to be transferred to the Board or is to continue as a liability of the authority, company or person.

(6) The Board may abolish the office or post of any existing officer or servant, and any existing officer or servant required to perform duties which are not analogous.

to, or are an unreasonable addition to, those which as an officer or servant of the authority, company, or person from whom he is transferred he was required to perform, may relinquish his office or post; and every existing officer or servant who suffers any direct pecuniary loss in consequence of this Act by reason of such abolition or relinquishment of his office or post or otherwise and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to receive from the Board in respect of that loss compensation to be determined in accordance with the provisions of the Fourteenth Schedule to this Act.

PART VII.
—cont.

(7) If within five years after the appointed day—

- (a) any existing officer or servant relinquishes his office or post under the last preceding subsection; or
- (b) the services of any existing officer or servant are dispensed with by the Board because his services are not required and not on account of misconduct or incapacity to perform such duties as immediately before the appointed day he was performing, or might reasonably have been required to perform; or
- (c) the emoluments of any existing officer or servant are reduced on the ground that his duties have been diminished,

or if at any time the services of any existing officer or servant are dispensed with by the Board upon the abandonment, in whole or in part, of a tramway on or in connection with which he was employed by the Board, that officer or servant shall, unless the contrary is proved, be deemed for the purposes of the last preceding subsection to have suffered a direct pecuniary loss in consequence of this Act.

(8) Where, for the purposes of agreeing or determining by arbitration under this Act the amount and nature of the consideration to be paid by the Board for the transfer of an undertaking or part of an undertaking, any sum paid or payable to an existing officer or servant by reason of any financial interest held by him in the undertaking or part of the undertaking (whether as a

PART VII.
—cont.

partner, shareholder, or otherwise) has been treated as part of the profits of the undertaking or part of the undertaking, the sum so treated as part of the profits shall for the purposes of assessing the compensation, if any, payable to that officer or servant under this Part of this Act or the Fourteenth Schedule to this Act be deemed not to have formed or to form part of the remuneration or emoluments which the officer or servant was enjoying before the transfer to the Board of the undertaking or part of the undertaking, or would have enjoyed if that transfer had not taken place.

(9) No existing officer or servant who is transferred to the Board shall be prejudiced in regard to the office or post to be assigned to him by the Board by reason of the appointed day in relation to the undertaking from which he was transferred being later than the appointed day in relation to any other transferred undertaking.

(10) The retention after the appointed day of the service of any officer or servant by any authority or company in accordance with the provisions of this Act shall not prejudicially affect the rights of that officer or servant under this section.

(11) In this part of this Act the expression “ officer ” includes a managing director.

(12) It shall be lawful for the Board and any existing officer or servant and the local authority, company or person employing him, to agree that, notwithstanding anything in this section, he shall not be transferred to the Board, and if any such agreement is so made, none of the provisions contained in subsections (2) to (10) of this section shall apply in relation to him.

(13) Notwithstanding anything in subsection (1) of this section any person who—

- (a) was on the twelfth day of March, nineteen hundred and thirty-one, occupied as an officer or servant in, or in connection with, an undertaking or, as the case may be, a part of an undertaking which has since that date been acquired by, or absorbed in, the undertaking of an authority, company or person specified in the Second Schedule to this Act; and

- (b) as a consequence of such acquisition or absorption became an officer or servant of that authority, company or person occupied in, or in connection with, the undertaking or, as the case may be, the part of the undertaking transferred by this Act from that authority, company or person to the Board; and
- (c) was immediately before the appointed day an officer or servant of that authority, company or person and solely or mainly so occupied as aforesaid;

PART VII.
—cont.

shall be deemed to be an existing officer or servant and accordingly the provisions of this section shall apply in relation to him as they apply in relation to such a person as is mentioned in subsection (1) of this section.

- 74.** For the purposes of subsections (2) to (8) and (12) of the last preceding section any person who—
- (a) was on the twelfth day of March, nineteen hundred and thirty-one, an officer or servant of an employer whose undertaking is in whole or in part taken over by the Board under subsection (4) of section sixteen of this Act; and
- (b) either—(i) was on the said date occupied in, or in connection with the undertaking or, as the case may be, the part of the undertaking so taken over, or (ii) between the said date and the date of such taking over became so occupied on being transferred by his employer from other duties, such transfer being reasonably necessary in the ordinary course of the management of his business; and
- (c) was on the date of the taking over by the Board an officer or servant of that employer and solely or mainly so occupied as aforesaid,

Transfer
and com-
pensation
rights of
officers and
servants
occupied in
certain
other under-
takings.

and any person who—

- (a) was on the said twelfth day of March an officer or servant of a company specified in subsection (1) of section seventeen of this Act; and

PART VII.
—cont.

- (b) either—(i) was on the said date occupied in, or in connection with any premises transferred from that company to the Board or the running of any service which the company is required to discontinue, or (ii) between the said date and the date of such transfer to the Board or discontinuance, as the case may be, became so occupied on being transferred by the company from other duties, such transfer being reasonably necessary in the ordinary course of the management of its business; and
- (c) was on the date of such transfer to the Board or discontinuance, as the case may be, an officer or servant of that company, and solely or mainly so occupied as aforesaid,

and any person who—

- (a) was on the said twelfth day of March occupied as an officer or servant in, or in connection with an undertaking or, as the case may be, a part of an undertaking which has since that date been acquired by, or absorbed in an undertaking which is in whole or in part taken over by the Board under subsection (4) of section sixteen of this Act, or by or in the undertaking of a company specified in subsection (1) of section seventeen of this Act; and
- (b) as a consequence of such acquisition or absorption became an officer or servant of the person or company owning the undertaking either (i) occupied in, or in connection with the undertaking or, as the case may be, the part of the undertaking so taken over by the Board, or (ii) occupied in, or in connection with any premises transferred from any such company to the Board or the running of any service which any such company is required to discontinue; and
- (c) was on the date of the taking over by, or of the transfer to, the Board or of the discontinuance, as the case may be, an officer or servant of that person or that company and solely or mainly so occupied as aforesaid,

shall be deemed to be an existing officer or servant, and accordingly the provisions of the said subsections

shall apply in relation to him as they apply in relation to such a person as is mentioned in subsection (1) of that section, subject, however, to this modification that any reference to the appointed day shall in relation to him be construed as a reference to the date of the taking over or the transfer of the undertaking, or part of the undertaking, or premises or, as the case may be, of the discontinuance of the service.

PART VII.
—cont.

75.—(1) Any officer or servant of a local authority specified in Part III of the Second Schedule to this Act who would by virtue of section seventy-three of this Act have been transferred to the Board on the appointed day if he had on that date been solely or mainly occupied in or in connection with the transferred undertaking of the authority but was on that date only partly so occupied, and who as a consequence of this Act or of something done by virtue thereof, and not as a result of any misconduct or incapacity to perform such duties as immediately before the appointed day he was performing, or might reasonably have been required to perform, suffers any direct pecuniary loss, and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to receive from the local authority in respect of that pecuniary loss, compensation to be determined in accordance with the provisions of the Fourteenth Schedule to this Act as modified by the next succeeding subsection.

Compensation rights of certain officers and servants not transferred to the Board.

(2) The provisions of the said Fourteenth Schedule shall in their application to any such officer or servant as aforesaid have effect as if for any reference therein to the Board as the authority to receive and determine claims for compensation and to pay compensation there were substituted a reference to the local authority.

(3) Any compensation payable under this section shall be paid in the first instance by the local authority, but the ultimate incidence thereof shall be such as may be agreed between that authority and the Board or, in default of agreement, determined by the standing arbitrator.

(4) Upon any reference to him under the last preceding subsection, the arbitrator shall have regard

PART VII.
—*cont.*

to all the circumstances of the case, including the number of vacancies in the staff of the local authority resulting from the transfer to the Board of officers and servants not solely employed in or in connection with the transferred undertaking and the opportunity afforded by those vacancies for avoiding, by means of a re-allocation of duties, any hardship to such officers or servants as are mentioned in this section, and shall determine whether the cost of any such compensation as aforesaid is to be borne by the local authority or by the Board, or is to be apportioned between them and, if so, in what shares.

Compensa-
tion rights
of officers
and servants
of Railway
Clearing
House.

76.—(1) Any officer or servant of the Railway Clearing House who as a consequence of this Act or of anything done by virtue thereof, and not as a result of misconduct or incapacity to perform such duties as he previously was performing, or might reasonably have been required to perform, suffers any direct pecuniary loss, and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to receive from the Railway Clearing House in respect of that pecuniary loss, compensation to be determined in accordance with the provisions of the Fourteenth Schedule to this Act as modified by the next succeeding subsection.

(2) The provisions of the said Fourteenth Schedule shall, in their application to any such officer or servant as aforesaid, have effect as if for any reference therein to the Board as the authority to receive and determine claims for compensation and to pay compensation there were substituted a reference to the Railway Clearing House.

(3) Any compensation payable under this section shall be paid in the first instance by the Railway Clearing House, but the ultimate incidence thereof shall be such as may be agreed between the Railway Clearing House and the Board or, in default of agreement, determined by the standing arbitrator.

(4) Upon any reference to him under the last preceding subsection, the arbitrator shall have regard to all the circumstances of the case and, in particular, to

whether the pecuniary loss to the officer or servant was primarily due to the transfer by this Act of railway undertakings to the Board, or to any arrangement made under this Act for the pooling of traffic receipts, and shall determine whether the cost of any compensation payable to the officer or servant is to be borne by the Railway Clearing House, or by the Board, or is to be apportioned between them and, if so, in what shares.

PART VII.
—cont.

77.—(1) Any officer or servant employed on or about a joint railway undertaking, any right or interest in which is transferred to the Board, who as a consequence of this Act or of anything done by virtue thereof and not as a result of misconduct or incapacity to perform such duties as immediately before the appointed day he was performing, or might reasonably have been required to perform, suffers any direct pecuniary loss, and for whose compensation for that loss provision is not made by any other enactment for the time being in force, shall be entitled to receive from his employers for the time being in respect of that pecuniary loss compensation to be determined in accordance with the provisions of the Fourteenth Schedule to this Act, as modified by the next succeeding subsection.

Compensation rights of officers and servants of joint railway undertakings.

(2) The provisions of the said Fourteenth Schedule shall in their application to any such officer or servant as aforesaid, have effect as if for any reference therein to the Board as the authority to receive and determine claims for compensation and to pay compensation, there were substituted a reference to the employers of that officer or servant.

(3) Any compensation payable under this section shall be paid in the first instance by the Board, but the ultimate incidence thereof as between the Board and any railway company concerned shall be such as may be agreed between them or, in default of agreement, determined by the standing arbitrator.

78. Subject to the provisions of this section, where on the appointed day—

Continuance of compassionate allowances.

(a) a person who was formerly an officer or servant of any local authority or company specified

PART VII.
—*cont.*

in Part I, Part II or Part III of the Second Schedule to this Act; or

- (b) the widow or a dependent of a deceased person who was formerly such an officer or servant as aforesaid,

is in receipt of a pension, or a superannuation or other allowance from that authority or company, granted in pursuance of their customary practice and not as a matter of legal right, then, if that person or that deceased person would on the appointed day, had his employment under that authority or company continued until that date, have been transferred by this Act to and become an officer or servant of the Board, he or, as the case may be, his widow or dependent shall be entitled to receive from the Board the same pension or allowance and on the same conditions as previously obtaining :

Provided that, if the Board are of opinion that any grant or alteration of any such pension or allowance made after the third day of December, nineteen hundred and thirty, was not in accordance with the customary practice of that authority or company, the Board may within six months after the appointed day give notice in writing to that effect to the authority or company concerned; and, if in any case where such a notice has been given any dispute arises, it shall be referred to the standing arbitrator, who shall consider whether or not the grant or alteration was in accordance with the customary practice of that authority or company, and shall determine whether, and to what extent as between the Board and the authority or company, any liability arising in respect thereto is to be transferred to the Board or is to continue as a liability of the authority or company.

Provisions
as to stand-
ing arbi-
trator.

79.—(1) For the purposes of the six last preceding sections and of the Fourteenth Schedule to this Act, the Lord Chancellor shall appoint a standing arbitrator, and any question which under any of those provisions or under the said Schedule is directed to be determined by a standing arbitrator shall, in case of dispute, be referred to and determined by that arbitrator.

(2) The fee payable to the standing arbitrator in respect of any such arbitration as aforesaid shall be such

as the Lord Chancellor may fix and shall be paid by the Board, unless, in a case arising under section seventy-five, section seventy-six, or section seventy-seven of this Act, the arbitrator directs that it shall be paid in whole or in part by the local authority, or the Railway Clearing House, or a railway company concerned, as the case may be.

PART VII.
—*cont.*

80.—(1) Subject to the provisions of this section, all superannuation, pension, and other benefit funds or schemes (other than the Railway Clearing System Superannuation Fund and the British Electrical Endowment Fund), which funds or schemes are in this section referred to as “existing benefit funds,” and all savings banks or institutions of a like nature (other than the British Electrical Provident Fund), which banks or institutions are in this section referred to as “existing banks” of, or established by, or in connection with, any of the companies specified in Part I, Part II, Part IV, Part V or Part VI of the Second Schedule to this Act (in this section referred to as “transferred companies”) and the managers of those funds and banks shall continue as if the undertakings carried on by the transferred companies had not been transferred to the Board.

Superannuation funds,
&c.

(2) For the purposes of any statutory enactments and rules or regulations relating to the existing benefit funds or banks, any power of a transferred company or any officer or director of a transferred company in relation to any such fund or bank may, as from the appointed day, be exercised by the Board or by any member or officer of the Board appointed by the Board for the purpose; and service or employment or dismissal under or by the Board of any officer or servant of a transferred company who by virtue of this Act is transferred to, and becomes an officer or servant of, the Board shall be deemed to be service or employment or dismissal under or by that one of the transferred companies in whose employment that officer or servant was immediately before the appointed day.

(3) The obligations, whether obtaining legally or by customary practice, of each of the transferred companies in respect of the existing benefit funds and banks,

PART VII.
—cont.

and in respect of every member of an existing benefit fund and depositor in an existing bank who is transferred to and becomes, or, if he had been immediately before the appointed day an officer or servant of the transferred company, would have been transferred to and become, an officer or servant of the Board, shall be binding upon the Board.

(4) All persons who are or have been members of any of the existing benefit funds or depositors in any of the existing banks and who are, or, if they had been immediately before the appointed day officers or servants of a transferred company, would have been, transferred to and become officers or servants of the Board and all persons claiming in right of any such person as aforesaid shall be entitled to the same benefits, rights and privileges and subject to the same obligations, whether obtaining legally or by customary practice, as those persons would have been or might have become entitled or subject to, if the undertakings carried on by the transferred companies had not been transferred to the Board.

(5) Any member of any of the existing benefit funds and any depositor in any of the existing banks who is not transferred to the Board shall, unless within one year from the appointed day he gives notice in writing to the managers of that fund or bank of his desire to terminate his membership thereof or his interest therein, continue as a member of or depositor in that fund or bank; and any person so continuing as a member or depositor shall be entitled to the same benefits, rights and privileges, whether obtaining legally or by customary practice, as he would have been or might have become entitled to if the undertakings carried on by the transferred companies had not been transferred to the Board; and so long as he continues to be a member or depositor, he and any person under whom he holds his office or employment, shall be subject to the same obligations towards the fund or bank, whether obtaining legally or by customary practice, as they would have been, or might have become subject to, if the undertakings carried on by the transferred companies had not been transferred to the Board:

Provided that the managers of the said fund or bank may at any time, at the joint request of the member or depositor and of his employer for the time being,

transfer to any other fund, scheme or bank such sum, to be determined if necessary by an actuary appointed by the managers, as represents the interest of the member or depositor in their fund or bank, and thereupon the liability of their fund or bank towards that member or depositor shall cease and determine.

PART VII.
—cont.

(6) Any person, who, being an officer or servant of a transferred company, is transferred to and becomes an officer or servant of the Board and who immediately before the appointed day was a member of the Railway Clearing System Superannuation Fund Corporation (in this subsection referred to as "the corporation"), may, for the period during which he remains an officer or servant of the Board, including any period of superannuation after retirement from the service of the Board, continue to be a member of the corporation; and any person who, if he had been immediately before the appointed day an officer or servant of a transferred company, would have been transferred to and become an officer or servant of the Board and who at the appointed day is in receipt of a superannuation allowance or annuity from the corporation, may, for the period during which he would, if this Act had not been passed, have been entitled so to receive a superannuation allowance or annuity, continue to be a member of the corporation; and while any such person as aforesaid so remains a member, he shall be entitled to the same benefits, rights and privileges and subject to the same obligations, whether obtaining legally or by customary practice, as he would have been entitled or subject to, if the undertaking carried on by the company under which he held his office or employment had not been transferred to the Board, and while he so remains a member, the obligations of the transferred company under which he held his office or employment, in respect of the corporation so far as relates to that member, whether obtaining legally or by customary practice, shall be binding upon the Board.

(7) Any person who, being an officer or servant of a transferred company, is transferred to and becomes an officer or servant of the Board and who immediately before the appointed day was a member of the British Electrical Endowment Fund (in this subsection referred to as "the Endowment Fund") shall (subject to the provisions of the trust deeds and rules for the time being

PART VII.
—cont.

applicable to the Endowment Fund) continue for the period during which he remains an officer or servant of the Board to be a member of the Endowment Fund; and while he so remains a member he shall be entitled to the same benefits, rights, and privileges and subject to the same obligations, whether obtaining legally or by customary practice, as he would have been or might have become entitled to or subject to if the undertaking carried on by the company under which he held his office or employment had not been transferred to the Board, or if the Board had been a company within the meaning of the said trust deeds and rules, and the Board shall, in respect of that person, have the same rights and be subject to the same obligations as the Board would have been subject to under the provisions of the said trust deeds and rules if the Board had been a company within the meaning of the said trust deeds and rules, and as from the appointed day, in construing the provisions of the said trust deeds and rules, the Board in respect of that person shall be deemed to be, and always to have been, such a company.

(8) Any person who, being an officer or servant of a transferred company, is transferred to and becomes an officer or servant of the Board, and who immediately before the appointed day was a depositor in the British Electrical Provident Fund (in this subsection referred to as "the Provident Fund") through the company under which he held his office or employment, and any person being the wife or child of an officer or servant so transferred and being immediately before the appointed day a depositor in the Provident Fund may, for the period during which such officer or servant remains an officer or servant of the Board, remain a depositor through the Board in the Provident Fund and shall be entitled to the same benefits, rights, and privileges, and be subject to the same obligations, whether obtaining legally or by customary practice, as he or she would have been entitled or subject to, and the Board shall in respect of that person have the same rights and be subject to the same obligations as the Board would have been subject to under the provisions of the trust deeds and rules for the time being applicable to the Provident Fund if the Board had been a company within the meaning of the said trust deeds and rules and as from the appointed day in construing the said trust deeds and rules the

Board shall in respect of that person be deemed to be, and always to have been, a company within the meaning of the said trust deeds and rules.

PART VII.
—*cont.*

(9) Any person who, being an officer or servant of any of the local authorities specified in Part III of the Second Schedule to this Act, is transferred to and becomes an officer or servant of the Board, and who immediately before the appointed day was a member of any pension, superannuation or other benefit fund set up by that authority (in this section referred to as "a local authority's fund") may so long as he remains an officer or servant of the Board continue to be a member of that fund and, subject to the provisions of the three next succeeding subsections, while he so continues to be a member, the provisions of any enactment or scheme or any rule or regulation by which that fund is regulated shall, so far as respects him, continue to apply to the local authority, and he shall be entitled to the same benefits, rights and privileges and subject to the same obligations, whether obtaining legally or by customary practice, as he would have been entitled or subject to if he had remained an officer or servant of the authority.

(10) Where any person who continues to be a member of a local authority's fund ceases to be an officer or servant of the Board, the provisions of any such enactment, scheme, rule or regulation as aforesaid which would have been applicable upon his ceasing to be an officer or servant of the authority shall apply as if he had remained an officer or servant of the authority, and had ceased to be such an officer or servant at the time at which, and in circumstances similar to those in which he ceased to be an officer or servant of the Board.

(11) Where any officer or servant of the Board continues after the appointed day to be a member of a local authority's fund—

(a) the authority may in respect of him grant benefits, and make payments into and out of the fund, as if his employment by the Board were employment by the authority; and

(b) the Board shall deduct from his remuneration such amounts as he is liable to contribute

PART VII.
—cont

to the fund, and shall from time to time pay to the authority the amounts so deducted to be carried by the authority to the credit of the fund.

(12) Where a local authority becomes liable to pay and pays into a local authority's fund any sums, whether ascertained upon an actuarial valuation or otherwise, being sums which, if the undertaking of the authority had not been transferred to the Board, would have been payable by the authority out of the revenues of the undertaking, the Board shall on demand repay to the authority so much of the said sums as relates to officers or servants of the Board who continue, or at any time since the appointed day have continued, to be members of the local authority's fund.

(13) The Board and the local authority may enter into agreements for the purpose of giving effect to the provisions of the last two preceding subsections and, except in so far as any such agreement provides to the contrary, any dispute arising under those provisions shall be referred to and determined by an arbitrator to be agreed upon between the parties, or, failing agreement, to be appointed on the application of either party by the President of the Institute of Actuaries.

(14) If upon an actuarial valuation of any local authority's fund a deficiency is found to exist, the Board shall (without prejudice to any other liability of the Board under the preceding provisions of this section) on demand make good to the authority for the credit of the fund so much, if any, of that deficiency as may be certified by the person making the valuation or as, in the case of a dispute, may be determined by an arbitrator, to be appointed in default of agreement upon the application of either party by the President of the Institute of Actuaries, to be due to the action of the Board in increasing the remuneration, or accelerating the retirement of officers or servants of the Board continuing to be members of the fund.

(15) The Board may at any time prepare a scheme or schemes for establishing such pension, superannuation, or other benefit funds as they may think fit for the benefit of persons employed by the Board, but no such scheme shall come into operation until it has been approved by Parliament.

(16) Notwithstanding anything contained in this section any officer or servant of the Board may, subject to the consent of the Board and of the managers of the fund or bank in question, become a member of any of the existing benefit funds or a depositor in any of the existing banks.

PART VII.
—*cont.*

(17) Any member of the Board who is at the date of his appointment a member of any such pension, superannuation, or other benefit fund as is mentioned in, or authorised by, any of the foregoing provisions of this section may continue to be a member of that fund while he remains a member of the Board and, while he so continues to be a member of the fund, he shall be entitled to the same benefits, rights and privileges and subject to the same obligations, whether obtaining legally or by customary practice, as he would be entitled or subject to if he were an officer or servant of the Board, and during the said period the Board shall from time to time make to the fund, or to the persons responsible for the management thereof, such payments in respect of him as they would be liable to make if he were such an officer or servant.

(18) In this section the expression “managers” in relation to any fund, scheme or bank, means the board, trustees, committee, or other persons entrusted with the management thereof.

PART VIII.

TRANSITIONAL AND SUPPLEMENTAL PROVISIONS.

81.—(1) Stamp duty shall not be chargeable—

Exemption
from stamp
duties.

- (a) on any agreement as to the consideration to be given by the Board for the transfer of any undertaking which is in whole or in part transferred to the Board by this Act, and as to the distribution of that consideration, or on any conveyance, assignment or other instrument of transfer made in pursuance of any such agreement; or
- (b) in respect of the issue of any transport stock by the Board in consideration for any such transfer as aforesaid; or
- (c) in respect of the distribution of any such stock by or on behalf of any company whose undertaking is transferred to the Board by this Act

PART VIII.

—cont.

- to the persons entitled to receive that stock by virtue of the provisions of the Fifth Schedule to this Act; or
- (d) in respect of the issue of any transport stock by the Board under subsection (1) of section eighty-eight of this Act; or
 - (e) in respect of the distribution under any scheme made, or deemed to be made, under section eighty-eight of this Act of any assets of the Underground Electric Railways Company of London, Limited (in this section referred to as “the Underground Company”), or of the London and Suburban Traction Company, Limited, amongst the holders of stocks (which expression in this section includes debenture stocks) or shares of those companies, or on any instrument made for the purposes of, or in connection with, the transfer of the whole or any part of the assets of the Underground Company to any company formed under any such scheme as aforesaid with a view to the acquisition of those assets, or in respect of so much of the nominal share and loan capital of such last-mentioned company as constitutes the consideration for, and as is equivalent to, the value of the assets so transferred, or on any instrument securing such loan capital.
 - (f) in respect of the distribution of transport stock amongst the holders of stocks or shares of the Underground Company and the London and Suburban Traction Company Limited, respectively; or
 - (g) in respect of the distribution amongst the holders of Metropolitan District Railway Assented First Preference Stock of transport stock taken by the trustees for that stock in exchange for First Preference Stock of the Metropolitan District Railway Company held by such trustees; or
 - (h) in respect of the creation of, and the guarantee by the Board of interest or dividend on the new Assented stock to be issued in exchange

for Central London Railway Guaranteed Assented ordinary, preferred ordinary, and deferred ordinary stocks, or the surrender to the trustees for such new Assented stock of new Assented stock by, or the transfer by such trustees of transport 'C' stock to, those holders of such new Assented stock who exercise the option of exchanging their new Assented stock for transport 'C' stock, or in respect of the trust deed constituting and securing such new Assented stock; or

PART VIII.
—cont.

- (i) in respect of the creation, division, or vesting of Metropolitan Railway Assented Stock (in this paragraph referred to as "Assented Stock"), or in respect of the transfer to the trustees mentioned in section eighty-nine of this Act of Metropolitan Consolidated Stock, or in respect of the transfer by such trustees of transport 'C' Stock to those holders of Assented Stock who exercise the option of exchanging their Assented Stock for transport 'C' Stock, or in respect of the transfer by such trustees of transport 'C' Stock to holders of Assented Stock pursuant to subsection (16) of the said section, or in respect of the trust deed mentioned in the said section;

nor shall any such duty be chargeable under section twelve of the Finance Act, 1895, on any copy of this Act or on any instrument relating to the vesting in the Board of any undertaking in whole or in part transferred to the Board by this Act.

58 & 59
Vict. c. 16.

(2) Nothing in this section shall be taken to relieve from stamp duty any stock certificates to bearer within the meaning of the Stamp Act, 1891, as extended by the Finance Act, 1899.

54 & 55 Vict.
c. 39,
62 & 63 Vict.
c. 9.

82.—(1) Each of the undertakings or parts of the undertakings which are to be transferred to the Board by this Act shall, until the appointed day, be maintained and carried on as heretofore in the ordinary course of business in as efficient a condition as usual.

Mainten-
ance of
transferred
under-
takings
until
appointed
day

PART VIII.
—cont.

(2) As soon as may be after the appointed day each of the local authorities specified in Part III of the Second Schedule to this Act shall cause to be prepared and audited in accordance with the statutory or other provisions relating to the audit of its accounts an account in respect of its tramway undertaking for the period commencing on the first day of April, nineteen hundred and thirty-three, and ending on the day preceding the appointed day, and upon the completion of the account adjustments shall be made between the local authority and the Board on the following basis, that is to say:—

- (a) the surplus revenue, if any, of the tramway undertaking, in respect of the period covered by the audit (after meeting all charges properly chargeable to revenue) shall enure to the benefit of the authority; and
- (b) the deficiency of revenue, if any, of the tramway undertaking, in respect of that period (after meeting all charges properly chargeable to revenue) shall be borne by the authority; and
- (c) any dispute which may arise between the Board and the authority as to any payment to be made in respect of any adjustment under this subsection shall in default of agreement be determined by an arbitrator to be agreed, or to be appointed by the Minister of Health.

For the purposes of this subsection the charges properly chargeable to revenue shall include the whole or, as the case may be, a proportionate part of any payments made or to be made by the authority on or after the appointed day into any fund established for the redemption of, or in respect of any instalments for the redemption of, or in respect of any interest on, any loan raised by the authority for the purposes of a transferred undertaking according as those payments, if treated as accruing due from day to day, would relate in whole or in part to the period covered by the account.

(3) If the Board are of opinion that any contract with respect to any matter connected with an undertaking specified in Part I or Part II of the Second Schedule to this Act (in this section referred to as “a transferred

undertaking"), being a contract made by the undertakers after the third day of December, nineteen hundred and thirty, was not reasonably necessary in the ordinary course of their business and that liabilities arising thereunder ought not to be transferred to the Board, they may give notice in writing to the undertakers to that effect at any time within six months after the appointed day.

PART VIII.

—cont.

(4) If the Board give any such notice as aforesaid and the matters raised by the notice are not disposed of by agreement between the Board and the undertakers, the matter shall be referred to the arbitration tribunal who shall consider whether or not the contract was reasonably necessary in the ordinary course of the business of the undertakers, and determine whether, and to what, extent, as between the Board and the undertakers, any liability arising thereunder is to be transferred to the Board, or is to continue as a liability of the undertakers.

(5) Until the appointed day a company carrying on any transferred undertaking shall not so far as concerns that undertaking without the previous consent in writing of the Minister—

- (a) sell, dispose of, or let for a longer period than one year, any of its lands or buildings;
- (b) apply any of its depreciation or renewal funds otherwise than for the purposes for which those funds have hitherto been used, or make any distribution out of any such fund among its stockholders or shareholders or any class thereof, unless legally compelled to do so for the purpose of paying interest on any debenture stock;
- (c) enter into any contract of any kind extending in date beyond a period of one year;
- (d) raise any fresh capital;
- (e) undertake any new works the estimated cost of which exceeds the sum of fifty thousand pounds.

(6) For the purpose of securing a proper adjustment as between the Board and each of the companies specified in Part I or Part II of the Second Schedule to this Act (other than the South Metropolitan Electric Tramways

PART VIII.
—cont.

and Lighting Company, Limited) (which companies are in this section referred to as “transferred companies”) in respect of the earnings of those companies during the period commencing on the first day of January, nineteen hundred and thirty-one, and ending on the day preceding the appointed day (which period is in this section referred to as “the final period”) the provisions of the next seven succeeding subsections shall have effect.

(7) Between the passing of this Act and the appointed day no sums shall be distributed by any transferred company by way of dividend or otherwise amongst the holders of the stocks or shares of the company so, however, that nothing in this subsection shall prevent the payment of interest on any debenture stock of the company as and when it falls due.

(8) As soon as may be after the appointed day there shall be ascertained and certified by an auditor approved by the Minister (in this section referred to as “the auditor”) the sums which have been earned (after charging interest on any debenture stock) by each of the transferred companies (other than the Metropolitan Electric Tramways, Limited, and the London United Tramways, Limited) during the final period so as to be properly available for distribution, and have not been distributed before the appointed day (which sums are in this section referred to as “the undistributed earnings”).

(9) The auditor, in certifying any sum under this section, shall—

(a) in the case of an Underground company, have regard to any agreement as to the payment of revenues into a common fund made in pursuance of the London Electric Railway Companies' Facilities Act, 1915;

(b) in the case of any of the transferred companies, exclude all sums received by the company during the final period by way of interest or dividend on the stocks or shares of any other company in respect of any period before the final period, and shall include all sums payable by way of such interest or dividend in respect of any part of the final period; and

- (c) in the case of the London General Omnibus Company, Limited, and in the case of the Tramways (M.E.T.) Omnibus Company, Limited, shall add back any sums set aside by the company out of the revenues of the final period for the purpose of the redemption of any debenture stock of the company.

PART VIII.
—cont.

(10) Each of the transferred companies shall be entitled to retain out of the assets of its undertaking transferred to the Board by this Act a sum sufficient to pay the net amount of any interest accrued up to the appointed day and unpaid on any debenture stock of the company after deduction of income tax at the standard rate of tax for the year in which the payment of that interest becomes due, and the sum so retained shall be applied by the company in the payment of that interest accordingly.

(11) So soon as the undistributed earnings have been ascertained and certified the Board shall repay to each of the transferred companies (other than the Metropolitan Electric Tramways, Limited, and the London United Tramways, Limited) the amount of its undistributed earnings reduced by an amount equivalent to the sum which the company would be entitled to deduct in respect of income tax if the whole of the undistributed earnings were forthwith distributed by way of dividend then due for payment amongst the holders of the stocks or shares of the company:

Provided that, if the auditor is satisfied at any time before the final ascertainment of the undistributed earnings that there will be a sum representing those earnings to be repaid to any company and certifies that a payment on account may properly be made to that company, the Board, on receipt of the auditor's certificate, shall repay to the company the amount so certified as a payment on account of the undistributed earnings to which that company will ultimately become entitled.

(12) The Board shall, if so required by any of the transferred companies, pay to the company from time to time sums sufficient to enable the company to discharge its liabilities in respect of income tax for any period before the appointed day and shall, if so required by any of the

PART VIII. transferred companies, indemnify the company against
 —cont. any costs or expenses incurred by the company after the
 appointed day with the approval of the Board in con-
 nection with any proceedings in relation to the ascertain-
 ment of the liabilities of the company in respect of
 income tax for any period before the appointed day.

(13) In this section the expression "an Under-
 ground company" means a company specified in Part I
 of the Second Schedule to this Act.

(14) For the purpose of securing a proper adjust-
 ment as at the appointed day as between the Board and
 the South Metropolitan Electric Tramways and Lighting
 Company Limited (hereinafter in this section referred to
 as "the company") of current receipts and expenditure
 on revenue account in respect of the company's tramway
 and light railway undertaking (hereinafter in this section
 referred to as "the undertaking") there shall as soon as
 may be after the appointed day be prepared by the com-
 pany and certified by an auditor to be appointed by the
 company and approved by the Minister an apportionment
 account (which shall be binding and conclusive for all
 purposes as between the Board and the company)
 apportioning as between the Board and the company
 as at the appointed day:—

(a) any payments or receipts by the company in
 respect of the undertaking which relate in whole
 or in part to any period after the appointed day
 (not being payments made for the purpose of
 maintaining the undertaking in accordance with
 subsection (1) of this section); and

(b) any payments or receipts by the Board in respect
 of the undertaking which relate in whole or in
 part to any period before the appointed day.

(15) Within fourteen days after the receipt by
 the Board of the apportionment account, the balance
 appearing in the said account, if in favour of the com-
 pany, shall be paid by the Board to the company, or
 if in favour of the Board, shall be paid by the company,
 to the Board.

Documents
 of trans-
 ferred
 under-
 takings to be
 surrendered.

83. Subject to the provisions of this Act, any person,
 who at the appointed day has in his possession or under
 his control any books, documents or papers, not being
 books, documents or papers relating partly to the Surplus

Lands, (in this section referred to as "the said documents") which relate to any of the undertakings specified in Part I or Part II or Part VI of the Second Schedule to this Act, and which belong to the owners of that undertaking, or which would have belonged to those owners if the transfer had not taken place, shall be liable to account for the said documents to the Board and shall, at the request of the Board, deliver them up to the Board or to such person as the Board may appoint.

PART VIII.
—*cont.*

84. It shall be lawful for the Board, or any person authorised in that behalf by the Board, to enter upon and inspect any lands, works or property forming part of any undertaking which, or any part of which, is transferred to the Board by this Act, and to examine all books, accounts and documents in the possession of any person carrying on any such undertaking which relate to that undertaking other than documents prepared for the purposes of negotiating or settling the terms of transfer or otherwise or for the purpose of any arbitration under this Act, and to take copies thereof or make extracts therefrom.

Inspection
of works,
&c.

85.—(1) No proceeding or cause of action pending or existing immediately before the appointed day by or against the undertakers of any undertaking which is specified in paragraph (1) of Part I, or in Parts II, III or VI of the Second Schedule to this Act shall abate, be discontinued, or be in any way prejudicially affected by reason of anything in this Act, but the proceeding or cause of action may, in so far as it relates to that undertaking, be continued and enforced by or against the Board as it might have been by or against the undertakers if this Act had not been passed, but not further or otherwise.

Pending
proceedings
and existing
contracts.

(2) Subject to the provisions of this Act, all contracts, deeds, bonds, agreements, and other instruments, and all working arrangements subsisting immediately before the appointed day, and affecting the undertakers of any undertaking specified in Parts I, II, III or VI of the Second Schedule to this Act shall, in so far as they relate to that undertaking, be of as full force and effect against or in favour of the Board, and may be enforced as fully and effectually as if, instead of the undertakers, the Board had been a party thereto :

PART VIII.
—cont.

Provided that nothing in this section—

- (a) shall apply to any contract the liability under which is by virtue of Part VII or section eighty-two of this Act to remain a liability of the undertakers; or
- (b) shall affect any proceeding, cause of action, contract, deed, bond, agreement or other instrument relating solely to any part of an undertaking which is not transferred to the Board by this Act.

Provisions
as to sub-
stituted
stock.

86.—(1) Any transport stock issued in substitution for any existing stock shall be held in the same rights and on the same trusts and subject to the same powers, privileges, provisions, charges and liabilities as those in, on or subject to which the stock was held immediately before the substitution, and so as to give effect to and not revoke any deed, will or other instrument or testamentary or other disposition disposing of or affecting the stock, and every such deed, will, instrument or disposition shall take effect with reference to the whole or a proportionate part, as the case may be, of the substituted transport stock.

(2) Trustees, executors and all other holders in any representative or fiduciary capacity of any existing stock for which transport stock is substituted may hold, dispose of or otherwise deal with the substituted stock in all respects as they might have held, disposed of or otherwise dealt with the stock for which it was substituted.

(3) In this section the expression “existing stock” includes existing shares or securities, and references to that stock shall be construed accordingly.

Dissolution
of trans-
ferred
companies.

87.—(1) The companies specified in Part I or Part II of the Second Schedule to this Act (other than the South Metropolitan Electric Tramways and Lighting Company, Limited), which companies are in this section referred to as “the transferred companies,” shall, in the case of a transferred company being a statutory company, as soon as the transport stock to be issued as consideration for the transfer to the Board has been issued and distributed in accordance with this Act and, in the case of a transferred company not being a statutory company, as from the appointed day, enter upon the liquidation

of its affairs and upon the conclusion thereof be dissolved in manner provided in the Fifth Schedule to this Act: PART VIII.
—cont.

Provided that the provisions of this subsection shall not apply to the Metropolitan Railway Company unless and until the undertaking of the Surplus Lands Committee shall have been transferred to and vested in the limited company referred to in section ninety-eight of this Act in accordance with the provisions of that section.

(2) The several provisions and powers contained in the several special Acts of the transferred companies being statutory companies shall remain and be of full force as regards the statutory companies respectively, so far as the same are necessary or required for the purposes of the company, up to and until the dissolution thereof:

Provided that it shall not be obligatory to fill up any vacancy in the office of director occurring after the passing of this Act, but the continuing directors for the time being of each company may continue in office and exercise all powers of directors up to and until the dissolution of the company.

(3) For the purpose of distributing such transport stock as aforesaid and winding up its affairs and for any other purposes necessary for enabling a transferred company to give effect to the provisions of this Act any transferred company may, after the appointed day, temporarily retain for its own use such offices, books, accounts, and documents, and the service of such officers and servants, on such terms and conditions as may be agreed upon between the Board and the company or, failing agreement, as may be determined by the Minister.

(4) Any costs, charges, and expenses (including all rents, rates, taxes, and other outgoings in respect of any offices and all salaries, wages, or pay of any officers or servants temporarily retained by a company for its own use under the last preceding subsection) certified by an auditor approved by the Minister to have been properly incurred by the company for the purposes aforesaid shall be paid to the company by the Board.

88.—(1) Before or as soon as may be after the issue of the transport stock to which the Underground Electric Railways Company of London Limited (hereinafter referred to as “the Underground Company”) and Dissolution
of the
Under-
ground
Electric

PART VIII. the London and Suburban Traction Company Limited
 —cont. (hereinafter referred to as “ the London and Suburban
 Railways Company of London Limited and the London and Suburban Traction Company Limited.”) respectively, or the trustees under deeds securing the debenture stocks of those companies (in this subsection referred to as “ the said trustees ”) may be entitled by virtue of their interests in the undertakings specified in Part I of the Second Schedule to this Act—

(a) the Underground Company shall apply to the Board to issue to the company or to the said trustees—

(i) in exchange for the “ A ” stock to which the company or the said trustees may become so entitled, an amount of “ B ” stock, bearing interest at the rate of five per cent. per annum, of the equivalent nominal value; and

(ii) in exchange for an amount of “ C ” stock of the nominal value of four million, one hundred and three thousand, seven hundred and fifty-two pounds, an amount of “ B ” stock, bearing interest at the rate of five per cent. per annum, of the nominal value of three million, eight hundred and fifty-three thousand, seven hundred and fifty-two pounds

and upon receipt of that application or, in the event of any interest having been previously paid on the “ A ” or the “ C ” stock to be exchanged, upon receipt of that application together with a refund of any moneys actually received by the Underground Company or by the said trustees in respect of that interest, the Board shall issue to the company, or to the said trustees, as the case may be, the amounts of “ B ” stock so applied for, and the “ A ” stock and “ C ” stock in exchange for which the “ B ” stock is to be issued shall be surrendered by the company or the said trustees to the Board and shall be cancelled by the Board;

(b) the Board shall transfer as from the appointed day to the Underground Company all the shares of the North Metropolitan Electric Power Supply Company, which become vested in the

Board by virtue of the transfer to the Board of the undertaking of the Metropolitan Electric Tramways Limited, so, however, that, in the case of shares acquired by the Metropolitan Electric Tramways Limited before the first day of January, nineteen hundred and thirty-one, any dividend paid on those shares after the appointed day to the Board or to the Underground Company as holders of those shares shall be apportioned between the Board and the Underground Company so as to secure that there shall enure to the Board such portion of the dividend as relates to the period before the appointed day, and upon the transfer being effected the Underground Company as consideration therefor (i) shall pay to the Board a sum equal to the amount at which the shares acquired by the Metropolitan Electric Tramways Limited before the first day of January, nineteen hundred and thirty-one, were valued for the purpose of fixing the consideration to be given by the Board for the transfer of that undertaking, together with interest on that sum at the rate of five per cent. per annum from the appointed day to the date of payment; and (ii) shall release and discharge the Board from each and every liability to which the Board may or may have become subject by virtue of the transfer to the Board of the undertaking of the Metropolitan Electric Tramways Limited in respect of any loan made to that company by the Underground Company for the purpose of, or any other indebtedness of that company towards the Underground Company incurred by reason of, acquiring any of those shares after the first day of January, nineteen hundred and thirty-one;

- (c) the Underground Company and the London and Suburban Company shall respectively prepare schemes for the liquidation of those companies, and for the distribution, subject to the provisions of this section, amongst the stockholders and shareholders of the respective companies of any transport stock (other than fractional parts of transport stock which

PART VIII.
—cont.

cannot conveniently be distributed) to which those companies or the said trustees become entitled under this Act, or under any exchange of, or subscription for transport stock effected pursuant to this section, and of the other assets of those companies, or the proceeds of sale of those assets or such fractional parts of transport stock as aforesaid, remaining after payment or discharge of the debts and liabilities of those companies respectively, and of any sums which those companies respectively may in general meeting authorise to be paid to any persons as compensation for loss of office or employment, or in recognition of any services rendered to those respective companies and the expenses of carrying the schemes into effect.

(2) The scheme so to be prepared by the Underground Company may further provide—

- (a) for the formation by the Underground Company of a company (in this section referred to as “the new company”) to be incorporated under the Companies Act, 1929, as a company limited by shares and registered with a memorandum and articles of association in such form as may be prescribed by the scheme;
- (b) for the transfer to the new company, in lieu of distribution amongst the stockholders and shareholders of the Underground Company of such part of the assets of the Underground Company remaining as aforesaid (other than transport stock distributed or to be distributed among the stockholders and shareholders of the Underground Company) as may be prescribed by the scheme in exchange for fully paid shares or stock or both of the new company;
- (c) for the distribution amongst the stockholders and shareholders of the Underground Company of the shares and stock so taken in exchange by the Underground Company; and
- (d) for the conversion of the existing Central London Railway Guaranteed Assented ordinary, preferred ordinary, and deferred ordinary stocks

constituted by trust deed dated the thirteenth day of December, nineteen hundred and twelve, made between the Underground Company of the one part and Glyn, Mills and Co. (then and therein called Glyn, Mills, Currie and Co. and in this subsection referred to as "the said trustees") of the other part into equal nominal amounts of a single new guaranteed assented stock (to be known as Central London (New) Guaranteed Assented Stock, in this section referred to as "new assented stock") to be constituted in accordance with the provisions of Part III of the Third Schedule to this Act,

PART VIII.
—cont.

and in the event of the scheme so prepared becoming binding and operative, it shall be lawful for the Board, and if so required by the Underground Company, the Board shall—

- (i) guarantee the payment by the said trustees of interest on the new assented stock at the fixed rate of interest of four per cent. per annum; and
 - (ii) execute and do, or concur with any other necessary parties in executing or doing, all trust deeds, documents and things necessary for constituting the new assented stock in accordance with the provisions of the said Part of the said Schedule.
- (3) For the purpose of any scheme so prepared—
- (a) the Underground Company may subscribe for, and in that event the Board shall issue to the company at a price of ninety-five pounds for every one hundred pounds nominal value of stock, such amount of transport "B" stock, bearing interest at the rate of five per cent. per annum, not exceeding one million pounds in nominal value, as may be required for the purpose of the scheme of that company; and
 - (b) the London and Suburban Company may subscribe for, and in that event the Board shall issue to the company at a price of ninety-five pounds for every one hundred

PART VIII.
—*cont.*

pounds nominal value of stock, such amount of transport "B" stock bearing interest at the rate of five per cent. per annum, not exceeding eight hundred and fifty thousand pounds in nominal value, as may be required for the scheme of that company.

Where in respect of any stock issued under this subsection the purchase price is paid to the Board at any time after the appointed day, the company to which the stock is issued shall pay to the Board an additional sum by way of interest calculated on the nominal value of the stock subscribed for at the rate of five per cent. per annum from the appointed day until the date of payment of the purchase price.

(4) Any arrangements made by the Underground Company with any class of its stockholders or shareholders, or with the holders of Metropolitan District Railway Assented First Preference Stock, or with the holders of Central London Railway Guaranteed Assented ordinary, preferred ordinary, or deferred ordinary Stocks, or by the London and Suburban Company with any class of its stockholders or shareholders, in anticipation of and with a view to carrying out any of the provisions of this section and which have been conditionally assented to by such holders respectively before the passing of this Act shall, subject to such adjustment of dates as may be certified by the Secretary of the Underground Company, or of the London and Suburban Company, as the case may be, to be necessary by reason of the appointed day under this Act being on a day later than the first day of January nineteen hundred and thirty-two, be treated for all purposes of this Act as if they were, or formed part of, schemes prepared by those companies respectively under this section.

(5) As soon as may be after the schemes prepared under this section have become binding upon the stockholders and shareholders of the Underground Company and the London and Suburban Company respectively, the winding up of those companies shall be proceeded with in accordance with the provisions of the Companies Act, 1929.

(6) Where in pursuance of a scheme made or deemed to be made under this section any transport stock is taken

by holders of stocks or shares of the Underground Company or of the London and Suburban Company in exchange or part exchange for those stocks or shares respectively, or by holders of Metropolitan District Assented First Preference Stock in exchange for that stock, or any new assented stock is taken by the holders of Central London Railway Guaranteed Assented ordinary, preferred ordinary or deferred ordinary stock in exchange for that stock, or any transport stock is taken by the holders of new assented stock in exchange for that stock, or any stocks or shares in the new company (whether in the course of the liquidation of the Underground Company or otherwise) are distributed amongst the holders of shares or stocks of the Underground Company, the provisions of section eighty-six of this Act shall apply to the stock so taken in exchange and to the stocks and shares of the new company so distributed and to the trustees, executors, and all other holders in any representative or fiduciary capacity of any stock or shares for which that stock is exchanged, and to the trustees, executors, and all other holders in any representative or fiduciary capacity of stocks or shares of the Underground Company who receive stocks or shares of the new company upon any such distribution thereof as aforesaid as fully and effectually as if in that section the expression "existing stock" included the stock and shares so exchanged and the stocks and shares of the Underground Company, and as if the expression "transport stock issued in substitution" included transport stock and new assented stock so taken in exchange and stocks and shares in the new company so distributed.

(7) Trustees, executors, and other holders in any representative or fiduciary capacity of stocks or shares of the Underground Company, or of the London and Suburban Company, or of the Metropolitan District Railway Assented First Preference Stock, or of Central London Railway Guaranteed Assented ordinary, preferred ordinary, or deferred ordinary stock may concur and shall be deemed always to have had power to concur in any scheme made or deemed to be made by the Underground Company or by the London and Suburban Company under this section.

(8) Where the Underground Company or the London and Suburban Company is unable after diligent inquiry

PART VIII. to find the person to whom any transport stock or money
 —*cont.* representing the proceeds of sale of any other assets
 of those companies, or any share or security of the new
 company, or any new assented stock is issuable or
 payable in pursuance of a scheme made under this
 section, or where any transport stock or any such money,
 share or security or new assented stock as aforesaid
 is so issuable or payable to a person who, or whose
 committee, cannot give an effectual receipt for the
 same, the company may transfer the stock, share, or
 security, or pay the money as nearly as may be, in manner
 provided for the payment of securities or money into
 court by trustees under section sixty-three of the Trustee
 Act, 1925, and that section shall apply with all necessary
 modifications to such stock, share, security, and money.

(9) For the purposes of this section, unless the
 context otherwise requires, the expression "stockholders"
 includes holders of debenture stock, and the expression
 "stock" shall be construed accordingly and the
 expression "the appointed day" means the first day
 of July, nineteen hundred and thirty-three.

Provisions
 as to certain
 stocks of
 the Metro-
 politan
 Railway
 Company.

89.—(1) For the purpose of conferring upon the
 holders of the following stocks of the Metropolitan
 Railway Company (in this section referred to as the
 "Metropolitan Company") that is to say, the Three
 and one-half per cent. Convertible Preference Stock
 (in this section referred to as "Metropolitan Convertible
 Stock"), and the Consolidated Stock (in this section
 referred to as "Metropolitan Ordinary Stock") the
 conversion or exchange rights hereinafter specified,
 and of making provision for the creation of the new
 stock hereinafter mentioned, the following provisions
 shall have effect.

(2) Any registered holder of Metropolitan Convertible
 Stock may, by notice in writing (in this section referred
 to as "a conversion notice") given to and received
 by the Metropolitan Company not later than three
 months from the passing of this Act, and accompanied
 by the certificate of the stock to which the notice relates,
 require that the whole, or any portion, of the stock
 held by him shall be converted into Metropolitan
 Ordinary Stock of the same nominal amount; and,
 upon any such requisition being so made, the Metro-
 politan Convertible Stock specified in the notice shall,

by virtue of this section, be converted into Metropolitan Ordinary Stock of the like nominal amount, and the Metropolitan Company shall register the holder of the stock in respect of which the notice was given as the holder of such Metropolitan Ordinary Stock; but save as aforesaid the conversion rights attached to the Metropolitan Convertible Stock shall cease to have effect.

PART VIII.

—cont.

(3) The Metropolitan Ordinary Stock resulting from any such conversion as aforesaid shall rank for dividend as from the commencement of the half-year in which the conversion notice is received, and the Metropolitan Convertible Stock so converted shall cease to rank for dividend as from the end of the half-year immediately preceding that half-year.

(4) Where the whole of the Metropolitan Convertible Stock comprised in any certificate is so converted the certificate of the stock and the conversion notice relating thereto shall (until a new certificate, if any, is issued) together be deemed to be a certificate of the amount of Metropolitan Ordinary Stock resulting from such conversion as aforesaid.

(5) As on the appointed day there shall by virtue of this section be created a new stock to be known as Metropolitan Assented Stock (in this section referred to as "Assented Stock") of such nominal amount as is necessary for the purpose of giving effect to the exercise by the holders, or persons entitled to be registered as holders, of Metropolitan Ordinary Stock of the right of exchange conferred by the next succeeding subsection.

(6) Any registered holder of Metropolitan Ordinary Stock, whether resulting from the conversion of Metropolitan Convertible Stock or not, and any person entitled to be registered as a holder of Metropolitan Ordinary Stock under subsection (2) of this section, may by notice in writing (in this section referred to as "a notice to exchange") given to and received by the Metropolitan Company not later than three months from the passing of this Act, and, unless the certificate of the Metropolitan Ordinary Stock to which the notice relates has already been received by the Metropolitan Company, accompanied by such certificate, require that as from the appointed day the whole, or any portion, of the Metropolitan

PART VIII. Ordinary Stock held by him shall be exchanged for
—cont. Assented Stock of the same nominal amount; and,
upon any such requisition being so made, the Metropolitan Company shall note the receipt thereof in its books and shall forthwith transmit the certificate of stock to the trustees of the trust deed hereinafter mentioned endorsed with a statement that notice of exchange in respect of that stock has been received, and such receipt by the Metropolitan Company shall, by virtue of this section, have effect as a transfer to the trustees as on the appointed day of the amount of Metropolitan Ordinary Stock specified in the notice to exchange and shall be registered in the books of the Metropolitan Company accordingly.

(7) A conversion notice or notice to exchange shall, after receipt by the Metropolitan Company, be irrevocable.

(8) As from the appointed day the Assented Stock shall confer upon the holders thereof according to the extent of their holdings the rights in this section mentioned and shall be divided among and vested without payment in the several persons who have given notices of exchange, according to the extent of their respective holdings, at the rate of one hundred pounds of Assented Stock for every one hundred pounds of Metropolitan Ordinary Stock so exchanged, and shall as soon as practicable be registered in the books of the trustees in the respective names of the persons entitled thereto, and the trustees shall forthwith issue to those persons, free of charge, the stock certificates relating thereto.

(9) The holders of Assented Stock shall be entitled to be paid, out of the moneys in the hands of the trustees available for the purpose, interest on the nominal amount of their holdings at the fixed rate of three and one-quarter per cent. per annum for a period of fifteen years from the appointed day, and at the fixed rate of three per cent. per annum for a period of ten years thereafter :

Provided that, if in any year the trustees are satisfied that the moneys in their hands applicable to the payment of interest on Assented Stock are sufficient to justify a payment being made at the end of the first six months of the year on account of the interest for that year such a payment shall be made, but no such payment shall be

at a higher rate than one-half of the fixed rate for that year. PART VIII.
—cont.

(10) The Metropolitan Company shall distribute or cause to be distributed to the trustees the amount of 'C' transport stock to which the trustees are, by virtue of their holdings of the Metropolitan Ordinary Stock transferred to them as aforesaid, entitled under the Fifth Schedule to this Act, and the trustees shall hold the said 'C' transport stock and the interest thereon and all other moneys coming into their hands in the execution of the said trusts in trust to give effect to the provisions of this section.

(11) Subject to the provisions of this section, the interest received by the trustees in respect of any year on the 'C' transport stock for the time being subject to the said trusts, and any other moneys paid to or received by them as trustees of the said trusts, shall be applied year by year by the trustees as follows:—

- (a) first, in payment of the costs of the administration of the said trusts;
- (b) secondly and subject thereto, in payment of interest on the Assented Stock; and
- (c) as to the balance, in distributing the same among the amalgamated railway companies in the proportions in which those companies are entitled to share in the pooled receipts of the amalgamated railway companies in respect of that year.

For the purpose of this section the costs of the administration of the said trusts shall be deemed to include the remuneration payable to the trustees under the provisions of the trust deed and to include in the final year of the trust the cost of dissolution thereof.

(12) If the moneys in the hands of the trustees available for the payment of interest on the Assented Stock in respect of any year are insufficient to pay the interest on the stock at the full rate fixed in respect of that year, the amalgamated railway companies, at the request of the trustees, shall, subject to the provisions of this subsection, forthwith pay to the trustees such sum as will, when added to the moneys in the hands of the trustees and available for the purpose, be sufficient to

PART VIII. enable payment to be thereby made by the trustees of
—cont. interest on the Assented Stock at the full rate of interest
fixed in respect of that year:

Provided that (a) the payments to be made by the amalgamated railway companies under this subsection shall not in any event exceed the pooled receipts of the amalgamated railway companies; and (b) the liability of the amalgamated railway companies under this subsection shall cease whenever after the expiration of fifteen years from the appointed day the following condition is fulfilled (that is to say) that interest on 'C' transport stock has been paid by the Board at the rate of six per cent. per annum in respect of two out of three consecutive years of which the first year shall not be earlier than the thirteenth year after the year in which the appointed day occurs.

(13) The payments which the amalgamated railway companies are liable to make under the last preceding subsection shall by virtue of this subsection be charged in priority to all other charges and liabilities upon the pooled receipts of the amalgamated railway companies and no charge or liability shall at any time be created ranking in priority to or *pari passu* with the charge created by this subsection.

(14) If the moneys in the hands of the trustees available for the payment of the costs of the administration of the said trusts shall at any time be insufficient to pay the said costs, the amalgamated railway companies, at the request of the trustees, shall forthwith pay to the trustees such sum as will, when added to the moneys in the hands of the trustees and available for the purpose be sufficient to enable thereby payment or retention of such costs by the trustees, and the moneys shall be applied by the trustees accordingly.

(15) Any registered holder of Assented Stock may, at his option to be exercised by six months' notice to the trustees, surrender to the trustees the whole, or any part, of that stock for the time being held by him, and shall thereafter be entitled, subject to the provisions of this section, to receive in exchange from the said trustees 'C' transport stock, out of the transport stock for the time being subject to the said trusts, at the rate of sixty-seven pounds ten shillings of

transport stock for every one hundred pounds of Assented Stock so surrendered by him; and, upon such surrender and exchange being effected, the Assented Stock so surrendered shall be cancelled. PART VIII.
—cont.

(16) At the expiration of twenty-five years from the appointed day or upon the cessation of the liability of the amalgamated railway companies under subsection (12) of this section (whichever shall first occur) there shall, subject to the provisions of this section, be transferred by the trustees to the registered holders of Assented Stock 'C' transport stock, out of the transport stock for the time being subject to the said trusts, at the rate of sixty-seven pounds ten shillings of transport stock for every one hundred pounds of Assented Stock and in satisfaction thereof or, in the event of the 'C' transport stock for the time being subject to the said trusts being redeemed by the Board before the expiration of twenty-five years from the appointed day or such cessation as aforesaid, the trustees shall distribute the redemption moneys received by them amongst the registered holders of Assented Stock on the date when the redemption takes place according to the amounts of their respective holdings at the rate of sixty-seven pounds ten shillings for every one hundred pounds of Assented Stock, and upon such transfer or distribution the Assented Stock shall be cancelled.

(17) Upon the fulfilment of all other purposes of the said trusts, the balance of any moneys remaining in the hands of the trustees subject to the said trusts shall be distributed amongst the amalgamated railway companies in the proportion specified in subsection (11) of this section, and upon the completion of such transfer and distribution as aforesaid the said trusts by virtue of this section shall be dissolved.

(18) Subject to the provisions of this section Assented Stock shall be held, transferred, and dealt with in accordance with the provisions of the trust deed.

(19) In the event of the amalgamated railway companies making default for a period of not less than three months in the payment of any sum payable by them to the trustees under this section the trustees may and, if so required by the holders of Assented Stock of an aggregate nominal value of not less than ten thousand

PART VIII. pounds, shall apply to the High Court for the appointment of a receiver of the pooled receipts of the amalgamated railway companies.
—cont.

(20) Where the amount of transport stock to which any registered holder of assented stock would be entitled under subsection (15) or subsection (16) of this section comprises a fractional part of a pound, the trustees shall, in lieu of transferring that amount, transfer to that holder transport stock to the amount of the next even pound below the amount to which he would be so entitled and shall from time to time as convenient sell the amount of transport stock representing the fractional parts of transport stock not so transferred and shall distribute the net proceeds thereof in due proportions amongst the several holders who, but for this provision, would have been entitled to the fractional parts.

(21) Where by virtue of this section or in pursuance of any option conferred by this section any Metropolitan Convertible Stock is converted into Metropolitan Ordinary Stock, or any Assented Stock is taken in exchange for Metropolitan Ordinary Stock by a holder of that stock, or any transport stock is taken by a holder of Assented Stock in exchange for or in satisfaction of that stock, or any redemption moneys are received by a holder of Assented Stock in satisfaction thereof, the provisions of section eighty-six of this Act shall apply to the stock resulting from such conversion or so taken in exchange or satisfaction and the redemption moneys so received in satisfaction of Assented Stock and to the trustees, executors, and all other holders in any representative or fiduciary capacity of any stock so converted or for which the stock taken in exchange is exchanged or of any stock in satisfaction whereof such transport stock or moneys are taken or received, as fully and effectually as if in that section the expression "existing stock" included the stock so converted, exchanged, or satisfied, and as if in that section the expression "transport stock issued in substitution" included Metropolitan Ordinary Stock resulting from such conversion and transport stock or Assented Stock so taken in exchange or satisfaction or moneys so received in satisfaction.

(22) The trust deed hereinbefore referred to shall be executed between the Metropolitan Company of the first part and such other persons as may be agreed between

the Metropolitan Company and the amalgamated railway companies, or, in default of agreement, as may be appointed by the Minister, as trustees of the second part, and each of the amalgamated railway companies of the other parts, and shall contain such trusts, terms, and conditions as may be necessary or expedient having regard to the provisions of this section and such other terms and conditions of a like nature to the terms and conditions relating to the administration of the trust which are contained in the trust deed which is referred to as the old trust deed in Part III of the Third Schedule to this Act as are not inconsistent with the provisions of this section.

PART VIII.
—cont.

(23) In the event of any dispute between the parties to the trust deed as to the trusts, terms, and conditions to be inserted therein the question in dispute shall be referred to the arbitration tribunal, whose decision shall be final and conclusive.

(24) In this section, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively:—

“The appointed day” means the first day of July, nineteen hundred and thirty-three;

“The said trusts” means the trusts to give effect to the provisions of this section;

“The pooled receipts of the Amalgamated Railway Companies” means so much of the pooled receipts as those companies are entitled to retain or receive under the pooling scheme;

“The trustees” means the persons for the time being acting as trustees for the purposes of this section and of the trust deed.

90. As and when the transport stock to which the holders of the four per cent. First Mortgage Debenture Stock (in this section referred to as “existing debenture stock”) of the London United Tramways Limited become entitled by virtue of the provisions of Part II of the Third Schedule to this Act is issued, the Board shall pay to such persons as may be certified by the company to be holders of existing debenture stock at the appointed day the sum of fifteen shillings in respect of each one hundred pounds of existing debenture stock surrendered.

Protection for holders of Debenture Stock of London United Tramways Limited.

PART VIII.

—cont.

Costs of
Act.

91. All costs, charges and expenses preliminary to, and of, and incidental to, the preparing, applying for, obtaining, and passing of this Act (in this Act referred to as "the costs of this Act") incurred by the Minister, shall, together with interest thereon at such rate, and as from such date, as the Treasury may determine, be repaid to the Minister by the Board.

Valuation
for rating
purposes of
heredita-
ments occu-
pied by the
Board.

92.—(1) The provisions of the next following subsection of this section shall apply in relation to the valuation for rating purposes of any hereditament which—

- (a) is occupied by the Board for the purposes of that part of their undertaking which represents so much of the undertaking transferred to them by this Act from the Metropolitan Railway Company as would, if the Board were a railway company to which the Railways (Valuation for Rating) Act, 1930 (in this section referred to as "the Act of 1930") for the time being applies, be their undertaking within the meaning of that Act; and
- (b) would, if the Board were such a railway company, be a railway hereditament within the meaning of that Act.

(2) Between the date on which the undertaking of the Metropolitan Railway Company is transferred by this Act to the Board and the first, or in the case of hereditaments in the administrative county of London the sixth, day of April, nineteen hundred and thirty-six, the values for rating purposes of hereditaments in relation to the valuation of which this subsection applies shall be the values of those hereditaments as ascertained in accordance with the provisions of the Act of 1930, and the provisions of that Act shall have effect as if the reference in subsection (2) of section one thereof to the Metropolitan Railway Company included a reference to the Board as successors to that company and as if the Board were a railway company to which the Act for the time being applies, and any reference in the said Act to the undertaking of a railway company shall, in relation to the Board, be construed as a reference to that part of their undertaking which represents so much of the undertaking so transferred to them as aforesaid as would, if they

20 & 21
Geo. 5. c. 24.

were such a railway company as aforesaid, be their undertaking for the purposes of the said Act. PART VIII.
—cont.

(3) The Minister of Health may, by a scheme made and approved in accordance with the provisions of the Fifteenth Schedule to this Act, apply the provisions of the Act of 1930, with such adaptations and modifications as may appear to be necessary, to the Board in respect of so much of their undertaking as would be their undertaking for the purposes of the Act of 1930 if they were a railway company within the meaning of that Act with the addition of so much of their undertaking as consists in a tramway undertaking, or in respect of any less part of their undertaking as so limited.

(4) Subject to the provisions of any scheme made under the last preceding subsection, and subject as hereinafter provided, the values for rating purposes of the hereditaments with respect to the valuation of which temporary provision is made by subsections (1) and (2) of this section shall, on and after the first, or in the case of hereditaments in the administrative county of London the sixth, day of April, nineteen hundred and thirty-six, be the values of those hereditaments as ascertained in accordance with the provisions of the Rating and Valuation Acts, 1925 to 1929, or the Rating and Valuation (Metropolis) Acts, 1869 to 1929, as the case may be :

Provided that the value of any such hereditament as appearing in the valuation list immediately before the said first or sixth day of April, as the case may be, shall continue to be the value of that hereditament until that value is altered in accordance with the provisions of the said Acts relating to the making of new valuation lists, or the making of supplemental or provisional lists, or the amendment of current valuation lists.

(5) Nothing in this section shall be construed as requiring the Railway Assessment Authority to take any steps towards ascertaining for the purposes of the second railway valuation roll the values of any hereditament occupied by the Board until a scheme which requires that hereditament to be valued by them has been approved under subsection (3) of this section, and nothing in subsection (1) of section one of the Act of 1930 shall be construed as precluding a rating authority or assessment committee from taking at any time before

PART VIII.
—*cont.*

the said first or sixth day of April, nineteen hundred and thirty-six, such steps as they may consider necessary for determining the value of any hereditament to take effect for rating purposes upon the said date.

Protection
for statutory
gas and
water
undertakers.

93.—(1) The following provisions shall, unless otherwise agreed between the Board and the undertakers, have effect in relation to the abandonment of any tramway, or any part of any such tramway, under or by virtue of section twenty-three of this Act.

(2) Any enactment or agreement which at the date of the passing of this Act enures for the protection of the undertakers in relation to any such tramway as aforesaid, or any part thereof, or to any rails, paving setts, posts, poles, wires or other works (in this section referred to as “equipment”) used or provided in connection therewith shall, subject to the provisions of this section, continue in force and enure for the protection of the undertakers until the date when the taking up and removal of that equipment is commenced but as from that date shall cease to have effect.

33 & 34 Vict.
c. 78.

(3) Section thirty of the Tramways Act, 1870, shall extend and apply to—

- (a) the taking up and removal of any such equipment as aforesaid; and
- (b) the filling in of the ground and the making good and restoration of the portion of any road disturbed by such taking up and removal

in all respects as if those works or operations were the laying down of a tramway within the meaning of that section:

Provided that paragraph (1) of the said section (which relates to the giving of notices and the rights of persons to object to the proposed works) shall have effect as if for the seven days’ notice therein mentioned there were substituted a fourteen days’ notice and as if the requirement of delivering a plan and section of the proposed works were omitted therefrom.

(4) Where, in pursuance of the said section thirty as applied by this section, any such notice as aforesaid is given to the undertakers, the undertakers may at any time

within fourteen days after the receipt by them of that notice give notice to the Board that they desire themselves to carry out any lowering or other alteration of the position of any main, pipe, work or apparatus belonging to or controlled by the undertakers which may be agreed between the Board and the undertakers, or in default of agreement determined by arbitration in manner provided by the Tramways Act, 1870, to be necessary in view of the taking up or removal of any such equipment as aforesaid; and where any such notice is given the undertakers shall forthwith commence, execute and complete that lowering or alteration and any works necessary in connection therewith in such manner as may be agreed between the undertakers and the Board or in default of agreement as may be determined as aforesaid.

PART VIII.
—*cont.*

(5) Upon completion by the undertakers of any such lowering or alteration or works as aforesaid the Board shall pay to the undertakers the cost and expenses reasonably incurred by them in connection therewith.

(6) In this section the expression "the undertakers" means the several local authorities, companies and bodies carrying on gas or water undertakings under statutory powers within the London Traffic Area.

94.—(1) The following provisions, unless otherwise agreed between the Board and the Great Western Railway Company (in this section referred to as "the Great Western Company") shall apply and have effect as from the date of the transfer to the Board of the undertaking of the Metropolitan Railway Company.

Protection
for Great
Western
Railway
Company.

(2) Notwithstanding anything contained in the memorandum of agreement made the twenty-fourth day of December, nineteen hundred and two, between the general managers of the Great Western Company and the Metropolitan Railway Company on behalf of their respective companies the Board shall not be entitled to require the Great Western Company to withdraw the services of goods trains or the running facilities in connection therewith which that company was during the twelve months last preceding the twelfth day of March, nineteen hundred and thirty-one, operating under the provisions of that agreement between Bishops Road

PART VIII. Station and the Smithfield Goods Depot of the Great
—cont. Western Company.

(3) If the traffic of the Great Western Company necessitates the running of additional services of goods trains between its system of railways and the said depot, the Great Western Company shall be entitled from time to time to run such additional goods trains as may be necessary for that traffic and as can be accommodated having due regard to the requirements of the Board in relation to their passenger services at such times as may be agreed between the Board and the Great Western Company.

(4) Any difference arising between the Board and the Great Western Company under the last preceding subsection shall be referred to a single arbitrator to be agreed, or in default of agreement to be appointed by the Minister.

Protection
for London,
Midland and
Scottish
Railway
Company.

95.—(1) The following provisions unless otherwise agreed between the Board and the London, Midland and Scottish Railway Company (in this section referred to as "the Midland Company") shall apply and have effect as from the date of the transfer to the Board of the undertaking of the Metropolitan Railway Company.

(2) Notwithstanding anything contained in the Articles of agreement dated respectively the second day of September, eighteen hundred and sixty-seven, and the ninth day of September, eighteen hundred and seventy-four, and made between the Metropolitan Railway Company and the Midland Railway Company, the Midland Company (as successors of the Midland Railway Company) may continue to run such services of goods and mineral trains as were being operated by that company during the twelve months last preceding the twelfth day of March, nineteen hundred and thirty-one, over that part of the railway of the Metropolitan Railway Company which is referred to in the said Articles of agreement, and if the traffic of the Midland Company necessitates the running of additional services of goods or mineral trains over that part of the said railway the Midland Company may run such additional services as may be agreed or in default of agreement as may be determined by arbitration.

(3) Any question which under this section is to be determined by arbitration shall be referred to an arbitrator to be agreed between the Board and the Midland Company, or in default of agreement to be appointed by the Minister, and the arbitrator in determining any question so referred shall have due regard to the relative amount and importance of the respective traffic and general convenience of the Board and the Midland Company and of any other railway company entitled to use that part of the said railway.

96.—(1) The following provisions, unless otherwise agreed between the Board and the London and North Eastern Railway Company (in this section referred to as “the North Eastern Company”) shall apply and have effect as from the date of the transfer to the Board of the undertaking of the Metropolitan Railway Company.

Protection
for London
and North
Eastern
Railway
Company.

(2) Notwithstanding anything contained in the Articles of agreement dated the twenty-fifth day of May, eighteen hundred and sixty-nine, and made between the Metropolitan Railway Company and the Great Northern Railway Company, the North Eastern Company (as successors of the Great Northern Railway Company) may continue to run such services of goods and mineral trains as were being operated by that company during the twelve months last preceding the twelfth day of March, nineteen hundred and thirty-one, over the railway described and referred to in the said Articles of agreement as “the new lines,” and if the traffic of the North Eastern Company necessitates the running of additional services of goods or mineral trains over the said new lines, the North Eastern Company may run such additional services as may be agreed or in default of agreement as may be determined by arbitration.

(3) Any question which under this section is to be determined by arbitration shall be referred to an arbitrator to be agreed between the Board and the North Eastern Company, or in default of agreement to be appointed by the Minister, and the arbitrator in determining any question so referred shall have due regard to the relative amount and importance of the respective traffic and general convenience of the Board and the North Eastern Company and of any other railway company entitled to use the said new lines.

PART VIII.

—*cont.*Saving for
London
County
Council.

97.—(1) On and after the date of the transfer to the Board of the tramway undertaking of the London County Council (in this section referred to as “the council”) the council shall in relation to any road vested in or repairable by them have all the rights, powers and jurisdiction of a road authority under the Tramways Act, 1870.

(2) The Board shall not except with the consent of the council (which consent shall not be unreasonably withheld) carry out upon, or over any road or bridge vested in, or repairable by the council any of the works which the council were immediately before the appointed day empowered to carry out by section twelve of the London County Council (Tramways and Improvements) Act, 1901, or by section fourteen of the London County Council (Tramways and Improvements) Act, 1907, or by any section to the like effect contained in any other Act.

1 Edw. 7.
c. cclxxi.
7 Edw. 7.
c. cxliv.

(3) If any question arises under the last preceding subsection as to whether the consent of the council has been unreasonably withheld, that question shall be determined by the Minister.

Provisions
as to under-
taking of
Surplus
Lands
Committee.

98.—(1) The Metropolitan Railway Company shall, as soon as practicable after the passing of this Act, cause a company (in this section referred to as “the limited company”) to be formed and incorporated under the Companies Act, 1929, as a company limited by shares and registered with a memorandum and articles of association in such form as may be approved by a resolution passed by the holders of surplus lands stock of the Metropolitan Railway Company (in this section referred to as “surplus lands stock”) in general meeting.

(2) The initial capital of the limited company shall be two million, six hundred and forty thousand, nine hundred and fifteen pounds, divided into five million, two hundred and eighty-one thousand, eight hundred and thirty shares of ten shillings each.

(3) Upon the prescribed date the undertaking of the Surplus Lands Committee shall by virtue of this Act be transferred to and vested in the limited company but not including such a sum of money as may be required

for the distribution and payment of interest under subsection (15) of this section. PART VIII.
—cont.

(4) As soon as practicable after the prescribed date the limited company shall allot and issue to every person who on that date was the registered holder of surplus lands stock shares in the capital of the limited company according to his holding as follows, namely: For every ten shillings of surplus lands stock one share of ten shillings (which shall be deemed to be fully paid up) in the capital of the limited company:

Provided that—

- (a) no holder of surplus lands stock shall be entitled to have issued to him shares in the capital of the limited company until he shall have delivered up to the limited company the certificate for the surplus lands stock for which such shares are to be substituted or shall have proved to the reasonable satisfaction of the directors of the limited company the loss or destruction thereof and shall have given such guarantee or indemnity in respect thereof as the said directors may require; and
- (b) where the limited company is unable after diligent inquiry to find the person to whom any shares in the capital of the limited company are issuable, or where any such shares as aforesaid are issuable to a person who, or whose committee, cannot give an effectual receipt for the same, the company may transfer the shares, as nearly as may be, in manner provided for the payment of securities into court by trustees under section sixty-three of the Trustee Act, 1925, and that section shall apply with all necessary modifications to those shares.

(5) Stamp duty shall not be chargeable in respect of the statement of the amount which is to form the nominal capital of the limited company delivered upon the registration of the limited company or otherwise in respect of the initial capital or registration of the limited company, nor shall any such duty be chargeable under section twelve of the Finance Act, 1895, on any copy of this Act, or on any instrument relating

PART VIII. to the vesting in the limited company of the undertaking
—*cont.* of the Surplus Lands Committee.

(6) The undertaking of the Surplus Lands Committee shall as from the prescribed date be absolutely released and discharged from any debenture stock of the Metropolitan Railway Company which is a charge thereon, and from all interest on such debenture stock, and from any charge or liability in respect of interest upon any preference stock of the Metropolitan Railway Company.

(7) All shares in the capital of the limited company issued to the holders of surplus lands stock pursuant to the foregoing provisions of this section shall be held in the same rights, upon the same trusts and subject (so far as is consistent with those provisions) to the same powers, provisions, charges and liabilities as those in, upon or subject to which the surplus lands stock for which the shares are substituted were held immediately before the prescribed date, and shall be dealt with, applied and disposed of accordingly, and so as to give effect to and not to revoke any deed, will or other instrument disposing of, or affecting any surplus lands stock; and trustees, executors, administrators and all other holders in any representative or fiduciary capacity may accept the shares issued to them pursuant to the foregoing provisions of this section in substitution for the surplus lands stock held by them, and may, subject to the provisions of this section, retain, dispose of or otherwise deal with the same as fully and freely in all respects as they might have retained, disposed of or otherwise dealt with such surplus lands stock.

(8) All transfers or other dispositions of any surplus lands stock shall after the prescribed date be valid and have effect given to them respectively as transfers or dispositions of the number of shares which represent the surplus lands stock thereby expressed to be transferred or disposed of and are substituted for the same under the provisions of this section, notwithstanding that the instrument transferring or disposing thereof describes the same as surplus lands stock, and the bequest of, or any covenant or provision of any deed or agreement relating to any specific amount of surplus lands stock shall be held to apply to a number of shares equal to that which is substituted for such specific amount of surplus lands stock under the provisions of this section.

(9) All sales, conveyances, grants, assurances, deeds, contracts, bonds and agreements affecting the undertaking of the Surplus Lands Committee and in force at the prescribed date shall (save so far as the same relate to any matter or thing not transferred to and vested in the limited company under this section) as from that date be read and construed and be as binding and of as full force and effect in every respect against, or in favour of the limited company, and may be enforced as fully and effectually as if instead of the Metropolitan Railway Company, or the Surplus Lands Committee, the limited company had been a party thereto, or bound thereby, or entitled to the benefit thereof.

(10) Nothing in this section shall release, discharge or suspend any action or other proceeding which was pending by, or against the Surplus Lands Committee, or to which the Surplus Lands Committee were parties immediately before the prescribed date, and any such action or other proceeding may be maintained, prosecuted or continued by, or in favour of, or against the limited company (as the case may be) in the same manner and as effectively as it might have been maintained, prosecuted or continued by, or in favour of, or against the Surplus Lands Committee, if this Act had not been passed, but not further or otherwise.

(11) All books and documents which, if this Act had not been passed, would have been evidence in respect of any matter for or against the Surplus Lands Committee shall be admitted in evidence in respect of the same or the like matter for or against the limited company.

(12) All sums of money at the prescribed date due and payable, or accruing due and payable, to the Surplus Lands Committee shall be payable to and may be collected, recovered and enforced by the limited company in the same manner and with and by the same benefits and processes as those with and by which the Surplus Lands Committee might have enforced the same.

(13) The limited company, shall, upon reasonable notice in writing given by the Board, produce at the registered office of the limited company for inspection by the Board or by any person authorised by the Board in that behalf, all deeds, contracts, bonds, agreements and other instruments and all books, documents or papers

PART VIII. which relate partly to the Metropolitan Undertaking
—*cont.* and partly to the undertaking of the Surplus Lands
Committee and the Board shall be entitled to take copies
of or make extracts therefrom.

(14) As from the prescribed date so much of any special Act relating to the Metropolitan Railway Company as relates to the Surplus Lands Committee or the undertaking of the Surplus Lands Committee shall cease to have effect, except so far as may be necessary for giving effect to the provisions of subsection (15) of this section.

(15) Notwithstanding anything in any special Act relating to the Surplus Lands Committee regulating the accounts of the Committee or prescribing the date at which and the period in respect of which interest on Surplus Lands Stock shall be paid :—

- (a) the accounts of the Surplus Lands Committee shall be made out for the period ending on the day immediately preceding the prescribed date and shall be duly audited;
- (b) the Surplus Lands Committee shall be at liberty to distribute by way of payment of interest on the Surplus Lands Stock amongst the persons who were immediately before the prescribed date the registered holders of that stock a sum not exceeding the balance of the net income which has arisen from the Surplus Lands as shown in the accounts so made up and audited; and
- (c) the residue (if any) of such balance of net income after such distribution and payment together with all interest earned after the prescribed date by the sum required for such distribution and payment shall be carried to the credit of the profit and loss account of the limited company.

(16) The amount standing at the prescribed date to the credit of the reserve for repairs and contingencies of the Surplus Lands Committee shall be carried to the credit of a reserve for repairs and contingencies of the limited company.

(17) The limited company shall if so required by the Surplus Lands Committee repay to that committee such sum as may be sufficient to enable the committee to discharge any liability of the committee in respect of income tax. PART VIII.
—cont.

(18) The Board shall, on giving notice in writing to the limited company, be entitled to acquire such of the surplus lands as may—

- (a) be required by the Board for any purposes connected with the part of the undertaking of the Board which was immediately before the appointed day the property of the Metropolitan Railway Company; and
- (b) be at the date of such notice the property of the limited company

at a price to be agreed, or in default of agreement to be determined by arbitration in manner provided by the Lands Clauses Acts, but in such case the Board shall not be required to pay to the limited company any additional sum beyond the ordinary value by reason of compulsory purchase.

(19) In this Act—

“The prescribed date” means the date of incorporation mentioned in the certificate of incorporation of the limited company;

“The Surplus Lands Committee” means the Metropolitan Railway Surplus Lands Committee;

“The surplus lands” means the surplus lands of the Metropolitan Railway Company separated from the railway stations and works of the said company in accordance with, and pursuant to the provisions of section thirty-nine of the Metropolitan Railway Act, 1885, and the scheme confirmed by section eleven of the Metropolitan Railway Act, 1887, and also all lands subsequently acquired pursuant to paragraph (E) of subsection (6) of the said section thirty-nine and the said scheme or to section seventeen of the Metropolitan Railway Act, 1889, or to section thirty-seven 48 & 49 Vict.
c. lxxxix.
50 & 51 Vict.
c. cxxxvi.
52 & 53 Vict.
c. liii.

PART VIII.
— *cont.*
61 & 62 Vict.
c. clxxvii.
16 & 17
Geo. 5.
c. xci.

of the Metropolitan Railway Act, 1898, or to section fifty-six of the Metropolitan Railway Act, 1926, or otherwise and which immediately before the prescribed date are under the control and management of the Surplus Lands Committee.

“The undertaking of the Surplus Lands Committee” means—

(a) the surplus lands;

(b) all the rights, powers, duties and liabilities which immediately before the prescribed date were vested in or imposed upon the Metropolitan Railway Company or the Surplus Lands Committee in respect of the surplus lands or any part thereof;

(c) all other property belonging to or under the control and management of the Surplus Lands Committee immediately before the prescribed date; and

(d) all deeds, contracts, bonds, agreements and other instruments and all books, accounts or documents relating solely, or partly to the surplus lands.

Sale of part
of under-
taking to
Southern
Railway
Company.

99. As from the first day of July, nineteen hundred and thirty-three, the Board shall sell and the Southern Railway Company shall purchase so much of the undertaking of the London General Country Services Limited which is transferred to the Board by this Act as consists in the operation of public service vehicles outside the London Passenger Transport Area otherwise than on roads specified in Parts II and III of the Seventh Schedule to this Act at a price calculated on the same basis as that which is prescribed by the Eighth Schedule to this Act for the calculation of the price and compensation payable to the Maidstone and District Motor Services, Limited, in respect of the part of the undertaking of that company which is taken over by the Board under this Act.

Application
to Board of
33 & 34
Vict. c. 78.

100. The Tramways Act, 1870, in its application to the Board or their undertaking shall have effect as if the following provisions thereof were omitted therefrom,

that is to say, so much of section twenty-eight as relates to the abandonment of undertakings, the taking up of tramways or parts of tramways and the restoration of roads, and sections thirty-five to forty, both inclusive, forty-two, forty-three, forty-four and sixty-three, and any provision of any Light Railway Order made under the Light Railways Acts, 1896 to 1912, or any local Act which immediately before the appointed day had effect in relation to any of the undertakings which are transferred to the Board by this Act, and which incorporated or enacted provisions to the like effect as the provisions of the Tramways Act, 1870, which by this section are not to apply to the Board or their undertaking, shall in the like manner in its application to the Board or their undertaking cease to have effect.

PART VIII.
—cont.

101. The Board may promote or oppose Bills in Parliament and shall, as respects any undertaking transferred to them by this Act, have the like power of applying for, and opposing applications for, provisional orders or other orders as the company or local authority from whom the undertaking was transferred would have had if this Act had not been passed.

Powers of Board as to Bills in Parliament and provisional orders.

102.—(1) The Minister may hold inquiries for the purposes of his powers and duties under this Act as if those purposes were purposes of the Ministry of Transport Act, 1919, and section twenty of that Act shall apply accordingly.

Inquiries by Minister.
9 & 10 Geo. 5.
c. 50.

(2) Where an inquiry is held under this Act, the Minister may make such order as to the security for the payment of, and as to the payment of the costs incurred by him in connection with the inquiry as he may think just.

(3) Any costs directed by the Minister to be paid under this section may be recovered in any court of competent jurisdiction as a debt to the Minister.

103. Every electrically propelled public service vehicle provided by the Board shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphic line within the meaning of the Telegraph Act, 1878, belonging to or used by the Postmaster-General.

Protection for Postmaster-General.
41 & 42 Vict.
c. 76.

PART VIII.
—*cont.*
Proof of
signed map.

104. The signed map referred to in Part I of the Seventh Schedule to this Act shall be for all purposes conclusive evidence of the extent of the London Passenger Transport Area and of the roads referred to in the said Schedule, and shall for the purposes of the Documentary Evidence Acts, 1868 to 1895, be deemed to be a document issued by the Minister.

Saving for
existing bye-
laws, &c.

105. All bye-laws, rules, regulations, fares, rates and charges made or enforceable by any undertakers whose undertaking or part of whose undertaking is transferred to the Board by this Act, being bye-laws, rules, regulations, fares, rates, or charges in force immediately before the appointed day, shall, so far as they are consistent with the provisions of this Act, continue in force with respect to the undertaking or part of the undertaking to which they relate until repealed, altered, or superseded.

Custody of
lost pro-
perty.

106. The Minister may by regulations make provision for the safe custody and redelivery or disposal of any property accidentally left on or in any premises or vehicles belonging to the Board and for fixing the charges to be made by the Board in respect thereof.

Interpreta-
tion.

107.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively—

“ Advisory Committee ” means the London and Home Counties Traffic Advisory Committee as constituted from time to time under the London Traffic Act, 1924, as amended by this Act;

“ Amalgamated Railway Companies ” means the four amalgamated railway companies constituted under the Railways Act, 1921;

“ Appointed day ” means—

(a) in relation to the local authorities' undertakings, the first day of July, nineteen hundred and thirty-three, or such later date in the case of any particular undertaking as the Minister may with the concurrence of the local authority concerned by order fix;

(b) in relation to the Underground undertakings and the Metropolitan undertaking, the first day of July, nineteen hundred and thirty-three; PART VIII.
—cont.

(c) in relation to a Tilling undertaking, or an independent undertaking, or the Lewis undertaking, such date as the Minister may by order fix not being earlier than the later of the two following dates, that is to say, the first day of July, nineteen hundred and thirty-three, or the date on which the extent of the transfer effected by this Act in respect of that undertaking is agreed between the owners of the undertaking and the Board or in default of agreement is determined by the arbitration tribunal; and

(d) for the purposes of subsection (7) of section thirty-nine, and of subsection (2) of section forty-six of this Act, the thirtieth day of June, nineteen hundred and thirty-three;

“Arbitration Tribunal” means the London Passenger Transport Arbitration Tribunal constituted under this Act;

“Chief Officer of Police” means a commissioner of police or a chief constable of a county or a borough;

“Commissioner of Police” means, in relation to the City of London, the Commissioner of Police of the City of London, and, in relation to the metropolitan police district, the Commissioner of Police of the metropolis;

“Company” where used in relation to companies specified in Part I of the Second Schedule to this Act, includes Lots Road Power House Joint Committee;

“Debenture Stock” includes debentures, bonds, rentcharge stock and other like securities and obligations;

“Fares” means fares and other charges in connection with the conveyance of passengers and their luggage;

PART VIII.
—*cont.*

- “London Passenger Transport Area” means the area defined in Part I of the Seventh Schedule to this Act;
- “London Traffic Area” has the same meaning as in the London Traffic Act, 1924;
- “Minister” means the Minister of Transport;
- “Pooling Scheme” means the scheme confirmed or settled in accordance with the provisions of section thirty-one of this Act;
- “Public service vehicle,” “express carriage,” “contract carriage” and “stage carriage” have the same meanings as in the Road Traffic Act, 1930;
- “Rates Tribunal” means the Railway Rates Tribunal established under the Railways Act, 1921;
- “Revenues of the Board” means all receipts of the Board on revenue account from whatever source after the deduction therefrom of any sums paid or due and payable to any of the amalgamated railway companies under or by virtue of the pooling scheme;
- “Special Area” means so much of the London Passenger Transport Area as lies within the London Traffic Area;
- “Statutory Company” means a company incorporated by special Act;
- “Statutory security” does not include any security of the Board, but save as aforesaid, means any security in which trustees are for the time being authorised by or under any statute to invest trust money, and any mortgage or stock granted or issued under statutory authority by any local authority within the meaning of the Local Loans Act, 1875;
- “Suburban passenger services” means the passenger services worked by any of the amalgamated railway companies the receipts from which are or would be covered by the pooling scheme;
- “Traffic commissioner” means a traffic commissioner appointed under the Road Traffic Act, 1930;

“Tramway” includes a light railway or trolley vehicle system and the expression “tramway undertaking” shall be construed accordingly; PART VIII.
—cont.

“Undertaking of the Board” means the whole of the undertaking administered by the Board comprising the undertakings, and those parts of the undertakings which are transferred to the Board by this Act, and any undertakings or parts of undertakings which under this Act are from time to time acquired, taken on lease or established by the Board.

(2) For the purposes of the provisions of this Act relating to the interest on transport stock, or to the application of the revenues of the Board, or to the reserve fund, or to the tramway debt liquidation fund, or to the accounts of the Board and their audit, or to the new assented stock referred to in subsection (2) of section eighty-eight of this Act, and for the purposes of section eighty-nine of this Act, unless the context otherwise requires, the expression “year” means the period commencing on the first day of July and ending on the succeeding thirtieth day of June and the expressions “annually,” “annual,” “per annum,” “half-yearly” and “yearly” shall be construed accordingly.

(3) For the purposes of sections twenty-seven to thirty-five of this Act, both inclusive, the expression “local authority” means the Common Council of the City of London, the council of a metropolitan borough or the council of any county, county borough or county district whose area or any part of whose area is comprised in the London Passenger Transport Area or is served by the railway which was immediately before the appointed day the railway of the Metropolitan Railway Company or by any of the suburban passenger services.

(4) For the purposes of section five of this Act any rights, powers or privileges and any liabilities or obligations which were immediately before the appointed day vested in or attached to the Metropolitan and District Joint Committee shall be deemed to be rights, powers and privileges and liabilities and obligations of the Metropolitan Railway Company and of the Metropolitan District Railway Company jointly, and for the purposes of Part VII and of sections eighty-two, eighty-three,

PART VIII. eighty-five, and eighty-seven of this Act the said Joint
—*cont.* Committee shall be deemed to be a company owning
an undertaking specified in Part I or Part II of the
Second Schedule to this Act.

Repeals. **108.** The enactments specified in the Sixteenth
Schedule to this Act are hereby repealed to the extent
specified in the third column of that Schedule, but this
repeal shall not, as respects enactments for which other
provisions are substituted by this Act, take effect until the
respective dates upon which the provisions so substituted
come into operation.

Short title. **109.** This Act may be cited as the London
Passenger Transport Act, 1933.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

CONSTITUTION AND PROCEEDINGS OF APPOINTING TRUSTEES.

1. Subject to the provisions of this Schedule, the representative of the Advisory Committee shall be selected by that committee from amongst the members of the committee appointed by local authorities or groups of local authorities and shall hold office as such representative for a term of three years. Notice of the appointment of such representative shall be given by the committee to the Minister.

2. The Minister shall take such steps as may be necessary as soon as may be after the passing of this Act for summoning the first meeting of the Appointing Trustees and shall thereafter summon meetings of the Appointing Trustees whenever it is in his opinion expedient that meetings should be held.

3. The Appointing Trustees shall appoint from amongst their number a chairman.

4. Every question at a meeting of the Appointing Trustees shall be decided by a majority of votes of the members present and voting on that question, and in the case of equality of votes

the person presiding at the meeting shall have a second or casting vote. Three Appointing Trustees shall constitute a quorum.

1st Sch.
—cont.

5. A minute of the proceedings of the Appointing Trustees signed at the same or the next meeting by a member of the Trustees describing himself as, or appearing to be, the person presiding at the meeting at which the minute is signed shall be received in evidence without further proof.

6. Until the contrary is proved every meeting of the Trustees in respect of the proceedings whereof a minute has been so made shall be deemed to have been duly convened and held.

7. Subject to the provisions of this Schedule the Appointing Trustees may regulate their own procedure.

8. No act or proceeding of the Appointing Trustees shall be questioned on account of the appointment of any member having been defective.

9. The representative of the Advisory Committee first appointed under this Act as such representative shall be selected by that committee as constituted on the passing of this Act from amongst the members of the committee then in office appointed by local authorities or groups of local authorities and shall hold office until his successor is appointed by the Advisory Committee as reconstituted under this Act. Notice of the appointment of such representative shall be given by the committee to the Minister.

SECOND SCHEDULE.

PART I.

The Underground undertakings.

- (1) The undertakings owned by the following undertakers:—
- The London Electric Railway Company.
 - The Metropolitan District Railway Company.
 - The Central London Railway Company.
 - The City and South London Railway Company.
 - The Lots Road Power House Joint Committee.
 - The London General Omnibus Company, Limited.
 - London General Country Services, Limited.
 - Overground, Limited.
 - The Tramways (M.E.T.) Omnibus Company, Limited.
 - The Metropolitan Electric Tramways, Limited.

Sections 5, 6,
8, 16, 45, 49,
73, 75, 78,
80, 82, 83,
85, 87, 88
and 107.

2ND SCH.
—cont.

The London United Tramways, Limited.
 The Union Surplus Lands Company, Limited.
 The Union Construction and Finance Company,
 Limited.
 Morden Station Garage, Limited.
 Acme Pullman Services, Limited.
 Bucks Expresses (Watford), Limited.
 Green Line Coaches, Limited.
 Skylark Motor Coach Company, Limited.

(2) That part of the undertaking owned by the South Metropolitan Electric Tramways and Lighting Company, Limited, which consists of a tramway and light railway undertaking (which part shall for the purposes of this Act be deemed to be a separate undertaking owned by the said company).

PART II.

The Metropolitan undertaking.

The undertaking owned by the following undertakers:—

The Metropolitan Railway Company, excluding the undertaking of the Surplus Lands Committee.

PART III.

The local authorities' undertakings.

Any tramway, light railway or trolley vehicle undertaking owned or worked by the following undertakers, being local authorities:—

The mayor, aldermen and burgesses of the borough of Barking.

The Bexley Urban District Council.

The mayor, aldermen and burgesses of the county borough of Croydon.

The mayor and commonalty and citizens of the City of London.

The Dartford Urban District Council.

The mayor, aldermen and burgesses of the county borough of East Ham.

The Erith Urban District Council.

The Hertfordshire County Council.

The mayor, aldermen and burgesses of the borough of Ilford.

The mayor, aldermen and burgesses of the borough of
Leyton.

2ND SCH.
—cont.

The London County Council.

The Middlesex County Council.

The mayor, aldermen and burgesses of the borough of
Walthamstow.

The mayor, aldermen and burgesses of the county
borough of West Ham.

PART IV.

The Tilling undertakings.

The undertakings owned by the following undertakers:—

Thomas Tilling, Limited.

Tilling and British Automobile Traction, Limited.

PART V.

The Independent undertakings.

The undertakings owned by the following undertakers:—

G. H. Allitt and Sons, Limited.

Ambassador Bus Company, Limited.

Amersham and District Motor Bus and Haulage Com-
pany, Limited.

B.B.P. Omnibus Company, Limited.

Birch Brothers, Limited.

E. Brickwood, Limited.

Cardinal Omnibus Company, Limited.

Chariot Omnibus Services, Limited.

Chocolate Express Omnibus Company, Limited.

City Motor Omnibus Company, Limited.

Cleveland Omnibus Company, Limited.

Convey & Clayton of 88, Brantwood Road, Tottenham,
N.17.

Eagle Omnibus Company, Limited.

Earl Motor Omnibus Company, Limited.

Empress Motors, Limited.

Enterprise Transport Company, Limited.

Essex Omnibus Company, Limited.

Filkins & Ainsworth, Limited.

Glen Omnibus Company (London), Limited.

Gordon Omnibus Company, Limited.

2ND SCH.
—cont.

- Robert Hawkins & Company, Limited.
 F. W. Hayes, of 355, Bensham Lane, Thornton Heath,
 Surrey.
 Holliday & Bangs, of 9, Branksome Road, Acre Lane,
 Brixton, S.W.2.
 E. G. Hope, of 13, Effra Parade, Brixton, S.W.2.
 F. J. C. Kirk, of 1, Larkswood Road, South Chingford,
 E.4.
 Miller Traction Company, Limited.
 A. Mills, of 10, Linver Road, S.W.6.
 Nelson Omnibus Company, Limited.
 Paterson Omnibus Company, Limited.
 Peræque Transport Company, Limited.
 Perkins Omnibus Company, Limited.
 C. H. Pickup, of 25, Dulwich Village, S.E.21.
 Pioneer Omnibus Company.
 Powell & Whybrow, of 21, Percy Road, Goodmayes,
 Essex.
 Premier Omnibus Company, Limited.
 Prince Omnibus Company, Limited.
 Pro Bono Publico, Limited.
 E. Puttergill, Limited.
 A. H. Raper, of Newton's Garage, Verney Road, Ber-
 mondsey, S.E.16.
 F. A. Rasey, of 10, Mafeking Road, Tottenham,
 N.17.
 Red Rover Omnibus, Limited.
 Reliance Omnibus Company, Limited.
 Renown Traction Company, Limited.
 Charles Russett and Son, of 20, St. Peter Street,
 St. Albans, Herts.
 Ryan Omnibus Company.
 St. George Omnibus Company, Limited.
 Sphere Omnibus Company, Limited.
 F. Steer, of Colne Cottage, London Colney, St. Albans,
 Herts.
 A. G. Summerskill, Limited.
 Supreme Motor Omnibus Company, Limited.
 Triumph Motor Omnibus Company.
 United Omnibus Company, Limited.
 Victory Omnibus Company, Limited.
 Westminster Omnibus Company, Limited.
 Woolvett & Carswell, of 32, Rye Hill Park, Peckham
 Rye, S.E.15.

PART VI.

*The Lewis undertaking.*2ND SCH.
—cont.

The undertaking owned by the Lewis Omnibus Company, Limited.

THIRD SCHEDULE.

Sections 7,
39, 88, 89
and 90.

ISSUE OF TRANSPORT STOCK TO COMPANIES OWNING THE
UNDERGROUND UNDERTAKINGS AND DISTRIBUTION
OF THAT STOCK.

PART I.

The amount of stock to be issued to the several companies owning the underground undertakings shall, subject to the reduction for which provision is made by the proviso to subsection (1) of section seven of this Act, be as follows and of the following classes :—

Name of Company.	Amount and class of Transport Stock to be issued.
	£
The London Electric Railway Company.	4,707,482 4½% "A" Stock.
	8,450,000 5% "A" "
	5,606,000 4½% "T.F.A." Stock.
	2,538,936 5% "B" "
	8,628,345 "C" "
The Metropolitan District Rail- way Company.	3,827,772 4½% "A" Stock.
	4,753,950 5% "A" "
	3,968,598 5% "B" "
	2,992,375 "C" "
The Central London Railway Company.	823,098 4½% "A" "
	1,060,000 5% "A" "
	458,000 4½% "T.F.A." Stock.
	432,000 5% "B" "
	2,775,000 "C" "
The City and South London Railway Company.	993,762 4½% "A" Stock.
	6,519,000 4½% "T.F.A." Stock.
	850,000 5% "B" "
	1,369,000 "C" "

3RD SCH.
—cont.

Name of Company.	Amount and class of Transport Stock to be issued.
—	—
	£
The Lots Road Power House Joint Committee.	3,422,169 4½% " A " Stock.
The London General Omnibus Company Limited.	2,240,479 4½% " A " " 4,000,000 5% " B " " 5,087,500 " C " "
London General Country Services Limited.	Nil (Consideration included in consideration given to the London General Omnibus Company Limited).
Overground Limited - -	Nil (Consideration included in the consideration given to the London General Omnibus Company Limited and the Tramways (M.E.T.) Omnibus Company Limited).
The Tramways (M.E.T.) Omni- bus Company Limited.	182,635 4½% " A " Stock. 101,545 5% " B " " 348,014 " C " "
The Metropolitan Electric Tramways Limited.	297,282 4½% " A " Stock. 179,866 5% " B " " 517,301 " C " "
The London United Tramways Limited.	428,920 5% " B " Stock. 585,343 " C " "
The Union Surplus Lands Com- pany Limited.	88,889 4½% " A " Stock. 238,936 " C " "
The Union Construction and Finance Company Limited.	365 " C " Stock.
Morden Station Garage Limited	Nil (Consideration included in consideration given to the London General Omnibus Company Limited).
The South Metropolitan Electric Tramways and Lighting Com- pany Limited.	75,000 " C " Stock
Acme Pullman Services Limited Bucks Expresses (Watford) Limited Green Line Coaches Limited Skylark Motor Coach Com- pany Limited.	} Nil (Consideration included in consideration given to London General Omnibus Company Limited.)

3RD SCH.
—cont.

Existing Stock.		Substituted Stock.	
	£	s.	d.
(c) In the case of the Central London Railway Company :—			
For £100 4% Debenture Stock	-	88	17 9
„ £100 4½% Redeemable Debenture Stock (1942-72)	-	100	0 0
„ £100 5% do. (1935)	-	100	0 0
„ £100 5% do. (1985-95)	-	100	0 0
„ £100 4½% Preference Stock	-	90	0 0
„ £100 Ordinary Stock	-	92	10 0
„ £100 Preferred Ordinary Stock	-	85	0 0
„ £100 Deferred do.	-	100	0 0
(d) In the case of the City and South London Railway Company :—			
For £100 4% Perpetual Debenture Stock	-	88	17 9
„ £100 4½% Redeemable Second Debenture Stock (1942-72)	-	100	0 0
„ £100 5% Preference Stock (1891)	-	100	0 0
„ £100 5% do. (1896)	-	100	0 0
„ £100 5% do. (1901)	-	100	0 0
„ £100 5% do. (1903)	-	100	0 0
„ £100 Consolidated Ordinary Stock	-	92	10 0
(e) In the case of the Lots Road Power House Joint Committee :—			
For £100 4% Metropolitan District and London Electric Railways Joint Power House Rent Charge Stock	-	88	17 9
(f) In the case of the London General Omnibus Co., Ltd. :—			
For £100 4½% First Debenture Stock	-	100	0 0
„ £100 5% Cumulative Income Debenture Stock	-	100	0 0
„ each Ordinary Share (£10)	-	18	10 0

Substituted Stock.

4½% "A" Transport Stock.
4½% "T.F.A." do.
5% "A" do.
5% "A" do.
5% "B" do.
5% "C" do.
"C" do.
"C" do.4½% "A" Transport Stock.
4½% "T.F.A." do.
5% "B" do.
5% "B" do.
5% "B" do.
5% "B" do.
5% "B" do.
"C" do.

4½% "A" Transport Stock.

4½% "A" Transport Stock.
5% "B" do.
"C" do.

Existing Stock.	£	s.	d.	Substituted Stock.
<i>(g) In the case of the Metropolitan Electric Tramways Ltd. :—</i>				
For £100 4½% Debenture Stock	100	0	0	4½% "A" Transport Stock.
do.	100	0	0	5% "B" do.
each 5% Cumulative Preference Share (£1)	0	15	0	"C" do.
Ordinary Share (£1)	0	6	0	"C" do.
<i>(h) In the case of the London United Tramways Ltd. :—</i>				
For £100 4% First Mortgage Debenture Stock	50	0	0	"B" Transport Stock and £25 "C"
each 5% Cumulative Preference Share (£1)	0	6	0	"C" Transport Stock.
Ordinary Share (5/-)	0	0	7½	"C" Transport Stock. do.

3RD SCH.
—cont.

PART III.

CONSTITUTION OF THE CENTRAL LONDON (NEW) GUARANTEED ASSENTED STOCK.

1. For the purposes of constituting the Central London (New) Guaranteed Assented Stock (in this Schedule referred to as the new assented stock) a new trust deed shall be executed between the Underground Company of the first part, and Glyn, Mills and Co. (in this Schedule referred to as the said trustees) of the second part, and the Board of the third part, containing such terms and conditions as may be necessary to give effect to the provisions of subsection (2) of section eighty-eight of this Act and of this Schedule and such other terms and conditions of a like nature to the terms and conditions of the trust deed dated the thirteenth day of December, nineteen hundred and twelve (in this Schedule referred to as the old trust deed) and made between the Underground Company of the one part and Glyn, Mills and Co. (then and therein called Glyn, Mills, Currie and Co.) of the other part as are not inconsistent with those provisions.

2. The new assented stock shall be issued by the said trustees as trustees against and secured by the 'C' transport stock to which the said trustees become entitled under Part II of this Schedule as holders of Central London Railway ordinary, preferred ordinary and deferred ordinary stocks held by the said trustees upon the trusts of the old trust deed.

3. The new assented stock shall be of a similar character to the Guaranteed Assented Stocks constituted by the old trust deed but having its fixed rate of interest of four per cent. per annum guaranteed by the Board and not by the Underground Company.

4. The interest received by the said trustees in respect of any year on the 'C' transport stock to which they become so entitled shall be applied by the said trustees as follows:—

- (a) to the payment of interest for that year at the fixed rate of four per cent. per annum on the new assented stock;
- (b) as to forty per cent. of the balance, to the payment of additional interest for that year on the new assented stock; and
- (c) as to sixty per cent. of the balance, in repayment to the Board.

5. The holders of the new assented stock may at their option, to be exercised within six months from the date of the issue of that stock, surrender to the said trustees the whole or any part of the stock so issued to them and shall thereupon, subject as hereinafter provided, be entitled to receive in exchange from the

said trustees £92 10s. of 'C' transport stock held by the said trustees for every £100 of new assented stock so surrendered :

3rd Sch.
—cont

Provided that, where the amount of transport stock to which a person would be so entitled comprises a fractional part of a pound, the said trustees shall, in lieu of transferring the amount, transfer to that person transport stock to the amount of the next even pound below the amount to which he would be so entitled and shall, as soon as may be after the expiration of the said six months, sell the amount of transport stock representing the fractional parts of transport stock not so transferred and shall distribute the net proceeds thereof in due proportions amongst the several holders who, but for this provision, would have been entitled to the fractional parts.

6. If and so soon as the 'C' transport stock held by the said trustees is redeemed by the Board, the redemption moneys received by the said trustees in respect of that stock shall be distributed amongst the holders of the new assented stock when the redemption takes place pro rata to their holdings of that stock and the new assented stock shall thereupon be satisfied and extinguished.

FOURTH SCHEDULE.

Sections 7
and 39.

ISSUE OF TRANSPORT STOCK TO THE METROPOLITAN RAILWAY COMPANY AND DISTRIBUTION OF THAT STOCK.

PART I.

The amount of stock to be issued to the Metropolitan Railway Company shall be as follows and of the following classes :—

Amount.	Class of Transport Stock to be issued.
£7,288,676 - - - -	4½ per cent. "A" Stock.
£2,000,000 - - - -	5 per cent. "A" Stock.
£4,489,797 - - - -	5 per cent. "B" Stock.
£5,115,600 - - - -	"C" Stock.

With the addition of £70 "B" transport stock for each £100 of Metropolitan 3½ per cent. Convertible Preference Stock not converted into Metropolitan Consolidated Stock by virtue of section eighty-nine of this Act and £67 10s. 0d. "C" transport stock for each £100 of Metropolitan 3½ per cent. Convertible Preference Stock so converted.

PART II.

The transport stock issued to the Metropolitan Railway Company shall be distributed amongst the holders of the various

4TH SCH.
—cont.

classes of stocks of that company at the rates of substitution specified in the following scales:—

Existing Stock.	Substituted Stock.
For £100 5 per cent. Redeemable Debenture Stock (1957–62).	£100 5 per cent. 'A' Transport Stock.
For £100 3½ per cent. Debenture Stock.	£77 15s. 7d. 4½ per cent. 'A' Transport Stock.
For £100 3½ per cent. 'A' Debenture Stock.	£77 15s. 7d. 4½ per cent. 'A' Transport Stock.
For £100 3½ per cent. Preference Stock.	£70 5 per cent. 'B' Transport Stock.
For £100 3½ per cent. 'A' Preference Stock.	£70 5 per cent. 'B' Transport Stock.
For £100 3½ per cent. Convertible Preference Stock (not so converted into Consolidated Stock).	£70 5 per cent. 'B' Transport Stock.
For £100 5 per cent. Preference Stock.	£100 5 per cent. 'B' Transport Stock.
For £100 Consolidated Stock	£67 10s. 'C' Transport Stock.

Sections 7,
81, 87 and 89.

FIFTH SCHEDULE.

DISTRIBUTION OF TRANSPORT STOCK ISSUED AS CONSIDERATION FOR TRANSFER OF UNDERTAKINGS TO THE BOARD AND THE WINDING UP OF CERTAIN COMPANIES WHOSE UNDERTAKINGS ARE TRANSFERRED.

(1) The provisions of this Schedule shall have effect with relation to the distribution of stock issued under this Act to the companies specified in Part II of the Third Schedule (which companies are in this Schedule referred to as "the Underground principal companies") and to the company owning the Metropolitan Undertaking (which company is, in this Schedule referred to as "the Metropolitan Company") amongst the holders of the various classes of stock (which expression in this Schedule includes debenture stock and shares and other securities) of those companies, and with relation to the distribution of the remaining assets of, and the winding up and dissolution of the companies specified in Part I of the Second Schedule to this Act other than the South Metropolitan Electric Tramways and Lighting Company Limited (which companies are in this schedule referred to as "the Underground Companies") and of the Metropolitan Company.

(2) Each of the Underground Companies, not being a statutory company, shall be wound up voluntarily in accordance with the provisions of the Companies Act, 1929, relating to members' voluntary winding-up, save in so far as such provisions are varied by, or are inconsistent with the provisions of this Schedule.

5TH SCH.
—cont.

(3) The winding up of each company which is directed to be wound up by the last preceding paragraph shall—

- (a) commence on the appointed day without the passing of any special or other resolution by that company for winding up;
- (b) be conducted by the directors of that company in office at the appointed day who shall be deemed joint liquidators for the purposes of the winding up with power to act by a majority of their number.

(4) In the winding up of the Tramways (M.E.T.) Omnibus Company, Limited, the London General Omnibus Company, Limited, shall not be entitled in respect of its holding of the preference shares of that company to participate in the distribution of the transport stock to be issued to the Tramways (M.E.T.) Omnibus Company, Limited, under this Act or other the properties or assets of that company distributable amongst its members on the winding up thereof, neither shall the Board be entitled to participate in such distribution in respect of those preference shares.

(5) (a) On a date as soon as may be after the appointed day, such date to be fixed by the directors of each of the Underground principal companies and of the Metropolitan Company (in this Schedule called "the distribution date") every holder of stock (other than the Four per cent. Terminable Debenture Stock of the Metropolitan Company) in any of those companies shall deliver up to that company the certificates (which expression in this Schedule includes debentures, bonds or other documents of title) of the stock held by him, and on such delivery the directors of the company shall, subject as hereinafter provided, distribute or cause to be distributed to each such stockholder, in substitution for the stock of the company so held by him, transport stock of the amount and class to which he is entitled, in the case of stock of an Underground principal company, by virtue of Part II of the Third Schedule to this Act, and in the case of stock of the Metropolitan Company, by virtue of Part II of the Fourth Schedule to this Act, and pay to each such stockholder (being a holder of debenture stock) any interest accrued to the appointed day and unpaid on such debenture stock :

Provided that—

- (i) where the amount of transport stock to which a person would be so entitled comprises a fractional part of a

5TH SCH.
—cont.

pound the company distributing or causing to be distributed the transport stock shall, in lieu of distributing or causing to be distributed that amount, distribute or cause to be distributed to that person transport stock to the amount of the next even pound below the amount to which he would be so entitled, and the company shall sell, or cause to be sold, the amount of stock representing the fractional parts not so distributed and shall distribute, or cause to be distributed, the net proceeds thereof in due proportion amongst the several stockholders who, but for this provision, would have been entitled to the fractional parts; and

- (ii) the directors may dispense with the delivery of the certificate if the loss or destruction thereof is proved to their reasonable satisfaction.

(b) The issue to any debenture stockholder of the transport stock to which he is so entitled and the payment to him of the interest, if any, accrued to the appointed day and unpaid on his debenture stock shall operate as a satisfaction and discharge of that debenture stock and of all the rights and claims of the holder in respect thereof.

(6) Subject to the provisions of this Act the registers of members and transfer books of each of the Underground principal companies and of the Metropolitan Company shall be finally closed on such date previous to the distribution date as the directors of the company may determine, and notice of such closing shall be given by the company to the secretary of the London Stock Exchange, and also by advertisement in two London daily newspapers thirty days before the date on which such registers or books are to be closed, and after the date of closing such registers or books the company may refuse to register any transfer of any of the company's stocks.

(7) The Board shall, if so required by any of the Underground principal companies or by the Metropolitan Company before the transport stock to be issued as consideration for the transfer to the Board of the undertaking of the company is issued to the company, instead of issuing to the company the whole of the transport stock to be so issued to it, issue the transport stock to such amounts and to such persons as the company may require, and the issue of transport stock in accordance with such requirements shall, to that extent, discharge the Board of its liability to issue transport stock to the company.

(8) In the case of each of the Underground companies and of the Metropolitan Company any sums (in cash or liquid assets) retained by the company or repaid to the company by the Board under section eighty-two of this Act (not being sums which by that section are to be applied to the payment of interest

on the debenture stocks of the company) shall (subject to the payment and discharge of any liability which under this Act is to continue as a liability of the company or is not otherwise provided for) be deemed to be profits of the company available for immediate distribution as dividend and shall be distributed accordingly in one or more distributions amongst the stockholders of the company (other than debenture stockholders) in accordance with their respective rights and (in the case of a company being a statutory company), notwithstanding anything in any special Act relating to the company prescribing the date at which and the period in respect of which dividends on any particular classes of stock of the company may be distributed :

5TH SCH.
—cont.

Provided that, if authorised so to do by a resolution of the company at a meeting convened for that purpose, whether held before or after the passing of this Act, the directors may out of any moneys so available for distribution amongst the stockholders of the company retain or pay any sums to any persons as compensation for loss of office or employment or in recognition of past services rendered to the company.

(9) Where any of the companies to which this Schedule relates is unable after diligent inquiry to find the person to whom any transport stock is issuable or money is payable, or where any stock is issuable or money is payable to a person who, or whose committee cannot give an effectual receipt for the same, the company may transfer the stock or pay the money, as nearly as may be, in manner provided for payment of securities or money into court by trustees under section sixty-three of the Trustee Act, 1925, and that section shall apply with all necessary modifications to such stock and money.

(10) When in the case of any company (being a statutory company) to which this Schedule relates the distribution of stock or money has been completed in accordance with the provisions of this Schedule, the company may apply to the Board of Trade, and the Board of Trade, if satisfied that the said conditions have been complied with, shall give a certificate to that effect, and upon publication of such certificate in the London Gazette the company shall be dissolved.

(11) Any expenses incurred by the Board of Trade under the last preceding paragraph shall on demand be paid to the Board of Trade by the Board.

(12) The rights conferred by this Act on the holders of the various classes of stocks of any of the said companies, being a statutory company, shall be in substitution for the rights conferred on them in the event of the winding-up of the company under the enactments relating to the company.

Sections 9,
10, 11, 14
and 39.

SIXTH SCHEDULE.

ISSUE OF TRANSPORT STOCK TO CERTAIN LOCAL AUTHORITIES.

The amount and class of transport stock to be issued to the local authorities specified in this Schedule shall be as follows :—

<i>Name of Local Authority.</i>	<i>Amount and class of Stock to be issued.</i>
Hertfordshire County Council -	£19,000 L.A. stock.
London County Council - -	£8,500,000 L.A. stock.
Middlesex County Council -	£1,035,000 L.A. stock.
The mayor, aldermen and bur- gesses of the County Borough of West Ham - - -	£281,036 L.A. Stock.

Sections 15,
16, 17, 99,
104 and 107.

SEVENTH SCHEDULE.

LONDON PASSENGER TRANSPORT AREA.

PART I.

The London Passenger Transport Area shall consist of the area comprised within the continuous purple line shown on the signed map (which expression in this Schedule means the map signed in triplicate by the Rt. Honourable the Earl of Lytton, the Chairman of the Joint Committee of the House of Lords and the House of Commons to which the Bill for this Act was referred and which has been deposited, as to one copy, in the Parliament Office of the House of Lords, as to another copy, in the Committee and Private Bill Office of the House of Commons, and, as to a third copy, at the Ministry of Transport).

PART II.

The roads outside the London Passenger Transport Area which are available for use by the public service vehicles of the Board without restriction under this Act are the roads marked by broken blue lines on the signed map.

PART III.

7TH SCH.
—cont.

The roads outside the London Passenger Transport Area which are available for use by the public service vehicles of the Board subject to the restriction imposed by proviso (ii) to subsection (1) of section fifteen of this Act are the roads marked by broken yellow lines on the signed map.

PART IV.

The roads within the London Passenger Transport Area to which the restrictions imposed by subsection (1) of section sixteen and subsection (2) of section seventeen of this Act are not to apply are the roads marked by broken red lines on the signed map.

EIGHTH SCHEDULE.
Sections 17
and 99.

PROVISIONS RELATING TO PURCHASE OF PROPERTY
OF PROVINCIAL OPERATING COMPANIES, &C.

PART I.

PROPERTY TO BE TRANSFERRED.

1. *Buildings.*

There shall be transferred to the Board the buildings or premises specified in the first column of the following table belonging to the companies specified in the second column, being buildings situated within and used for the purposes of services operated within the London Passenger Transport Area.

Description of building or premises.	Name of Company.
The freehold premises, comprising a garage, situate at The Street, Ewhurst, Surrey.	Aldershot and District Traction Company Limited.
The freehold premises, comprising a garage and offices, situate at Priory Road, Dartford, Kent.	Maidstone and District Motor Services Limited.
The freehold premises, comprising a garage and dépôt, situate at Dover Road, Northfleet, Kent.	„ „ „

8TH SCH.
—cont.

2. *Plant and Equipment.*

There shall be transferred to the Board the whole of the plant, equipment and stores which is on the appointed day installed or situated in or upon the buildings or premises specified in paragraph 1 hereof, being plant, equipment and stores so installed or situated in the ordinary course of the business of the company.

3. *Vehicles.*

There shall be transferred to the Board from the companies specified in the first column of the following table the number of public service vehicles specified in the second column of that table, or such other number as may before the first day of July, nineteen hundred and thirty-three, be agreed between the Board and the company concerned, being vehicles in good running order and condition, suitable for use on the respective services which the company will require to discontinue by virtue of the restrictions imposed by section seventeen of this Act.

Name of Company.	Number of Public Service Vehicles.
Aldershot and District Traction Company Limited.	Six.
Eastern National Omnibus Company Limited.	Eight.
Maidstone and District Motor Services Limited.	Seventy-six.
Redcar Services Limited	Three.
Thames Valley Traction Company Limited	Two.

4. Any dispute under this Part of this Schedule shall be determined by the arbitration tribunal.

PART II.

RULES FOR DETERMINING THE PRICE TO BE PAID.

1. The price shall be determined upon a valuation of the buildings, premises, vehicles, plant, stores and equipment with an allowance for goodwill.

2. The valuation in the case of vehicles shall proceed upon the basis of first cost with a deduction in respect of depreciation calculated at the rate of twelve and one half per cent. per annum on the first cost in respect of the period between the date upon which the vehicle was first brought into use and the date of the transfer to the Board.

3. Except in the case of the Eastern National Omnibus Company Limited, the allowance to be made in respect of goodwill

shall be ascertained by multiplying by five the average net profits of the part of the undertaking taken over ascertained in the following manner :—

8TH SCH.
—cont.

- (a) there shall be ascertained in the case of each company the average net profits per car mile from the operation of stage and express carriages, or in the case of the Maidstone and District Motor Services Limited, of public service vehicles for the three financial years last preceding the date of the passing of this Act, (after meeting all proper charges including adequate provision for the replacement or renewal of all assets subject to depreciation or obsolescence, which provision shall in the case of vehicles be calculated at the rate of twelve and one half per cent. per annum on the first cost);
- (b) there shall be ascertained the total car mileage run by the stage carriages, or in the case of the Maidstone and District Motor Services Limited, by the public service vehicles operated by that company during the last completed financial year preceding the date of the passing of this Act in the provision of services within the London Passenger Transport Area which the company will require to discontinue by reason of the restrictions imposed by section seventeen of this Act;
- (c) the average net profit per car mile ascertained under (a) multiplied by the total car mileage ascertained under (b) shall be deemed to be the average net profits of the part of the undertaking taken over.

4. In the case of the Eastern National Omnibus Company Limited the allowance for goodwill shall be ascertained by allowing two pence and one half penny per car mile for each car mile run by stage carriages owned by that company during the last completed financial year preceding the date of the passing of this Act in the provision of services within the London Passenger Transport Area which the company will require to discontinue by reason of the restrictions imposed by section seventeen of this Act.

PART III.

RULES FOR DETERMINING COMPENSATION FOR SEVERANCE.

1. An estimate shall be made of the additional cost per car mile which would have been incurred by the company during the last completed financial year preceding the date of the passing of

8TH SCH.
—cont.

this Act in operating public service vehicles on the following assumptions:—

- (a) that the transfer to the Board had taken place immediately before the beginning of that financial year; and
- (b) that such reduction of overhead or other expenses had been effected during that year as might reasonably have been effected in view of that transfer.

2. The compensation for severance shall be calculated by multiplying the additional cost per car mile so estimated by five times the number of car miles run during that year in the provision of services of public service vehicles to which the restrictions imposed by section seventeen of this Act do not apply.

Section 36.

NINTH SCHEDULE.

PROVISIONS WITH RESPECT TO THE RAILWAY RATES TRIBUNAL.

1. For the purpose of the exercise of the functions of the tribunal under this Act, two additional members shall be added to the tribunal, of whom one shall be a person having experience in matters relating to local government in London, to be appointed by the Minister after consultation with the Advisory Committee, and one shall be a person having experience in financial affairs to be appointed by the Minister, but neither of whom need be a member of either of the panels constituted under section twenty-four of the Railways Act, 1921.

2. An additional member of the tribunal shall hold office for such term not less than three years nor longer than seven years as the Minister may determine at the time of his appointment but on vacating his office after expiration of the term thereof he shall be eligible for re-appointment.

3. If an additional member becomes, by reason of illness or other infirmity, temporarily incapable of performing the duties of his office, or if the office of an additional member is vacated before the expiration of his term of office, the Minister may appoint some other fit person with the like qualifications and, in the case of the additional member appointed after consultation with the Advisory Committee, after the like consultation, to discharge his duties during such incapacity or pending the filling up of such vacancy for any period not exceeding six months at one time and the person so appointed shall during that period have the same powers as the additional member in whose place he is appointed.

4. Section twenty-one, subsections (1) and (2) of section twenty-two, section twenty-four except subsection (4) thereof, and section twenty-five of the Railways Act, 1921, shall apply with respect to the functions of the tribunal under this Act as they apply for the purposes of that Act, subject, however, to the following modifications, namely, that—

9TH SCH.
—cont.

- (a) in subsection (2) of the said section twenty-one, for the words "the amalgamated companies" there shall be substituted the words "the Board and the amalgamated railway companies"; and
- (b) in subsection (1) of the said section twenty-two the words "the Lord President of the Court of Session" and the words "other than disputes between two or more railway companies" shall be omitted; and
- (c) no appeal shall lie from any decision of the tribunal under this Act.

5. The annual report of their proceedings under the Railways Act, 1921, made by the tribunal to the Minister under subsection (3) of section twenty-two of that Act, and laid before Parliament, shall include a report of their proceedings under this Act.

TENTH SCHEDULE.

Section 31.

PROVISIONS WHICH ARE TO FORM THE BASIS OF THE POOLING SCHEME.

1. The scheme shall provide for the pooling in accordance with the provisions of this Schedule of the whole of the passenger receipts to which the scheme is to apply after the deduction therefrom of the operating and additional allowances hereinafter specified (which receipts so reduced are in this Schedule referred to as "the pooled receipts") and for the distribution of the pooled receipts between the Board and each of the amalgamated railway companies (hereinafter referred to as "the parties to the scheme") in such proportions as may be determined under the scheme.

2. The scheme shall apply to the following passenger receipts:—

- (a) the whole of the passenger receipts of the Board, including passenger receipts arising from any joint line and receipts from the operation of contract carriages; and
- (b) the whole of the passenger receipts of each of the amalgamated railway companies attributable to the conveyance of passengers on journeys between any two stations on any suburban line or lines.



10TH SCH.
—cont.

For the purposes of this paragraph, the expression "suburban line" means so much of any railway owned or worked over by any of the amalgamated railway companies or of any joint line, as lies within the London Passenger Transport Area, or as lies outside that area and provides an alternative route to a route on which a passenger service provided by the Board (otherwise than under a working agreement made in pursuance of section eighteen of this Act) is being or might lawfully be operated.

3.—(1) For the purpose of ascertaining the proportions in which the parties to the scheme are to be entitled to participate in the pooled receipts, an account shall be prepared for a standard year.

(2) The account shall be based on the results of a previous year or previous years ascertained by reference to the passenger receipts for the year or years selected corresponding to the passenger receipts to which the scheme will apply, with the deduction therefrom of so much of the operating expenditure incurred in earning those receipts as represents factors of cost which vary with the mileage of the trains or cars or other vehicles run, so however that such adjustments may be made in preparing the account as may be fair and equitable in respect of capital which had not become fully remunerative or which was in course of expenditure during the year or years selected or any other factor the effect of which was not fully reflected in those results.

(3) The account shall show the proportions in which the Board on the one hand and the amalgamated railway companies as a group on the other hand would be entitled to participate in the net receipts so ascertained on the basis of a fair and equitable distribution and shall show in addition the proportions in which each of the amalgamated railway companies respectively would be so entitled to participate in the portion of those receipts applicable to the amalgamated railway companies as a group.

(4) The proportions so ascertained are in this Schedule referred to as "the standard proportions."

4. The scheme shall provide for the rendering and keeping of all such returns and accounts as may be necessary or desirable in order to secure the pooling of the pooled receipts or otherwise for the purposes of the scheme.

5.—(1) There shall be fixed by the Joint Committee from time to time in relation to each form of transport in accordance with a formula to be specified in the scheme the allowances (in this Schedule referred to as "operating allowances") which are to be made to the parties to the scheme in respect of the expenses incurred by them in operating their respective services.

(2) The formula to be specified in the scheme for the fixing of the operating allowances shall give effect to those factors of cost which vary with the mileage of the trains or cars or other vehicles run.

10TH SCH.
—cont.

(3) The operating allowances so fixed shall, subject to the provisions of this Schedule, have effect throughout the accounting period for which they are fixed :

Provided that, if after the fixing of the operating allowances there is any substantial change in any factor of cost covered by the formula, not being a change within the control of the party affected, the party affected may apply to the Joint Committee for the variation of the said allowances for the accounting period or the remainder of that period.

6.—(1) Where by reason of an order of the rates tribunal made under sections thirty, thirty-one or thirty-five of this Act, or by virtue of any decision of the Joint Committee, any party to the scheme provides any new service or facility or undertakes any development or extension necessitating additional capital expenditure, the party incurring the expenditure shall be entitled to an additional allowance of such amount and for such period as may be fixed by the Joint Committee.

(2) The additional allowances under this paragraph shall be such as may be estimated to be sufficient, when added to the operating allowances specified in paragraph 5 of this Schedule, to cover the additional cost of operation and maintenance involved in the provision of that service or facility or in that development or extension, including the whole or part, as may be determined, of the interest on the capital expended in connection therewith.

7.—(1) There shall be determined by the person responsible for the accounts of the pool (in this Schedule referred to as "the accountant") in respect of each accounting period the differences between the pooled receipts accounted for by each party to the scheme and the share of the aggregate pooled receipts to which each party would be entitled on the basis of its standard proportion.

(2) The differences so determined shall be certified by the accountant and shall be adjusted between the parties to the scheme by means of payments in accordance with the accountant's certificates.

(3) The determination and payment of differences directed by this paragraph shall be made by means of provisional monthly settlements and payments which shall be adjusted by final settlements and payments within forty days from the end of each accounting period.

10TH SCH.
—cont.

8.—(1) Subject to the provisions of this paragraph, any party to the scheme may apply to the Joint Committee for a revision of the standard proportions on any of the following grounds:—

- (a) the failure of any party to the scheme to maintain efficient services resulting in a diminution of the passenger receipts from those services;
- (b) the provision of any new service or facility or the undertaking of any development or extension agreed to by the Joint Committee, or required by the rates tribunal under sections thirty, thirty-one or thirty-five of this Act; or
- (c) any other material alteration of circumstances (not being an alteration caused by the operation of the scheme) which would make or would be likely to make the continuance of those proportions inequitable to any party.

(2) If the Joint Committee is satisfied that any application so made is well-founded, it shall revise the standard proportions to the extent requisite to meet the change of circumstances upon which the application is based but to no further extent:

Provided that no revision made under this paragraph on an application based on the provision of any new service or facility or the undertaking of any development or extension shall have effect in relation to any period during which any additional allowance in respect of the provision of that new service or facility or the undertaking of that development or extension is in operation.

9.—(1) There shall be an auditor for the purposes of the scheme who shall be appointed by the Joint Committee or, in default of agreement, by the President of the Institute of Chartered Accountants.

(2) The auditor shall hold office for a term of three years but shall be eligible for reappointment.

(3) It shall be the duty of the parties to the scheme and of the accountant to furnish all such information and give all such facilities as may be required by the auditor for the purposes of the scheme.

10. The accounting period shall be such period not exceeding twelve months commencing in each year on such date as may be specified in the scheme.

11. Any question arising in relation to the fixing or variation of the operating or additional allowances or the revision of the standard proportions upon which the Joint Committee is unable to agree, or any dispute between any parties to the scheme arising

out of the operation of the scheme which is not settled by the Joint Committee (to whom it shall be referred in the first place) shall be determined as follows :—

10TH SCH.
—cont.

- (a) where the Joint Committee resolves that the matters in question are wholly or mainly matters of accountancy or of a statistical nature, by the auditor;
- (b) in any other case by an arbitrator to be appointed by the Joint Committee or, in the event of the Joint Committee failing to agree upon an arbitrator, by the High Court;

and the auditor or arbitrator, as the case may be, in determining any question so referred in relation to the fixing or variation of the operating or additional allowances or to the revision of the standard proportions shall have regard to the same considerations, and be subject to the same limitations, as the Joint Committee would have had regard to, or been subject to in determining that question, and any operating or additional allowances fixed or varied, or revision of the standard proportions made, by the auditor or arbitrator, shall have effect as if fixed or varied or made by the Joint Committee.

12. After the scheme has come into operation, each party to the scheme shall, subject to the provisions of this Schedule, retain its traffic takings, in so far as they are receipts to which the scheme applies, and all clearances of traffic receipts, in so far as those receipts are receipts to which the scheme applies, shall cease.

13. The scheme may contain such other incidental or supplemental provisions as may be requisite for giving effect to the scheme and may provide for the modification or variation of any agreement between any of the parties to the scheme or any Joint Committee owning or managing any joint line relating to the receipts to which the scheme applies, or any statutory provisions relating to the collection, apportionment or distribution of those receipts, or relating to the joint lines or any of them, in so far as that modification or variation is requisite or desirable to give effect to the provisions of the scheme.

14. For the purpose of this Schedule the expression "joint line" means any railway jointly owned or worked by any of the parties to the scheme or owned or worked by any joint committee in which any of the parties to the scheme are financially interested.

Section 53.

ELEVENTH SCHEDULE.

CONSEQUENTIAL AND MINOR AMENDMENTS TO BE MADE
IN THE ROAD TRAFFIC ACT, 1930.

- Section 98. In subsection (1) the words "with respect to
"the City of London and the Metropolitan
"Police District," shall be omitted.
- In subsection (2) the words "sections seventy-
"two and seventy-four of this Act in their
"application" shall be substituted for the words
"and section seventy-two of this Act in its
application."
- In subsection (5) for the words "three years"
there shall be substituted the words "seven
years."
- Schedule III. In paragraph (5) (which defines the East Midland
Part I. Traffic Area) the word "Bedford" shall be
omitted; after the word "Peterborough" there
shall be added the words "The administrative
"county of Bedford (except the portion in-
"cluded in the Metropolitan Traffic Area)";
for the words "(except the portion included in
the Southern Traffic Area)" there shall be
substituted the words "(except the portions
"included in the Metropolitan Traffic Area and
"the Southern Traffic Area)."
- In paragraph (6) (which defines the Eastern
Traffic Area) for the words "So much of the
"administrative county of Essex as lies outside
"the Metropolitan Police District," there shall
be substituted the words "So much of the
"administrative county of Essex as lies outside
"the Metropolitan Traffic Area," and the words
"So much of the administrative county of
"Hertford as lies outside the Metropolitan
"Police District" shall be omitted.
- In paragraph (9) (which defines the Southern
Traffic Area) for the words "the borough
"of Chepping Wycombe, the urban districts
"of Beaconsfield, Marlow and Slough and
"the rural districts of Eton, Wycombe
"and Hambleton" there shall be substituted

the words "the urban district of Marlow,
" the rural district of Hambleton, the parish
" of Towersey and the portion of the rural
" district of Wycombe not included in the
" Metropolitan Traffic Area."

11TH SCH.
—cont.

In paragraph (10) (which defines the South Eastern Traffic Area) for the words "The administrative counties of East Sussex and West Sussex. So much of the administrative counties of Surrey and Kent as lies outside the Metropolitan Police District" there shall be substituted the words "So much of the administrative counties of East Sussex, West Sussex, Surrey and Kent as lies outside the Metropolitan Traffic Area."

TWELFTH SCHEDULE.

Section 58.

CONSTITUTION OF THE LONDON AND HOME COUNTIES TRAFFIC ADVISORY COMMITTEE.

1. The Advisory Committee shall be constituted as follows :—

Number of Members.	By whom appointed.
One -	- By the Secretary of State :
One -	- By the Minister :
Six -	- By the London County Council :
One -	- By the Corporation of the City of London :
One -	- By the Council of the City of Westminster :
Six -	- By the councils of the remaining metropolitan boroughs :
Two -	- By the Middlesex County Council :
One -	- By the Essex County Council :
One -	- By the Kent County Council :
One -	- By the Surrey County Council :
One -	- By the Buckinghamshire and Hertfordshire County Councils :
One -	- By the Council of the County Borough of Croydon :

12TH SCHEDULE
—cont.Number of
Members.

By whom appointed.

- | | | |
|-------|---|--|
| One - | - | By the Council of the County Borough of East Ham : |
| One - | - | By the Council of the County Borough of West Ham : |
| One - | - | By the Secretary of State to represent the Metropolitan Police : |
| One - | - | By the Secretary of State to represent county and borough police forces in the London Traffic Area : |
| One - | - | By the Corporation of the City of London to represent the City Police : |
| Two | - | By the Board : |
| Two | - | By the amalgamated railway companies : |
| Five | - | By the Minister of Labour after consultation with such bodies representative of those interests as he may think fit to represent the interests of labour engaged in the transport industry within the London Traffic Area : |
| One - | - | By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than the Board and the amalgamated railway companies) providing or using mechanically-propelled road vehicles within the London Traffic Area. |
| One - | - | By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of persons (other than the Board and the amalgamated railway companies) providing or using horse-drawn road vehicles within the London Traffic Area. |
| One - | - | By the Minister, after consultation with such bodies representative of those interests as he may think fit, to represent the interests of the taxi-cab industry within the London Traffic Area. |

2. Where one or more members are to be appointed by a group of local authorities, the appointment shall be made by a joint committee consisting of one representative chosen by each of the local authorities in accordance with rules of procedure made by the Minister.

3. Every member appointed by a local authority or group of local authorities (other than the representative of the City police) shall be a member of the local authority or of one of the grouped authorities, as the case may be, and, if he cease to hold such qualification, shall cease to be a member of the Committee.

12TH SCH.
—cont.

THIRTEENTH SCHEDULE.

Section 64.

CONSEQUENTIAL AND MINOR AMENDMENTS TO BE MADE IN THE LONDON TRAFFIC ACT, 1924.

- Section 1 (1) - The words from "consisting of" to the end of the subsection shall be omitted.
- Section 1 (8) - For the words "an ordinary member or an additional member" there shall be substituted the words "a member."
- Section 1 (10) - The words from "and the additional members" to the end of the subsection shall be omitted.
- Section 3 (1) - For the words "of this Act" there shall be substituted the words "of this or any other Act."
- Section 16 - The definitions of "licensing authority" and "proprietor" shall be omitted.
- Schedule II - The words "Part I. Matters in respect of which the additional members are to form part of the Advisory Committee"; the words "Part II. Matters in respect of which the additional members are, if the Minister so directs, to form part of the Advisory Committee," and the words "Part III. Matters in respect of which the additional members are not to form part of the Advisory Committee" shall be omitted.

FOURTEENTH SCHEDULE.

Sections 73,
75, 76, 77
and 79.

PROVISIONS AS TO DETERMINATION OF COMPENSATION PAYABLE TO OFFICERS AND SERVANTS.

1. Every person who claims to be entitled to be paid compensation under Part VII of this Act in respect of any direct

14TH SCH.
—cont.

pecuniary loss shall deliver to the Board a claim in writing, stating the direct pecuniary loss in respect of which he claims compensation, and setting out particulars as to the emoluments received by him from the Board or from the authority, company or person by whom he was or is employed in each year during the period of five years immediately preceding the date on which his office or post was abolished or was relinquished by him, or the date on which his direct pecuniary loss commenced.

Every such claim shall be accompanied by a statutory declaration that the claim so submitted is, according to the best of his knowledge, information and belief, a true statement.

2. On receipt of any such claim the Board shall forthwith take it into consideration and determine whether any and, if so, what compensation ought, in their opinion, to be granted to the claimant and shall inform him of their decision; and, if they fail to inform him of their decision within six months after his claim has been so delivered to them, the Minister may, on application made to him in that behalf by the claimant, direct them to do so within such time, not being less than one month, as may be specified in the direction.

3. If the claimant is aggrieved by the failure of the Board to inform him of their decision upon his claim within the time specified in any direction of the Minister, or by their refusal to grant compensation, or by the amount of the compensation granted, he may require the matter to be referred forthwith to the standing arbitrator, and the arbitrator shall consider the case and determine whether any, and if so what, compensation ought to be granted to the claimant.

4. For the purpose of determining whether compensation should be granted to any person under the provisions of this Schedule, and if so, the amount of that compensation, regard shall be had to—

- (a) the nature of his office or employment;
- (b) the conditions upon which his appointment was made;
- (c) the duration of his service;
- (d) any additional emoluments which he acquires by virtue of this Act, or of anything done in pursuance or in consequence of this Act;
- (e) the emoluments which he has, or might have, acquired by accepting other employment offered him by the Board, or by the authority, company or person from whose service he was transferred to the Board; and
- (f) all the other circumstances of his case:

Provided that in no case shall the compensation payable exceed the amount which under the Acts and Rules relating to Her Majesty's Civil Service and in force on the thirteenth day of August, eighteen hundred and eighty-eight, would have been payable to a person on abolition of office.

14TH SCH.
—cont.

5. In the case of an officer or servant of a local authority, the Board or the arbitrator in computing the length of his service for the purposes of the award of compensation shall take into account all his service after he attained the age of eighteen years, whether under any local authority as defined in section three of the Local Government and other Officers' Superannuation Act, 1922, or under any tramway company whose undertaking has, as a whole or in part, been acquired by a local authority by whom he has been or is employed.

12 & 13
Geo. 5.
c. 59.

6. In the case of an officer or servant of an Underground undertaking, the Board or the arbitrator in computing the length of his service for the purpose of the award of compensation, shall take into account all his service after he attained the age of eighteen years which would, in accordance with the customary practice of the undertaking, be reckoned as service with that undertaking.

7. In the case of an officer or servant of any other undertaking transferred in whole or in part to the Board by this Act (other than the Metropolitan undertaking) and in the case of any person who is deemed to be an existing officer or servant by virtue of section seventy-four of this Act, the Board or the arbitrator in computing the length of his service for the purposes of the award of compensation shall take into account all his service after the age of eighteen years, being continuous service whether with the undertaking or part of the undertaking, as the case may be, in whose service he was immediately before the appointed day or with any other passenger transport undertaking which has been acquired by, or absorbed in, that undertaking.

8. If the appointment of an officer or servant is determined by his employer otherwise than at the expiration of a complete year of his service, the portion then expired of the current year of his service shall, if it exceeds six months, be treated as a complete year, and shall, if it does not exceed six months, be ignored.

9. The compensation payable to—

- (a) an officer or servant of a local authority who immediately before the appointed day held two or more posts under that authority and who devoted the whole of his time to the duties of those posts; or

14TH SCH.
—cont.

(b) an officer or servant of an Underground undertaking who immediately before the appointed day held two or more posts under any one or more of the Underground undertakings and who devoted the whole of his time to the duties of those posts,

shall not be reduced by reason of the fact that he has devoted only part of his time to each of those posts.

10. If any officer or servant was temporarily absent from his employment under any authority, company or person during the late war whilst serving in His Majesty's forces, or the forces of the allied or associated powers, either compulsorily or with the sanction of his employers, such period of temporary absence shall be reckoned as service under that authority, company or person :

Provided that if, after the armistice, he voluntarily extended his term of service in the forces, no period of service during that extension shall be reckoned.

11. The Board or the arbitrator may in their discretion and in consideration of the fact that any officer or servant was appointed to his office or post as a specially qualified person add any number of years, not, however, exceeding ten, to the number of years which the claimant would otherwise be entitled to reckon for the purpose of computing the compensation to which he would be entitled under the Acts and Rules referred to in paragraph 4 of this Schedule.

12. Any compensation granted, whether by the Board or by the arbitrator, shall be a specialty debt due to the claimant from the Board, and may be enforced accordingly in like manner as if the Board had entered into a bond to pay it.

Section 92.

FIFTEENTH SCHEDULE.

PROVISIONS AS TO THE MAKING AND APPROVAL OF SCHEMES APPLYING THE RAILWAYS (VALUATION FOR RATING) ACT, 1930, TO THE UNDERTAKING OF THE BOARD.

1. A scheme for applying the Act to the Board with any adaptations and modifications which appear to be necessary may be submitted by the Board or the Railway Assessment Authority to the Minister of Health for his approval.

2. The Board or, as the case may be, the Railway Assessment Authority shall within one month after submitting the

scheme forward copies thereof to the Central Valuation Committee and to such local authorities and other persons as the Minister of Health may direct, together with a notice specifying the date on which the scheme was submitted to the Minister of Health and stating that he will consider any representation with respect to the scheme which may be received by him within four months from the said date.

15TH SCH.
—cont.

3. The Minister of Health, after considering any representation received by him within the period of four months above mentioned, may make an order either rejecting the scheme or approving it, with or without modifications.

4. An order approving a scheme under this Schedule shall be laid before both Houses of Parliament forthwith, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such order is laid before it praying that the order may be annulled, it shall thenceforth be void but without prejudice to the making of a new order.

SIXTEENTH SCHEDULE.

Section 108.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
16 & 17 Vict., c. 33.	The London Hackney Carriage Act, 1853.	Section eleven, so far as relates to vehicles of the Board.
14 & 15 Geo. 5, c. 34.	The London Traffic Act, 1924.	Subsections (2) to (5) of section one. Sections two, six, seven and eight. Subsection (1) of section ten. Section fourteen and subsection (2) of section seventeen.
20 & 21 ^a Geo. 5, c. 43.	The Road Traffic Act, 1930.	Section ninety-nine.
23 Geo. 5, c. 2	The Expiring Laws Continuance Act, 1932.	In Part I of the Schedule, the reference to the London Traffic Act, 1924.

CHAPTER 15.

An Act to bring to an end the power of the Minister of Health to grant subsidies under sections one and three of the Housing, &c. Act, 1923, and the Housing (Financial Provisions) Act, 1924, and to enable him to undertake to make contributions in certain cases towards losses sustained by authorities under guarantees given by them for facilitating the provision of houses to be let to the working classes.

[18th May 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Discon-
tinuance of
certain sub-
sidies under
13 & 14
Geo. 5. c. 24
and 14 & 15
Geo. 5. c. 35.

1. No contributions shall be made by the Minister of Health (hereinafter referred to as "the Minister") under section one or section three of the Housing, &c. Act, 1923, or under the Housing (Financial Provisions) Act, 1924, towards expenses incurred in providing, or promoting the provision of, any house not provided in pursuance of proposals submitted to him under those Acts before the seventh day of December, nineteen hundred and thirty-two:

Provided that if the Minister is satisfied that proposals for providing or promoting the provision of houses under those Acts had been prepared and were substantially ready to be submitted to him before the said seventh day of December, he may, subject to the approval of the Treasury, treat the proposals for the purposes of this section as if they had been submitted to him before that date.

Power of
Minister to
reimburse
part of
losses
sustained
under
guarantees

2.—(1) Where a local authority for the purpose of Part III of the Housing Act, 1925, or a county council, submit to the Minister proposals for guaranteeing, in exercise of their powers under paragraph (b) of subsection (1) of section ninety-two of that Act, the repayment to a society of advances made by the society to any of its members for the purpose of enabling them to

build or acquire houses intended to be let to persons of the working classes, if the Minister is satisfied that the guarantee extends only to the principal of, and interest on, the amount by which the sum to be advanced by the society exceeds the sum which would normally be advanced by it without any such guarantee, and that the liability of the local authority or county council under the guarantee cannot be greater than two-thirds of that principal and interest, the Minister, if he approves the proposals, may, with the consent of the Treasury, undertake to reimburse to the local authority or county council not more than one half of any loss sustained by them under the terms of the guarantee:

to building
and other
societies,
15 & 16
Geo. 5. c. 14.

Provided that any proposals made to the Minister under this section shall—

- (a) include such particulars as he may direct as to the number and type of the houses intended to be built or acquired and the approximate size of them measured in superficial feet; and
- (b) make provision for securing, except in so far as the Minister may in any particular case dispense with either or both of the requirements of this paragraph, that the number of such houses in relation to the area occupied or intended to be occupied by and in connection with them will not exceed the rate of twelve to the acre and that each of them will be provided with a fixed bath.

(2) Any sum payable by way of reimbursement to a local authority or county council, in pursuance of an undertaking given under this section shall be defrayed out of moneys provided by Parliament.

3.—(1) This Act may be cited as the Housing (Financial Provisions) Act, 1933.

Citation and
extent.

(2) This Act shall not extend to Scotland or Northern Ireland.

CHAPTER 16.

An Act to provide for the reduction of the subsidies payable to local authorities in Scotland under section two of the Housing (Financial Provisions) Act, 1924, in certain cases, and in all other respects to bring to an end the power of the Department of Health for Scotland to grant subsidies under sections one and three of the Housing, &c. Act, 1923, and the said Act of 1924; to enable the said Department to undertake to make contributions in certain cases towards losses sustained by local authorities under guarantees given by them for facilitating the provision of houses to be let to the working classes; and for purposes connected with or incidental to the foresaid matters.

[18th May 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Reduction of subsidies under 14 & 15 Geo. 5. c. 35 in respect of houses subject to special conditions provided by local authorities themselves.

1.—(1) The contribution which under section two of the Housing (Financial Provisions) Act, 1924, as that Act (hereinafter referred to as "the Act of 1924") applies to Scotland, the Department of Health for Scotland (hereinafter referred to as "the Department") may make or undertake to make to a local authority in respect of a house provided by the authority themselves if the house is subject to special conditions as provided in the Act of 1924, shall, as respects houses provided in pursuance of proposals submitted to the Department after the fifteenth day of December, nineteen hundred and thirty-two, and completed before the thirtieth day of June, nineteen hundred and thirty-five, instead of being a contribution of nine pounds, or, if the house is situated in a rural area, twelve pounds ten shillings, payable annually for a period of forty years, be in every case a contribution of three pounds payable annually for the like period.

(2) Subsection (1) of section three of the Act of 1924 (which sets forth the conditions for compliance with which a local authority must give an undertaking if a house provided by themselves is to be deemed to be subject to special conditions) shall in relation to houses to which the preceding subsection applies have effect—

- (a) as if in paragraph (c) the words “but so nevertheless” to the end of the paragraph were omitted; and
- (b) as if for the condition specified in paragraph (e), so far as relating to the rents to be charged for houses, there were substituted a condition that the rent charged for any of the houses shall not, except with the consent of the Department, exceed six shillings a week, and shall in no case exceed six shillings and sixpence a week;

and houses to which the preceding subsection applies shall be disregarded for the purposes of any calculation of rents of other houses to be made under the said paragraph (e).

2. Save for contributions which the Department may make to a local authority in accordance with the provisions of the preceding section, no contributions shall be made by the Department under section one or section three of the Housing, &c. Act, 1923, or under the Act of 1924—

Discontinu-
ance of
subsidies
under 13 &
14 Geo. 5.
c. 24 and
14 & 15 Geo.
5. c. 35.

- (a) towards expenses incurred in providing any house unless it has been provided in pursuance of proposals submitted to the Department under the said Acts before the sixteenth day of December, nineteen hundred and thirty-two; or
- (b) towards expenses incurred by a local authority in promoting the construction of any house unless such expenses have been incurred in consequence of an undertaking given by the authority before the said sixteenth day of December in accordance with proposals approved by the Department under the said Acts:

Provided that, where plans and specifications of a house in respect of which a local authority have undertaken to give assistance under the said Acts were submitted to the authority before the sixteenth day of

December, nineteen hundred and thirty-two, and the house is completed before the thirty-first day of March, nineteen hundred and thirty-four, the Department may, notwithstanding that the undertaking may not have been given by the authority before the said sixteenth day of December, treat the undertaking for the purposes of paragraph (b) of this section as if it had been so given.

Power of Department to reimburse part of losses sustained under guarantees to building and other societies.
15 & 16 Geo. 5. c. 15.

3.—(1) Where a local authority submit to the Department proposals for guaranteeing, in exercise of the authority's powers under paragraph (b) of subsection (1) of section seventy-five of the Housing (Scotland) Act, 1925, the repayment to a society of advances made by the society to any of their members for the purpose of enabling them to build or acquire houses intended to be let to persons of the working classes, if the Department are satisfied that the guarantee extends only to the principal of, and interest on, the amount by which the sum to be advanced by the society exceeds the sum which would normally be advanced by them without any such guarantee, and that the liability of the local authority under the guarantee cannot be greater than two-thirds of that principal and interest, the Department, if they approve the proposals, may, with the consent of the Treasury, undertake to reimburse to the local authority not more than one-half of any loss sustained by them under the terms of the guarantee:

Provided that any proposals made to the Department under this section shall—

- (a) include such particulars as they may direct as to the number and type of the houses intended to be built or acquired and the approximate size of them measured in superficial feet; and
- (b) make provision for securing that, except in so far as the Department may in any particular case dispense with the requirements of this paragraph,—
 - (i) the number of such houses in relation to the area occupied or intended to be occupied by and in connection with them will not exceed the rate of twelve to the acre; and
 - (ii) every such house will be provided with a fixed bath in a bath-room.

(2) Any sum payable by way of reimbursement to a local authority in pursuance of an undertaking given under this section shall be defrayed out of moneys provided by Parliament.

4. This Act may be cited as the Housing (Financial Provisions) (Scotland) Act, 1933, and shall extend only to Scotland. Citation and extent.

CHAPTER 17.

An Act to enable courts to disqualify for keeping dogs persons convicted of cruelty to them.

[18th May 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Any court before which a person is convicted under the Protection of Animals Act, 1911, of an offence of cruelty to a dog may order him to be disqualified for keeping a dog and for holding or obtaining a dog licence for such period as the court thinks fit.

Power to disqualify persons convicted of cruelty to dogs.

1 & 2 Geo. 5.
c. 27.

(2) A person who by virtue of any such order is so disqualified as aforesaid may appeal against the order in the same manner as against a conviction, and the court may, if it thinks fit, pending the appeal, suspend the operation of the order.

(3) Where a person who is disqualified by virtue of an order under this section is the holder of a dog licence, the licence shall be suspended so long as the disqualification continues in force and shall, during the time of suspension, be of no effect.

(4) If any person who is disqualified by virtue of an order under this section keeps a dog or applies for or

obtains a dog licence while he is so disqualified, he shall be liable on summary conviction to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

Power to
remove
disqualifica-
tion.

2. A person who, by virtue of an order under this Act, is disqualified for keeping a dog and for holding and obtaining a dog licence may, at any time after the expiration of six months from the date of the order, and from time to time, apply to the court by which the order was made to remove the disqualification, and on any such application the court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application :

Provided that, where an application under this section is refused, a further application thereunder shall not be entertained if made within three months after the date of the refusal.

Interpreta-
tion.
30 & 31 Vict.
c. 5.

3. In this Act the expression " dog licence " means a licence under the Dog Licences Act, 1867, and the expression " keep " has the same meaning as in that Act, and so much of section eight of that Act as relates to the method of determining by whom a dog is kept shall apply accordingly.

Short title
and citation.
11 & 12
Geo. 5. c. 14.

4.—(1) This Act may be cited as the Protection of Animals (Cruelty to Dogs) Act, 1933, and the Protection of Animals Act, 1911, the Protection of Animals Act (1911) Amendment Act, 1921, and this Act may be cited together as the Protection of Animals Acts, 1911 to 1933.

(2) This Act shall not extend to Scotland or to Northern Ireland.



CHAPTER 18.

An Act to increase to three hundred and fifty million pounds the aggregate amount which may be issued to the Exchange Equalisation Account out of the Consolidated Fund.

[18th May 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. The aggregate amount which may be issued to the Exchange Equalisation Account out of the Consolidated Fund or the growing produce thereof under subsection (4) of section twenty-four of the Finance Act, 1932, shall, instead of being the sum of one hundred and fifty million pounds, be the sum of three hundred and fifty million pounds.

Amendment
of s. 24 (4)
of 22 & 23
Geo. 5. c. 25.

2. This Act may be cited as the Exchange Equalisation Account Act, 1933.

Short title.

CHAPTER 19.

An Act to grant certain duties of Customs and Inland Revenue (including Excise), to alter other duties, and to amend the law relating to Customs and Inland Revenue (including Excise) and the National Debt, and to make further provision in connection with finance. [28th June 1933.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties

hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

CUSTOMS AND EXCISE.

Reduced
duties and
drawbacks
on certain
descriptions
of beer.
21 & 22
Geo. 5. c. 49.

1.—(1) In lieu of the duty of excise charged under section one of the Finance (No. 2) Act 1931, there shall be charged in respect of beer brewed in the United Kingdom a duty of excise at the rates set out in Part I of the First Schedule to this Act, and in lieu of the excise drawback allowed under the said section one there shall be allowed, on the exportation of beer from the United Kingdom as merchandise, or for use as ships' stores, an excise drawback at the rates set out in Part II of that Schedule, subject to the provisions of that Part of that Schedule.

(2) In lieu of the duty of customs charged under the said section one, there shall be charged in respect of beer imported into the United Kingdom a duty of customs at the rates set out in Part III of the First Schedule to this Act, and in lieu of the customs drawback allowed under the said section one there shall be allowed, on the exportation of beer from the United Kingdom as merchandise, or for use as ships' stores, a customs drawback at the rates set out in Part IV of that Schedule, subject to the provisions of that Part of that Schedule.

13 & 14
Geo. 5. c. 14.

(3) Sections two and three of the Finance Act, 1923 (which relate respectively to rebates from the excise duty and customs duty on beer), shall cease to have effect as respects the duties charged under this section.

(4) The duty of customs charged, and the customs and excise drawbacks allowed, under this section shall be charged and allowed, as the case may be, in addition to the duty and drawbacks charged and allowed in respect of beer under the next following section of this Act.

(5) Where the aggregate amount of the excise duty charged under this section on the several constituents of beer which has been prepared by a process of mixing by a brewer for sale exceeds the amount of the excise duty

which would have been chargeable under this section on the mixture, the Commissioners may, subject to such conditions as they may prescribe, remit or repay the excess.

PART I.
—cont.

The conditions prescribed under this subsection may, notwithstanding anything in any enactment, include conditions as to the method of computing the last-mentioned amount and the method of ascertaining any matter by reference to which that amount is to be computed.

(6) In this section and in the First Schedule to this Act the expression "beer" does not include beer of any of the descriptions specified in subsection (1) of section two of the Finance Act, 1930.

20 & 21
Geo. 5. c. 28.

(7) This section shall be deemed to have had effect as from the twenty-sixth day of April, nineteen hundred and thirty-three :

Provided that the amendments as to drawback made by this section shall not have effect in relation to any beer as respects which it is shown to the satisfaction of the Commissioners that duty was paid at the rates in force before the twenty-sixth day of April, nineteen hundred and thirty-three.

2.—(1) The duties of customs charged by section seven of the Finance Act, 1925, as amended by section four of the Finance Act, 1929, on hops, hop oil, and extracts, essences or other similar preparations made from hops shall continue to be charged until the end of the fifteenth day of August, nineteen hundred and thirty-seven.

Continuation of duty on hops, &c., and amendment of additional duty and drawbacks on beer.

(2) In lieu of the additional duty of customs charged under subsection (2) of the said section seven as so amended, but in addition to any other duty of customs for the time being chargeable in respect of beer, there shall, as from the twenty-sixth day of April, nineteen hundred and thirty-three, until the end of the said fifteenth day of August, be charged in respect of beer imported into the United Kingdom a duty of customs of ten pence for every thirty-six gallons and so in proportion for any less number of gallons.

15 & 16
Geo. 5. c. 36.
19 & 20
Geo. 5. c. 21.

(3) In lieu of the additional customs drawback allowed under the said subsection, but in addition to any

PART I.
—cont.

other customs drawback for the time being allowed in respect of beer, there shall, on the exportation from the United Kingdom as merchandise, or for use as ships' stores, of beer on which it is shown to the satisfaction of the Commissioners that the additional customs duty charged under this section has been paid, be allowed a customs drawback of ten pence for every thirty-six gallons and so in proportion for any less number of gallons.

(4) In lieu of the additional excise drawback allowed under subsection (3) of the said section seven as so amended, but in addition to any other excise drawback for the time being allowed in respect of beer, there shall, as from the said twenty-sixth day of April, until the end of the fifteenth day of November, nineteen hundred and thirty-seven, be allowed on the exportation of beer from the United Kingdom as merchandise, or for use as ships' stores, an excise drawback of ten pence for every thirty-six gallons and so in proportion for any less number of gallons.

(5) Section three of the Finance Act, 1923 (which relates to rebates from the customs duty on beer), shall cease to have effect as respects the duty charged in respect of beer under this section.

Excise duty
on licence
to brewer
for sale.
10 Edw. 7.
& 1 Geo. 5.
c. 8.

3. Such of the provisions of the Finance (1909–10) Act, 1910, as relate to the excise duty chargeable on a licence to a brewer for sale shall have effect, as respects any such licence granted on or after the first day of October, nineteen hundred and thirty-three, as if the provisions of the Second Schedule to this Act were substituted for Scale 2 of the First Schedule to that Act.

Increased
duty on
matches.
17 & 18
Geo. 5. c. 10.

4.—(1) As from the twenty-sixth day of April, nineteen hundred and thirty-three, there shall, in lieu of the duties of customs charged on matches under section eight of the Finance Act, 1927, be charged on matches imported into the United Kingdom duties of customs at the rates specified in the Third Schedule to this Act.

6 & 7 Geo. 5.
c. 11.

(2) Subsections (4) and (5) of section three of the Finance (New Duties) Act, 1916, shall apply for the purpose of the duties under this section as they were

applied by the said section eight for the purpose of the duties charged thereunder.

PART I.
—cont.

5.—(1) As from the twenty-sixth day of April, nineteen hundred and thirty-three, the rate of the duty of customs charged under section six of the Finance Act, 1928, on the importation into the United Kingdom of any mechanical lighter, and of any component part of a mechanical lighter other than a flint, shall be increased to one shilling and sixpence.

Increased duties on mechanical lighters. 18 & 19 Geo. 5. c. 17.

(2) The rate of the duty of excise charged under the said section six on every mechanical lighter manufactured in the United Kingdom which is complete, or which could be made complete by the addition of a flint, shall, as respects every such lighter manufactured on or after the said twenty-sixth day of April, be increased to one shilling, and the rate of the duty of excise charged as aforesaid on every mechanical lighter sent out in an incomplete state from the premises of a manufacturer of mechanical lighters, shall, as respects every such lighter so sent out on or after that date, be increased to one shilling.

(3) Paragraph (d) of subsection (3) of the said section six, and any regulations made thereunder providing for the receipt by licensed manufacturers of mechanical lighters in an incomplete state or of parts of mechanical lighters without payment of duty, shall be deemed to have ceased to have effect as respects customs duty as from the said twenty-sixth day of April, except in so far as they relate to parts of mechanical lighters, being wheels for striking a flint.

6.—(1) As from six o'clock in the evening of the twenty-fifth day of April, nineteen hundred and thirty-three, the rate of the rebate to be allowed under subsection (3) of section two of the Finance Act, 1928, on the delivery for home consumption of any oils other than light oils, shall be reduced from eight pence per gallon to seven pence per gallon.

Amendments as to duty on hydrocarbon oils.

(2) In the case of all petroleum oils, other than light oils, which were, at six o'clock in the evening of the said twenty-fifth day of April—

(a) in any place in the United Kingdom other than a bonded warehouse or a refinery, or in any

PART I.
—cont.

vessel carrying any such oil from one port or place in the United Kingdom to another; and

- (b) in the ownership or possession of any person who then held a quantity thereof exceeding ten thousand gallons;

a duty of excise at the rate of one penny per gallon shall be charged on the quantity so held in excess of ten thousand gallons.

(3) The provisions of subsections (6), (7) and (8) of section two of the Finance Act, 1928, shall have effect, as extended by section seven of the Finance Act, 1930, for the purpose of the duty of excise charged under this section as they had effect for the purpose of the duty of excise charged under that section, and for the purpose of subsection (2) of this section the expression "refinery" has the meaning assigned to it by subsection (10) of the said section two.

(4) The Commissioners may by regulations direct, as respects such descriptions of hydrocarbon oil as may be specified in the regulations, that any duty charged thereon shall, instead of being charged by reference to gallons, be charged by reference to tons or some other measure of quantity at the rate specified in the regulations, being a rate equivalent to the rate chargeable by reference to gallons.

(5) As from six o'clock in the evening of the said twenty-fifth day of April, any duty charged on hydrocarbon oils shall cease to be charged on oils, being hydrocarbons or bituminous or asphaltic substances, which are solid or semi-solid at a temperature of sixty degrees Fahrenheit.

For the purpose of this subsection, no description of oil shall be deemed to be an oil which is solid or semi-solid at the temperature aforesaid unless it satisfies such tests as the Commissioners may by regulations prescribe as respects that description of oil.

Relief from
duty on
heavy
hydrocar-
bon oils
used as fuel
for vessels
in home
waters.

7.—(1) If, on an application made in the prescribed manner by the owner of a vessel specified in the application, not being a pleasure yacht, it is shown to the satisfaction of the Commissioners that at any time within the period of six months preceding the date of the application, or within such longer period preceding that date as the Commissioners may in any special case

allow, any quantity of hydrocarbon oil, other than light oils, has been used as fuel for the machinery of the vessel while engaged on a voyage in home waters, and that no drawback was allowable on the shipment of the oil, the applicant shall be entitled to obtain from the Commissioners repayment of the amount of any duty which has been paid in respect of the quantity so used, unless that amount is less than five pounds.

(2) Hydrocarbon oil in a bonded warehouse or a refinery, other than light oils, may, on an application made in the prescribed manner by the owner of a vessel specified in the application, not being a pleasure yacht, and on the prescribed security being given, be delivered out without payment of duty to the applicant for use as fuel for the machinery of the vessel while engaged on a voyage in home waters :

Provided that at any time not later than twelve months after any oil has been so delivered, the Commissioners may require the applicant to prove in the prescribed manner that the whole of the oil, or such part thereof as is not on board the vessel or has not been re-landed with the sanction of the proper officer of Customs and Excise, has been used as aforesaid, and if such proof is not furnished to the Commissioners' satisfaction, any duty which, but for the provisions of this subsection, would have been payable on the delivery of the oil shall become payable by the applicant on demand made by the Commissioners in the prescribed manner.

(3) If, where oil has been delivered out of a bonded warehouse or a refinery without payment of duty on an application under this section, any person—

- (a) uses the oil or any part thereof otherwise than as fuel for the machinery of the vessel specified in the application while engaged on a voyage in home waters; or
- (b) re-lands the whole or any part thereof in any place in the United Kingdom without the sanction of the proper officer of Customs and Excise;

he shall be liable to a customs penalty of treble the value of the whole of the oil so delivered (including the duty payable thereon) or two hundred pounds, at the election of the Commissioners, and, in the case of an offence under

PART I.
—cont.

paragraph (b) of this subsection, the oil re-landed shall be forfeited.

(4) In this section—

(a) the expression “owner,” in relation to an application, includes a charterer to whom the vessel specified in the application is demised, or, in a case where the application relates to oil used, or for use, on a vessel while undergoing trials for the purpose of testing her hull or machinery, the builder or other person conducting the trials;

(b) the expression “prescribed” means prescribed by regulations made by the Commissioners;

(c) the expression “voyage in home waters” in relation to a vessel means a voyage on which the vessel is at all times either at sea or within the limits of a port as defined for customs purposes under any enactment.

(5) This section shall be deemed to have had effect as from the twelfth day of June, nineteen hundred and thirty-three.

Increase of
excise duty
on British
sparkling
wines.

8.—(1) The excise duty on sweets charged under section six of the Finance Act, 1927, shall, in the case of sparkling sweets, be at the rate of seven shillings and six pence instead of one shilling and six pence for every gallon, and the said duty shall be charged on sweets sent out from the premises of a person who has rendered the sweets sparkling as well as on sweets sent out from the premises of a maker of sweets for sale.

(2) If, in the case of sweets which are sent out from the premises of a person who has rendered the sweets sparkling, it is shown to the satisfaction of the Commissioners that a duty of one shilling and six pence per gallon has been paid, the duty charged under this section shall be reduced by the amount of the duty so paid.

(3) The power of the Commissioners to make regulations under subsection (2) of section six of the Finance Act, 1927, shall include power to make regulations for securing and collecting duty payable under this section, for prohibiting any person from rendering sweets sparkling unless he is acting under the authority of a licence granted by the Commissioners, and for applying to the

rendering of sweets sparkling the provisions of any enactment relating to the brewing of beer.

PART I.
—cont.

(4) This section shall be deemed to have had effect as from the twenty-sixth day of April, nineteen hundred and thirty-three.

9.—(1) The Treasury may, on the recommendation of the Import Duties Advisory Committee and after consultation with the Board of Trade, by order—

Power of
Treasury
to vary silk
duties.

(a) repeal, or reduce the rate or amount of, all or any of the duties, or drawbacks of duties, of customs or excise now charged or allowed on silk or artificial silk or articles made wholly or in part of silk or artificial silk; and

(b) amend or repeal all or any of the provisions of the following enactments, that is to say, sections four and five of, and the Second Schedule to, the Finance Act, 1925, section five of the Finance Act, 1926, and section five of the Finance Act, 1932;

16 & 17
Geo. 5. c. 22.
22 & 23
Geo. 5. c. 25.

and as from the date on which any order so made comes into operation, the said enactments shall have effect subject to the provisions of the order.

(2) After receiving a recommendation from the Committee that a new duty of customs should be charged (whether in addition to or in substitution for any duty theretofore chargeable or otherwise) on silk or artificial silk of any class or description or on articles of any class or description made wholly or in part of silk or artificial silk, the Treasury may, after consultation with the Board of Trade, by order direct that such duty of customs as is specified in the order (being a duty at a rate not exceeding the rate specified in the recommendation) shall be charged on the importation into the United Kingdom of goods of all or any of the classes or descriptions specified in the recommendation, and a duty so directed to be charged shall for all purposes be deemed to be chargeable under this section.

(3) In deciding what recommendation, if any, to make for the purposes of the foregoing provisions of this section, the Committee shall have regard to the considerations mentioned in subsection (2) of section three of the Import Duties Act, 1932.

22 & 23
Geo. 5. c. 8.

PART I.
—cont.

(4) An order made under this section directing a new duty to be charged may direct that it shall be charged—

- (a) by reference to value or to weight or any other measure of quantity;
- (b) for any period or periods, whether continuous or not, or without any limit of period;
- (c) at different rates for different periods or parts of periods;

and any such order may direct that any of the provisions relating to a duty of customs contained in Part III of the Second Schedule to the Finance Act, 1925, shall apply to the new duty subject to such modifications (if any) as may be specified in the order.

9 & 10 Geo. 5,
c. 32.

(5) In the case of goods being Empire products within the meaning of subsection (1) of section eight of the Finance Act, 1919, a new duty chargeable under this section shall, subject to the provisions of subsection (1) of section seven of the Finance Act, 1926, be charged at the preferential rate of five-sixths of the full rate.

(6) Section nineteen of the Import Duties Act, 1932, shall apply to an order made under the foregoing provisions of this section as it applies to an order made under that Act, except that the reference to an additional duty in subsection (5) thereof shall be construed as including a reference to a new duty chargeable under this section.

(7) Section nine of the Import Duties Act, 1932 (which relates to returns as respects the manufacture of goods which, if imported into the United Kingdom, would be chargeable with duty under Part I of that Act), and the Second Schedule to that Act and section nine of the Finance Act, 1932 (which relate to drawback), shall have effect as if references to a duty of customs chargeable under Part I of that Act included references to a new duty chargeable under this section:

Provided that any order made under the said Second Schedule and any scheme made under section nine of the Finance Act, 1932, as respects a drawback of a new duty chargeable under this section may apply to the drawback any of the provisions relating to drawback contained in Part III of the Second Schedule to the

Finance Act, 1925, subject to such modifications (if any) as may be specified in the order or scheme.

PART I.
—cont.

10.—(1) Subject to such conditions as the Commissioners may prescribe for the protection of the revenue, where it is shown to the satisfaction of the Commissioners—

Repayment of customs duty where goods returned by importer.

- (a) that goods were imported into the United Kingdom in pursuance of a contract of sale, and that the description, quality, state or condition of the goods was not in accordance with the contract or that the goods were damaged in transit; and
- (b) that the importer, with the consent of the seller, returned the goods unused to the seller and for that purpose entered the goods before shipment;

the importer shall be entitled to obtain from the Commissioners repayment of any duty of customs paid on the importation of the goods.

(2) Nothing in this section shall apply to goods imported on approval or “on sale or return” or other similar terms.

11. No customs duties shall be charged on the importation of articles which are shown to the satisfaction of the Commissioners to have been awarded abroad to any person for distinction in art, literature, science, or sport, or for public service, or otherwise as a record of meritorious achievement or conduct, and to be imported by or on behalf of that person.

Exemption from customs duties of prizes, &c., awarded abroad.

12. Sections fifteen and sixteen of the Import Duties Act, 1932 (which make provision for the valuation of imported goods for the purposes of that Act), shall have effect for the purposes of any other enactment whereunder a duty of customs is chargeable on any goods by reference to their value as they have effect for the purposes of that Act.

Valuation of goods for purpose of all ad valorem duties.

13.—(1) With a view to enabling effect to be given to an agreement regarding commercial relations embodied in an exchange of notes dated the thirteenth day of April, nineteen hundred and thirty-three, between His Majesty’s Government in the United Kingdom and the Government of the German Reich, the duties of customs

Reduction of certain duties under s. 3 of 15 & 16 Geo. 5. c. 36.

PART I.
—*cont.*

charged under section three of the Finance Act, 1925, on articles of the descriptions specified in the first column of the Fourth Schedule to this Act shall, as from the eighth day of May, nineteen hundred and thirty-three, instead of being an amount equal to thirty-three and one-third per cent. of the value of the article, be an amount equal to the percentage of the value of the article specified in relation thereto in the second column of the said Schedule.

(2) Subject to the provisions of this subsection, the Treasury may, on the recommendation of the Board of Trade, by order direct as respects articles of all or any of the descriptions aforesaid that, as from such date as may be specified in the order, the duties of customs charged under the said section three shall again be an amount equal to thirty-three and one-third per cent. of the value of the articles, either in the case of articles wheresoever manufactured, or in the case of articles manufactured elsewhere than in countries to which the order is expressed to apply, and as from that date subsection (1) of this section shall cease to have effect, or have effect subject to the provisions of the order, as the case may be :

Provided that no order shall be made under this section unless the Treasury are satisfied that it can be made without contravention of any agreement regarding commercial relations which is for the time being binding on His Majesty's Government in the United Kingdom.

(3) For the purpose of an order made under this section which is expressed to apply to any particular countries, the Board of Trade may make regulations prescribing, either generally or in relation to articles of any particular description, that articles which fulfil such conditions as may be specified in the regulations shall be treated as having been manufactured in any of those countries, or partly in one and partly in another of those countries, and the Commissioners may in any case require an importer to furnish, in such form as they may prescribe, proof that the conditions so prescribed by the Board have been fulfilled, and if such proof is not furnished to the Commissioners' satisfaction, the articles shall be deemed not to be articles so manufactured.

(4) An order made under this section which is expressed to apply to any particular countries may be varied as respects the countries to which it applies by a subsequent order made in the like manner and subject to the like provisions.

PART I.
—cont.

(5) Subsections (1) to (4) of section nineteen of the Import Duties Act, 1932, shall apply to an order made under this section as if it were an order made by the Treasury under that Act.

14.—(1) Where, having regard to any agreement regarding commercial relations entered into between His Majesty's Government in the United Kingdom and the Government of any foreign country, it appears to the Treasury, on the recommendation of the Board of Trade, to be expedient so to do, the Treasury may by order direct, in relation to any class or description of goods on which the general ad valorem duty, or an additional duty, is chargeable under Part I of the Import Duties Act, 1932, that, in the case either—

Power to repeal or reduce duties under 22 & 23 Geo. 5. c. 8 having regard to commercial agreements.

- (a) of goods of that class or description wheresoever grown, produced or manufactured; or
- (b) of goods of that class or description grown, produced or manufactured in any countries to which the order is expressed to apply, or manufactured partly in one and partly in another of any such countries;

those duties, or either of them, shall not be charged or shall be charged at such reduced rate as may be specified in the order.

(2) The provisions of subsection (3) of the last foregoing section shall have effect for the purpose of any order made under this section which is expressed to apply to any particular countries as it has effect for the purpose of any such order made under that section.

(3) Section nineteen of the Import Duties Act, 1932, shall apply to an order made under this section as if it were an order made by the Treasury under that Act.

(4) Section seven of the Import Duties Act, 1932, shall cease to have effect.

15.—(1) Subsection (1) of section eight of the Finance Act, 1919 (which relates to preferences in the case of

Amend-ments as to

PART I.
—cont.imperial
preference.

certain Empire products), shall have effect subject to the following amendments—

- (a) for the definition of the expression “ the British Empire ” (including the proviso thereto) there shall be substituted the definition of that expression contained in section twenty-one of the Import Duties Act, 1932;
- (b) for the words “ is the result of labour within the British Empire ” there shall be substituted the words “ is derived from expenditure of a kind “ so prescribed which has been incurred in the “ British Empire or the United Kingdom in “ respect of materials grown or produced or “ work done in the British Empire or the “ United Kingdom.”

22 & 23
Geo. 5. c. 53.

(2) Section six of, and the Third Schedule to, the Import Duties Act, 1932, and subsection (7) of section two of the Ottawa Agreements Act, 1932 (which make provision for ascertaining whether goods are to be deemed for the purpose of those Acts to have been grown, produced or manufactured in a part of the British Empire), shall cease to have effect, and the provisions set out in the Fifth Schedule to this Act shall have effect in lieu thereof.

(3) Subsection (4) of section four of the Import Duties Act, 1932 (which provides that goods consigned from certain countries shall be treated for the purposes of preference under that Act as not having been consigned from a part of the British Empire), shall cease to have effect.

Substitution
of a specific
duty for
general ad
valorem
duty.

16.—(1) If it appears to the Import Duties Advisory Committee that, in the case of goods of any class or description which are chargeable, or which it is apprehended will shortly become chargeable, with the general ad valorem duty under Part I of the Import Duties Act, 1932, a duty chargeable by reference to weight or other measure of quantity could be levied with greater advantage and convenience than the general ad valorem duty, the Committee may recommend to the Treasury that a duty so chargeable should be charged in lieu of the general ad valorem duty at such rate as may be specified in the recommendation, notwithstanding that the duty so recommended may be equivalent to a duty

of more or less than ten per cent. of the value of some of the goods falling within that class or description :

PART I.
—cont.

Provided that the rate of a duty recommended to be charged under this section shall be such rate as appears to the Committee to be approximately equivalent to ten per cent. of the current average import value of goods of the class or description in question, and in the case of goods the value of which is subject to seasonal variations, a separate rate may be recommended for each part of the year in respect of which it appears to the Committee to be necessary, having regard to those variations, to make separate provision.

(2) The Treasury, after receiving a recommendation under the last foregoing subsection, may, after consultation with the appropriate Department, by order direct that such duty of customs as is specified in the recommendation shall be charged under this section, in lieu of the general ad valorem duty, on the importation into the United Kingdom of goods of the class or description so specified, and references in any enactment to the general ad valorem duty or to duty chargeable under the Import Duties Act, 1932, or under Part I thereof, shall, unless the context otherwise requires, be deemed to include, in relation to such goods, a reference to the duty chargeable under this section :

Provided that no order made under this section as respects goods which are not chargeable with the general ad valorem duty at the date when the order is made shall have effect until the date on which that duty would otherwise have become chargeable thereon.

(3) Subject to the provisions of this subsection, the Committee may at any time recommend to the Treasury that an order made under this section should be revoked, or may from time to time, for the purpose of securing that the rate of duty chargeable on goods of any class or description under this section shall continue to be approximately equivalent to ten per cent. of the current average import value of goods of that class or description, recommend to the Treasury that the rate of the duty so chargeable should be varied, and the Treasury may by order give effect to any such recommendation :

Provided that no recommendation shall be made under this subsection in relation to goods of any class or description before the expiration of six months from

PART I.
—*cont.*

the date when a recommendation was previously made under this section in relation to goods of that class or description.

(4) Subsections (1), (2) and (4) of section nineteen of the Import Duties Act, 1932, shall apply to an order made under this section as if it were an order made by the Treasury under that Act imposing a duty of customs.

(5) In this section the expression “appropriate Department” has the same meaning as in the Import Duties Act, 1932.

(6) Section seventeen of the Import Duties Act, 1932, shall cease to have effect, and section eighteen of that Act shall cease to have effect as respects any duty chargeable under Part I of that Act.

Amendment
as to addi-
tional duties
under 22 &
23 Geo. 5.
c. 8.

17. Where, in any order made (whether before or after the commencement of this Act) under section three or section nineteen of the Import Duties Act, 1932, the rate of an additional duty charged on goods of any class or description is stated to be such rate as will, with the general ad valorem duty, amount to a rate specified in the order as being chargeable by reference to weight or any other measure of quantity, then, if duty is paid in respect of any goods of that class or description at the rate so specified, both the general ad valorem duty and the additional duty shall be deemed to have been paid in respect of those goods, notwithstanding that the amount of the duty paid is equivalent to less than ten per cent. of the value of the goods.

Application
to em-
broidered
goods of
22 & 23
Geo. 5. c. 8.
s. 14.

18.—(1) Where goods to which this section applies, being goods chargeable with a duty of customs under Part I of the Import Duties Act, 1932, are re-imported into the United Kingdom after exportation therefrom, and it is shown to the satisfaction of the Commissioners that they have been subjected abroad to a process of embroidery, but to no other process whereby their form or character has been changed, the provisions of section fourteen of that Act relating to goods which have been subjected to a process abroad, but of which the form or character has not been changed, shall apply to the goods, notwithstanding that on re-importation they fall within a class or description of goods different from that within which they fell on exportation.

(2) The goods to which this section applies are goods made wholly or partly of cotton, wool (including alpaca, mohair, cashmere, llama, vicuna and camels' hair), hemp of any kind, flax or jute.

PART I.
—cont.

(3) The foregoing provisions of this section shall be deemed to have had effect as from the twenty-sixth day of April, nineteen hundred and thirty-three.

(4) The Treasury, on the recommendation of the Import Duties Advisory Committee, and after consultation with the Board of Trade, may at any time by order direct that, as from such date as may be specified in the order, this section shall no longer apply to such of the goods aforesaid as are so specified, or shall no longer apply to any of the goods aforesaid, and as from that date this section shall have effect subject to the provisions of the order, or cease to have effect, as the case may be.

19.—(1) The following provisions of this section shall have effect as respects goods to which the provisions of section fourteen of the Import Duties Act, 1932, relating to goods which are re-imported into the United Kingdom after having been subjected to a process abroad, but of which the form or character has not been changed, would apply but for the fact that on re-importation the goods fall within a class or description different from that within which they fell on exportation.

Extension
of 22 & 23
Geo. 5. c. 8.
s. 14 as
respects
goods sub-
jected to a
process
abroad.

(2) The Import Duties Advisory Committee may recommend as respects any such goods, being goods which on exportation fall within a class or description specified in the recommendation and which are subjected abroad to a process so specified—

- (a) that the provisions aforesaid of the said section fourteen shall apply to the goods notwithstanding that on re-importation they fall within a class or description of goods different from that within which they fell on exportation; or
- (b) that the said provisions shall apply as aforesaid subject to this modification, that the duty chargeable on re-importation shall be the sum by which the amount of the duty which would have been chargeable on the goods, if they were then being imported into the United Kingdom without having been exported therefrom, exceeds

PART I.
—cont.

the amount of the duty which would have been chargeable thereon, if, being goods consigned from and grown, produced or manufactured in the country in which the process was carried out, they had been imported on the date of their exportation in the state in which they were exported.

(3) On receiving a recommendation from the Committee under this section, the Treasury may, after consultation with the Board of Trade, by order direct that the provisions aforesaid of the said section fourteen shall, as from such date as may be specified in the order, apply in accordance with the recommendation, and section nineteen of the said Act shall apply to any such order as if it were an order, other than an order imposing a duty of customs, made by the Treasury under the said Act.

Miscellaneous amendments as to goods dutiable under 15 & 16 Geo. 5. c. 36. s. 3 and 11 & 12 Geo. 5. c. 47.

20.—(1) The provisions of Part I of the Sixth Schedule to this Act shall have effect as respects any duty of customs chargeable under section three of the Finance Act, 1925, on goods imported with a view to exportation and on re-imported goods, and the provisions of Part II of that Schedule shall have effect as respects any duty of customs chargeable on such goods under the Safeguarding of Industries Act, 1921.

(2) Section nine of the Import Duties Act, 1932 (which relates to returns as respects the manufacture of goods which, if imported into the United Kingdom, would be chargeable with duty under Part I of that Act) shall have effect as if references to a duty of customs chargeable under that Part of that Act included references to a duty of customs chargeable under section three of the Finance Act, 1925, and a duty of customs chargeable under the Safeguarding of Industries Act, 1921.

Deduction from duty repaid under 15 & 16 Geo. 5. c. 36. s. 3. 5 & 6 Geo. 5. c. 89.

21. Where the amount of the duty paid under section three of the Finance Act, 1925, on any article imported on or after the twenty-sixth day of April, nineteen hundred and thirty-three, is repayable as provided by subsection (3) of section thirteen of the Finance (No. 2) Act, 1915, as applied for the purposes of the said section three, the amount repayable shall be reduced by a sum equal to the amount of any duty which would

have been chargeable on the article under the Import Duties Act, 1932, if the first-mentioned duty had not been paid.

PART I.
—*cont.*

22. Notwithstanding anything in the First Schedule to the Finance (1909-10) Act, 1910, with respect to the minimum quantity of spirits which may in England be sold by a person holding the off-licence to be taken out by a retailer of spirits, a person holding such a licence, being a licence granted to him under the authority of a justices' licence, may sell a quantity of spirits equal to one reputed pint bottle, if it is sold in a single container.

Sale of spirits in reputed pint bottles.

23.—(1) Notwithstanding anything in section ninety-five of the Spirits Act, 1880, British liqueurs and perfumed spirits may be warehoused in accordance with that section for home consumption, and accordingly the words " medicinal spirits or tinctures other than perfumed spirits " shall be substituted—

Removal of certain restrictions on warehousing British compounded spirits.

- (a) for the words " British liqueurs or tinctures or medicinal spirits " in subsection (1) of the said section ninety-five and in section seventy-four of the said Act; and
- (b) for the words " British liqueurs, tinctures, or medicinal spirits " in subsection (2) of the said section ninety-five.

43 & 44 Vict.
c. 24.

(2) Subsection (4) of the said section ninety-five (which imposes a limit on the strength of British compounds warehoused for home consumption) shall cease to have effect.

24. For the purpose of subsection (9) of section one hundred and five of the Spirits Act, 1880 (which relates to the accuracy of the description of spirits in a permit or certificate), spirits described as Scotch whisky shall not be deemed to correspond to that description unless they have been obtained by distillation in Scotland from a mash of cereal grains saccharified by the diastase of malt and have been matured in a bonded warehouse in casks for a period of at least three years.

Amendment as to permits and certificates accompanying spirits.

25. As from the first day of January, nineteen hundred and thirty-four, section thirteen of the Finance Act, 1920 (which imposes duties of excise in respect of mechanically propelled vehicles), shall have effect as

Alteration of duties on licences for certain mechanically

PART I.
—cont.propelled
vehicles.10 & 11
Geo. 5. c. 18.

if the paragraphs set out in Parts I, II and III of the Seventh Schedule to this Act were respectively substituted for paragraphs 3, 4 and 5 of the Second Schedule to that Act:

Provided that, as respects a vehicle used solely within the area of a local authority by that local authority, or by any person acting in pursuance of a contract with that local authority, for the purpose of cleansing or watering roads or cleansing gullies, the said section thirteen shall continue to have effect as if this section had not been enacted.

Period of
licence in
case of
special me-
chanically
propelled
vehicles.

11 & 12
Geo. 5. c. 32.20 & 21
Geo. 5. c. 43.

26.—(1) The minimum period prescribed by order under section twenty-two of the Finance Act, 1921 (which provides for the taking out of licences in respect of certain mechanically propelled vehicles for periods of the year), may be shorter in the case of vehicles to which this section applies than in the case of other vehicles.

(2) This section applies to vehicles which—

(a) are authorised to be used on roads by virtue of an order made under section three of the Road Traffic Act, 1930; and

(b) exceed such weight (not being less than eleven tons) as may be prescribed by order made under the said section twenty-two; and

(c) are chargeable with duty under paragraph 5 of the Second Schedule to the Finance Act, 1920.

(3) This section shall come into operation on the first day of January, nineteen hundred and thirty-four.

PART II.

INCOME TAX.

Income tax
for 1933-34.

27.—(1) Income tax for the year 1933-34 shall be charged at the standard rate of five shillings in the pound, and, in the case of an individual whose total income from all sources exceeds two thousand pounds, at such higher rates in respect of the excess over two thousand pounds as Parliament may hereafter determine.

(2) All such enactments as had effect with respect to the income tax charged for the year 1932-33 shall

have effect with respect to the income tax charged for the year 1933-34.

PART II.
—cont.

28. Income tax for the year 1932-33 shall be charged, in the case of an individual whose total income from all sources exceeded two thousand pounds, at the same higher rates in respect of the excess over two thousand pounds as were charged for the year 1931-32.

Higher rates of income tax for 1932-33.

29. Section eight of the Finance Act, 1931 (which amended the amount of the instalments payable under subsection (2) of section one hundred and fifty-seven of the Income Tax Act, 1918), shall cease to have effect as respects tax for the year 1933-34 and subsequent years, and the said subsection (2) shall have effect as respects tax for those years as it had effect as respects tax for the year 1930-31.

Amendment as to payment of tax by instalments.
21 & 22 Geo. 5. c. 28.
8 & 9 Geo. 5. c. 40.

30.—(1) Section twenty-eight of the Finance Act, 1923 (which relates to the allowance for repairs and which was continued in force by section twenty of the Finance Act, 1928, until the fifth day of April, nineteen hundred and thirty-three), shall continue in force until the fifth day of April, nineteen hundred and thirty-six.

Continuance of allowance for repairs under 13 & 14 Geo. 5. c. 14. s. 28.

(2) This section shall be deemed to have had effect as from the sixth day of April, nineteen hundred and thirty-three.

31.—(1) In the application to any company or society of any provision or rule relating to profits or gains chargeable under Case I. of Schedule D (which relates to trades) or under Rule 4 of the Rules applicable to Case III. of Schedule D (which relates to the profits of certain cattle dealers and milk dealers) any reference to profits or gains shall be deemed to include a reference to a profit or surplus arising from transactions of the company or society with its members which would be included in profits or gains for the purposes of that provision or rule if those transactions were transactions with non-members, and the profit or surplus aforesaid shall be determined for the purposes of that provision or rule on the same principles as those on which profits or gains arising from transactions with non-members would be so determined.

Charge of tax on mutual profits and repeal of 8 & 9 Geo. 5. c. 40. s. 39 (4).

(2) Subsection (4) of section thirty-nine of the Income Tax Act, 1918 (which exempts certain registered

PART II.
—cont.

societies from income tax under Schedules C and D), shall cease to have effect.

(3) It is hereby declared that in computing, for the purposes of any provision or rule mentioned in subsection (1) of this section, any profits or gains of a company or society which include any income which is chargeable to tax by virtue of the foregoing provisions of this section, there are to be deducted as expenses any sums which—

- (a) represent a discount, rebate, dividend, or bonus granted by the company or society to members or other persons in respect of amounts paid or payable by or to them on account of their transactions with the company or society, being transactions which are taken into account in the said computation; and
- (b) are calculated by reference to the said amounts or to the magnitude of the said transactions and not by reference to the amount of any share or interest in the capital of the company or society.

(4) A registered society whose business consists mainly in the making of investments, and the principal part of whose income is derived therefrom, shall be entitled to relief under section thirty-three of the Income Tax Act, 1918 (which relates to relief in respect of expenses of management), in the same manner and to the same extent as if the business of the society were the business of a company.

(5) Where the profits or gains of a company or society include any income which is chargeable to tax by virtue of the provisions of subsection (1) or subsection (2) of this section, but is not otherwise chargeable to tax, the following transitional provisions shall have effect:—

- (a) where the computation of profits or gains is required to be made by reference to any year or period other than the year of assessment, the computation for that year or period shall be made in accordance with the provisions of subsection (1) of this section, notwithstanding that those provisions were not in force in that year or period or some part thereof;

(b) where a claim is made for a deduction in respect of the wear and tear or replacement of any machinery or plant under Rule 6 or Rule 7 of the Rules applicable to Cases I. and II. of Schedule D, paragraph (6) of the said Rule 6, and the said Rule 7, shall have effect as if there had been allowed, for all years of assessment prior to the year 1933-34, all such deductions for wear and tear (but not including any additional allowance under section eighteen of the Finance Act, 1932) as would have been allowable in charging profits or gains which would have been chargeable if subsections (1) and (2) of this section had been in force throughout those years; and, in computing the amount of profits or gains to be charged, no sum shall be deducted (otherwise than under the said Rule 7) in respect of the cost of the renewal or replacement of any machinery or plant exceeding the amount of such cost reduced by the total amount of all such deductions for wear and tear as would have been allowable as aforesaid;

(c) no deduction shall be carried forward from the year 1932-33 under paragraph (3) of the said Rule 6 and no loss, or portion of a loss, which was sustained before the sixth day of April, nineteen hundred and thirty-three, shall be carried forward under or by reference to section thirty-three of the Finance Act, 1926, except so far as the deduction or loss, or portion of a loss, as the case may be, related to transactions any profits or gains from which were chargeable with tax for the said year 1932-33 or previous years.

(6) Where any profits or income of a registered society arising in the year 1933-34 have, by virtue of the provisions of this section, ceased to be exempt from income tax chargeable by deduction and the tax has not been deducted therefrom, an assessment may be made on the society under Case III. of Schedule D as if the profits or income were mentioned in Rule 1 of the Rules applicable to that Case and first arose in the said year.

(7) In this section the expression "company or society" means any incorporated company or society

PART II.
—cont.

whether incorporated in the United Kingdom or elsewhere, and the expression “registered society” means a society registered under the Industrial and Provident Societies Acts, 1893 to 1928, or under the enactments in force in Northern Ireland known as the Industrial and Provident Societies Acts (Northern Ireland), 1893 to 1929.

Payment of
loan and
share
interest of
registered
societies
without
deduction
of tax.

32.—(1) Notwithstanding anything contained in the Income Tax Acts, any share interest or loan interest paid by a registered society shall be paid without deduction of income tax :

Provided that this subsection—

(a) shall not apply to any share interest or loan interest payable to a person whose usual place of abode is not within the United Kingdom; and

(b) shall not render improper any such deduction made before the first day of October, nineteen hundred and thirty-three, which would have been a proper deduction if this subsection had not been enacted.

(2) Any share interest or loan interest paid by a registered society without deduction of income tax shall be chargeable under Case III. of Schedule D as if it were mentioned in Rule I of the Rules applicable to that Case.

(3) Where at any time, by virtue of the last foregoing subsection, the income of a person from any source becomes chargeable as therein provided not having previously been chargeable by direct assessment on that person, the provisions of paragraph (ii) of the proviso to section thirty of the Finance Act, 1926 (which relates to charge of tax where a person acquires a new source of income in any year of assessment), shall apply as if the source of that income were a new source of income acquired by that person at that time.

(4) Subject as hereinafter provided—

(a) a registered society shall be entitled to have the amount of income tax which, but for any relief under this paragraph, it would be liable ultimately to bear for any year of assessment, reduced by a sum representing tax on the amount of share interest

or loan interest paid in that year by the society without deduction of tax in accordance with the foregoing provisions of this section; and

PART II.
—cont.

- (b) where due relief under this subsection cannot be given for any year of assessment in respect of any part of the share interest or loan interest so paid by a society in that year, section nineteen of the Finance Act, 1928 (which relates to allowance for certain purposes of interest payments as losses), shall have effect as if the society had been assessed to tax for that year under Rule 21 of the General Rules in respect of the payment of that part of the share interest or loan interest, and had paid tax under that assessment on the amount of the payment :

Provided that this subsection shall not apply to any loan interest in respect of or by reference to which a deduction or relief is allowable to the society otherwise than under this subsection.

(5) Subsections (1) and (2) of section forty-one of the Finance Act, 1927 (which relate to the making and determination of claims for certain deductions of tax), shall apply to claims for relief under paragraph (a) of the last foregoing subsection as they apply to claims for deductions of tax and as if the Special Commissioners were the commissioners concerned, and any relief due under the said paragraph (a) may be given either by discharge or reduction of any assessment, or by repayment, or by all or any of those means, as the case may require.

(6) On or before the first day of May in each year (commencing with the year nineteen hundred and thirty-four), every registered society shall deliver to the surveyor for the district in which its registered office is situate a return in such form as the Commissioners of Inland Revenue may prescribe, showing—

- (a) the name and place of residence of every person to whom loan interest (being loan interest to which subsection (4) of this section applies) amounting to the sum of five pounds or more

PART II.
—cont.

has been paid by the society in the year of assessment which ended next before the said first day of May; and

- (b) the amount of such loan interest paid in that year to each of those persons;

and if such a return is not duly made as respects any year of assessment the society shall not be entitled to any relief under this section in respect of any payments of loan interest which it was required to include in the return, and the amount of any relief or allowance which has been given in respect of any such payments may, if not otherwise made good, be assessed under Case VI. of Schedule D and recovered from the society accordingly.

(7) For the purposes of this section—

- (a) the expression “registered society” has the same meaning as in the last preceding section;
- (b) the expression “share interest,” in relation to a registered society, means any interest, dividend, bonus, or other sum payable to a shareholder of the society by reference to the amount of his holding in the share capital of the society;
- (c) the expression “loan interest,” in relation to a registered society, means any interest payable by the society in respect of any mortgage, loan, loan stock, or deposit;
- (d) references to the payment of share interest or loan interest shall include references to the crediting of such interest.

Power to carry forward expenses in respect of which relief may be given under 8 & 9 Geo. 5. c. 40. s. 33.

33. Where, on a claim for relief under section thirty-three of the Income Tax Act, 1918, made by a company, society, or bank for any year of assessment after the year 1932–33 in respect of the sums disbursed by it as expenses of management (including commissions) for that year, relief is disallowed in respect of the whole or part of those sums by reason only of the provisions of proviso (a) to subsection (1) of the said section, the amount in respect of which relief has been so disallowed may be carried forward and treated for the purpose of the said section as if it had been disbursed as aforesaid for any of the six years of assessment next following :

Provided that relief in respect of an amount so carried forward shall be given for the first year of assessment next following, in so far as relief can be so given in accordance with the provisions of the said section in respect of that amount as well as in respect of the sums actually disbursed as aforesaid for that year, and so far as it cannot be so given, then for the next year of assessment, and so on.

PART II.
—cont.

34.—(1) The provisions of this section shall have effect in relation to sur-tax due from any person (in this section referred to as the “beneficiary”) to whom, or for whose benefit, any income or any capital may in the discretion of some other person be paid or applied under a trust.

Recovery of sur-tax due from beneficiary under discretionary trust.

(2) If any sur-tax charged in respect of the income of the beneficiary is not paid before the expiration of six months from the date when it became due and payable, the Special Commissioners may at any time thereafter, so long as the said sur-tax remains unpaid, cause to be served on the trustees of the trust a notice in writing that the said sur-tax remains unpaid.

(3) Where such a notice as aforesaid is served in accordance with the provisions of this section on the trustees of the trust it shall be the duty of the trustees, as soon as may be, and if necessary from time to time, to pay the Commissioners of Inland Revenue in or towards satisfaction of the said sur-tax from time to time remaining unpaid any income or capital which, by virtue of any exercise of the discretion under the trust, the beneficiary may become entitled to receive or to have applied for his benefit.

(4) Any payments made out of income by trustees on account of sur-tax in respect of which a notice under this section has been served shall be deemed for all the purposes of the Income Tax Acts to represent income paid to the beneficiary.

(5) Any sum which the trustees are liable to pay by virtue of the provisions of this section shall be recoverable from them as a debt due to the Crown.

(6) Service of any notice under this section may be effected by sending it by post to the person on whom it is to be served by letter addressed to him at his usual or

PART II.
—cont.

last known place of abode, and, where there are two or more trustees under the trust, the notice shall be deemed to have been validly served upon the trustees if served upon any one of them, but nothing in this section shall render a trustee personally liable for anything done by him in good faith and in ignorance of the fact that such a notice has been served.

PART III.

NATIONAL DEBT.

Provisions
as to per-
manent
annual
charge for
the National
Debt for
1933-34.

35.—(1) The permanent annual charge for the National Debt for the financial year ending on the thirty-first day of March nineteen hundred and thirty-four shall be the sum of two hundred and twenty-four million pounds instead of the sum of three hundred and fifty-five million pounds.

9 & 10
Geo. 5. c. 37.

(2) The Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under and for the purposes of subsection (1) of section one of the War Loan Act, 1919, for providing any sums required during the financial year ending on the thirty-first day of March nineteen hundred and thirty-four for the purposes mentioned in paragraph (a) or paragraph (b) of subsection (4) of section twenty-three of the Finance Act, 1928, and the amount required by the last mentioned subsection to be issued from the permanent annual charge for the National Debt for the purposes aforesaid in that year shall be decreased by the amount raised under this subsection.

(3) Any securities created and issued to raise money under the last preceding subsection shall be deemed to have been created and issued under subsection (1) of section one of the War Loan Act, 1919.

Amendment
as to deficit
for 1932-33.

36. No issue shall be made out of the Consolidated Fund under section forty-eight of the Finance Act, 1930 (which provides in the case of a deficit in any year for the redemption in the next year of a corresponding amount of debt), in respect of the deficit for the financial year ending on the thirty-first day of March, nineteen hundred and thirty-three.

37. The unexpended balance of the Depreciation Fund established in connection with the Five Per Cent. War Loan, 1929-47, and the Four Per Cent. War Loan, 1929-42, in pursuance of regulations made under section thirty-two of the Finance Act, 1917, shall, at such time as the Treasury may determine, be paid into the Exchequer.

PART III.
—cont.

Transfer to
Exchequer of
balance of
War Loan
Depreciation
Fund.

7 & 8 Geo. 5.
c. 31.

PART IV.

POST OFFICE FUND.

38.—(1) The Postmaster-General shall, on or before the thirty-first day of October in the year nineteen hundred and thirty-four and each succeeding year, cause a statement to be prepared, in such form as the Treasury may direct, showing the amount by which the revenue of the Post Office during the last preceding financial year has exceeded the expenditure on account of the Post Office during that year, and the amount shown in any such statement as respects any financial year is hereafter referred to in this Part of this Act as “the Post Office net surplus” for that financial year.

Ascertain-
ment of
Post Office
net surplus.

(2) For the purpose of any such statement there shall be included in revenue and expenditure respectively such amounts as represent the value of work done without payment by the Post Office for other Government Departments and for the Post Office by other Government Departments, but the net amount received by the Postmaster-General in respect of licences granted under the Wireless Telegraphy Act, 1904, shall not be included in revenue.

4 Edw. 7.
c. 24.

(3) Subject to the provisions of the last foregoing subsection, the revenue of, and expenditure on account of, the Post Office shall be calculated for the purpose of any such statement in such manner as the Treasury may direct, and any amount required to be ascertained for the purpose of that subsection shall be ascertained in such manner as the Treasury may direct.

(4) Any statement prepared under this section shall, as soon as may be, be laid before Parliament.

39.—(1) When it first appears from any statement prepared under this Part of this Act that the Post Office net surplus for the last preceding financial year exceeded the sum of eleven million pounds, then, on the first day of November next following the end of that financial year,

Establish-
ment and
application
of Post
Office Fund.

PART IV.
—cont.

there shall be established a fund to be known as "the Post Office Fund," which shall be under the control of the Postmaster-General.

(2) On the establishment of the Post Office Fund and on the first day of November in every succeeding year there shall be paid into the Post Office Fund out of the Consolidated Fund or the growing produce thereof the amount by which the Post Office net surplus for the last preceding financial year has exceeded the fixed contribution to the Exchequer as hereafter defined.

(3) For the purpose of any calculation required to be made for the purpose of this section as respects the financial year ending next before the establishment of the Post Office Fund and the two following financial years, the fixed contribution to the Exchequer shall be taken to be the sum of ten million seven hundred and fifty thousand pounds, and for the purpose of any calculation so required to be made as respects any subsequent financial year, the fixed contribution to the Exchequer shall be such sum as Parliament may hereafter determine.

(4) Subject to the following provisions of this section, the moneys in the Post Office Fund may be applied from time to time, as the Postmaster-General with the concurrence of the Treasury thinks fit, either for developing, according to estimates approved by the Treasury, the postal, telegraphic and telephonic systems, or as appropriations in aid of moneys provided by Parliament for the salaries and expenses of the Post Office (including telegraphs and telephones):

Provided that no moneys shall be applied as aforesaid if the balance for the time being standing to the credit of the Fund is less than two hundred and fifty thousand pounds, or if the said balance would thereby be reduced to less than that sum.

(5) If the Post Office net surplus for any financial year is less than the fixed contribution to the Exchequer, the deficiency shall be made good to the Exchequer out of the Fund so soon as may be and before any other payment is made thereout.

(6) If it is anticipated during any financial year that the Post Office net surplus for that year will be less than the fixed contribution to the Exchequer, there may, with the consent of the Treasury, be paid from

the Fund to the Exchequer such sum as the Postmaster-General thinks fit on account of the estimated deficiency, but if it is subsequently found that the Post Office net surplus for that year exceeded the fixed contribution to the Exchequer, or that the actual deficiency was less than the sum so paid, the fixed contribution to the Exchequer for the next following financial year shall be reduced by the amount of the sum so paid or by the amount by which that sum exceeded the deficiency, as the case may be.

PART IV.
—cont.

(7) Any moneys in the Post Office Fund may from time to time with the approval of the Treasury be paid over to the National Debt Commissioners and by them invested, in accordance with regulations to be made by the Treasury, in any securities which are for the time being authorised by Parliament as investments for Savings Banks funds.

(8) The Postmaster-General shall cause an account to be prepared and transmitted to the Comptroller and Auditor General for examination on or before the thirty-first day of October in every year after the establishment of the Post Office Fund, showing the receipts of and issues out of the Post Office Fund in the last preceding financial year, and the Comptroller and Auditor General shall certify and report upon the account, and the account and report shall be laid before Parliament on or before the thirty-first day of January in the following year if Parliament is then sitting, or if Parliament is not then sitting, within one week after Parliament has next assembled.

PART V.

MISCELLANEOUS AND GENERAL.

40. Section thirty-six of the Finance Act, 1931, and section twenty-eight of the Finance Act, 1932 (which provide for advances to the Road Fund and for the repayment thereof between the first day of April, nineteen hundred and thirty-five, and the thirty-first day of March, nineteen hundred and forty-one), shall have effect as if in subsection (2) of each of those sections the words "the first day of January, nineteen hundred and thirty-four" were substituted for the words "the first day of April, nineteen hundred and thirty-five."

Repayment
of advances
made to
the Road
Fund.

PART V.
—*cont.*

Reduction
of stamp
duty on
statements
as to capital
of com-
panies, &c.

54 & 55
Vict. c. 39.
59 & 60
Vict. c. 28.

41.—(1) Ten shillings shall be substituted for one pound as the ad valorem stamp duty imposed by sections one hundred and twelve and one hundred and thirteen of the Stamp Act, 1891, as extended by section twelve of the Finance Act, 1896, on statements as regards the capital of the companies referred to in those sections.

This subsection shall have effect as respects the capital of any such company as aforesaid which was registered or otherwise incorporated on or after the twenty-sixth day of April, nineteen hundred and thirty-three, and as respects any increase of capital of any such company which was authorised on or after that date.

7 Edw. 7.
c. 24.

(2) Ten shillings shall be substituted for one pound as the ad valorem stamp duty imposed by section eleven of the Limited Partnerships Act, 1907, on statements as regards the amount contributed by limited partners to limited partnerships.

This subsection shall have effect as respects any amount or increased amount contributed as aforesaid on or after the twenty-sixth day of April, nineteen hundred and thirty-three.

Effect of
non-com-
pliance with
stamp laws
in case of
certain bills
of exchange.

42. Notwithstanding any enactment to the contrary, a bill of exchange which is presented for acceptance, or accepted, or payable, outside the United Kingdom shall not be invalid by reason only that it is not stamped in accordance with the law for the time being in force relating to stamp duties, and any such bill of exchange which is unstamped or not properly stamped may be received in evidence on payment of the proper duty and penalties as provided by section fourteen and subsection (1) of section fifteen of the Stamp Act, 1891.

Reduction
of rate of
interest on
death
duties.

43.—(1) Section thirty of the Finance Act, 1919 (which amended section eighteen of the Finance Act, 1896, by increasing the rate of interest on death duties from three to four per cent. per annum), shall cease to have effect except as respects interest accruing due before the twenty-sixth day of April, nineteen hundred and thirty-three, and the said section eighteen shall have effect as originally enacted as respects interest accruing due on or after that date.

(2) Subsection (3) of section seventeen of the Law of Property Act, 1925, and subsection (6) of section seventy-three of the Land Registration Act, 1925, shall have effect, as respects interest accruing due on or after the said date, as if for the words "four pounds" there were substituted the words "three pounds."

PART V.
—*cont.*
15 & 16
Geo. 5.
cc. 20 & 21:

44. Subsection (4) of section thirty-four of the Finance Act, 1922 (which provides for the charging of interest at the rate of four and a half per cent. per annum on excess profits duty), shall, as respects interest accruing due on or after the twenty-sixth day of April, nineteen hundred and thirty-three, have effect as if for the words "four and a half per cent." there were substituted the words "three per cent."

Reduction
of rate of
interest on
excess
profits duty.
12 & 13
Geo. 5. c. 17.

45. Notwithstanding anything in section fifty-three of the Government Annuities Act, 1929, the tables for calculating the amount of savings bank annuities which were approved by the Treasury on the eleventh day of July, nineteen hundred and thirty-two, and published in the London Gazette on the twelfth day of August, nineteen hundred and thirty-two, shall be deemed to have come into operation on the first-mentioned date, and any savings bank annuities granted on or after that date in accordance with the said tables shall be deemed to have been lawfully granted under section forty of that Act.

Date of
operation
of certain
tables for
calculating
annuities.
19 & 20
Geo. 5. c. 29.

46. Any regulations authorised under this Act to be made by the Board of Trade may be made by the President of the Board or in his absence by a Secretary of State, and any other thing required or authorised under this Act to be done by, to, or before the Board of Trade may be done by, to, or before the President of the Board or any person authorised by him in that behalf.

Exercise
of powers
of Board
of Trade
under Act.

47.—(1) This Act may be cited as the Finance Act, 1933.

Short title,
construc-
tion, extent
and repeals.
39 & 40 Vict.
c. 36.

(2) Part I of this Act, so far as it relates to duties of customs, shall be construed as one with the Customs Consolidation Act, 1876, and so far as it relates to duties of excise shall be construed as one with the Acts which relate to the duties of excise and to the management of those duties and the expression "the Commissioners" in the said Part I and the Schedules to this Act means the Commissioners of Customs and Excise.

PART V.
—cont.

(3) Part II of this Act shall be construed as one with the Income Tax Acts.

(4) Any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended by any subsequent enactment, including this Act.

(5) In this Act the expression “the United Kingdom” does not include the Isle of Man.

(6) Such of the provisions of this Act as relate to matters with respect to which the Parliament of Northern Ireland has power to make laws shall not extend to Northern Ireland.

(7) The enactments set out in the Eighth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

DUTIES AND DRAWBACKS ON BEER.

PART I.

RATE OF EXCISE DUTY.

	£	s.	d.
For every 36 gallons of worts of a specific gravity of 1,027 degrees or less - - - - -	1	4	0
For every 36 gallons of worts of a specific gravity exceeding 1,027 degrees—			
For the first 1,027 degrees - - - - -	1	4	0
For every additional degree in excess of 1,027 degrees - - - - -	0	2	0

And so in proportion for any less number of gallons.

PART II.

1st Sch.
—cont.

RATE OF EXCISE DRAWBACK.

For every 36 gallons of beer of an original gravity of 1,027 degrees or less	£ s. d. 1 4 2
For every 36 gallons of beer of an original gravity exceeding 1,027 degrees—	
For the first 1,027 degrees	1 4 2
For every additional degree in excess of 1,027 degrees	0 2 0

And so in proportion for any less number of gallons.

As respects beer of an original gravity of less than 1,027 degrees, the amount of drawback allowable shall not exceed by more than two pence for every thirty-six gallons the amount of duty which is shown to the satisfaction of the Commissioners to have been paid.

PART III.

RATE OF CUSTOMS DUTY.

For every 36 gallons where the worts thereof were before fermentation of a specific gravity of 1,027 degrees or less	£ s. d. 1 4 5
For every 36 gallons where the worts thereof were before fermentation of a specific gravity exceeding 1,027 degrees—	
For the first 1,027 degrees	1 4 5
For every additional degree in excess of 1,027 degrees	0 2 0

And so in proportion for any less number of gallons.

PART IV.

RATE OF CUSTOMS DRAWBACK.

For every 36 gallons of an original gravity of 1,027 degrees or less	£ s. d. 1 4 2
For every 36 gallons of an original gravity exceeding 1,027 degrees—	
For the first 1,027 degrees	1 4 2
For every additional degree in excess of 1,027 degrees	0 2 0

And so in proportion for any less number of gallons.

As respects beer of an original gravity of less than 1,027 degrees, the amount of drawback allowable shall not exceed the amount of duty which is shown to the satisfaction of the Commissioners to have been paid less three pence for every thirty-six gallons.

Section 3.

SECOND SCHEDULE.PROVISIONS TO BE SUBSTITUTED FOR SCALE 2 OF FIRST
SCHEDULE TO THE FINANCE (1909-10) ACT, 1910.

SCALE 2.

Licence to Brewer for Sale.

	£	s.	d.
Number of bulk barrels brewed during the preceding year :—			
Not exceeding 100 barrels - - - - -	1	0	0
Exceeding 100 barrels :—			
For the first 100 barrels - - - - -	1	0	0
For every further 50 barrels or fraction of 50 barrels - - - - -	0	8	0

For the purposes of this scale, the expression "bulk barrel" means a quantity of thirty-six gallons.

Section 4.

THIRD SCHEDULE.

RATES OF CUSTOMS DUTIES ON MATCHES.

	s.	d.
Containers in which there are not more than 10 matches—		
For every 1,000 such containers - - - - -	6	8
Containers in which there are more than 10 matches, but not more than 20 matches—		
For every 1,000 such containers - - - - -	13	4
Containers in which there are more than 20 matches, but not more than 50 matches—		
For every 144 such containers - - - - -	4	9
In respect of every additional 25 matches, or part of 25 matches, over 50 in a container—		
For every 144 such containers, an additional duty of	2	5
And so in proportion for any less number of containers.		

FOURTH SCHEDULE.

Section 13.

REDUCED RATE OF DUTY CHARGEABLE ON CERTAIN MUSICAL INSTRUMENTS, CLOCKS, &C.

Description of Goods.	Reduced rate of duty.
Pianos, non-automatic; and component parts and accessories thereof - - - - -	20 per cent.
Piccolos, flutes, clarinets, flageolets, bassoons and cornets; and component parts and accessories thereof - - - - -	20 per cent.
Stringed musical instruments; and component parts and accessories thereof - - - - -	20 per cent.
Gramophones without electrical amplification, of a value not exceeding 10s. each - - - - -	15 per cent.
Gramophones without electrical amplification, of a value exceeding 10s. each - - - - -	20 per cent.
Concertinas (including accordions) of a value not exceeding 35s. each - - - - -	15 per cent.
Concertinas (including accordions) of a value exceeding 35s. each - - - - -	20 per cent.
Mouth organs - - - - -	10 per cent.
Clocks, alarm (other than electric clocks) of a value not exceeding 30s. each - - - - -	20 per cent.
Clocks (other than electric or alarm clocks) of a value not exceeding 30s. each - - - - -	25 per cent.
Clock movements complete (other than movements of electric clocks), of a value not exceeding 15s. each - - - - -	25 per cent.

FIFTH SCHEDULE.

Section 15.

PROVISIONS FOR DETERMINING FOR PURPOSES OF PREFERENCES UNDER 22 & 23 GEO. 5. CC. 8 AND 53 WHETHER GOODS ARE GROWN, PRODUCED OR MANUFACTURED IN A PART OF THE BRITISH EMPIRE.

1. For the purposes of any provision of the Import Duties Act, 1932, or the Ottawa Agreements Act, 1932, which provides for the exemption of goods manufactured in a country or territory in the British Empire from any duty chargeable under either of

5TH SCH.
—cont.

those Acts, or for the charge of any such duty in the case of such goods at a rate less than the full rate, goods shall not be deemed to be manufactured in any such country or territory unless such proportion of their value as is prescribed by regulations made by the Board of Trade is derived from expenditure of a kind so prescribed which has been incurred within that country or territory in respect of materials grown or produced or work done in that country or territory :

Provided that in reckoning the proportion aforesaid, there shall be included any expenditure of a kind prescribed as aforesaid which has been incurred within any of the countries and territories to which this proviso applies, being expenditure in respect of materials grown or produced or work done in any of those countries and territories.

2. The countries and territories to which the proviso to the last foregoing paragraph applies are—

- (a) the United Kingdom ;
- (b) any country the Government of which is a party to one of the agreements set out in the First Schedule to the Ottawa Agreements Act, 1932, for the time being in force ;
- (c) any territory in respect of which a mandate of the League of Nations is being exercised by, or which is administered under the authority of, the Government of a country specified in sub-paragraph (b) of this paragraph ;
- (d) any part of His Majesty's dominions outside the United Kingdom other than a Dominion within the meaning of the Statute of Westminster, 1931, India or Southern Rhodesia ;
- (e) any territory which is under His Majesty's protection ;
- (f) any territory in relation to which an Order in Council made under subsection (2) of section five of the Import Duties Act, 1932, is in force.

3. For the purpose of this Schedule, the value of any goods shall, notwithstanding anything in any other enactment, be taken to be their value as ascertained in accordance with regulations made by the Board of Trade under this Schedule.

4. It shall be lawful for the Commissioners on the importation of any goods consigned from any part of the British Empire which, if grown, produced or manufactured in any particular country or territory therein would, under any provision of the Import Duties Act, 1932, or the Ottawa Agreements Act, 1932, be exempt from a duty chargeable under either of those Acts or be chargeable with such a duty at a rate less than the full rate,

to require the importer to furnish to the Commissioners, in such form as they may prescribe, proof that the goods were grown, produced or manufactured in that country or territory, and if such proof is not furnished to their satisfaction (having regard, in the case of manufactured goods, to the foregoing provisions of this Schedule) the goods shall be deemed not to be goods so grown, produced or manufactured.

5TH SCH.
—cont.

5. In this Schedule the expression "the British Empire" has the same meaning as in the Import Duties Act, 1932.

SIXTH SCHEDULE.

Section 20.

PROVISIONS AS TO RE-IMPORTATION AND RE-EXPORTATION OF CERTAIN GOODS.

PART I.

PROVISIONS AS TO DUTIES CHARGEABLE UNDER 15 & 16 GEO. 5. c. 36. s. 3.

1. Section thirteen of the Import Duties Act, 1932 (which exempts from duty chargeable under that Act goods imported with a view to re-exportation) shall apply to any duty chargeable under section three of the Finance Act, 1925, other than the duty chargeable on cinematograph films, as it applies to any duty chargeable under the first mentioned Act.

2. Where it appears to the Commissioners—

- (a) that any article (other than a cinematograph film) chargeable with duty under the said section three was produced abroad by means of some process from an article exported from the United Kingdom and that consequently the case does not fall within the provisions of section eleven of the Finance Act, 1925, but that the process has not changed the form or character of the article; and
- (b) in a case where the article so exported was first imported into the United Kingdom, that any duty chargeable on the importation thereof was paid, and either that no drawback of any such duty was allowed on exportation or that any drawback so allowed has been repaid to the Exchequer;

6TH SCF.
—cont.

the article shall be chargeable with duty under the said section three in accordance with the provisions of paragraph (b) of section fourteen of the Import Duties Act, 1932.

PART II.

PROVISIONS AS TO DUTIES UNDER 11 & 12 GEO. 5. c. 47.

1. Section thirteen of the Safeguarding of Industries Act, 1921 (which exempts transit goods from duty under that Act) shall have effect as if there were inserted at the end thereof the words “or to goods imported solely with a view to the “ exportation thereof after undergoing a process in the United “ Kingdom which will not change the form or character of the “ goods.”

2. Where it appears to the Commissioners—

- (a) that any article chargeable with duty under the said Act was produced abroad by means of some process from an article exported from the United Kingdom and that consequently the case does not fall within the the provisions of subsection (2) of section twelve of the said Act but that the process has not changed the form or character of the article; and
- (b) in a case where the article so exported was first imported into the United Kingdom, that any duty chargeable on the importation thereof was paid, and either that no drawback of any such duty was allowed on exportation or that any drawback so allowed has been repaid to the Exchequer;

the article shall be chargeable with duty under the said Act in accordance with the provisions of paragraph (b) of section fourteen of the Import Duties Act, 1932.

SEVENTH SCHEDULE.

Section 25.

AMENDED RATES OF DUTY IN THE CASE OF CERTAIN
MECHANICALLY-PROPELLED VEHICLES.

PART I.

PARAGRAPH TO BE SUBSTITUTED FOR PARAGRAPH 3 OF THE
SECOND SCHEDULE TO THE FINANCE ACT, 1920.

Description of vehicles.	Rate of duty.	
3.—(a) Hackney carriages being tramcars	- 15s.	
(b) Hackney carriages (other than tramcars) which are propelled by steam, or which are electrically propelled, or which are constructed or adapted to use coal gas as fuel, or which are not constructed or adapted to use as fuel any fuel other than light oils :—	Vehicles fitted entirely with pneumatic tyres.	Other vehicles.
Having a seating capacity for :—	£ s. d.	£ s. d.
Not more than 4 persons	10 0 0	10 0 0
More than 4 but not more than 8 persons	12 0 0	12 0 0
More than 8 but not more than 14 persons	24 0 0	30 0 0
More than 14 but not more than 20 persons	36 0 0	45 0 0
More than 20 but not more than 26 persons	48 0 0	60 0 0
More than 26 but not more than 32 persons	57 12 0	72 0 0
More than 32 but not more than 40 persons	67 4 0	84 0 0
More than 40 but not more than 48 persons	76 16 0	96 0 0
More than 48 but not more than 56 persons	86 8 0	108 0 0
More than 56 but not more than 64 persons	96 0 0	120 0 0
More than 64 persons—		
For the first 64 persons	96 0 0	120 0 0
For each additional person in excess of 64	1 4 0	1 10 0

7TH SCH.
—cont.

Description of vehicles.	Rate of duty.					
	Vehicles fitted entirely with pneumatic tyres.		Other vehicles.			
	£	s.	d.	£	s.	d.
(c) Hackney carriages not chargeable with duty under the foregoing provisions of this paragraph:—						
Having a seating capacity for:—						
Not more than 4 persons	10	0	0	10	0	0
More than 4 but not more than 8 persons	12	0	0	12	0	0
More than 8 but not more than 14 persons	32	0	0	40	0	0
More than 14 but not more than 20 persons	48	0	0	60	0	0
More than 20 but not more than 26 persons	68	0	0	85	0	0
More than 26 but not more than 32 persons	88	0	0	110	0	0
More than 32 but not more than 40 persons	108	0	0	135	0	0
More than 40 but not more than 48 persons	128	0	0	160	0	0
More than 48 but not more than 56 persons	148	0	0	185	0	0
More than 56 but not more than 64 persons	164	0	0	205	0	0
More than 64 persons—						
For the first 64 persons	164	0	0	205	0	0
For each additional person in excess of 64	2	0	0	2	10	0

For the purpose of this paragraph the number of persons mentioned does not include the driver of the vehicle and the seating capacity of a vehicle shall be determined in accordance with provisions made by regulations under section twelve of the Roads Act, 1920.

10 & 11
Geo. 5. c. 72.

For the purpose of this paragraph—

- (i) the expression “hackney carriage” has the meaning assigned to it by section four of the Customs and Inland Revenue Act, 1888;
- (ii) the expression “pneumatic tyres” means such tyres as are declared by regulations made under section twelve of the Roads Act, 1920 (as amended by any subsequent enactment), to be pneumatic tyres;

51 & 52 Vict.
c. 8.

(iii) the expression "light oils" has the meaning assigned to it by subsection (3) of section two of the Finance Act, 1928;

7TH SCH.
—cont.

(iv) the expression "coal gas" means the inflammable gaseous product obtained by heating coal or coke with or without the addition of steam but with limitation of air, or such a product mixed with gaseous products derived from hydrocarbon oils as defined in subsection (9) of section two of the Finance Act, 1928.

PART II.

PARAGRAPH TO BE SUBSTITUTED FOR PARAGRAPH 4 OF THE SECOND SCHEDULE TO THE FINANCE ACT, 1920.

Description of vehicles.	Rate of duty.
4.—(a) Locomotive ploughing engines, tractors, agricultural tractors and other agricultural engines, which are not used on roads for hauling any objects except their own necessary gear, threshing appliances, farming implements or supplies of water or fuel required for the purposes of the vehicle or for agricultural purposes	£ s. d. 0 5 0
(b) Vehicles designed, constructed and used for the purpose of trench digging and other excavation work which are used on roads only for that purpose or for the purpose of proceeding to and from the place where they are to be used for that purpose, and when so proceeding neither carry nor haul any load other than such as is necessary for their propulsion or equipment	0 5 0
(c) Mowing machines	0 5 0
(d) Tractors, agricultural tractors and agricultural engines (other than vehicles in respect of which a duty of five shillings is chargeable under the foregoing provisions of this paragraph) which are registered under the Roads Act, 1920, in the name of a person engaged in agriculture, and are	

7TH SCH.
—cont

Description of vehicles.	Rate of duty.
	£ s. d.
not used on roads for hauling any objects except the produce of, or articles required for the purposes of, the agricultural land occupied by that person—	
Not exceeding 5 tons in weight unladen	12 0 0
Exceeding 5 tons in weight unladen but not exceeding 10 tons in weight unladen	20 0 0
Exceeding 10 tons in weight unladen—	
For the first 10 tons	20 0 0
For each additional ton or part of a ton in excess of 10 tons	2 0 0

(e) Vehicles (other than vehicles in respect of which duty is chargeable under the foregoing provisions of this paragraph) which are constructed and used upon roads for haulage solely and not for the purpose of carrying or having superimposed upon them any load except such as is necessary for their propulsion or equipment—

(i) Being vehicles registered under the Roads Act, 1920, in the name of a person following the business of a travelling showman and used solely by him for the purposes of his business and for no other purpose—

Not exceeding $7\frac{1}{2}$ tons in weight unladen	25 0 0
Exceeding $7\frac{1}{2}$ tons in weight unladen but not exceeding 8 tons in weight unladen	30 0 0
Exceeding 8 tons in weight unladen but not exceeding 10 tons in weight unladen	35 0 0
Exceeding 10 tons in weight unladen—	
For the first 10 tons	35 0 0
For each additional ton or part of a ton in excess of 10 tons	5 0 0

Description of vehicles.	Rate of duty.	7TH SCH. —cont.
(ii) Other such vehicles—	£ s. d.	
Not exceeding 2 tons in weight unladen -	25 0 0	
Exceeding 2 tons in weight unladen but not exceeding 4 tons in weight unladen -	40 0 0	
Exceeding 4 tons in weight unladen but not exceeding 6 tons in weight unladen -	55 0 0	
Exceeding 6 tons in weight unladen but not exceeding 7½ tons in weight unladen -	70 0 0	
Exceeding 7½ tons in weight unladen but not exceeding 8 tons in weight unladen -	85 0 0	
Exceeding 8 tons in weight unladen—		
For the first 8 tons - - - -	85 0 0	
For each additional ton or part of a ton in excess of 8 tons - - - -	15 0 0	

PART III.

PARAGRAPH TO BE SUBSTITUTED FOR PARAGRAPH 5 OF THE SECOND SCHEDULE TO THE FINANCE ACT, 1920.

5.—(a) Goods vehicles registered under the Roads Act, 1920, in the name of a person engaged in agriculture and used on roads solely by that person for the purpose of the conveyance of the produce of, or of articles required for the purposes of, the agricultural land which he occupies and for no other purpose.

	Vehicles fitted entirely with pneumatic tyres.	Other vehicles.
	£ s. d.	£ s. d.
Not exceeding 12 cwt. in weight unladen -	10 0 0	10 0 0
Exceeding 12 cwt., but not exceeding 1 ton in weight unladen - - - -	11 0 0	11 0 0
Exceeding 1 ton, but not exceeding 1½ tons in weight unladen - - - -	12 0 0	12 0 0
Exceeding 1½ tons, but not exceeding 2 tons in weight unladen - - - -	13 0 0	13 0 0
Exceeding 2 tons, but not exceeding 2½ tons in weight unladen - - - -	14 0 0	18 13 4
Exceeding 2½ tons, but not exceeding 3 tons in weight unladen - - - -	16 0 0	21 6 8
Exceeding 3 tons in weight unladen—		
For the first 3 tons - - - -	16 0 0	21 6 8
For each additional ton or part of a ton in excess of 3 tons - - - -	2 0 0	2 13 4

7TH SCH.
—cont.

Description of Vehicles.	Rate of duty.	
	Vehicles fitted entirely with pneumatic tyres.	Other vehicles.
	£ s. d.	£ s. d.
(b) Goods vehicles registered under the Roads Act, 1920, in the name of a person following the business of a travelling showman, which are permanently fitted with a living van or some other special type of body or superstructure, forming part of the equipment of his show, and used solely by him for the purposes of his business, and for no other purpose—		
Not exceeding 12 cwt. in weight unladen -	10 0 0	10 0 0
Exceeding 12 cwt., but not exceeding 1 ton in weight unladen - - - - -	12 0 0	12 0 0
Exceeding 1 ton, but not exceeding 1½ tons in weight unladen - - - - -	14 0 0	14 0 0
Exceeding 1½ tons, but not exceeding 2 tons in weight unladen - - - - -	16 0 0	16 0 0
Exceeding 2 tons, but not exceeding 2½ tons in weight unladen - - - - -	18 0 0	24 0 0
Exceeding 2½ tons, but not exceeding 3 tons in weight unladen - - - - -	20 0 0	26 13 4
Exceeding 3 tons in weight unladen—		
For the first 3 tons - - - - -	20 0 0	26 13 4
For each additional ton or part of a ton in excess of 3 tons - - - - -	4 0 0	5 6 8
(c) Goods vehicles other than vehicles chargeable with duty under subparagraph (a) or (b) of this paragraph—		
(i) which are electrically propelled—		
Not exceeding 12 cwt. in weight unladen -	10 0 0	10 0 0
Exceeding 12 cwt., but not exceeding 1 ton in weight unladen - - - - -	15 0 0	15 0 0
Exceeding 1 ton, but not exceeding 2 tons in weight unladen - - - - -	20 0 0	20 0 0
Exceeding 2 tons, but not exceeding 2½ tons in weight unladen - - - - -	25 0 0	33 6 8
Exceeding 2½ tons, but not exceeding 3 tons in weight unladen - - - - -	30 0 0	40 0 0
Exceeding 3 tons, but not exceeding 4 tons in weight unladen - - - - -	35 0 0	46 13 4
Exceeding 4 tons, but not exceeding 5 tons in weight unladen - - - - -	40 0 0	53 6 8
Exceeding 5 tons, but not exceeding 6 tons in weight unladen - - - - -	45 0 0	60 0 0
Exceeding 6 tons in weight unladen—		
For the first 6 tons - - - - -	45 0 0	60 0 0
For each additional ton or part of a ton in excess of 6 tons - - - - -	10 0 0	13 6 8

Description of vehicles.

Rate of duty.

7TH SCH.
—cont.

	Vehicles fitted entirely with pneumatic tyres.			Other vehicles.		
	£	s.	d.	£	s.	d.
(ii) which are propelled by steam or which are constructed or adapted to use coal gas as fuel—						
Not exceeding 2 tons in weight unladen	25	0	0	25	0	0
Exceeding 2 tons, but not exceeding 2½ tons in weight unladen	30	0	0	40	0	0
Exceeding 2½ tons, but not exceeding 3 tons in weight unladen	35	0	0	46	13	4
Exceeding 3 tons, but not exceeding 4 tons in weight unladen	50	0	0	66	13	4
Exceeding 4 tons, but not exceeding 5 tons in weight unladen	70	0	0	93	6	8
Exceeding 5 tons, but not exceeding 6 tons in weight unladen	90	0	0	120	0	0
Exceeding 6 tons in weight unladen—						
For the first 6 tons	90	0	0	120	0	0
For each additional ton or part of a ton in excess of 6 tons	15	0	0	20	0	0
(iii) which are not constructed or adapted to use as fuel any fuel other than light oils—						
Not exceeding 12 cwt. in weight unladen	10	0	0	10	0	0
Exceeding 12 cwt., but not exceeding 1 ton in weight unladen	15	0	0	15	0	0
Exceeding 1 ton, but not exceeding 1½ tons in weight unladen	20	0	0	20	0	0
Exceeding 1½ tons, but not exceeding 2 tons in weight unladen	25	0	0	25	0	0
Exceeding 2 tons, but not exceeding 2½ tons in weight unladen	30	0	0	40	0	0
Exceeding 2½ tons, but not exceeding 3 tons in weight unladen	35	0	0	46	13	4
Exceeding 3 tons, but not exceeding 4 tons in weight unladen	50	0	0	66	13	4
Exceeding 4 tons in weight unladen—						
For the first 4 tons	50	0	0	66	13	4
For each additional ton or part of a ton in excess of 4 tons	20	0	0	26	13	4

7TH SCH.
—cont.

Description of vehicles.

Rate of duty.

	Vehicles fitted entirely with pneumatic tyres.			Other vehicles.		
	£	s.	d.	£	s.	d.
(iv) which are not chargeable with duty under the foregoing provisions of this sub-paragraph—						
Not exceeding 2½ tons in weight unladen -	35	0	0	46	13	4
Exceeding 2½ tons, but not exceeding 3 tons in weight unladen - - - - -	45	0	0	60	0	0
Exceeding 3 tons, but not exceeding 4 tons in weight unladen - - - - -	65	0	0	86	13	4
Exceeding 4 tons, but not exceeding 5 tons in weight unladen - - - - -	90	0	0	120	0	0
Exceeding 5 tons, but not exceeding 6 tons in weight unladen - - - - -	120	0	0	160	0	0
Exceeding 6 tons, but not exceeding 7 tons in weight unladen - - - - -	150	0	0	200	0	0
Exceeding 7 tons in weight unladen—						
For the first 7 tons - - - - -	150	0	0	200	0	0
For each additional ton or part of a ton in excess of 7 tons - - - - -	25	0	0	33	6	8
				£	s.	d.
(d) Goods vehicles if used for drawing a trailer—						
(i) being vehicles chargeable with duty under sub-paragraph (b) of this paragraph and used for drawing a trailer which is used solely for the purposes of his business by the person in whose name the vehicle is registered - - -				10	0	0
(ii) other vehicles—						
where the weight of the vehicle unladen does not exceed 2½ tons - - - - -				10	0	0
where the weight of the vehicle unladen exceeds 2½ tons but does not exceed 4 tons				15	0	0
where the weight of the vehicle unladen exceeds 4 tons - - - - -				20	0	0

The duty chargeable under sub-paragraph (d) of this paragraph in respect of any vehicle shall be chargeable in addition to the duty chargeable on the vehicle under sub-paragraph (a) (b) or (c) of this paragraph.

7TH SCH.
—cont.

Where a vehicle used for drawing a trailer has the trailer attached to it by partial superimposition, the vehicle and trailer shall, for the purpose of determining the amount of duty chargeable under this paragraph, be treated as if they together formed a single vehicle, and the vehicle shall not be chargeable with duty under sub-paragraph (d) of this paragraph.

For the purposes of this paragraph, the expression "goods vehicles" means vehicles (including tricycles weighing more than eight hundred-weight unladen) constructed or adapted for use and used for the conveyance of goods or burden of any description, whether in the course of trade or otherwise, and the expressions "pneumatic tyres," "light oils" and "coal gas" have respectively the same meanings as in paragraph 3 of this Schedule.

For the purposes of this paragraph a vehicle registered under the Roads Act, 1920, in the name of a person engaged in agriculture shall not be deemed to be used otherwise than solely by that person for the purpose of the conveyance of the produce of, or of articles required for the purposes of, the agricultural land which he occupies, by reason only that on an occasion when the vehicle is being used by that person for that purpose it is also used for the conveyance for some other person engaged in agriculture of the produce of, or articles required for the purposes of, agricultural land occupied by that other person, if it is shown,—

- (a) that the vehicle is so used only occasionally;
 - (b) that the goods conveyed for that other person represent only a small proportion of the total amount of goods which the vehicle is conveying on that occasion;
 - (c) that no payment or reward of any kind is, or is agreed to be, made or given for the conveyance of the goods of that other person.
-

EIGHTH SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
43 & 44 Vict. c. 24.	The Spirits Act, 1880.	Subsection (4) of section ninety-five.
7 & 8 Geo. 5. c. 31.	The Finance Act, 1917.	Section thirty-two.
8 & 9 Geo. 5. c. 40.	The Income Tax Act, 1918.	Subsection (4) of section thirty-nine.
11 & 12 Geo. 5. c. 47.	The Safeguarding of Industries Act, 1921.	Section ten.
15 & 16 Geo. 5. c. 36.	The Finance Act, 1925.	Section ten.
17 & 18 Geo. 5. c. 10.	The Finance Act, 1927.	Subsection (1) of section eight and Part I of the Third Schedule.
18 & 19 Geo. 5. c. 17.	The Finance Act, 1928.	Section thirteen, as from the first day of January, nineteen hundred and thirty-four.
21 & 22 Geo. 5. c. 28.	The Finance Act, 1931.	Section three, as from the first day of January, nineteen hundred and thirty-four; section eight.
22 & 23 Geo. 5. c. 8.	The Import Duties Act, 1932.	Subsection (4) of section four; sections six, seven and seventeen and the Third Schedule.
22 & 23 Geo. 5. c. 25.	The Finance Act, 1932.	Subsection (4) of section twenty-eight.
22 & 23 Geo. 5. c. 53.	The Ottawa Agree- ments Act, 1932.	Subsection (7) of section two.

CHAPTER 20.

An Act to consolidate and simplify the law of
Scotland relating to false oaths, declarations,
and statements. [28th June 1933.]

BE it enacted by the King's most Excellent Majesty,
by and with the advice and consent of the Lords
Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows :—

1. If any person being required or authorised by law to make any statement on oath for any purpose, and being lawfully sworn wilfully makes a statement which is material for that purpose and which he knows to be false or does not believe to be true, he shall be guilty of a crime and offence and shall be liable on conviction thereof to penal servitude for a term not exceeding five years or to imprisonment with or without hard labour for a term not exceeding two years or to a fine or to both such penal servitude or imprisonment and fine.

False statements on oath.

2. If any person knowingly and wilfully makes (otherwise than on oath) a statement false in a material particular, and the statement is made—

False statutory declarations and other false statements without oath.

- (a) in a statutory declaration; or
- (b) in an abstract, account, balance sheet, book, certificate, declaration, entry, estimate, inventory, notice, report, return or other document, which he is authorised or required to make, attest, or verify by, under, or in pursuance of any public general Act of Parliament for the time being in force; or
- (c) in any oral declaration or oral answer which he is authorised or required to make by, under, or in pursuance of any public general Act of Parliament for the time being in force,

he shall be guilty of a crime and offence and shall be liable on conviction thereof to imprisonment with or without hard labour for any term not exceeding two years, or to a fine, or to both such imprisonment and fine.

3. If any person—

- (a) procures or attempts to procure himself to be registered on any register or roll kept under or in pursuance of any public general Act of Parliament for the time being in force of persons qualified by law to practise any vocation or calling; or
- (b) procures or attempts to procure a certificate of the registration of any person on any such register or roll as aforesaid,

False declarations, &c. to obtain registration &c. for carrying on a vocation.

by wilfully making or producing or causing to be made or produced either verbally or in writing, any declaration, certificate, or representation, which he knows to be false or fraudulent, he shall be guilty of a crime and offence and shall be liable on conviction thereof to imprisonment for any term not exceeding twelve months, or to a fine, or to both such imprisonment and fine.

Aiders,
abettors,
suborners,
&c.

4.—(1) Every person who aids, abets, counsels, procures, or suborns another person to commit an offence against this Act shall be liable to be proceeded against, indicted, tried and punished as if he were a principal offender.

(2) Every person who incites or attempts to procure or suborn another person to commit an offence against this Act shall be guilty of a crime and offence, and shall be liable on conviction thereof to imprisonment, or to a fine, or to both such imprisonment and fine.

Venue.

5. Where an offence against this Act is committed in any place either on sea or land outside the United Kingdom, the offender may be proceeded against, tried, and punished in any place in Scotland where he was apprehended or is in custody as if the offence had been committed in that place; and, for all purposes incidental to or consequential on the trial or punishment of the offence, it shall be deemed to have been committed in that place.

Savings.

6.—(1) Nothing in the foregoing provisions of this Act shall affect the common law relating to the crime of perjury or to any crime or offence involving falsehood, fraud or wilful imposition, or the liability of any person to be prosecuted for any such crime or offence, provided that no person shall be liable in respect of the same matter to be punished both at common law and under this Act.

(2) Where the making of a false statement is not only an offence under this Act, but also by virtue of some other Act is a corrupt practice or subjects the offender to any forfeiture or disqualification or to any penalty other than penal servitude, or imprisonment, or fine, the liability of the offender under this Act shall be in addition to and not in substitution for his liability under such other Act.

(3) Where the making of a false statement is by any other Act, whether passed before or after the commencement of this Act, made punishable on summary conviction, proceedings may be taken either under such other Act or under this Act :

Provided that, where such an offence is by any Act passed before the commencement of this Act, as originally enacted, made punishable only on summary conviction, it shall remain only so punishable.

7.—(1) For the purpose of any proceedings at common law for perjury or of any proceedings for a contravention of section one of this Act— Form of oaths, &c.

(a) the forms and ceremonies used in administering an oath shall be immaterial if the court or person before whom the oath is taken has power to administer an oath for the purpose of verifying the statement in question, and if the oath has been administered in a form and with ceremonies which the person taking the oath has accepted without objection or has declared to be binding on him :

(b) an affirmation or declaration made in lieu of an oath by a person for the time being allowed by law to affirm or declare, instead of swearing shall be of the like effect in all respects as if it had been made on oath.

(2) In this Act—

The expression “ statutory declaration ” means a declaration made by virtue of the Statutory Declarations Act, 1835, or of any Act, Order in Council, rule or regulation applying or extending the provisions thereof. 5 & 6 Will.4.
c. 62.

8. The enactments specified in the Schedule to this Act are hereby repealed, so far as they apply to Scotland, to the extent specified in the third column of that Schedule. Repeals.

9. This Act may be cited as the False Oaths (Scotland) Act, 1933. Short title.

SCHEDULE.

Section 8.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
42 Geo. 3. c. 116	The Land Tax Redemption Act, 1802.	Section one hundred and ninety-three.
48 Geo. 3. c. 110	The Herring Fishery (Scotland) Act, 1808.	Section forty-nine from "and if any person" to the end of the section.
54 Geo. 3. c. 159	The Harbours Act, 1814	Section twenty-five.
7 & 8 Geo. 4. c. 53.	The Excise Management Act, 1827.	Section thirty-one.
9 Geo. 4. c. 29	The Circuit Courts (Scotland) Act, 1828.	Section thirteen from "and if any Quaker making such affirmation" to "perjury are liable."
11 Geo. 4. & 1 Will. 4. c. 54.	The Fisheries (Scotland) Act, 1830.	Section three from "and if any person" to the end of the section.
2 & 3 Will. 4. c. 53.	The Army Prize Money Act, 1832.	Section forty-five. Section forty-nine from "or shall knowingly take a false oath" to "other military service."
3 & 4 Will. 4. c. 49.	The Quakers and Moravians Act, 1833.	Section one from "and if any such person" to "notwithstanding."
5 & 6 Will. 4. c. 62.	The Statutory Declarations Act, 1835.	Section five. Section twelve from "and all and every" to the end of the section. Section eighteen from "and if any declaration" to the end of the section. Section twenty-one.
1 & 2 Vict. c. 77	The Quakers and Moravians Act, 1838.	Section one from "and if any such person" to "are or shall be subject."
1 & 2 Vict. c. 105.	The Oaths Act, 1838	In section one, the word "either" and the words "or a witness or a deponent" and from "every such person" to the end of the section.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
3 & 4 Vict. c. 18.	The Tobacco Act, 1840	Section ten from "and if such declaration" to the end of the section.
3 & 4 Vict. c. 97.	The Railway Regulation Act, 1840.	Section four.
10 & 11 Vict. c. 14.	The Markets and Fairs Clauses Act, 1847.	Section fifty-seven.
10 & 11 Vict. c. 15.	The Gas Works Clauses Act, 1847.	Section forty-four.
10 & 11 Vict. c. 16.	The Commissioners Clauses Act, 1847.	Sections thirteen and one hundred and eight.
10 & 11 Vict. c. 17.	The Waterworks Clauses Act, 1847.	Section eighty-nine.
10 & 11 Vict. c. 27.	The Harbours Docks and Piers Clauses Act, 1847.	Section ninety-six.
11 & 12 Vict. c. 36.	The Entail (Scotland) Act, 1848.	Section six from "and any person who" to the end of the section.
15 & 16 Vict. c. 56.	The Pharmacy Act, 1852.	Section sixteen from "shall wilfully" to "under this Act or."
15 & 16 Vict. c. 57.	The Election Commissioners Act, 1852.	Section thirteen.
17 & 18 Vict. c. 80.	The Registration of Births, Deaths and Marriages (Scotland) Act, 1854.	Section sixty. Section sixty-two, from "or shall wilfully insert" to "any false certificate" and from "or shall certify" to "part thereof."
19 & 20 Vict. c. 113.	The Foreign Tribunals Evidence Act, 1856.	Section three from "and if upon such oath" to the end of the section.
21 & 22 Vict. c. 90.	The Medical Act, 1858 -	Section thirty-nine.
22 Vict. c. 20 -	The Evidence by Commission Act, 1859.	Section two.
26 & 27 Vict. c. 87.	The Trustee Savings Banks Act, 1863.	Section forty-nine from "and if upon such oath" to the end of the section.
27 & 28 Vict. c. 114.	The Improvement of Land Act, 1864.	Section five.
29 & 30 Vict. c. 62.	The Crown Lands Act, 1866.	Section twenty-nine.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
29 & 30 Vict. c. 108.	The Railway Companies Securities Act, 1866.	In section seventeen the words " on conviction " thereof on indictment " to fine or imprisonment " or " so far as relates to indictable offences under section sixteen of the said Act.
31 & 32 Vict. c. 24.	The Capital Punishment Amendment Act, 1868.	Section nine.
31 & 32 Vict. c. 45.	The Sea Fisheries Act, 1868.	Section thirty - two from " and any person who wilfully " to " guilty of perjury."
31 & 32 Vict. c. 119.	The Regulation of Railways Act, 1868.	In section eight from " any person who " to " perjury."
31 & 32 Vict. c. 121.	The Pharmacy Act, 1868	Section fourteen from " and any person who shall " to " assisting him therein."
34 & 35 Vict. c. 36.	The Pensions Commutation Act, 1871.	In section nine, the words " shall be deemed to be " guilty of a mis - " demeanour and " and the words " and to be " imprisoned for any term " not exceeding two years " with or without hard " labour."
34 & 35 Vict. c. 78.	The Regulation of Railways Act, 1871.	In section ten the words " on conviction thereof " on indictment to fine " and imprisonment or."
35 & 36 Vict. c. 93.	The Pawnbrokers Act, 1872.	Section twenty-nine from " If any person makes a declaration " to the end of the section.
36 & 37 Vict. c. 60.	The Extradition Act, 1873.	Section five from " Every person who " to " perjury."
38 & 39 Vict. c. 89.	The Public Works Loans Act, 1875.	Section forty - four from " who when examined " to " false evidence or."

Session and Chapter.	Title or Short Title.	Extent of Repeal.
39 & 40 Vict. c. 36.	The Customs Consolidation Act, 1876.	Section thirty-six from "and any witness" to "penalties thereof."
41 & 42 Vict. c. 33.	The Dentists Act, 1878	Section thirty-five.
44 & 45 Vict. c. 62.	The Veterinary Surgeons Act, 1881.	Section eleven.
46 & 47 Vict. c. 51.	The Corrupt and Illegal Practices Prevention Act, 1883.	In section thirty-three, subsection (7), from "and on conviction" to "perjury."
50 & 51 Vict. c. 28.	The Merchandise Marks Act, 1887.	In section eight, subsection (3), the words "on conviction on indictment to the penalties of perjury and."
50 & 51 Vict. c. 47.	The Trustee Savings Banks Act, 1887.	Subsection (5) of section two.
51 & 52 Vict. c. 46.	The Oaths Act, 1888	Section one from "and if any person" to the end of the section.
52 & 53 Vict. c. 10.	The Commissioners for Oaths Act, 1889.	Section seven.
54 & 55 Vict. c. 70.	The Markets and Fairs (Weighing of Cattle) Act, 1891.	In section three the words "false or."
59 & 60 Vict. c. 25.	The Friendly Societies Act, 1896.	In section eighty-seven the words "false or."
60 & 61 Vict. c. 38.	The Public Health (Scotland) Act, 1897.	Section ten from "if any person" to "penalties thereof; and."
62 & 63 Vict. c. 23.	The Anchors and Chain Cables Act, 1899.	In section thirteen the words "or (iii) make any false statement in a certificate of proof."
2 Edw. 7. c. 8 -	The Cremation Act, 1902.	In section eight, subsection (2), the words "declaration or."
6 Edw. 7. c. 40 -	The Marriage with Foreigners Act, 1906.	Subsection (2) of section one.
7 Edw. 7. c. 24 -	The Limited Partnerships Act, 1907.	Section twelve.
9 Edw. 7. c. 49	The Assurance Companies Act, 1909.	In section twenty-four the words "on conviction on indictment to fine and imprisonment or."
5 & 6 Geo. 5. c. 91.	The Midwives (Scotland) Act, 1915.	Section nineteen.
8 & 9 Geo. 5. c. 40.	The Income Tax Act, 1918.	Section two hundred and twenty-eight.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
13 & 14 Geo. 5. c. 10.	The Agricultural Holdings (Scotland) Act, 1923.	Subsection (4) of section sixteen.
19 & 20 Geo. 5. c. 23.	The Companies Act, 1929.	Section three hundred and sixty-three.
19 & 20 Geo. 5. c. 29.	The Government Annuities Act, 1929.	Subsection (4) of section thirty-two, subsections (3) and (4) of section sixty-two.

CHAPTER 21.

An Act to consolidate and amend the law relating to Solicitors and Notaries Public in Scotland.

[28th June 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

CONSTITUTION OF GENERAL COUNCIL.

Constitution of General Council.

1. For the purpose of regulating the admission and enrolment of solicitors a council to be known as "the General Council of Solicitors in Scotland" shall be elected in accordance with the provisions of this Act.

Method of election of members of General Council.

2.—(1) The General Council shall be elected in accordance with the provisions contained in the First Schedule to this Act by the societies or groups of societies mentioned in the Second Schedule to this Act, and shall consist of persons each of whom is a member of the society or of one of the societies forming the group by whom he is elected.

(2) Subject to the provisions of this Act, the General Council shall have power from time to time by resolution passed by a majority of not less than two-thirds of the members present at a meeting of which due notice specifying the intention to propose the resolution has been given or at any adjournment thereof (a) to rescind, add to, or amend any of the provisions contained in the

First Schedule to this Act; and (b) to alter, amend, or rearrange the division into separate societies or groups of societies as set forth in the Second Schedule to this Act. A copy of every such resolution as foresaid shall within seven days be transmitted to the Lord President and such resolution shall not come into force until approved by him.

PART I.
—cont.

(3) Any society, not mentioned in the Second Schedule to this Act, may make application to the General Council for inclusion amongst the societies entitled to take part in the election of members of the General Council, and the General Council, after consideration of such application, may admit the society making application either separately or by grouping it with one or more societies or may refuse the application. Provided that the society so making application, or any society or societies included in the group to which the society making the application is added, shall have a right of appeal to the Lord President against the decision of the General Council. The decision of the Lord President shall be final.

3. The General Council shall appoint a chairman and vice-chairman from their number and also a clerk. The clerk shall not be a member of the General Council. The General Council shall regulate the place at which the business of the General Council shall be conducted.

Appoint-
ment of
chairman
and clerk.

4. Subject to the provisions of this Act the General Council may regulate their procedure in such way as they may from time to time think fit, and such regulations shall remain in force until altered by the General Council, notwithstanding any new election of members of the General Council. A copy of regulations made under this section or under section twelve of this Act and from time to time in force shall be forwarded by the clerk to the General Council to any solicitor at his request on payment of one shilling or such less sum as the General Council may fix.

Power to
make regu-
lations.

5. All moneys paid to the General Council in pursuance of this Act shall be applied by the General Council in payment of the expenses and outlays from time to time incurred by them.

Application
of moneys
paid to
General
Council.

6. All rules, regulations, certificates, notices and other documents of the General Council may be signed on behalf of the General Council by the clerk or other officer approved by the General Council, and the production of

Authentica-
tion of
regulations
and other
documents.

PART I.
—*cont.*

a copy of any such rules, regulations, certificates, notices or other documents purporting to be signed by the clerk or such other officer shall be *prima facie* evidence of the due making thereof.

PART II.

ADMISSION OF SOLICITORS.

Admission,
enrolment
and powers
of solicitors.
63 & 64 Vict.
c. 14.

7. No person shall be admitted as a solicitor in Scotland except in accordance with the provisions of this Act or of an Order in Council made in pursuance of the Colonial Solicitors Act, 1900.

Every person who has been enrolled as a law agent shall be deemed to be admitted as a solicitor and, subject to the provisions of this Act with respect to stamp duty and subscribing the lists of solicitors directed to be kept by section twenty of this Act, every solicitor shall be entitled to practise in any court of law in Scotland.

Commission-
ers of Inland
Revenue not
to issue certi-
ficates except
to qualified
persons.
54 & 55 Vict.
c. 39.

8. The Commissioners of Inland Revenue and their officers shall, before issuing any stamped certificate under and in terms of the Stamp Act, 1891, to any person applying for the same who has not previously had issued to him a like certificate, require evidence that such person has been admitted as a solicitor.

Provisions
as to the
qualification
of applicants
for admis-
sion as
solicitors.

9. With respect to the qualifications for admission as solicitors under this Act the following provisions shall have effect:—

- (i) An applicant for admission must be at least twenty-one years of age, and must, except in the cases aftermentioned, have *bonâ fide* served an apprenticeship of five years with a practising solicitor.
- (ii) An apprenticeship must be served under indenture, which shall be recorded in the register of probative writs of the county in which the same is entered into, and shall be intimated to the registrar by the master within six months after the date fixed for the commencement of the apprenticeship, and any assignation of such indenture shall be intimated to the registrar within six months after its date.
- (iii) When from necessary or reasonable cause the whole period of apprenticeship under an indenture is not completed with the master

therein named, the remainder of the period may be completed with another qualified master. On the death of the master before the completion of an apprenticeship the apprentice may enter into a second indenture with another master and serve with him the period required to complete the apprenticeship.

PART II.
—*cont.*

- (iv) A master may permit his apprentice to serve any part of his term, not exceeding two years, with another qualified master.
- (v) In the following cases, an applicant for admission shall be qualified if he shall have served an apprenticeship as aforesaid for three years only, that is to say—

(a) if he be a person who for at least five years prior to the commencement of his apprenticeship was employed as a clerk to, and was engaged under the superintendence of, a practising solicitor, in such business as is usually transacted by a solicitor, and submits to the General Council a certificate from such solicitor to that effect; or

(b) if at the date of the signing of his indenture of apprenticeship he was a person who held a degree in law or in arts granted after examination at an University in Great Britain or elsewhere recognised by the General Council, or if during the course of his apprenticeship he obtains a degree in law recognised for the purpose by the General Council; or

(c) if he be a member of the Faculty of Advocates; or

(d) if he be a person who has been called to the degree of Utter Barrister in England; or

(e) if he be a person who has been admitted and enrolled as a solicitor in England.

10. Every applicant for admission shall, before he is admitted as a solicitor according to this Act, make affidavit that he has bonâ fide served an apprenticeship to a qualified master or masters during the whole time required by this Act, and that he did not during any

Apprentices before admission to make affidavit of having served.

PART II.
—cont.

part of that time serve any master or masters other than those specified in the affidavit. The affidavit shall specify the time served with each master where there is more than one, and shall be produced to the General Council before they grant the certificate mentioned in the immediately succeeding section.

Certificate
of General
Council
requisite for
admission as
a solicitor.

11. Subject to the provisions of sections fourteen and fifteen of this Act and to the exemptions allowed by this Act, or by regulations made under the authority thereof, an applicant for admission shall not be admitted as a solicitor unless, on the occasion of his application, he has obtained from the General Council a certificate to the effect that he has fulfilled all the conditions anent admission as a solicitor in terms of this Act, and that he is to the best of their knowledge and belief a fit and proper person to be admitted as a solicitor.

Examina-
tions to be
held under
manage-
ment of
General
Council.

12.—(1) In order to test the suitability and qualifications of applicants for admission, the General Council shall from time to time nominate and appoint fit and proper persons to be examiners, and shall hold examinations all in accordance with regulations to be made in virtue of this section. The General Council shall, subject to what is herein provided, have the entire management and control of all such examinations, shall decide when the same shall be taken by applicants for admission whether prior to or after their entering into an indenture, and without prejudice to this general power of management and control shall have power by regulation to make provisions with respect to all or any of the following matters, that is to say:—

- (a) The courses of study to be followed by candidates prior to examination;
- (b) The subjects for and the mode of conducting the examination of candidates and the standard of efficiency to be obtained;
- (c) The times and places of examinations and the notices of examinations;
- (d) The certificates to be given to persons of their having passed any examination, and as to the suitability of applicants;
- (e) The appointment and removal of examiners, and the remuneration by fees or otherwise of the examiners so appointed;

PART II.
—cont.

- (f) The exemption of persons from examinations in whole or in part, having regard to special qualifications on their part or to special circumstances;
- (g) Fees to be paid to the General Council by a person proposing to submit himself to an examination to be held by the General Council and
- (h) Any other matter or thing as to which the General Council think it expedient to make regulations for the purpose of carrying this section into execution.

(2) Any regulation made in virtue of this section may be altered or revoked by a subsequent regulation.

(3) Copies of all regulations made shall forthwith be transmitted to the Lord President, and shall not come into force until twenty-one days thereafter. If within the said period of twenty-one days the Lord President signifies by writing addressed to the clerk of the General Council the dissent of the Court from such regulation or any part thereof the same shall be of no force or effect.

(4) If after any such regulations or any part thereof shall have come into force the Lord President shall signify in manner foresaid the dissent of the Court from such regulations or any part thereof, such regulations or the part thereof dissented from shall, at the expiration of two months, cease to have effect, without prejudice to the validity of anything which may have been done or omitted to be done in accordance with such regulations or any part thereof while the same were still in force.

(5) The Clerk of the Examiners of Law Agents appointed by the Court for the purposes of the Law Agents (Scotland) Act, 1873, and the Acts amending the same, shall be the first Clerk of the Examiners appointed by the General Council under this section, and all funds, documents and property in his possession as Clerk to the said Examiners or under the control of the said Examiners shall, after the commencement of this part of the Act, belong to and be at the disposal of the General Council subject to regulations to be made in virtue of subsection (1) of this section. In the event of a vacancy in the office of Clerk of the Examiners the General Council may appoint the clerk appointed in

36 & 37 Vict.
c. 63.

PART II.
—cont.

accordance with the provisions of section three of this Act or other fit person, to be Clerk of the Examiners.

(6) The regulations contained in the Acts of Sederunt passed in pursuance of the Law Agents (Scotland) Act, 1873, and the Acts amending the same so far as in force and applicable at the commencement of this part of the Act shall be the regulations under this section until altered or revoked by subsequent regulations.

Fees payable to General Council in respect of examinations.

13. Any person who proposes to submit himself to an examination to be held by the General Council in accordance with the regulations made under the authority of section twelve of this Act shall pay to the General Council such fees in respect of such examinations (and in such proportions and at such times) as may be from time to time determined by the General Council in the said regulations.

Admission and enrolment of applicants as solicitors.

14. An applicant for admission who is qualified under section nine of this Act may present to the Court a petition praying to be admitted as a solicitor. If the applicant produces with his application a certificate granted to him in terms of section eleven of this Act, the Court shall admit him as a solicitor, and cause his name to be enrolled as such. If the applicant does not produce such a certificate the Court may, if they think fit and after such enquiry as they may think proper, on being satisfied as to the fitness and competence of the applicant, admit him as a solicitor and cause his name to be enrolled as such. The certificate of admission of a solicitor shall be in writing and signed by a judge of the Court, and shall be stamped with the stamps required by law to be impressed on the admission of solicitors.

Exceptions to rules as to examinations.

15. The Court may admit an applicant who presents a petition praying to be admitted as a solicitor, although he has not complied with the provisions of this Act with respect to qualifications for admission, provided he shall establish to the satisfaction of the Court that at the date of the passing of this Act he was entitled to be admitted an enrolled law agent according to the regulations for admission then in force under the Law Agents (Scotland) Act, 1873, and the Acts amending the same.

Provision as to petitions.

16. A petition to the Court under sections fourteen or fifteen of this Act may be presented to any judge of the Court officiating as a lord ordinary, and the proceedings

under such petition may take place and be conducted before the same or any other judge according to the judicial arrangements in the Court for the time being, and a single judge shall be entitled to act as the Court with reference to all petitions for admission as a solicitor under this Act.

PART II.
—*cont.*

PART III.

ADMISSION OF NOTARIES PUBLIC.

17.—(1) No person shall be admitted as a notary public in Scotland until he shall have been admitted and enrolled as a solicitor.

Enrolled
solicitors
may be
admitted as
notaries
public.

(2) Any solicitor may apply to the Court to be admitted a notary public, and it shall be lawful for the Court to admit him and grant warrant to the keeper of the roll or register of notaries public to enrol him as a notary public on his paying the stamp duty for the time exigible by law from a notary public on admission, and it shall not be necessary for any person to find caution on his admission as a notary public.

(3) The Court by Act of Sederunt may make and from time to time alter and revoke rules for regulating the procedure to be followed and the fees to be paid on any application by a solicitor to be admitted a notary public.

(4) The clerk to the admission of notaries public in Scotland shall be remunerated by fees to be paid by applicants for admission.

PART IV.

REGISTRATION AND ENROLMENT OF SOLICITORS.

18.—(1) The Registrar of Law Agents under the Law Agents (Scotland) Act, 1873, and the Acts amending the same, shall be the first registrar of Solicitors under this Act, and on the occurrence of a vacancy in the office of registrar the General Council shall be the registrar, and the books containing the register of law agents kept under the Law Agents (Scotland) Act, 1873, and any other documents relating thereto, shall be transferred to and kept in the custody of the General Council as registrar of solicitors under this Act. After such transfer it shall be the duty of the General Council to keep at the office of their clerk an alphabetical roll of all enrolled solicitors. Enrolment in the said register of law agents

Appoint-
ment and
duties of
registrar.

PART IV.
—*cont.*

or the said roll of solicitors shall be deemed to be enrolment under this Act. Every solicitor shall on enrolment deliver to the registrar a note specifying his place of business, and shall deliver a similar note so often as he shall change the same; and the registrar shall on the application of any enrolled solicitor grant to such solicitor a certificate of his enrolment. The registrar shall, in keeping the roll, and generally in the discharge of his duties, act upon such directions as he may from time to time receive from the Lord President, and shall strike any solicitor off the roll on an order by the Court to that effect, and shall remove from the roll the name of any solicitor on his application in pursuance of section nineteen of this Act.

(2) The roll of solicitors shall during office hours be open to the inspection of any person without payment of any fee.

(3) It shall be competent for the Court, by Act of Sederunt, to fix from time to time such fees as they may think reasonable to be payable to the registrar for and in respect of the statutory duties as such registrar.

Removal of
name from
roll on
application
by solicitors.

19. A solicitor who desires his name to be removed from the roll of solicitors may present an application to that effect to the registrar, and the registrar, in any case where the application is made with the consent of the discipline committee, shall forthwith remove the name of such solicitor from the roll, and in any other case shall remove the name from the roll on the expiry of six months from the date of the application.

Lists to be
kept of
practising
solicitors.

20.—(1) A list of the solicitors practising before the Court of Session shall be kept by the clerk of the Lord President in such form as the Lord President may direct, and every enrolled solicitor who has paid the stamp duty exigible by law on admission to practise as a solicitor before the Court of Session shall be entitled to subscribe the said list, and the said clerk shall be paid a fee of five shillings for each subscription, and every solicitor shall, on subscribing the said list, deliver to the said clerk a note specifying his place of business, and shall deliver a similar note so often as he shall change the same.

(2) A list of solicitors practising in any sheriffdom shall be kept in such form and in such place or places as

the Lord President may direct, and every enrolled solicitor who has paid the stamp duty exigible by law on admission to practise as a solicitor before a sheriff court shall be entitled to subscribe the said list, and the sheriff clerk shall be paid a fee of five shillings for each subscription and every solicitor shall, on subscribing the said list, deliver to the sheriff clerk a note specifying his place of business, and shall deliver a similar note so often as he shall change the same.

PART IV.
—cont.

(3) A solicitor who has subscribed the roll kept by the clerk to the Lord President under section twelve of the Law Agents (Scotland) Act, 1873, or by a sheriff clerk under section thirteen of that Act, shall be deemed to have subscribed the corresponding list kept under the provisions of this Act.

21. It shall be lawful for the Lord President from time to time to issue rules and directions with respect to the keeping and subscription of the lists directed to be kept by the preceding section and with respect to alterations in such lists, and such rules and directions shall be observed and obeyed by the several keepers of the said lists.

Lord President may make rules for keeping and subscribing lists.

The name of any solicitor entered on the said lists shall be removed therefrom—

- (1) upon his own written application; or
- (2) upon his being struck off the roll of solicitors or suspended from practice in accordance with the provisions of section twenty-five of this Act.

22. No person shall be allowed to practise as a solicitor in the Court of Session or in any sheriff court until he shall have subscribed the appropriate list of solicitors directed to be kept by section twenty of this Act, or after his name shall have been removed from such list unless the same shall have been subsequently restored thereto.

No one to practise before a Court unless he has subscribed the list of solicitors.

23. A solicitor who has paid the stamp duty exigible by law on admission to practise as a solicitor in a sheriff court shall be qualified to sign the list of solicitors practising in the Court of Session on paying the difference between such duty and the duty chargeable on admission to practise in the Court of Session.

Provision as to sheriff court practitioner qualifying for enrolling as solicitor in the Court of Session.

PART V.

DISCIPLINE AND OFFENCES.

Constitution
of Discipline
Committee.

24.—(1) For the purposes of this part of the Act, a committee to be known as “the Solicitors’ Discipline (Scotland) Committee,” and consisting of not less than five and not more than seven solicitors recommended by the General Council as representative of the profession throughout Scotland, shall be appointed by the Lord President who may from time to time remove any member from the committee or fill any vacancy in the committee by the appointment of a solicitor recommended by the General Council.

(2) Each member of the Discipline Committee shall retire from office on the expiry of five years from the date of his appointment, but on the recommendation of the General Council shall be eligible for reappointment.

(3) The Discipline Committee may appoint a chairman from their number and also a clerk, who shall not be a member of the committee, and subject to the provisions of this Act, may regulate their procedure in such way as they may think fit.

(4) Four members of the Discipline Committee shall form a quorum.

The Court
may cause
solicitor to
be struck off
roll.

25. The Court in the case of professional misconduct of a solicitor may cause such solicitor to be struck off the roll of solicitors or may suspend him from practice for such time as the Court may determine or may fine him or censure him and may also find him liable in any expenses which may be involved in the proceedings before the Court, or in the investigation of his conduct by the Discipline Committee. There shall be no appeal to the House of Lords against a decision of the Court under this section.

Procedure
for striking
solicitor off
roll.

26.—(1) An order causing a solicitor to be struck off the roll of solicitors or otherwise dealing with him in accordance with the immediately preceding section of this Act may be made by the Court after hearing parties or giving them an opportunity of being heard on—

(a) an application by summary petition presented to the Court by the Discipline Committee or by any person or society entitled by virtue of section twenty-seven of this Act to apply to the

Court to require a solicitor to answer a complaint with regard to professional misconduct; or

- (b) a report to the Court by the Discipline Committee under section twenty-seven of this Act; or
- (c) an appeal to the Court from a decision of the Discipline Committee under section twenty-eight of this Act.

(2) If a solicitor shall have been convicted by any Court of any act involving fraud or the dishonest appropriation of property or shall have been sentenced to outlawry or to penal servitude, the clerk to the Court where such conviction has taken place or such sentence has been pronounced shall within seven days of the date of such conviction or sentence send intimation thereof to the clerk of the Discipline Committee, and the Discipline Committee, on receiving such intimation or on becoming aware of the conviction or sentence, may if they shall consider the circumstances are of sufficient gravity report the fact of such conviction or sentence to the Court, and the Court with or without further enquiry may if it shall think proper thereupon cause such solicitor to be struck off the roll of solicitors.

27.—(1) Any complaint against a solicitor for professional misconduct shall be made to the Discipline Committee, and subject to the provisions of section twenty-nine of this Act shall be heard by the Discipline Committee in accordance with rules to be made under this Act. If the Discipline Committee are of opinion that there is no *prima facie* case of professional misconduct, they need not take further proceedings. If the Discipline Committee are of opinion that there is a *prima facie* case they shall make enquiry into the case as hereinafter provided, and embody their finding in the form of a report to the Court specifying therein the nature of the complaint and the evidence before them, and if answers are lodged in any such application to the Court, the evidence produced to and heard by the Discipline Committee shall also be lodged as an appendix to the report of the Discipline Committee. Provided that—

Complaints
against
solicitors to
be made to
Discipline
Committee.

- (i) any person who but for this Act would have been entitled to apply to the Court to require a solicitor to answer any complaint with regard to professional misconduct against him shall be

PART V.
—cont.

entitled so to apply although the Discipline Committee be of opinion that there is no prima facie case of professional misconduct against such solicitor, and such person shall also be entitled to be heard if and when the Discipline Committee bring any report before the Court;

- (ii) if the Discipline Committee are of opinion that the case is of a nature that can be dealt with under section twenty-eight of this Act, the Discipline Committee may deal with the case in accordance with that section;
- (iii) the making of any application or report to the Court by the Discipline Committee or of any report in pursuance of section thirty-four of this Act shall confer absolute privilege. The making of any complaint to the Discipline Committee or the giving of any information in connection therewith shall confer qualified privilege.

(2) Any report by the Discipline Committee in terms of this section shall have the same effect and shall be treated by the Court in the same manner as the report by a reporter in a remit by the Court, and the Court may order thereon such further procedure as it may see fit, and may on special cause being shown remit to any person to make further enquiry into the case or to take further evidence and to report to the Court.

Power of
Discipline
Committee
to censure
or fine.

28.—(1) Notwithstanding the provisions of section twenty-seven of this Act, if the Discipline Committee, after investigating any complaint against a solicitor for professional misconduct, are of opinion that the solicitor has been guilty of professional misconduct, but that such misconduct is not of sufficient gravity to warrant a finding in favour of striking the solicitor off the roll or of suspending him, they shall be entitled, instead of reporting such complaint to the Court, to censure such solicitor, and if they think fit in addition to impose a fine on him not exceeding one hundred pounds, and in either case to find him liable (if the committee shall so determine) in the expenses incurred by the complainer and by the Discipline Committee in investigating the complaint: Provided always that—

- (i) appeal to the Court from any order of the committee under this section shall be competent to

the complainer or to such solicitor within twenty-one days after the date when the finding of the committee shall have been signed and intimated to the complainer or to such solicitor;

- (ii) where an appeal is made to the Court from any order of the Discipline Committee, the committee shall embody their finding in the form of a report to the Court, and the provisions of the immediately preceding section as to the form of the report and the procedure following thereon shall apply in the case of an appeal under this section as if such appeal was in the form of answers to a report by the Discipline Committee under the immediately preceding section;
- (iii) intimation of the finding of the committee may be made to the complainer or to such solicitor by sending to him a copy thereof certified by the clerk of the committee as correct by post in a registered letter. Where intimation is given to a solicitor, it may be given to him at the address appearing in the roll of solicitors kept in accordance with the provisions of this Act. A certificate by the clerk of the committee of the due posting of such copy accompanied by the post-office receipt therefor shall be sufficient evidence that such intimation was duly given to the complainer or to such solicitor at the address and on the date contained in such receipt.

(2) Every finding made by the committee under this section shall be in writing and shall be signed by the clerk of the committee and on production thereof with a certificate by such clerk either to the effect that the days of appeal to the Court have expired, or that an appeal to the Court if made has been dismissed, the Court shall grant a warrant authorising the Discipline Committee to recover from such solicitor the fine and expenses if any imposed on or found due by him, and the expenses of any procedure before the Court, and such warrant shall have the effect for execution and for all other purposes as if it were an extracted decree of court awarded against such solicitor. Any fines imposed under this section shall form part of the funds of the Discipline Committee.

PART V.
—*cont.*
Procedure
on com-
plaints.

29. The Discipline Committee shall give notice to the solicitor affected by any complaint, and shall make enquiry into the case giving the person affected reasonable opportunity of making his defence. The Discipline Committee may administer and take oaths and affirmations for the purpose of any complaint made to them under this Act, and the complainer and the solicitor to whom the complaint relates shall respectively be entitled to require the evidence of parties, witnesses and others interested, and to call for and recover such evidence and documents, and examine such witnesses as to them may seem proper, but no person shall be compelled to produce any document which he could not be compelled to produce on the trial of an action. The Court of Session or the sheriff court having jurisdiction in any place in which the solicitor to whom any such complaint relates carries on business, may on the recommendation of the Discipline Committee and on the petition of the complainer or the solicitor to whom the same relates (1) grant warrant for the citation of witnesses and havers to give evidence or to produce documents before the Discipline Committee, and for the issue of letters of second diligence against any witness or haver failing to appear after due citation; (2) appoint commissions to take the evidence of witnesses; and (3) grant warrants for the recovery of documents and also grant commissions to persons to examine havers and receive their exhibits and productions.

Procedure
regarding
orders to
strike off
roll.

30.—(1) In the case of every order made by the Court whereby any solicitor is ordered to be struck off the roll of solicitors, or is suspended from practice, the registrar shall forthwith intimate such order to the several keepers of the lists directed to be kept by section twenty of this Act, and shall cause a notice stating the effect of the operative part of such order, to be published in the Edinburgh Gazette or in such other way as the Court by Act of Sederunt may direct, and shall give effect to the order on the roll.

(2) Where such solicitor is also a notary public, if the Court have deprived him of his office of notary public, the registrar shall also intimate such order to the keeper of the roll or register of notaries public, and the keeper shall strike such solicitor off the roll or register kept by him.

(3) The file of orders made under the Act shall be open to the inspection of any person without payment of any fee.

PART V.
—cont.

31. A person who has been struck off the roll of solicitors or whose name has been removed from the said roll in pursuance of section nineteen of this Act shall not be entitled to have his name restored thereto except in pursuance of an order of the Court made on petition by such person. Any such petition shall be intimated to the Discipline Committee, who shall be entitled to appear and be heard thereon.

Restoration
to roll of
solicitors.

32. The Court by Act of Sederunt may make and from time to time alter and revoke rules for regulating the submission to them of reports by the Discipline Committee, and generally as to procedure under this Act.

Acts of
Sederunt.

33. The Discipline Committee, with the concurrence of the Lord President, may make and from time to time alter and revoke rules for regulating the making, hearing and determining of complaints made to them under this Act, and generally as to procedure, including provision for hearings taking place in public or wholly or in part in private, subject always to the provisions of this Act, and of any Act of Sederunt made thereunder by the Court.

Power to
make rules.

34. It shall be competent for all judges and sheriffs and for the auditor of the Court of Session and for the auditor of any sheriff court to report to the Discipline Committee any solicitor where it appears that such solicitor is *prima facie* guilty of professional misconduct (including cases where a solicitor is seeking to make extraordinary and apparently unjustified claims against his client). Any such report shall be treated by the Discipline Committee as a complaint against a solicitor under section twenty-seven of this Act.

Judges and
auditors
may report
solicitors to
Discipline
Committee.

35. Except in so far as relates to striking any person off the roll of solicitors, nothing in this Act shall be held to affect the existing powers of the Court or of inferior courts or the judges thereof over solicitors practising before such courts, so far as these powers may be necessary for supporting the jurisdiction and maintaining the authority of their several courts. Nothing

Proviso as
to existing
disciplinary
powers.

PART V.
—*cont.*

in this Act contained shall prejudice, diminish or affect the control which any society is at present entitled to exercise over its members.

Practising
by unquali-
fied persons
to be an
offence.

36. Any person being neither a solicitor nor a notary public who, either by himself or in conjunction with others, wilfully and falsely pretends to be, or takes or uses any name, title, addition or description implying that he is duly qualified to act as a solicitor or as a notary public or that he is recognised by law as so qualified, shall be guilty of an offence under this Act.

Acting for
profit of
unqualified
persons to
be an
offence.

37. Any solicitor (not being a duly certificated solicitor in the full-time employment on a fixed salary of any corporation or public company) who acts as agent in any action or proceedings in any court of law, or who permits or suffers his name in any way to be made use of in such action or proceedings, or any such solicitor or any notary public who draws or prepares any writ to which section thirty-nine of this Act applies, or who permits or suffers his name in any way to be made use of in the drawing or preparation of such writ upon the account or for the profit of any unqualified person, or who does any other act to enable an unqualified person to appear, act, or practise in any respect as a solicitor or notary public knowing such person not to be a qualified solicitor or notary public, shall be guilty of an offence under this Act.

Sharing fees
with
unqualified
person to
be an
offence.

38. Any solicitor who shall share with any unqualified person any profits or fees or fee derived from any solicitor's business transacted by him shall be guilty of an offence under this Act: Provided always that the provisions of this section shall not apply to the sharing of profits or fees where—

- (i) a person who has ceased to practise as a solicitor shall receive from any solicitor a share of the profits or fees of the latter, as a price or value of the business which he has transferred to the latter or shall receive a share of such profits as a voluntary or other allowance out of the profits or fees of a business in which he had been a partner; or
- (ii) the widow, heirs, executors, representatives, next of kin or dependants of any deceased

PART V.
—cont.

solicitor receive from any solicitor who has purchased or succeeded to the business of such deceased solicitor or from any firm of solicitors of which such deceased solicitor was a partner at his death any share of the profits of such business; or

- (iii) the salary of any clerk or assistant of a solicitor who is wholly employed by such solicitor is partly or wholly paid in the form of a percentage on the profits of such solicitor's business or any part thereof; or
- (iv) such profits or fees are received by any public officer in respect of work done in the course of his duty; or
- (v) an agreement for sharing fees is made between a solicitor in Scotland and a solicitor in some other part of the United Kingdom or the British Dominions.

39. Any person who, not being a member of the Faculty of Advocates, a duly certificated solicitor, or a notary public either directly or indirectly for or in expectation of any fee, gain, or reward draws or prepares any writ relating to heritable or moveable estate, or relating to any legal proceeding, shall be guilty of an offence under this Act: Provided that—

Preparation
of writs by
unqualified
persons to
be an
offence.

(i) This section shall not extend to—

(a) any public officer drawing or preparing writs in the course of his duty; or

(b) any person employed merely to engross any writ;

(ii) the expression "writ" in this section does not include—

(a) a will or other testamentary writing;

(b) a document in re mercatoria, missive or mandate;

(c) a letter or power of attorney;

(d) a transfer of stock containing no trust or limitation thereof.

40.—(1) Any offence under this Act may be prosecuted summarily in the sheriff court within whose jurisdiction the offence was committed or within whose

Prosecution
of offences.

PART V.
—cont.

jurisdiction the accused person resides, and any person convicted of such an offence shall be liable on conviction to a fine not exceeding fifty pounds or to imprisonment with or without hard labour for a term not exceeding one month.

8 Edw. 7.
c. 65.

(2) Notwithstanding anything contained in the Summary Jurisdiction (Scotland) Act, 1908, any offence under this Act may be prosecuted at any time within the period of two years next after the commission of the offence or the period of six months next after the first discovery thereof by the prosecutor, whichever period is the shorter.

PART VI.

REMUNERATION.

Agreements
between
solicitors as
to sharing
fees.

41. Agreements between solicitors acting for the same client to share fees or profits shall be lawful, and a solicitor authorised and acting for a client whom he discloses shall incur no liability to any other solicitor employed by him, except such as he shall expressly undertake in writing.

Unqualified
persons not
entitled to
recover
costs.

42. No costs, fee, reward, or disbursement on account of or in relation to any act or proceeding done or taken by any person who acts as a solicitor or as a notary public without being duly qualified so to act, or who, not being so qualified gives legal advice, or frames or draws any writ to which section thirty-nine of this Act applies, shall be recoverable in any action, suit or matter by any person or persons whomsoever.

Payment of
solicitors'
costs out of
property
recovered or
preserved.

43. In every case in which a solicitor shall be employed to pursue or defend any action or proceeding in any court, it shall be lawful for the court or judge before whom any such action or proceeding has been heard or shall be depending to declare such solicitor entitled to a charge upon and against, and a right to payment out of the property, of whatsoever nature, tenure or kind the same may be, which shall have been recovered or preserved on behalf of his client by such solicitor in such action or proceeding, for the taxed expenses of or in reference to such action or proceeding, and it shall be lawful for such court or judge to make such order or

orders for taxation of, and for raising and payment of, such expenses out of the said property as to such court or judge shall appear just and proper; and all acts done or deeds granted by the client after the date of the declaration, except acts or deeds in favour of a bona fide purchaser or lender, shall be absolutely void and of no effect as against such charge or right.

PART VI.
—cont.

PART VII.

MISCELLANEOUS.

44. Any society may admit any solicitor to be a member of it on such terms as it may see fit.

Societies may admit solicitors to membership.

45. It shall be lawful for any society to accept of an apprenticeship served under the provisions of this Act with a solicitor, although not a member of such society, as a qualification for admission to such society.

Admission to membership of societies.

46. A solicitor shall not be entitled to borrow a process depending before any supreme court sitting in Edinburgh unless he has a place of business in Edinburgh; and a solicitor shall not be entitled to borrow a process depending before an inferior court, unless he is entitled to practise within the jurisdiction of such court.

Borrowing process.

47. Nothing in this Act contained shall interfere with the obligation of any solicitor to obtain a stamped certificate.

Act not to interfere with law as to certificate.

48. Nothing in this Act shall affect any enactment empowering any person, not being a duly certificated solicitor, to conduct, defend or otherwise act in relation to any legal proceedings.

Statutory powers to conduct legal proceedings not to be affected.

49. A reference to law agents in any public general or local Act or in any order or regulation made thereunder or in any Act of Sederunt shall be deemed to mean and include solicitors, who shall have all the rights and privileges formerly enjoyed by law agents in Scotland, and a reference in such Act, order, regulation or Act of Sederunt to the register of law agents kept in pursuance of the Law Agents (Scotland) Act, 1873, shall

Law agents to include solicitors.

PART VII.
—cont.

be deemed to mean and include the roll of solicitors kept in pursuance of this Act.

Interpreta-
tion of
terms.

50. The following words and expressions shall have the meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction; that is to say—

“The Court” shall mean the Court of Session.

“Lord President” shall mean the Lord President of the Court.

“Solicitor” shall mean and include every person enrolled or deemed to have been enrolled as a solicitor in pursuance of this Act.

“Notary public” shall mean any notary public duly admitted in Scotland.

“The registrar” shall mean the registrar of solicitors under this Act.

“General Council” shall mean “the General Council of Solicitors in Scotland” constituted in terms of this Act.

“Discipline Committee” shall mean “the Solicitors’ Discipline (Scotland) Committee” constituted in terms of this Act.

“Society” shall mean a faculty or society of solicitors in Scotland, incorporated by Royal Charter, or otherwise formed in accordance with law.

Repeals.

51. The enactments specified in the Third Schedule to this Act are hereby repealed, to the extent mentioned in the third column of that Schedule.

Short title
and com-
mencement.

52. This Act shall extend to Scotland only and may be cited as the Solicitors (Scotland) Act, 1933. Part I of this Act shall come into operation on the passing of this Act and the remainder of this Act shall come into operation on the first day of March nineteen hundred and thirty-four.

SCHEDULES.

FIRST SCHEDULE.

Section 2.

REGULATIONS GOVERNING THE APPOINTMENT OF MEMBERS OF THE GENERAL COUNCIL.

1. Each of the societies specified separately in the Second Schedule to this Act against which the letter A appears, and each of the groups of societies specified in the said schedule against which the letter B appears shall be entitled to elect—

- (a) one member of the General Council, where the total number of the members of such separate society, or of the societies forming such group, as the case may be, contained in the roll made up in pursuance of this schedule, does not exceed eighty;
- (b) two members, where the aforesaid total number exceeds eighty but does not exceed two hundred;
- (c) three members, where the aforesaid total number exceeds two hundred but does not exceed four hundred; and
- (d) four members, where the aforesaid total number exceeds four hundred.

2. On each occasion on which an election of members of the General Council requires to be held the registrar shall make up in pursuance of this schedule and certify, as at the first day of December—

- (a) a roll of members of each society specified separately in the Second Schedule to this Act;
- (b) a roll of the members of the societies forming each of the groups specified in the said schedule.

On the first occasion on which an election of members of the General Council requires to be held, the registrar of law agents under the Law Agents (Scotland) Act, 1873, and the Acts amending the same shall be the registrar for the purposes of this schedule, and his expenses in connection with his duties under these regulations shall be defrayed by the General Council. On subsequent occasions the registrar within the meaning of this Act shall be the registrar for the purposes of this schedule.

3. No solicitor shall be entitled to vote in accordance with the provisions hereinafter contained in an election of a member of the General Council by a separate society or group of societies

1st Sch.
—cont.

unless his name is included in the roll prepared in pursuance of the immediately preceding paragraph, of members of that society, or of members of the societies forming that group, and any reference in the following provisions of this schedule to a member of a society shall be construed as a reference to a member whose name is included in the appropriate roll prepared as aforesaid.

4. Every solicitor desiring to be included in the aforesaid rolls shall, prior to the first day of December on the first occasion on which, after the passing of this Act, an election requires to be held, and every third year thereafter, deliver to the registrar a note in writing stating his full name and the place where he carries on business and the society of which he is or is deemed to be a member and in respect of which he desires to vote.

5. Within fourteen days after the first day of December next after the passing of this Act, and within the like period in every third year thereafter, the Comptroller of Stamps and Taxes, Edinburgh, shall transmit to the registrar a certified list of solicitors to whom a certificate has been issued as at the said first day of December in pursuance of section forty-seven of the Stamp Act, 1891, and the registrar shall not include in the aforesaid rolls the name of any solicitor who does not comply with the requirements of the preceding paragraph or whose name does not appear in such certified list. The name of a solicitor shall not be included in more than one of the aforesaid rolls.

6. The registrar shall, not later than the thirty-first day of December next after the passing of this Act, and in every third year thereafter, transmit to the clerk or secretary of each society specified separately in the Second Schedule to this Act a copy of the roll of members of that society prepared in pursuance of this schedule, and to the clerk or secretary of the society first named in each group of societies specified in the said schedule, a copy of the roll prepared as aforesaid of the members of those societies, and such clerk shall be the clerk of the society or group as the case may be for the purposes of the election (hereinafter referred to as the "election clerk"). Each election clerk for a group of societies shall, within seven days of the receipt by him as aforesaid of the roll, transmit a copy thereof, so far as consisting of names of members of other societies included in the group to the respective clerks or secretaries of such other societies. The registrar shall be the election clerk of the society last named in the Second Schedule to this Act.

7. Prior to the fifteenth day of January, following the passing of this Act, and in every third year thereafter, a candidate for election to the General Council by a separate society or a group of societies shall send, or cause to be sent, to the election clerk a nomination paper signed by the proposer and seconder of such candidate. A candidate for election by any separate society or

by any group of societies, and his proposer and seconder, must be members of such separate society or of one or other of the societies included in such group, as the case may be. Nomination papers shall be prepared by the election clerk, and an election clerk for a group of societies shall transmit to the clerk of any other society included in the group such nomination papers to such number as may be requested.

1ST SCH.
—cont.

8. Should the number of candidates nominated for election by any separate society or group of societies be no more than the number of members of the General Council that society or group is entitled to elect, the election clerk shall forthwith transmit to the returning officer appointed under the provisions of paragraph ten of this schedule the names of the members nominated.

9. Should the number of candidates nominated for election by any separate society or group of societies exceed the number of members of the General Council that society or group is entitled to elect, the election clerk shall prior to the twenty-fifth day of January in the year of election send a ballot paper containing the names and addresses of the candidates, along with the names and addresses of their respective proposers and seconds, to each member of his own society and a sufficient number of ballot papers to the respective clerks or secretaries of other societies (if any) included in the group of the election clerk which shall be forwarded to the members of such other societies by the respective clerks or secretaries thereof. Ballot papers must be signed by the persons voting and returned to the election clerk on or before the tenth day of February following.

10. The president, dean or other titular head (or his deputy) of a society separately specified in the Second Schedule to this Act, or of the society first named of a group of societies specified in the said schedule, shall act as returning officer, and in the event of an equality of votes for any candidates he shall have a casting vote. If the president, dean or other titular head of a separate society or of the society first named of a group is himself nominated as a candidate the election clerk for such society or group of societies shall act as returning officer. The Deputy Keeper of the Signet or a person to be appointed by him shall act as returning officer for the society last named in the Second Schedule to this Act. The returning officer shall declare the result of the election of members of the General Council by the separate society or group of societies for which he acts and on his instructions the election clerk shall intimate to the registrar the names of the members elected. *

11. The first members of the General Council shall hold office until the last day of February nineteen hundred and thirty-seven. Thereafter members of the General Council, except such

1ST SCH.
—cont.

as are appointed to fill a casual vacancy, shall hold office for three years from the first day of March following the date of their appointment. Should a casual vacancy occur by the resignation or death of a member of the General Council, or otherwise, such vacancy shall be filled by the remaining members of the General Council by the appointment of a member of the separate society or of one of the societies included in the group by which the member causing the vacancy was elected. Such new member shall hold office during the unexpired period of office of the member so causing the vacancy. Any person ceasing to be a member of the General Council shall be eligible for re-election. The powers of the Council may be exercised notwithstanding any vacancies in their number.

12. The Deputy Keeper of His Majesty's Signet shall fix the date, hour and place of the first meeting of the General Council, which shall be held in the month of March following the appointment of the first members thereof, and shall instruct the registrar to give notice of said meeting to all members of the General Council. The Deputy Keeper or a person to be appointed by him shall take the chair at said meeting, and conduct the business thereof until a chairman is appointed in terms of section three of the Act.

Section 2.

SECOND SCHEDULE.

SEPARATE SOCIETIES AND GROUPS OF SOCIETIES REFERRED TO IN THE FIRST SCHEDULE.

- B The Faculty of Solicitors of Inverness-shire.
The Society of Solicitors and Procurators of Caithness.
The Faculty of Solicitors of Ross and Cromarty.
-
- B The Society of Solicitors of Banffshire.
The Society of Solicitors in Peterhead.
The Society of Solicitors of Elginshire.
-
- A The Society of Advocates in Aberdeen.
-
- B The Society of Procurators and Solicitors in the City and County of Perth.
The Society of Procurators and Solicitors of Forfarshire (Forfar District).
The Society of Solicitors of Western District of Perthshire.
-

- A The Faculty of Procurators and Solicitors in Dundee. 2ND SCH.
—cont.
-
- B The Society of Law Agents of Dunfermline District of Fife.
The Society of Procurators of the Central District of Fifeshire.
The Society of Solicitors and Procurators of the Eastern District of Fife.
-
- B The Society of Solicitors and Procurators of Stirling.
The Faculty of Procurators of Dumbartonshire.
The Society of Solicitors of Eastern District of Stirlingshire.
Oban Faculty of Procurators.
-
- A The Scottish Law Agents' Society.
-
- A The Faculty of Procurators in Glasgow.
-
- B The Faculty of Procurators in Paisley.
The Faculty of Procurators of Greenock.
-
- B The Society of Solicitors of Hamilton.
The Society of Solicitors of Airdrie.
-
- A The Society of Writers to His Majesty's Signet.
-
- A The Society of Solicitors in the Supreme Courts of Scotland.
-
- B The Society of Procurators of Mid-Lothian.
The Society of Procurators of the County of East Lothian.
The Faculty of Procurators of the County of Linlithgow (West Lothian).
-
- B The Faculty of Solicitors of Ayr.
Kilmarnock Faculty of Procurators.
-
- B The Faculty of Procurators of Dumfriesshire.
The Faculty of Procurators of the Stewartry of Kirkcudbright.
-
- A A society which shall be deemed to have been formed in accordance with law, and which shall comprise all duly certificated solicitors who are not members of any of the other societies entitled to take part in the election of members of the General Council.
-

Section 51.

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
36 & 37 Vict. c. 63.	Law Agents (Scotland) Act, 1873 -	The whole Act.
54 & 55 Vict. c. 30.	Law Agents and Notaries Public (Scotland), Act, 1891.	The whole Act.
54 & 55 Vict. c. 39.	Stamp Act, 1891 - - -	Section forty-four.
59 & 60 Vict. c. 49.	Law Agents (Scotland) Act Amend- ment Act, 1896.	The whole Act.
11 & 12 Geo. 5. c. 32.	Finance Act, 1921 - - -	Section 60.

CHAPTER 22.

An Act to amend section eleven of the Teachers (Superannuation) Act, 1925, and paragraph (d) of subsection (1) of section four of the Education (Scotland) (Superannuation) Act, 1925.

[28th June 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment
of 15 & 16
Geo. 5.
c. 59. s. 11.

1. The maximum period which may under section eleven of the Teachers (Superannuation) Act, 1925, be treated, subject to the provisions of that section, as being a period during which a teacher was employed in contributory service notwithstanding that his employment in such service was discontinued for that period, shall, in the case of a teacher in any school outside His Majesty's dominions to which this section applies, be four years instead of one year.

This section applies to any school in a foreign country being a school which is shown to the satisfaction of the Board of Education—

- (a) to be maintained primarily for the education of the children of British subjects; or
- (b) to be a school in which it is expedient, on account of special circumstances affecting the country in which it is situated, to facilitate the employment of British teachers.

2. Subsection (1) of section four of the Education (Scotland) (Superannuation) Act, 1925, shall have effect as if in paragraph (d) thereof there were inserted after the words "United Kingdom" the words "or in any school outside His Majesty's dominions to which this paragraph applies" and as if there were inserted after the said paragraph the words—

Amend-
ment of
15 & 16
Geo. 5. c. 55.
s. 4 (1) (d).

"The expression 'school outside His Majesty's dominions to which this paragraph applies' means a school in a foreign country being a school which is shown to the satisfaction of the Department—

"(a) to be maintained primarily for the education of the children of British subjects; or

"(b) to be a school in which it is expedient, on account of special circumstances affecting the country in which it is situated, to facilitate the employment of British teachers."

3.—(1) This Act may be cited as the Teachers (Superannuation) Act, 1933, and this Act, in so far as it relates to England, may be cited with the Teachers (Superannuation) Acts, 1918 to 1925, as the Teachers (Superannuation) Acts, 1918 to 1933, and, in so far as it relates to Scotland, may be cited with the Education (Scotland) Acts, 1872 to 1925, as the Education (Scotland) Acts, 1872 to 1933.

Short title,
citation
and repeal.

(2) The Teachers (Superannuation) Act, 1928, is hereby repealed.

18 & 19
Geo. 5. c. 10.

CHAPTER 23.

An Act to amend the provisions of the Government of India Act relating to the extension of the duration of a Governor's Legislative Council. [28th June 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Amendment of provisions of Government of India Act as to duration of Governors' legislative councils.

1. Proviso (b) to subsection (1) of section seventy-two B of the Government of India Act, which proviso enacts that the period of three years during which a governor's legislative council is to continue to exercise its functions may in special circumstances be extended by the governor for a period not exceeding one year shall have effect as if the words "for a period not exceeding one year" were omitted therefrom.

Short title, construction and printing.

2.—(1) This Act may be cited as the Government of India (Amendment) Act, 1933.

9 & 10
Geo. 5.
c. 101.

(2) Subsection (2) of section forty-five of the Government of India Act, 1919 (which relates to the effect of amendments to, and the printing of, the Government of India Act) shall have effect as if herein re-enacted and in terms made applicable to the amendments effected by this Act.

CHAPTER 24.

An Act to amend the law relating to solicitors by providing for the making and enforcement of rules as to the keeping of accounts for clients' moneys and other matters of professional conduct. [28th June 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows :—

1. The Council of the Law Society shall make rules—
- (a) as to the opening and keeping by solicitors of accounts at banks for clients' moneys; and
- (b) as to the keeping by solicitors of accounts containing particulars and information as to moneys received, held or paid by them, for or on account of their clients; and
- (c) empowering the Council to take such action as may be necessary to enable them to ascertain whether or not the rules are being complied with;

Council of Law Society to make rules as to certain matters.

and may, if they see fit, make rules for regulating in respect of any other matter the professional practice, conduct, and discipline of solicitors :

Provided that rules made under this section shall not come into operation until they have been approved by the Master of the Rolls.

2.—(1) If a solicitor fails to comply with any of the rules made under the preceding section, any person may make a complaint in respect of that failure to the disciplinary committee.

Consequences of failure to comply with rules. 22 & 23 Geo. 5. c. 37.

(2) The provisions of Part I of the Solicitors Act, 1932, shall apply in relation to complaints under this section as they apply in relation to applications to the committee under the said Part I :

Provided that in addition to the powers conferred on the committee by subsection (2) of section five of the said Act the committee and, upon appeal, the High Court shall have power to impose on the solicitor a penalty not exceeding five hundred pounds, and any penalty so imposed shall be forfeit to His Majesty.

3. Section thirty-eight of the Solicitors Act, 1932, (which gives a discretion to the Registrar of Solicitors to refuse to issue certificates in special cases) shall, in addition to the cases mentioned therein, apply to the case where a solicitor applies for a certificate to practise without having paid any penalty imposed upon him under the last preceding section, or any costs ordered to be paid by him under that section or under Part I of the Solicitors Act, 1932.

Discretion of Registrar to refuse practising certificate in certain cases.

Saving for
certain
public
officers.

4.—(1) In the case of a solicitor employed as a public officer, rules made under paragraph (a) or paragraph (b) of section one of this Act shall not apply to him so far as regards moneys received, held, or paid by him in the course of his employment as such public officer.

(2) In this section the expression “ public officer ” means an officer whose remuneration is defrayed out of—

- (a) moneys provided by Parliament; or
- (b) the revenues of the Duchy of Cornwall or the Duchy of Lancaster; or
- (c) the common fund of the Ecclesiastical Commissioners; or
- (d) the general fund of Queen Anne’s Bounty; or
- (e) the fund of the Electricity Commissioners; or
- (f) the Forestry Fund; or
- (g) the Development Fund; or
- (h) any other revenues or fund for the time being prescribed by the Treasury.

Saving for
certain
county
officers.

5.—(1) Rules made under paragraph (a) or paragraph (b) of section one of this Act shall not apply to a solicitor who holds an office to which this section applies and who does not engage in private practice as a solicitor, and, in the case of a solicitor who holds such an office and who engages in private practice as a solicitor, such rules shall not apply to him except so far as regards moneys received, held, or paid by him in the course of such private practice.

(2) The offices to which this section applies are the offices of clerk of the peace of a county, deputy clerk of the peace of a county, clerk of a county council, deputy clerk of a county council, clerk to the visiting committee of a mental hospital, and clerk of the lieutenancy, and any other office connected with the administration of the county to which a person has, whilst holding any of the offices above mentioned, been appointed by the court of quarter sessions or the county council or a joint committee of the court of quarter sessions and the county council, or a committee of either of them.

Saving for
certain
officers
of local

6.—(1) Rules made under paragraph (a) or paragraph (b) of section one of this Act shall not apply to any solicitor who is in whole-time employment as an officer of

a local authority or of statutory undertakers and does not engage in private practice as a solicitor. authorities
and of
statutory
under-
takers.

(2) In this section—

the expression “local authority” means any body having power to levy a rate, as defined for the purposes of the Rating and Valuation Act, 1925, or to issue a precept to a rating authority; and 15 & 16
Geo. 5. c. 90.

the expression “statutory undertakers” means any person authorised by or under an Act of Parliament, or an order having the force of an Act of Parliament, to construct, work, or carry on any railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water, or other public undertaking.

7. This Act shall not apply to the Solicitor of the City of London. Saving for
Solicitor to the
City of London.

8.—(1) Subject to the provisions of this section no bank shall, in connection with any transaction on any account of any solicitor kept with it or with any other bank (other than an account kept by a solicitor as trustee for a specified beneficiary) incur any liability or be under any obligation to make any enquiry or be deemed to have any knowledge of any right of any person to any money paid or credited to any such account which it would not incur or be under or be deemed to have in the case of an account kept by a person entitled absolutely to all the money paid or credited to it: Relief to
banks.

Provided that nothing in this subsection shall relieve a bank from any liability or obligation under which it would be apart from this Act.

(2) Notwithstanding anything in the preceding subsection, a bank at which a solicitor keeps an account for clients' moneys shall not, in respect of any liability of the solicitor to the bank, not being a liability in connection with that account, have or obtain any recourse or right, whether by way of set off, counter claim, charge, or otherwise, against moneys standing to the credit of that account:

Provided that nothing in this subsection shall deprive a bank of any right existing at the time when the first rules made under this Act come into operation.

Short title,
construc-
tion, com-
mencement
and extent.

9.—(1) This Act may be cited as the Solicitors Act, 1933.

(2) The Solicitors Act, 1932, and this Act shall be construed together as one Act and may be cited together as the Solicitors Acts, 1932 and 1933.

(3) This Act shall come into operation on the first day of January, nineteen hundred and thirty-four.

(4) This Act shall not extend to Scotland or to Northern Ireland.

CHAPTER 25.

An Act to amend the law relating to Pharmacy and Poisons and for purposes consequential on such amendment. [28th June 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

PHARMACY.

Membership
of Pharma-
ceutical
Society.

1.—(1) Every person registered as a pharmacist, shall, by virtue of being so registered, be a member of the Pharmaceutical Society of Great Britain (in this Act referred to as "the Society"), and the provisions of the Pharmacy Acts and of the Charter of Incorporation of the Society, in so far as they provide that persons shall become members of the Society by election, shall cease to have effect.

(2) Every member of the Society shall, in addition to the fees payable on registration as a pharmacist, pay such fee (in this section referred to as "a retention fee") as may be prescribed by byelaws, but not exceeding two pounds, in respect of the retention of his name on the register in any year subsequent to the year in which he first becomes a member of the Society, or, in the case of a person who was a member of the

Society immediately before this section comes into operation, subsequent to the year in which this section comes into operation.

PART I.
—cont.

(3) Different retention fees may be prescribed under this section as regards different classes of members of the Society, and provision may be made by byelaws for exempting any class of the said members from liability to pay a retention fee.

(4) If a person on whom a demand has been made, in the manner prescribed by byelaws, for payment of a retention fee payable by him under this section fails to pay the fee within two months after the date on which the demand therefor was made, the Council of the Society (in this Act referred to as "the Council") may remove his name from the register, but if, either within the year in respect of which the fee is payable or within such longer period as the Council may allow, the person whose name has been removed from the register pays to the Society the retention fee, together with such additional sum, if any, by way of penalty for the default as may be prescribed by byelaws, his name shall be restored to the register, and, if the Council so directs, the restoration shall have effect as from the date on which his name was removed from the register.

(5) A person shall, on ceasing to be registered as a pharmacist, cease to be a member of the Society.

(6) Except in so far as the Council otherwise directs, the register of members of the Society and associates and apprentices or students directed to be kept by section five of the Pharmacy Act, 1852, shall cease to be kept, and so much of the Pharmacy Acts as relates to the keeping of the said register and to the granting by the registrar of certificates of inclusion therein, or of membership of the Society, shall cease to have effect.

15 & 16 Vict.
c. 56.

(7) In this section the expression "year" means a period of twelve months beginning on such date as the Council may from time to time determine.

(8) Nothing in this section shall apply to honorary or corresponding members of the Society.

2.—(1) It shall be the duty of the Council on the demand of a registered pharmacist to cause a certificate of registration to be issued to him without fee :

Issue of
certificates
of registra-
tion, and

PART I.

—*cont.*penalties
for failure
to surrender
or abuse of
certificates.

Provided that; where a certificate of registration has already been issued to the person making the demand, there shall be no obligation upon the Council to cause a further certificate to be issued to him unless he satisfies the registrar that the original certificate has been lost or destroyed and pays such fee, if any, in respect of the issue of the further certificate as may be prescribed by byelaws.

(2) If a person to whom a certificate of registration has been issued ceases to be registered as a pharmacist, he shall, within fourteen days after so ceasing, transmit the certificate to the registrar for cancellation, and, if he fails so to do, he shall be liable on summary conviction, in respect of each offence, to a fine not exceeding five pounds and to a further fine not exceeding one pound for every day subsequent to the day on which he is convicted of the offence during which the default continues.

(3) If, with intent to deceive, a person—

(a) forges, or uses, or lends to or allows to be used by any other person a certificate of registration or any other certificate issued under any of the Pharmacy Acts; or

(b) makes or has in his possession a document so closely resembling any such certificate as aforesaid as to be calculated to deceive;

he shall be liable on summary conviction, in respect of each offence, to a fine not exceeding twenty pounds and, in the case of a continuing offence, to a further fine not exceeding five pounds for every day subsequent to the day on which he is convicted of the offence during which the contravention continues.

(4) In the application of this section to England, the expression “forges” has the same meaning as in the Forgery Act, 1913.

3 & 4 Geo. 5.
c. 27.

Restriction
on use of
certain
titles, &c.

3.—(1) It shall not be lawful for a person, unless he is registered as a pharmaceutical chemist, to take or use the title of pharmaceutical chemist or pharmacist, or for any person unless he is registered as a pharmacist to take or use the title of “chemist and druggist,” or of druggist or of pharmacist or of member of the Pharmaceutical Society, or to take or use in connection with the sale of goods by retail the title of chemist.

(2) It shall not be lawful for a person to use in connection with any business any title, emblem or description reasonably calculated to suggest that he or anyone employed in the business possesses any qualification with respect to the selling, dispensing or compounding of drugs or poisons other than the qualification which he in fact possesses.

PART I.
—cont.

For the purposes of this subsection the use of the description “pharmacy” in connection with a business carried on on any premises shall be deemed to be reasonably calculated to suggest that the owner of the business and the person having the control of the business on those premises are registered pharmacists.

(3) If a person acts in contravention of the foregoing provisions of this section, he shall, on summary conviction, be liable in respect of each offence to a fine not exceeding twenty pounds and in the case of a continuing offence to a further fine not exceeding five pounds for every day subsequent to the day on which he is convicted of the offence during which the contravention continues.

4.—(1) The Privy Council may nominate three persons to be members of the Council of the Society in addition to the persons appointed as members of the Council under the Charter of Incorporation of the Society, and the persons so nominated shall hold office as members of the Council for such period as the Privy Council may determine.

Nomination
by Privy
Council of
additional
members of
Council of
Society.

(2) A person may be nominated under this section as a member of the Council whether he is or is not a member of the Society.

5. Section two of the Pharmacy Act, 1852, shall cease to have effect so far as it requires byelaws to be confirmed and approved by a special general meeting of the Society.

Byelaws of
Society not to
require confirma-
tion by general
meeting.
15 & 16 Vict.
c. 56.

6.—(1) For the purposes of this Act there shall be appointed a Committee of the Society which shall be known as “the Statutory Committee” and which shall be constituted in the manner provided by this section.

Constitu-
tion of
Statutory
Committee.

(2) The Statutory Committee shall consist of six members, of whom one, who shall be a person having

PART I.
—*cont.*

practical legal experience, shall be appointed by the Privy Council, and of whom five shall be persons appointed by the Council of the Society.

(3) The member appointed by the Privy Council shall be the chairman of the Statutory Committee, and a person may be appointed a member of the Committee whether he is or is not a member of the Society or of the Council of the Society.

(4) The members first appointed by the Council of the Society shall include a pharmacist resident in Scotland and if, on the occurrence of a vacancy amongst the members appointed by the Council of the Society, none of those members is a pharmacist so resident, the person appointed to fill the vacancy shall be a pharmacist so resident.

(5) Subject to the provisions of this section, a member of the Statutory Committee shall hold office for a period of five years from the date of his appointment but shall be eligible for reappointment at the expiration of that period.

(6) A member of the Statutory Committee may at any time resign his appointment, in the case of the member appointed by the Privy Council by giving notice in writing of his resignation to the Clerk of the Privy Council, and in the case of any other member by giving such notice to the Registrar.

(7) It shall be lawful for the body by which any member of the Committee was appointed to remove him from his office for inability to perform his duties or for misbehaviour.

(8) If the member appointed by the Privy Council becomes, by reason of illness or other infirmity temporarily incapable of performing the duties of his office, the Privy Council may appoint a deputy, (who shall be a person having practical legal experience, but who need not be a member of the Society or of the Council), to perform his duties for any period not exceeding six months at one time, and the person so appointed shall, during that period, have the same powers as the person originally appointed.

(9) There shall be paid to the members of the Committee such reasonable travelling expenses as may

be fixed by the Council with the approval of the Privy Council.

PART I.
—cont.

(10) The expenses of the Statutory Committee (including any such fees payable to any of the members thereof as may be fixed by the Council with the approval of the Privy Council) shall be defrayed by the Society.

(11) The provisions of the First Schedule to this Act shall have effect with respect to the proceedings of the Statutory Committee.

7.—(1) If a registered pharmacist, or a person employed by him in the carrying on of his business has been convicted of any such criminal offence, or been guilty of such misconduct as, in the opinion of the Statutory Committee, renders him, or in the case of an employee, would if he were a registered pharmacist, render him, unfit to be on the register, the committee, after making inquiry into the case, may, subject to the provisions of this Act, direct the registrar to remove the name of the pharmacist from the register.

Removal
of pharma-
cists from
and restora-
tion to
register.

(2) If the Statutory Committee thinks fit in any case so to do, it may, either of its own motion or on the application of the person concerned, direct the registrar to restore to the register, either without fee or on payment of such fee, not exceeding the fee payable on registration as a pharmacist, as may be prescribed by byelaws, any name or entry which has been removed from the register :

Provided that, where an appeal to the High Court against the removal of a name from the register has been dismissed by the High Court, a direction under this subsection in respect of that name shall not take effect unless approved by the Privy Council.

(3) The power of the Council to remove members from the Society and the power of the Privy Council to direct the removal of names from the register shall cease, but nothing in this section shall affect the provisions of sections ten, eleven and twelve of the Pharmacy Act, 1868, with respect to the erasure from the register of names and entries in the cases to which those sections respectively relate.

31 & 32 Vict.
c. 121.

PART I.
—cont.

Conditions
to be
fulfilled by
pharmacist
in order to
become
authorised
seller of
poisons.

8. A registered pharmacist carrying on a business which comprises the retail sale of drugs shall be an authorised seller of poisons within the meaning of this Act if the following conditions are complied with—

- (a) in each set of premises where the business is carried on, the business must, so far as concerns the retail sale of drugs, be under the personal control of the pharmacist himself or of some other registered pharmacist; and
- (b) the name and certificate of registration of the person having the control of the business as aforesaid must be conspicuously exhibited in the premises.

Conditions
to be ful-
filled by
body cor-
porate in
order to
become
authorised
seller of
poisons.

9.—(1) Subject to the provisions of this section, a body corporate carrying on a business which comprises the retail sale of drugs shall be an authorised seller of poisons within the meaning of this Act if the following conditions are complied with—

- (a) the business must, so far as concerns the keeping, retailing, dispensing and compounding of poisons, be under the management of a superintendent in relation to whom the following requirements are fulfilled :
 - (i) he must be a registered pharmacist ;
 - (ii) a statement in writing signed by him and on behalf of the body corporate stating his name and specifying whether or not he is a member of the board must have been sent to the registrar ;
 - (iii) he must not be acting at the time in a similar capacity for any other body corporate ;
- (b) in each set of premises where the business is carried on, the business must, so far as concerns the retail sale of drugs, if not under the personal control of the superintendent, be carried on, subject to the directions of the superintendent, under the personal control of a manager or assistant who is a registered pharmacist ; and
- (c) the name and certificate of registration of the person having the control of the business as aforesaid, whether he is the superintendent or some other person, must be conspicuously exhibited in the premises.

(2) Notwithstanding the restrictions imposed by the foregoing provisions of this Act on the use of certain titles, emblems and descriptions, a body corporate which is an authorised seller of poisons may, if the superintendent is a member of the board, use the description of “chemist and druggist,” or of chemist, or of druggist, or of dispensing chemist or dispensing druggist, and may use the description “pharmacy” in connection with the business :

Provided that nothing in this subsection shall authorise the use of any of the said descriptions in or on any premises which are for the time being disqualified by virtue of a direction under this section from being registered in the register of premises, or in connection with any business so far as it is carried on in any premises so disqualified.

(3) If—

- (a) a body corporate which is an authorised seller of poisons has been convicted of an offence under the Pharmacy Acts; or
- (b) any member of the board or any officer of that body, or any person employed by that body in carrying on the business, has been convicted of any such criminal offence, or been guilty of any such misconduct, as, in the opinion of the Statutory Committee, renders him, or would if he were a registered pharmacist render him, unfit to be on the register;

the Committee may inquire into the case and may, subject to the provisions of this Act, direct—

- (i) that the body corporate shall cease to be an authorised seller of poisons, and be disqualified, for such period as may be specified in the direction, from being an authorised seller of poisons; or
- (ii) that any or all of the premises of the body corporate shall be removed from the register of premises and be disqualified, for such period as may be specified in the direction, from being registered therein.

(4) If the Statutory Committee thinks fit in any case so to do, it may, either of its own motion or on the application of the body corporate concerned, direct that

PART I.
—cont.

any disqualification imposed under this section shall cease:

Provided that where an appeal has been brought to the High Court against a direction involving a period of disqualification, a direction under this subsection for the cesser of any disqualification subsisting by virtue of the direction, whether as originally given or as modified by the High Court, shall not take effect unless approved by the Privy Council.

Continuation of business of pharmacist by representatives in case of death, &c.

10.—(1) Subject to the provisions of this section, if a registered pharmacist who is an authorised seller of poisons dies or becomes of unsound mind or is adjudged bankrupt or enters into any arrangement with his creditors, any representatives who thereafter carry on his business in accordance with the conditions hereinafter specified and are persons in relation to whom the requirements of this section are satisfied shall, for the purposes of that business and during the period specified in subsection (4) of this section, be authorised sellers of poisons within the meaning of this Act and be entitled to use in conjunction with the business name of the pharmacist, such titles, emblems and descriptions as might have been used by the pharmacist.

(2) The conditions referred to in subsection (1) of this section are as follows:—

- (a) in each set of premises where the business is carried on, the business, so far as concerns the retail sale of drugs, must be under the personal control of a registered pharmacist; and
- (b) the name and certificate of registration of the person having the control of the business as aforesaid must be conspicuously exhibited in the premises.

(3) The requirements to be satisfied under subsection (1) of this section in relation to the representatives are that their names and addresses must be registered with the registrar, together with a statement of the name of the pharmacist whose representatives they are.

(4) The period referred to in subsection (1) of this section shall be—

- (a) in the case of the death of a pharmacist, a period of five years from the date thereof;

- (b) in the case of the unsoundness of mind or bankruptcy of a pharmacist, a period of three years from the date when he became of unsound mind or was adjudged bankrupt;
- (c) in the case of an arrangement with the creditors of a pharmacist, a period of three years from the date when the representatives became entitled thereunder to carry on his business,

PART I.
—cont.

or such longer period as, on the application of the representatives, the Statutory Committee may, having regard to all the circumstances of the case, think fit to direct.

(5) If a representative or a person employed by the representatives in the carrying on of the business has been convicted of any such criminal offence, or been guilty of any such misconduct, as in the opinion of the Statutory Committee renders him, or would if he were a registered pharmacist render him, unfit to be on the register, the Statutory Committee, after making inquiry into the case, may, subject to the provisions of this Act, direct that the representatives shall cease to be authorised sellers of poisons and cease to be entitled to use the titles, emblems and descriptions which might have been used by the pharmacist.

(6) In this section the expression "representative" means an executor, administrator, trustee, or committee or a person authorised under section one of the Lunacy Act, 1908, to exercise in relation to a person of unsound mind not so found by inquisition any of the powers of a committee, and includes, in respect of the period of three months after the death of a pharmacist leaving no executor who is entitled and willing to carry on his business, any person beneficially interested in the estate of the pharmacist.

8 Edw. 7.
c. 47.

(7) Where immediately before the date on which this section comes into operation any executor, administrator or trustee of the estate of a deceased pharmacist was continuing the business of that pharmacist in accordance with the provisions of section sixteen of the Pharmacy Act, 1868, as amended by subsection (2) of section three of the Pharmacy Act, 1908, this section shall apply to the representatives of the pharmacist as if he had died immediately after this section came into operation.

31 & 32 Vict.
c. 121.
8 Edw. 7.
c. 55.

PART I.
—cont.
Conditions
as to the
giving of
directions
by Statu-
tory Com-
mittee in
case of
conviction
&c., of
employee.

11.—(1) Where an act or omission which, under the foregoing provisions of this Act, may be made the ground of a direction by the Statutory Committee involving the cesser or restriction of the right of a person (in this section referred to as “the owner of the business”) to be an authorised seller of poisons, is an act or omission on the part of an employee of the owner or, if the owner is a body corporate, is an act or omission on the part of any member of the board or any officer or employee of the body corporate, the Committee shall not give any such direction unless proof is given to its satisfaction of some one or more of the facts specified in the next succeeding subsection, and the Committee is of opinion that, having regard to the facts so proved, the owner ought to be regarded as responsible for the act or omission.

(2) The facts as to some one or more of which the Committee must be satisfied before giving any such direction as is mentioned in subsection (1) of this section are—

- (a) that the act or omission in question was instigated or connived at by the owner of the business or, if the owner is a body corporate, by any member of the board :
- (b) that the owner of the business, or any employee of the owner, or, if the owner is a body corporate, any member of the board or any officer or employee of the body corporate, had been guilty at some time within twelve months before the date on which the act or omission in question took place, of a similar act or omission and that the owner had, or reasonably ought to have had, knowledge of that previous act or omission :
- (c) if the act or omission in question was a continuing act or omission, that the owner of the business had, or reasonably ought to have had, knowledge of the continuance thereof :
- (d) in the case of a criminal offence being an offence under the Pharmacy Acts, that the owner of the business had not used due diligence to enforce the execution of those Acts.

(3) In this section references to the responsibility, knowledge or diligence of the owner of the business shall,

if the owner is a body corporate, be construed as references to the responsibility, knowledge or diligence of the board as a whole.

PART I.
—cont.

12.—(1) Every authorised seller of poisons shall cause all the sets of premises where his business, so far as it comprises the retail sale of drugs, is being carried on to be registered under this section.

Duty of
authorised
sellers of
poisons to
register
business
premises.

(2) An application for registration under this section shall be made in the manner prescribed by byelaws, and it shall be the duty of the registrar to keep, in accordance with the provisions of the byelaws, a register for the purposes of this section (in this Act referred to as "the register of premises") and, on payment of such fee as is hereinafter provided, to enter therein all sets of premises in respect of which an application for registration is duly made.

(3) On an application for registration under this section, there shall be payable such fee, not exceeding three pounds, in respect of the registration of any set of premises, as may be prescribed by byelaws, and the owner of the business carried on in any premises entered in the register shall pay such fee not exceeding three pounds as may be so prescribed (in this section referred to as "a retention fee") in respect of the retention of the premises on the register of premises in any year subsequent to the year in which the premises were first registered under this section in pursuance of an application made by him.

(4) Different fees may be prescribed under this section in relation to different circumstances.

(5) If a person on whom a demand has been made, in the manner prescribed by byelaws, for payment of a retention fee payable by him under this section fails to pay the fee within two months after the date on which the demand therefor was made, the Council may remove the premises from the register of premises, but if, either within the year in respect of which the fee is payable or within such longer period as the Council may allow, the owner of the business carried on in the premises pays to the Society the retention fee, together with such additional sum, if any, by way of penalty for the default, as may be prescribed by byelaws, the premises shall be restored

PART I.
—cont.

to the register, and, if the Council so directs, the restoration shall have effect as from the date on which the premises were removed from the register.

(6) The registration of any premises under this section shall become void on the expiration of fourteen days from the date of any change in the ownership of the business carried on therein.

(7) A document purporting to be a certificate signed by the registrar stating that, on a specified date, specified premises were, or were not, registered under this section shall be admissible in any proceedings as evidence that those premises were, or were not, registered on that date.

(8) In this section the expression “year” means a period of twelve months beginning on such date as the Council may from time to time determine.

Authorised
sellers of
poisons to
furnish
registrar
with list of
shops and
pharmacists
in charge.

13.—(1) Every authorised seller of poisons shall in the month of January in each year send to the registrar a list of all the sets of premises where his business, so far as it comprises the retail sale of drugs, is being carried on and the name of the registered pharmacist having the personal control of the business on each set of premises.

(2) An authorised seller of poisons who fails to comply with the provisions of this section shall be liable on summary conviction, in respect of each offence, to a fine not exceeding five pounds and to a further fine not exceeding one pound for every day subsequent to the day on which he is convicted of the offence during which the default continues.

Provisions
as to direc-
tions given
by Statu-
tory Com-
mittee and
as to appeals
to High
Court.

14.—(1) The Statutory Committee shall cause notice of any direction given by the Committee under this Part of this Act to be given to the person to whom the direction relates and, where the Committee refuses an application for a direction under this Part of this Act, the Committee shall cause notice of the refusal to be given to the applicant.

A notice required by this subsection to be given to any person shall be sent to him by registered letter addressed to him, if he is a pharmacist, at his address in the register, and, if he is a representative within the

meaning of section ten of this Act, at his address as last notified to the registrar, or, in the case of a person being a body corporate, shall be served on that body.

PART I.
—cont.

(2) A direction given by the Statutory Committee under this Part of this Act, other than a direction given on the application of the person to whom it relates, shall not take effect until the expiration of a period of three months from the date on which notice thereof is duly given to the person to whom it relates, or, in a case where an appeal has been brought against the direction, until the appeal is determined or withdrawn.

(3) A person aggrieved by a direction given by the Statutory Committee or by the refusal by the Committee of an application to the Committee to give a direction under this Part of this Act, may, at any time within three months from the date on which notice of the direction, or of the refusal, as the case may be, is given to him, appeal against the direction or refusal to the High Court.

(4) On an appeal under this Part of this Act the High Court may give such directions in the matter as they think proper, including directions as to the costs of the appeal, and the order of the High Court shall be final.

(5) Where a direction given by the Statutory Committee under this Part of this Act has taken effect or an order has been made by the High Court under this Part of this Act on an appeal against any such direction or refusal as aforesaid, it shall be the duty of the registrar to make such alterations in the register or the register of premises as are necessary to give effect to the direction or order.

PART II.

POISONS.

15. As from the appointed day the provisions of the Arsenic Act, 1851, and the provisions of the Pharmacy Acts relating to the sale and supply of poisons and poisonous substances shall cease to have effect and in lieu thereof the following provisions of this Part of this Act shall have effect.

Substitution
of new pro-
visions for
existing
provisions
as to sale of
poisons.
14 & 15 Vict.
c. 31.

PART II.
—cont.
Establish-
ment of
Poisons
Board.

16.—(1) For the purposes of this Act, there shall be an Advisory Committee, which shall be called, and is in this Act referred to as, “the Poisons Board.”

(2) The Poisons Board shall be constituted in manner provided by the Second Schedule to this Act.

(3) The procedure of the Poisons Board shall (subject to any regulations made by the Board with the approval of the Secretary of State) be such as the Board may determine.

Preparation
of list of
poisons for
purposes of
Act.

17.—(1) The Secretary of State shall as soon as may be after the passing of this Act cause the Poisons Board to prepare and submit to him for his approval a list of the substances which are to be treated as poisons for the purposes of this Act.

(2) The list to be prepared under this section shall be divided into two parts, as follows:—

Part I of the list shall consist of those poisons which, subject to the provisions of this Act, are not to be sold except by a person who is an authorised seller of poisons:

Part II of the list shall consist of those poisons which, subject to the provisions of this Act, are not to be sold except by a person who is an authorised seller of poisons or whose name is entered in a list kept under this Part of this Act by a local authority of persons who are to be entitled to sell poisons in Part II (in this Act referred to as a “local authority’s list”).

(3) In determining the distribution of poisons as between Part I and Part II of the said list, regard shall be had to the desirability of restricting the said Part II to articles which are in common use, or likely to come into common use, for purposes other than the treatment of human ailments, and which it is reasonably necessary to include in the said Part II if the public are to have adequate facilities for obtaining them.

(4) The Secretary of State shall forthwith take into consideration the list submitted to him by the Poisons Board, and may by order confirm it, with or without modifications, as he thinks proper:

Provided that where the Secretary of State proposes to confirm the list with modifications he shall inform the Board of the proposed modifications and give to the Board a reasonable opportunity of making any observations with respect thereto, and shall, before finally confirming the list, take into consideration any observations so made.

PART II.
—*cont.*

(5) The Secretary of State may from time to time, after consultation with or on the recommendation of the Poisons Board, by order amend or vary the said list as he thinks proper.

(6) The said list as in force for the time being is in this Act referred to as "the Poisons List," and in this Act the expression "poison" means a poison included in the Poisons List.

18.—(1) Subject to the provisions of this Part of this Act, it shall not be lawful—

Prohibitions
and regula-
tions with
respect to
sale of
poisons.

(a) for a person to sell any poison included in Part I of the Poisons List, unless—

- (i) he is an authorised seller of poisons; and
- (ii) the sale is effected on premises duly registered under Part I of this Act; and
- (iii) the sale is effected by, or under the supervision of, a registered pharmacist:

(b) for a person to sell any poison included in Part II of the Poisons List, unless either—

- (i) he is an authorised seller of poisons and the sale is effected on premises duly registered under Part I of this Act; or
- (ii) his name is entered in a local authority's list, and the sale is effected on premises specified in that list as being premises on which he is entitled, subject to the provisions of this Act, to sell poisons included in Part II of the Poisons List:

(c) for a person to sell any poison, whether included in Part I or in Part II of the Poisons List, unless the container of the poison is labelled in the prescribed manner—

- (i) with the name of the poison; and

PART II.
—cont.

(ii) in the case of a preparation which contains a poison as one of the ingredients thereof, with the prescribed particulars as to the proportion which the poison contained in the preparation bears to the total ingredients; and

(iii) with the word “poison” or other prescribed indication of the character of the article; and

(iv) with the name of the seller of the poison and the address of the premises on which it was sold.

(2) Subject to the provisions of this Part of this Act and to any rules made under this Act dispensing with or relaxing any of the requirements of this subsection—

(a) it shall not be lawful to sell any poison included in Part I of the Poisons List to any person unless that person is either—

(i) certified in writing in the manner prescribed by rules, and by a person authorised by rules to give a certificate for the purposes of this section; or

(ii) known by the seller or by some registered pharmacist in the employment of the seller at the premises where the sale is effected, to be a person to whom the poison may properly be sold:

(b) the seller of any such poison shall not deliver it until—

(i) he has made or caused to be made an entry in a book to be kept for that purpose stating, in the form prescribed by rules, the date of the sale, the name and address of the purchaser and of the person, if any, by whom the certificate required under paragraph (a) of this subsection was given, the name and quantity of the article sold, and the purposes for which it is stated by the purchaser to be required; and

(ii) the purchaser has affixed his signature to the entry aforesaid.

19.—(1) Nothing in the last foregoing section shall apply—

PART II.
—cont.

- (a) to a medicine which is supplied by a duly qualified medical practitioner for the purposes of medical treatment, by a registered dentist for the purposes of dental treatment or by a registered veterinary surgeon for the purposes of animal treatment; or
- (b) to a medicine which is dispensed by an authorised seller of poisons on premises duly registered under Part I of this Act; or
- (c) to a poison forming part of the ingredients of a medicine which is supplied by an authorised seller of poisons on premises duly registered under Part I of this Act,

Exemption
with respect
to medi-
cines.

if the requirements contained in the following provisions of this section are satisfied in relation thereto.

(2) The medicine must be distinctly labelled with the name and address of the person by whom it is supplied or dispensed.

(3) On the day on which the medicine is supplied or dispensed or, if that is not reasonably practicable, on the day next following that day, there must be entered in a book which is used regularly for the purpose of this provision but which need not be used exclusively for that purpose the following particulars—

- (a) the date on which the medicine was supplied or dispensed;
- (b) the ingredients of the medicine and the quantity thereof supplied;
- (c) if the medicine was dispensed by an authorised seller of poisons, the name or initials and, if it is known, the address of the person by whom, and the name and, if it is known, the address of the person to whom, and the date on which, the prescription was given;
- (d) if the medicine was not so dispensed, the name of the person to whom it was supplied:

Provided that the provisions of this subsection—

- (a) need not be satisfied in the case of a medicine which is supplied on and in accordance with

PART II.
—*cont.*

a prescription given by a duly qualified medical practitioner under and in accordance with the Acts relating to national health insurance; and

(b) shall, in the case of a medicine supplied on a prescription on which the medicine has been supplied by the seller on a previous occasion, be deemed to be complied with if the day on which the medicine is supplied and the quantity thereof supplied are entered in the book on that day or, if that is not reasonably practicable, on the day next following that day, together with a sufficient reference to an entry in the book duly recording the dispensing of the medicine on the previous occasion.

(4) In the case of a medicine which is supplied or dispensed by a person who is an authorised seller of poisons and is compounded by the person supplying or dispensing it or by a person in his employment, the medicine must have been compounded by or under the direct and personal supervision of a registered pharmacist.

(5) In the case of a medicine which is supplied or dispensed by a person who is an authorised seller of poisons, the supplying or dispensing of the medicine must be effected by or under the direct and personal supervision of a registered pharmacist.

Exemption
with respect
to sales
wholesale
and sales
to certain
persons.

20. Except as provided by rules, nothing in the foregoing provisions of this Part of this Act shall extend to or interfere with—

- (1) the sale of poisons by way of wholesale dealing;
or
- (2) the sale of poisons to be exported to purchasers outside the United Kingdom; or
- (3) the sale of an article to a duly qualified medical practitioner, registered dentist or registered veterinary surgeon for the purpose of his profession; or
- (4) the sale of an article for use in or in connection with any hospital, infirmary, dispensary or similar institution approved by an order, whether general or special, of the Secretary of State; or
- (5) the sale of an article by a person carrying on a business, in the course of which poisons are

regularly sold either by way of wholesale dealing or for use by the purchasers thereof in their trade or business to—

PART II.
—cont.

(a) a person who requires the article—

(i) for the purpose of his trade or business; or

(ii) for the purpose of enabling him to comply with any requirements made by or in pursuance of any enactment with respect to the medical treatment of persons employed by that person in any trade or business carried on by him; or

(b) a Government department or an officer of the Crown requiring the article for the purposes of the public service, or any local authority (whether a local authority as defined in this Act or not) requiring the article in connection with the exercise by the authority of any statutory powers; or

(c) a person or institution concerned with scientific education or research, if the article is required for the purposes of that education or research.

21.—(1) Every local authority shall keep for the purposes of this Part of this Act a list of persons who, not being entitled to sell poisons included in Part I of the Poisons List, are, subject to the provisions of this Act, to be entitled to sell poisons included in Part II of the Poisons List, and shall, subject as hereinafter provided, enter in the list the name of any person who, having premises in the area of the authority, makes an application to the local authority in the form prescribed by rules to have his name entered in the list as a person entitled subject to the provisions of this Act to sell such poisons on those premises:

Certain persons other than authorised sellers of poisons to be entitled to sell poisons in Part II of Poisons List.

Provided that the local authority may refuse to enter in, or may remove from, the list the name of any person who fails to pay the fees prescribed by rules or who in the opinion of the authority is, for any sufficient reason relating either to him personally or to his premises, not fit to be on the list.

(2) If any person is aggrieved by the refusal of the local authority to enter his name in the said list or by

PART II.
—cont.

the removal of his name therefrom under this section, he may, in accordance with rules made for the purposes of this section by the Secretary of State, appeal against the refusal or removal to the court of quarter sessions for the county or borough in which his place of business is situate.

(3) A local authority's list shall include particulars of the premises on which respectively the persons whose names are entered in the list are entitled to sell poisons included in the said Part II, and subject as aforesaid the said list shall be in the form prescribed by rules.

(4) Every person shall pay to the local authority such fees as may be prescribed by rules in respect of—

- (a) the entry of his name in the local authority's list; and
- (b) the making of any alteration in the local authority's list in relation to the premises on which he is entitled to sell; and
- (c) the retention of his name on the local authority's list in any year subsequent to the year in which his name is first entered therein.

(5) If any person whose name is entered in a local authority's list is convicted before any court of any criminal offence which, in the opinion of the court, renders him unfit to have his name on the list, the court may, as part of the sentence, order his name to be removed from the list and direct that he shall, for such period as may be specified in the order, be disqualified for having his name entered in any local authority's list.

(6) Every local authority's list shall be open at all reasonable times to the inspection of any person without fee.

(7) In this section—

The expression "relating to him personally" means, in relation to a person being a body corporate, relating personally to the members of the board, or to the managers or other officers of the body corporate:

The expression "year" means a period of twelve months beginning on such date as the local authority may from time to time determine.

(8) It shall not be lawful for any person whose name is entered in a local authority's list to use in connection with his business any title, emblem or description reasonably calculated to suggest that he is entitled to sell any poison other than a poison which he is under this Act entitled to sell, and if any person acts in contravention of this subsection he shall be liable on summary conviction, in respect of each offence, to a fine not exceeding twenty pounds and, in the case of a continuing offence, to a further fine not exceeding five pounds for every day subsequent to the day on which he is convicted of the offence during which the contravention continues.

PART II.
—cont.

22. It shall not be lawful for a poison to be exposed for sale in, or to be offered for sale by means of, an automatic machine.

Prohibition of
sale of poisons
by means of
automatic
machines.

PART III.

MISCELLANEOUS.

23.—(1) The Secretary of State may, after consultation with or on the recommendation of the Poisons Board, make rules with respect to any of the following matters or for any of the following purposes :

Power of
Secretary of
State to
make rules.

- (a) the manufacture of pharmaceutical preparations containing poisons :
- (b) the sale, whether wholesale or retail, or the supply of poisons, by or to any persons or classes of persons and in particular but without prejudice to the generality of the foregoing provisions—

(i) for regulating or restricting the sale or supply of poisons by persons whose names are entered in a local authority's list and for prohibiting the sale of any specified poison or class of poisons by any class of such persons; and

(ii) for prohibiting the sale by retail of poisons (being poisons included in Part I of the Poisons List) except on a prescription duly given by a duly qualified medical practitioner, registered dentist or registered veterinary surgeon, and for prescribing the

PART III.
—cont.

form and regulating the use of prescriptions given for the purpose of rules made under this paragraph; and

(iii) for dispensing with or relaxing with respect to poisons any of the provisions contained in Part II of this Act relating to the sale of poisons :

- (c) the storage, transport and labelling of poisons : .
- (d) the containers in which poisons may be sold or supplied :
- (e) the addition to poisons of specified ingredients for the purpose of rendering them readily distinguishable as poisons :
- (f) the compounding and dispensing of poisons :
- (g) the period for which any books required to be kept for the purposes of Part II of this Act are to be preserved :
- (h) the period for which any certificate given under Part II of this Act is to remain in force :
- (i) for requiring persons in control of the manufacture of pharmaceutical preparations containing poisons to be registered pharmacists or persons possessing the prescribed qualification in chemistry :
- (j) for prescribing anything which is by this Act to be prescribed by rules.

(2) The power to make rules under this section with respect to poisons includes the power to make rules with respect to any class of poisons or any particular poison.

(3) The Secretary of State may issue to the Poisons Board a direction that the power of the Board to make recommendations as to the making of rules with respect to the matters or for the purposes specified in paragraphs (a), (b) (i), (c), (d), (e) and (i) of subsection (1) of this section shall not be exercised except after consultation with such body of persons as is specified in the direction, being a body which is, in his opinion, representative of persons engaged in the manufacture of poisons or preparations containing poisons, and the Board shall comply with any such direction.

The Secretary of State may, from time to time, revoke or vary any such direction, without prejudice to the issue of a new direction.

PART III.
—cont.

24.—(1) A person who acts in contravention of or fails to comply with any of the provisions of Part II of this Act (other than subsection (8) of section twenty-one of this Act), or any rules made under this Part of this Act shall, on summary conviction, be liable in respect of each offence to a fine not exceeding fifty pounds, and, in the case of a continuing offence, to a further fine not exceeding ten pounds for every day subsequent to the day on which he is convicted of the offence during which the contravention or default continues.

Penalties.

(2) In the case of proceedings against a person under this section for or in connection with the sale, exposure for sale or supply of a poison effected by an employee—

(a) it shall not be a defence that the employee acted without the authority of the employer; and

(b) any material fact known to the employee shall be deemed to have been known to the employer.

(3) Notwithstanding any provision in any Act prescribing the period within which summary proceedings may be commenced, proceedings for an offence under this Act may be commenced at any time within the period of twelve months next after the date of the commission of the offence or, in the case of proceedings instituted by, or by the direction of, the Secretary of State, either within the period aforesaid or within the period of three months next after the date on which evidence sufficient in the opinion of the Secretary of State to justify a prosecution for the offence comes to his knowledge, whichever period ends on the later date.

For the purposes of this subsection, a certificate purporting to be signed by the Secretary of State as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof.

(4) A fine recovered in proceedings instituted under this Act by, or by the direction of, the Society shall, notwithstanding anything in any public or other Act, be paid to the Society.

PART III.
—cont.

(5) A document purporting to be a certificate signed by a public analyst or person appointed by the Secretary of State to make analyses for the purposes of this Act stating the result of an analysis made by him, shall be admissible in any proceedings under this Act as evidence of the matters stated therein but either party may require the person by whom the analysis was made to be called as a witness.

Inspection
and enforce-
ment of
Act.

25.—(1) It shall be the duty of the Society, by means of inspection and otherwise, to take all reasonable steps to enforce the provisions of Part I of this Act and to secure compliance by registered pharmacists and authorised sellers of poisons with the provisions of Part II of this Act, and of the rules, and the Society shall for that purpose appoint such number of inspectors as the Privy Council may direct.

(2) A person shall not be qualified for appointment by the Society as inspector under this section unless he is a registered pharmacist, and every such appointment shall be subject to the approval of the Privy Council.

(3) A person appointed by the Society as inspector under this section shall hold his office subject to such conditions with respect to salary and otherwise as the Council may with the approval of the Privy Council determine.

(4) An inspector appointed by the Society under this section shall, for the purpose of enforcing the provisions of Part I of this Act and for securing compliance by registered pharmacists and authorised sellers of poisons with the provisions of Part II of this Act and of the rules made under this Part of this Act, have power at all reasonable times to enter any premises which are on the register of premises and shall, for the purpose of securing compliance by other persons with the provisions of the said Part II and of the said rules, so far as those provisions relate to poisons included in Part I of the Poisons List, have power to enter any premises in which he has reasonable cause to suspect that a breach of the law has been committed in relation to any such poisons, and in either case shall have power to make such examination and inquiry and to do such other things (including the taking, on payment therefor, of samples) as may be necessary for ascertaining whether the provisions aforesaid are being complied with.

(5) It shall be the duty of every local authority by means of inspection and otherwise to take all reasonable steps to secure compliance by persons not being authorised sellers of poisons with the provisions of Part II of this Act and of the rules made under this Part of this Act so far as those provisions relate to poisons included in Part II of the Poisons List, and for that purpose to appoint inspectors, and an inspector appointed by the Society in pursuance of subsection (1) of this section may, with the consent of the Society, be appointed by a local authority to be also an inspector for the purposes of this subsection.

PART III.
—cont.

(6) An inspector appointed by the local authority shall, for the purposes of the last preceding subsection, have power at all reasonable times to enter any premises on which any person whose name is entered in a local authority's list carries on business, and any premises on which the inspector has reasonable cause to suspect that a breach of the law has been committed in respect of any poisons included in Part II of the Poisons List, and in either case shall have power to make such examination and enquiry and to do such other things, including the taking, on payment therefor, of samples, as may be necessary for the purposes of the inspection.

(7) An inspector appointed by a local authority in England for the purposes of subsection (5) of this section shall have power with the consent of the local authority to institute proceedings under this Act before a court of summary jurisdiction in the name of the authority, and to conduct any proceedings so instituted by him notwithstanding that he is not of counsel or a solicitor.

(8) If a person wilfully delays or obstructs an inspector in the exercise of any powers under this section, or refuses to allow any sample to be taken in accordance with the provisions of this section, or fails without reasonable excuse to give any information which he is duly required under this section to give, he shall in respect of each offence be liable on summary conviction to a fine not exceeding five pounds.

(9) Without prejudice to the generality of the foregoing provisions, it shall be the duty of every person who appears to be conducting in any premises any business which comprises the retail sale of drugs to

PART III.
—cont.

state, on being required so to do by an inspector appointed under this section, who the owner of the business is, and if any person fails without reasonable excuse to comply with the provisions of this subsection he shall be liable on summary conviction, in respect of each offence, to a fine not exceeding five pounds.

(10) Nothing in this section shall authorise any inspector appointed thereunder to enter or inspect the premises, not being a shop, of a duly qualified medical practitioner, a registered dentist or a registered veterinary surgeon.

Orders and
rules to be
laid before
Parliament

26.—(1) All orders and rules made by the Secretary of State under this Act shall be laid before each House of Parliament for a period of thirty days during the Session of Parliament and, if an Address is presented to His Majesty by either House of Parliament before the expiration of that period, praying that the order or rule may be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of any new order or rule:

Provided that in reckoning any such period of thirty days as aforesaid no account shall be taken of any time during which both Houses of Parliament are adjourned for more than four days.

(2) If the Secretary of State—

- (a) makes an order confirming the Poisons List with modifications in which the Poisons Board does not concur; or
- (b) by order makes amendments or variations in the Poisons List in which the Board does not concur; or
- (c) makes rules under this Act in which the Board does not concur,

he shall, together with the order or rules, lay before each House of Parliament a statement of his reasons for making the order or rules.

Expenses
of local
authorities.

27. Any expenses incurred by a local authority under this Act shall be defrayed, in the case of the Common Council of the City of London and of a metropolitan borough, out of the general rate, in the case of the council of a county, as general county

expenses, and, in the case of the council of a county borough, out of the general rate fund.

PART III.
—cont.

28. Subsection (2) of section seven of the Dangerous Drugs Act, 1920, shall have effect as if for the reference to a person who lawfully keeps open shop for the retailing of poisons in accordance with the provisions of the Pharmacy Act, 1868, as amended by the Poisons and Pharmacy Act, 1908, there were substituted a reference to a person lawfully carrying on business in accordance with the provisions of this Act as an authorised seller of poisons.

Consequen-
tial amend-
ment of
s. 7.(2)
of 10 & 11
Geo. 5. c. 46.

29. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Interpreta-
tion.

“Arrangement with creditors” means a composition or scheme made in pursuance of the law for the time being in force relating to bankruptcy or a deed of arrangement to which the Deeds of Arrangement Act, 1914, applies:

4 & 5 Geo. 5.
c. 47.

“Authorised seller of poisons” means any of the persons declared by section eight, section nine and section ten respectively of this Act to be authorised sellers of poisons within the meaning of this Act:

“The board” means, in relation to a body corporate, the persons controlling that body, by whatever name called:

“Byelaws” means byelaws made by the Society:

“Certificate of registration” means such a certificate as is mentioned in section thirteen of the Pharmacy Act, 1868:

“The Council” means the Council of the Society:

“Dispensing” in relation to a medicine or a poison means supplying a medicine or a poison on and in accordance with a prescription duly given by a duly qualified medical practitioner, a registered dentist or a registered veterinary surgeon:

“Local authority” means in London, as respects the City of London, the Common Council, as respects any other part of the administrative

PART III.
—cont.

county of London, the council of the metropolitan borough, and elsewhere as respects a county the council of the county, and as respects a county borough the council of the borough :

“Pharmacist” means a pharmaceutical chemist or a chemist and druggist :

61 & 62
Vict. c. 25.

“Pharmacy Acts” means the Pharmacy Act, 1852, the Pharmacy Act, 1868, the Pharmacy Acts Amendment Act, 1898, the Poisons and Pharmacy Act, 1908, and sections three and four, and so far as it relates to poisons, section five of the Dangerous Drugs and Poisons (Amendment) Act, 1923, and, if the context so admits, includes a reference to this Act, and a reference to this Act includes a reference to rules made under Part III of this Act :

13 & 14
Geo. 5. c. 5.

“Poison” means a poison included in the Poisons List :

18 & 19
Geo. 5. c. 31.

“Public analyst” means a public analyst appointed under the Food and Drugs (Adulteration) Act, 1928 :

“Register” means the register of pharmaceutical chemists or the register of chemists and druggists :

“Registered” means —

(a) in relation to a pharmacist, duly registered in the register :

44 & 45 Vict.
c. 62.

(b) in relation to a veterinary surgeon, registered in pursuance of the Veterinary Surgeons Act, 1881, either in the register of veterinary surgeons or in the register of existing practitioners :

41 & 42 Vict.
c. 33.

(c) in relation to a dentist, registered under the Dentists Act, 1878 :

“Registered dentist” includes a body corporate entitled to carry on the business of dentistry :

“Registrar” means the registrar appointed under section four of the Pharmacy Act, 1852 :

“Rules” means rules made by the Secretary of State under this Part of this Act :

“Sale by way of wholesale dealing” means sale to a person who buys for the purpose of selling again: PART III.
—cont.

“The Society” means the Pharmaceutical Society of Great Britain.

30. This Act in its application to Scotland shall have effect subject to the following modifications:— Application
to Scotland.

- (a) references to the High Court shall be construed as references to the Court of Session:
- (b) references to proceedings taken by, or by the direction of, the Society shall not apply:
- (c) references to a body corporate shall be deemed to include references to a firm, and in the application to a firm of any provision regarding a body corporate a reference to a member of the board shall be construed as a reference to a partner:
- (d) any reference to a person adjudged bankrupt shall be construed as a reference to a person of whose estate sequestration has been awarded, and the expression “adjudged bankrupt” shall be construed accordingly:
- (e) the expression “arrangement with creditors” shall mean a trust deed for behoof of creditors or composition contract:
- (f) subsection (6) of section ten shall have effect as if the references to a committee and to a person authorised to exercise the powers of a committee were omitted, and as if references to a curator bonis and a judicial factor were inserted:
- (g) the expression “local authority” shall mean, as respects a county, the council of the county, and as respects a large burgh within the meaning of the Local Government (Scotland) Act, 1929, the town council, and all other burghs shall be deemed to be within the county:
- (h) any expenses incurred by a county or town council under this Act shall be defrayed out of such rate payable by owners and occupiers in equal proportions as the council may determine:
- (i) subsection (2) of section twenty-one shall have effect as if for the reference to rules made by the

PART III.
—cont.

Secretary of State there were substituted a reference to Act of Sederunt and as if for the appeal mentioned therein there were substituted an appeal to the sheriff within whose jurisdiction the appellant's place of business is situate :

- (j) references in subsection (3) of section twenty-four to the Secretary of State shall be construed as references to the Lord Advocate.

Short title,
citation,
repeal, com-
mencement
and extent.

31.—(1) This Act may be cited as the Pharmacy and Poisons Act, 1933, and the Pharmacy Acts and this Act may be cited together as the Pharmacy and Poisons Acts, 1852 to 1933.

(2) This Act shall come into operation on the appointed day, and the appointed day shall be such day as His Majesty may by Order in Council appoint, and different days may be appointed for different purposes and for different provisions of this Act.

(3) This Act shall not extend to Northern Ireland.

(4) The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

SCHEDULES.

FIRST SCHEDULE.

Section 6.

PROCEEDINGS OF THE STATUTORY COMMITTEE.

1. The quorum of the Statutory Committee shall be three, of whom the chairman shall be one, and the Committee shall, subject as hereinafter provided, have power to act by a majority of the members present :

Provided that no order directing—

- (1) that the name of a pharmacist shall be removed from the register ; or
- (2) that a body corporate shall cease to be an authorised seller of poisons or that all or any of the premises of the body corporate shall be removed from the

register of premises and be disqualified for any period from being registered therein; or

- (3) that the representatives of a pharmacist shall cease to be authorised sellers of poisons or cease to be entitled to use any title, emblem, or description

shall be made except with the assent of the chairman of the Committee.

2. In the case of an equality of votes, the chairman of the Committee shall have a casting vote.

3. The Statutory Committee may make regulations as to the procedure to be followed by it in exercising the jurisdiction conferred on it by this Act, but no such regulation shall have effect until confirmed by the Privy Council and the Privy Council may confirm any such regulation either with or without modifications :

Provided that where the Privy Council propose to confirm the regulations with modifications the Privy Council shall inform the Committee of the proposed modifications and give to it a reasonable opportunity of making any observations with respect thereto, and shall, before finally confirming the regulations, take into consideration any observations so made.

4. Every regulation made and confirmed under this Schedule shall be laid before each House of Parliament for a period of thirty days during the Session of Parliament and if an Address is presented to His Majesty by either House of Parliament before the expiration of that period praying that the regulation may be annulled it shall thenceforth be void but without prejudice to the validity of anything previously done thereunder or to the making of any new regulation :

Provided that in reckoning any such period of thirty days as aforesaid, no account shall be taken of any time during which both Houses of Parliament are adjourned for more than four days.

SECOND SCHEDULE.

Section 16.

CONSTITUTION OF POISONS BOARD.

1. The Board shall consist of sixteen members :

Provided that the Secretary of State may from time to time if he thinks fit appoint additional members of the Board, not exceeding three in all.

2ND SCH.
—cont.

2. The Board shall be composed of the following persons, namely :—

One person appointed by the Secretary of State for the Home Department ;

One person appointed by the Secretary of State for Scotland ;

Two persons appointed by the Minister of Health ;

One person appointed by the Minister of Agriculture and Fisheries ;

The person who is for the time being the Government Chemist or in his absence a member of his staff nominated by him ;

Five persons appointed by the Council of the Pharmaceutical Society of Great Britain, of whom one shall be a person engaged in the manufacture for sale by way of wholesale dealing of pharmaceutical preparations ;

One person appointed by the Royal College of Physicians of London ;

One person appointed by the Royal College of Physicians of Edinburgh ;

One person appointed by the General Medical Council ;

One person appointed by the Council of the Institute of Chemistry of Great Britain and Ireland ;

One person appointed by the British Medical Association ;

The additional members, if any, appointed by the Secretary of State.

3. Such member of the Board as the Secretary of State may appoint shall be the Chairman.

4. The appointed members of the Board shall hold office for a term of three years.

5. If the place of an appointed member of the Board becomes vacant before the expiration of his term of office, whether by death, resignation or otherwise, the vacancy shall be filled by appointment by the body or person by whom the vacating member was appointed, and any person appointed to fill a casual vacancy shall hold office so long only as the member to whose place he was appointed would have held office.

6. Any appointed member ceasing to be a member of the Board shall be eligible for re-appointment.

7. The powers of the Board may be exercised notwithstanding any vacancy among its members.

8. The quorum of the Board shall be eleven.

THIRD SCHEDULE.

Section 31.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
14 & 15 Vict. c. 13.	The Arsenic Act, 1851	The whole Act.
15 & 16 Vict. c. 56.	The Pharmacy Act, 1852.	In section two, the words “by a Special General “ Meeting of the Members “ of the said Pharma- “ ceutical Society, and” In section ten, the words “and every such person “ duly registered as a “ pharmaceutical chemist “ shall be eligible to be “ elected as a member of “ the said Society.” Sections twelve, thirteen, and fourteen.
31 & 32 Vict. c. 121.	The Pharmacy Act, 1868.	Sections one, two, fifteen, sixteen, seventeen and twenty-six, and Sched- ule F.
32 & 33 Vict. c. 117.	The Pharmacy Act, 1869.	The whole Act.
61 & 62 Vict. c. 25.	The Pharmacy Acts Amendment Act, 1898.	Section three.
8 Edw. 7. c. 55.	The Poisons and Phar- macy Act, 1908.	Sections one, two, three, and five, and the Schedule.
13 & 14 Geo. 5. c. 5.	The Dangerous Drugs and Poisons (Amend- ment) Act, 1923.	Sections three and four, and in section five the words “of the Schedule to the “ Poisons and Pharmacy “ Act, 1908, and”

CHAPTER 26.

An Act to continue in force for a further period the Unemployment Insurance Act, 1930, and sections one and two of the Unemployment Insurance (No. 3) Act, 1931. [28th June 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Continuance of 20 & 21 Geo. 5. c. 16 and 21 & 22 Geo. 5. c. 36 ss. 1 and 2.

1.—(1) The Unemployment Insurance Act, 1930 (as amended by subsequent enactments) and sections one and two of the Unemployment Insurance (No. 3) Act, 1931, which are limited to expire on the thirtieth day of June, nineteen hundred and thirty-three, shall continue in force until the thirtieth day of June, nineteen hundred and thirty-four, and any other enactment the operation of which is limited by reference to the duration of the first-mentioned Act shall have effect accordingly.

(2) There shall be defrayed out of moneys provided by Parliament any increase resulting from the operation of this Act in expenditure which is authorised to be so defrayed by virtue of the Unemployment Insurance Act, 1930 (as amended by subsequent enactments), or section four of the Unemployment Insurance (No. 3) Act, 1931, or any such other enactment as aforesaid.

Short title, citation and extent.

2.—(1) This Act may be cited as the Unemployment Insurance (Expiring Enactments) Act, 1933, and the Unemployment Insurance Acts, 1920 to 1932, and this Act may be cited together as the Unemployment Insurance Acts, 1920 to 1933.

10 & 11 Geo. 5. c. 30.

(2) This Act shall not apply to Northern Ireland except in so far as it continues in force any amendment of the provisions of section forty-one of the Unemployment Insurance Act, 1920, in its application to Northern Ireland.

CHAPTER 27.

An Act to amend the Ballot Act, 1872, so as to enable any blind voter at a poll regulated by that Act to avail himself of the assistance of a relative or friend, and for purposes connected with the matter aforesaid. [18th July 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) The Ballot Act, 1872, shall have effect as if in the rules for elections set out in Part I of the First Schedule to that Act, there were inserted after rule 26 the following rule :—

“ 26A. Where any voter who is accompanied by another person makes application to the presiding officer to be allowed on the ground of blindness to vote with the assistance of the person accompanying him (hereinafter referred to as “ the companion ”), the presiding officer shall require the voter to declare orally whether he is so incapacitated by his blindness as to be unable to vote without assistance, and if he is satisfied that the voter is so incapacitated and is also satisfied by a written declaration made by the companion in accordance with this rule that the companion is a qualified person within the meaning of this rule, and has not previously assisted more than one blind person to vote at the election then taking place, shall grant the application, and thereupon anything which is by this Act required to be done to or by the said voter in connection with the giving of his vote, may, notwithstanding anything to the contrary in this Act, be done to, or with the assistance of, the companion, as the case may be.

“ For the purposes of this rule, any of the following persons shall be qualified to assist a

Right of
blind voter
to vote with
assistance of
a relative or
friend.

35 & 36 Vict.
c. 33.

blind voter to vote at an election, namely, any person who is entitled to vote at that election, and any person who is the father, mother, brother, sister, husband, wife, son, or daughter of the blind voter, and has attained the age of twenty-one.

“The declaration to be made by the companion for the purposes of this rule shall be in the form set out in the Second Schedule to this Act, or in a form as near thereto as circumstances admit, and shall be made in the presence of, and be given to, the presiding officer, and that officer shall thereupon attest it.

“Any such declaration shall be exempt from stamp duty, and no fee or other payment shall be charged in respect of it.

“The name and number on the register of voters of every voter whose vote is given in accordance with this rule, and the name and address of the companion, shall be entered in a list (in this Act referred to as “the list of blind voters assisted by other persons”).”

(2) Section four of the Ballot Act, 1872 (which provides for the punishment of persons infringing the secrecy of the ballot in any manner specified therein) shall have effect as if at the end of the first paragraph of that section there were inserted the words “No person, having undertaken to assist a blind voter to vote, shall communicate to any other person any information as to the candidate for whom that voter intends his vote to be given or for whom his vote has been given, or as to the number on the back of the ballot paper issued at a polling station for the use of that voter.”

(3) The amendments specified in the Schedule to this Act, being minor and consequential amendments of the Ballot Act, 1872, shall be made in the provisions of that Act mentioned in the said Schedule.

Short title,
commence-
ment,
construction
and extent.

2.—(1) This Act may be cited as the Blind Voters Act, 1933.

(2) This Act shall come into operation on the first day of January, nineteen hundred and thirty-four.

(3) References in any Act passed before the commencement of this Act to the Ballot Act, 1872, shall be construed as references to that Act as amended by this Act.

(4) This Act, in so far as it relates to matters in respect of which the Parliament of Northern Ireland has power to make laws, shall not extend to Northern Ireland.

SCHEDULE.

MINOR AND CONSEQUENTIAL AMENDMENTS OF THE Section 1. BALLOT ACT, 1872.

1. The rules for elections set out in Part I of the First Schedule to the Ballot Act, 1872, shall have effect subject to the following modifications, that is to say:—

- (a) in rule 21 (which requires the presiding officer at a polling station to exclude therefrom all persons except electors, the clerks, the agents of the candidates and the constables on duty) there shall be inserted after the word "candidates" the words "any person accompanying a blind voter for the purpose of assisting him to vote";
- (b) in paragraph (5) of rule 29 (which specifies the things which a presiding officer must seal up and deliver to the returning officer on the conclusion of the poll), after the words "tendered votes list" there shall be inserted the words "the list of blind voters assisted by other persons," and after the words "unable to read" there shall be inserted the words "the declarations made by persons assisting blind voters to vote";
- (c) in rule 38 (which requires certain documents relating to an election to be forwarded by the returning officer to the Clerk of the Crown in Chancery), after the words "tendered votes lists," there shall be inserted the words "lists of blind voters assisted by other persons," and after the words "statements relating thereto," there shall be inserted the words "declarations made by persons assisting blind voters to vote."

2. The Second Schedule to the Ballot Act, 1872, shall have effect as if the following form were inserted therein :—

“ Form of declaration to be made by a person assisting a blind voter to vote.*

“ I, _____ of _____, having been requested to assist _____, whose number on the register is _____, to record his vote, hereby declare that *I am entitled to vote at this election, or *that I am the † _____ of the said voter and have attained the age of twenty-one years, and that I have not previously assisted any blind person [except _____ of _____] ‡ to vote at the election now taking place.

** Strike out in appropriate words.*

† State the relationship of the companion to the voter.

‡ Strike out the words in square brackets, if in appropriate.

(Signature of the person making the declaration)

(date).....

“ I, the undersigned, being the presiding officer for the _____ polling station for the [county] ‡ [borough] ‡ of _____, hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

(Signature).....

(date)..... : (hour)

“ N.B.—If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.”

CHAPTER 28.

An Act to enable Municipal Corporations to provide for the audit of their accounts and of the accounts of their officers by district auditors or by other qualified accountants.

[18th July 1933.]

BE it enacted by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows :—

- 1.—(1) In any borough in which the provisions of this subsection are adopted—
- (a) the accounts of the corporation and the accounts of the borough treasurer and other officers of the corporation shall, instead of being audited by borough auditors in accordance with the Municipal Corporations Act, 1882, be audited by district auditors in like manner as accounts of an urban district council and its officers, and the enactments relating to audit by district auditors and to all matters incidental thereto and consequential thereon shall apply in like manner as if they were herein re-enacted with the necessary modifications; and
- (b) sections twenty-five, twenty-six and twenty-seven of the Municipal Corporations Act, 1882, and section two hundred and forty-six of the Public Health Act, 1875, shall cease to be in force.
- (2) In any borough in which the provisions of this subsection are adopted—
- (a) the accounts of the corporation and the accounts of the borough treasurer and other officers of the corporation shall, instead of being audited by borough auditors as aforesaid, be audited by one or more auditors appointed in accordance with the Schedule to this Act, and the provisions of that Schedule shall have effect with respect to the qualifications, powers and duties of any auditor so appointed; and
- (b) section twenty-five of the Municipal Corporations Act, 1882, shall cease to be in force, and references to borough auditors in section twenty-seven of that Act and to auditors of the borough in section two hundred and forty-six of the Public Health Act, 1875, shall be construed as references to the auditor or auditors so appointed.
- (3) The provisions of subsection (1) or of subsection (2) of this section may be adopted in any borough

Power of borough council to vary existing provisions as to audit.
45 & 46
Vict. c. 50.

38 & 39
Vict. c. 55.

by means of a resolution of the council of the borough in that behalf, being a resolution—

- (a) passed by a majority consisting of not less than two-thirds of the members of the council present and voting at a meeting called for the purpose, of which not less than one month's previous notice has been given to every member of the council; and
- (b) confirmed by the council at a regular meeting held not less than one month after the passing of the resolution.

(4) Any resolution passed and confirmed for the purposes of this section shall take effect in the case of a resolution adopting the provisions of subsection (1) of this section as from such date as the Minister of Health may by order direct and, in the case of a resolution adopting the provisions of subsection (2) of this section, as from such date as may be specified in the resolution.

Inspection
and copies
of reports.

2. Every local government elector for a borough in which the provisions of subsection (1) or subsection (2) of section one are adopted may at all reasonable times, without payment, inspect and take copies of and extracts from any report of the district auditor or other auditor or auditors thereunder appointed.

Short title
and extent.

3.—(1) This Act may be cited as the *Municipal Corporations (Audit) Act, 1933.*

(2) This Act shall not extend to Scotland or Northern Ireland.

Section 1.

SCHEDULE.

ALTERNATIVE PROVISIONS WHICH MAY BE ADOPTED AS TO AUDITORS.

1. The auditor or auditors shall be appointed in writing under the seal of the corporation for such period and on such terms as to remuneration and otherwise as the council of the borough think fit.

2. No person shall be qualified to be so appointed unless he is a member of one or more of the following bodies, namely :—

The Institute of Chartered Accountants in England and Wales;

The Society of Incorporated Accountants and Auditors;

The Society of Accountants in Edinburgh;

The Institute of Accountants and Actuaries in Glasgow;

The Society of Accountants in Aberdeen;

The London Association of Certified Accountants Limited;

The Corporation of Accountants Limited.

3. Any auditor so appointed shall be entitled to require from any officer of the corporation such documents, information and explanations as may be necessary for the performance of his duties.

4. Any auditor so appointed shall include in or annex to any certificate given by him with respect to the accounts audited by him such observations and recommendations (if any) as he thinks necessary or expedient to make with respect to the accounts or any matter arising thereout or in connection therewith.

CHAPTER 29.

An Act to amend subsection (1) of section nineteen of the Education Act, 1921, and for purposes consequential on such amendment.

[18th July 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) In subsection (1) of section nineteen of the Education Act, 1921, the words from "but a school" to the end of the subsection shall be repealed, and in lieu thereof the following provisions of this section shall have effect.

Amendment
of s. 19 of
Education
Act, 1921.
11 & 12
Geo. 5. c. 51.

(2) Where a dispute whether a school which is for the time being recognised as a public elementary school (in this section referred to as "the school under consideration"), is necessary or not falls to be determined

by the Board of Education under the said section nineteen, the Board shall not, if the number of scholars in average attendance at that school, as computed by the Board, is thirty or upwards, treat that school as unnecessary unless the Board are satisfied that accommodation for the scholars attending that school is available in other public elementary schools in the case of which the conditions hereinafter mentioned are satisfied.

(3) The conditions to be satisfied in the case of any such other public elementary school as aforesaid are:—

(a) where the school under consideration is a school provided by a local education authority, that the other school is a school provided by the same local education authority; and

(b) where the school under consideration is not a school provided by the local education authority, that the other school is a school which is of the same denominational character as the school under consideration, and is situate within the area of the local education authority in whose area the school under consideration is situate; and

(c) in either case, that the other school is reasonably accessible, regard being had to all the circumstances.

(4) If a teacher in a public elementary school appointed to his office before the commencement of this Act suffers by determination of his appointment or by diminution or loss of fees, salary or emoluments any direct pecuniary loss which he would not have suffered if this Act had not passed, he shall, if provision is not made by any other enactment for the time being in force for his compensation for that loss, be entitled to compensation therefor under this Act, and the provisions of the Eighth Schedule to the Local Government Act, 1929, shall, subject to the modifications set out in the Schedule to this Act, apply to the determination and payment of the compensation.

19 & 20
Geo. 5. c. 17.

Short title
and cita-
tion.

2.—(1) This Act may be cited as the Education (Necessity of Schools) Act, 1933.

(2) This Act and the Education Acts, 1921 to 1931, may be cited together as the Education Acts, 1921 to 1933.

SCHEDULE.

Section 1.

**MODIFICATIONS SUBJECT TO WHICH EIGHTH SCHEDULE
TO LOCAL GOVERNMENT ACT, 1929, IS APPLIED BY
THIS ACT.**

(1) References to the Local Government Act, 1929, shall be construed as references to this Act, references to a council shall be construed as references to a local education authority, and, except in paragraph 15, references to the Minister of Health shall be construed as references to the Board of Education :

(2) In sub-paragraph (e) of paragraph 1, the words "acting under this Act" shall be omitted; in paragraph 7, for the words "appointed day" there shall be substituted the words "commencement of the Education (Necessity of Schools) Act, 1933"; and, in paragraph 15, for the words "general expenses of the council" there shall be substituted the words "expenses of the local education authority under the Education Acts, 1921 to 1933."

CHAPTER 30.

An Act to amend and prolong the duration of the Cotton Industry Act, 1923. [18th July 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) Subsection (1) of section two of the Cotton Industry Act, 1923, as amended by subsection (2) of section one of the Cotton Industry Act, 1928, shall, as from the eighteenth day of July, nineteen hundred and thirty-three, have effect as if for the words "a contribution at the rate of three pence" there were substituted the words "a contribution at the rate of one penny."

Amendment and continuance of 13 & 14 Geo. 5. c. 22. 18 & 19 Geo. 5. c. 11.

(2) Sections one, two and three of the Cotton Industry Act, 1923, which are due to expire on the seventeenth day of July, nineteen hundred and thirty-three, shall (subject in the case of section two to the provisions of subsection (1) of this section) continue in force for a period of five years from that date.

Short title.

2. This Act may be cited as the Cotton Industry Act, 1933, and the Cotton Industry Acts, 1923 to 1928, and this Act may be cited together as the Cotton Industry Acts, 1923 to 1933.

CHAPTER 31.

An Act to provide for the better organisation and development of the agricultural industry and of industries connected therewith by regulating the importation and sale of agricultural products and the production of secondary agricultural products; to amend the law with respect to the marketing of agricultural products; and to make further provision in connection with the matters aforesaid. [18th July 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

REGULATION OF IMPORTATION OF AGRICULTURAL PRODUCTS AND SALES OF HOME-PRODUCED AGRICULTURAL PRODUCTS.

Regulation
of importa-
tion of
agricultural
products.

1.—(1) Subject to the provisions of this section, the Board of Trade, after consultation with the Minister of Agriculture and Fisheries and with the Secretaries of State concerned with agriculture in Scotland and Northern Ireland respectively, may make an order regulating the importation into the United Kingdom of any such agricultural product as may be specified in the

order, if it appears to the Board, after such consultation as aforesaid,—

PART I.
—cont.

- (a) that there have been, or are being, taken all such steps as are practicable and necessary for the efficient reorganisation, by means of agricultural marketing schemes or schemes under this Act, of those branches of the agricultural industry in the United Kingdom in whose interests the order is made; and
- (b) that without an order under this section the effective organisation and development of the said branches of the agricultural industry in the United Kingdom under such schemes as aforesaid cannot be brought about or cannot be maintained;

and any order made under this section may contain such provisions as appear to the Board of Trade, after such consultation as aforesaid, to be necessary for securing the due operation and enforcement of the scheme of regulation contained in the order.

(2) Without prejudice to the generality of the powers conferred by the foregoing subsection, an order under this section may regulate the importation into the United Kingdom of the agricultural product to which the order relates, by determining for any such period as may be specified in the order—

- (a) the quantity of the product, or of any description thereof, which may be imported;
- (b) the descriptions of the product which may be imported.

(3) In deciding whether to make an order under this section, and in settling the terms of any such order, the Board of Trade shall, among other considerations, have regard to the interests of consumers of the product to which the order relates (including persons who purchase that product for the purpose of subjecting it to any treatment or process of manufacture) and to the effect which the regulation of the importation of that product into the United Kingdom is likely to have upon commercial relations between the United Kingdom and other countries; and the Board shall not make such an order unless they are satisfied that it is not at variance with any treaty, convention or

PART I.
—cont

agreement for the time being in force between His Majesty and any foreign Power or between His Majesty's Government in the United Kingdom and the government of any other country.

(4) Any expenses incurred under this section by the Board of Trade for the purpose of regulating the importation of an agricultural product into the United Kingdom shall be defrayed out of moneys provided by Parliament.

Regulation
of sales of
home-
produced
agricultural
products.

2.—(1) Where—

- (a) the importation of an agricultural product into the United Kingdom is regulated by an order in force under the foregoing section; or
- (b) the Board of Trade certify that arrangements have been made, to the satisfaction of the Board, for controlling the importation of an agricultural product into the United Kingdom,

then, if it appears to the Minister of Agriculture and Fisheries and the Secretaries of State concerned with agriculture in Scotland and Northern Ireland respectively that an order under this section will conduce to the efficient reorganisation or organised development of any branch of the agricultural industry in the United Kingdom, or is necessary in order to secure the economic stability of any branch of that industry, the said Minister and Secretaries of State, acting in conjunction, may, subject to the following provisions of this section, make, in respect of the said agricultural product or any related product, an order regulating sales of the product which is the subject of the order by persons producing it in the United Kingdom or by boards administering agricultural marketing schemes, by determining for any such period as may be specified in the order—

- (i) the descriptions of the product which may be sold;
- (ii) the quantity of the product, or of any description thereof, which may be sold;

so, however, that nothing in an order under this section shall apply to any product in so far as it is produced outside the United Kingdom.

In this subsection the expression “related product” means, in relation to an agricultural product, any

agricultural product from which the first-mentioned agricultural product is wholly or partly manufactured or derived, or any agricultural product wholly or partly manufactured or derived therefrom.

PART I.
—cont.

(2) Any order made under this section may contain such provisions as appear to the said Minister and Secretaries of State to be necessary for securing the due operation and enforcement of the scheme of regulation contained in the order, and, subject to any directions which may be contained in the order, it shall be the duty of boards administering agricultural marketing schemes to exercise their powers in such manner as appears to them to be necessary for securing that the order is not contravened.

(3) Before making any order under this section, the said Minister and Secretaries of State shall consult the Board of Trade and the Market Supply Committee, and, if the order is in respect of a product the marketing of which is regulated by agricultural marketing schemes, shall also consult the boards administering those schemes.

(4) Any expenses incurred under this section by the Minister of Agriculture and Fisheries or a Secretary of State for the purpose of regulating sales of an agricultural product shall be defrayed out of moneys provided by Parliament, but such of the said expenses as the Joint Exchequer Board may determine to be properly payable by the Government of Northern Ireland shall be made good by means of deductions from the Northern Ireland residuary share of reserved taxes.

3.—(1) The Minister of Agriculture and Fisheries and the Secretaries of State concerned with agriculture in Scotland and Northern Ireland respectively, acting in conjunction, (hereafter in this section referred to as “the appointing authority”) shall appoint a committee for the United Kingdom, which shall be called, and is in this Act referred to as, “the Market Supply Committee.”

Market
Supply
Committee.

(2) It shall be the duty of the Market Supply Committee to review generally the circumstances affecting the supply of agricultural products in the United Kingdom

PART I.
—cont.

and to make recommendations to the said Minister and Secretaries of State as to any steps which ought, in the opinion of the committee, to be taken for regulating that supply, and, in particular, to give to the said Minister and Secretaries of State advice and assistance in connection with the discharge of their functions under this Part of this Act and to report to them on the operation of any order in force under this Part of this Act and of any arrangements made for controlling the importation of an agricultural product into the United Kingdom.

(3) The Market Supply Committee shall consist of a chairman and not more than four other persons, and the chairman and other members of the committee shall be appointed for such period, and subject to such conditions, as may be determined by the appointing authority.

(4) The meetings, quorum and procedure of the Market Supply Committee shall be regulated in accordance with regulations made by the appointing authority for the purpose, and the committee shall have power to act notwithstanding any vacancy among the members thereof.

(5) The appointing authority may appoint a secretary to the Market Supply Committee, and the committee may employ such officers, agents and servants as the appointing authority, with the approval of the Treasury, may determine.

(6) The appointing authority may pay such remuneration to the chairman and other members, and to the secretary, officers, agents and servants, of the Market Supply Committee, and such other expenses of the committee, as the appointing authority, with the approval of the Treasury, may determine.

(7) The expenses incurred under this section by the appointing authority shall be defrayed out of moneys provided by Parliament, but such of the said expenses as the Joint Exchequer Board may determine to be properly payable by the Government of Northern Ireland shall be made good by means of deductions from the Northern Ireland residuary share of reserved taxes.

PART II.

DEVELOPMENT SCHEMES FOR ORGANISING THE
PRODUCTION OF SECONDARY AGRICULTURAL PRODUCTS.

4.—(1) The boards respectively administering two or more agricultural marketing schemes, being schemes of which—

Submission
and
approval of
develop-
ment
schemes.

- (a) at least one is a scheme under the principal Act for regulating the marketing of a secondary product to which this Part of this Act applies; and
- (b) at least one is a scheme under the principal Act for regulating the marketing of an agricultural product from which that secondary product is wholly or partly manufactured or derived,

may submit for approval by the appropriate Minister a scheme (hereafter in this Act referred to as “a development scheme”) for organising, in connection with the said marketing schemes, the production of that secondary product in the area or in each area, as the case may be, to which any of the said agricultural marketing schemes which regulates the marketing of the secondary product applies.

(2) If the appropriate Minister is satisfied, with respect to any development scheme submitted in accordance with this section, that the scheme will conduce to the more efficient marketing, under the related marketing schemes, of the agricultural products to which those schemes respectively relate, then, subject to the provisions of Part I of the First Schedule to this Act, he may, after consultation with the Board of Trade, lay a draft of the development scheme before each House of Parliament, and if each House resolves that the scheme be approved, the appropriate Minister shall make an order approving the scheme in terms of the draft, and the scheme shall come into force at the same time as the order.

(3) The provisions of Part II of the First Schedule to this Act shall apply with respect to the amendment or revocation of a development scheme.

PART II.
—*cont.*
Administra-
tion of
develop-
ment
schemes.

5.—(1) Every development scheme shall provide for the administration of the scheme by a board, which shall (subject to the provisions of the scheme as to the filling of casual vacancies on the board) consist of—

- (a) a chairman and two other persons appointed by the appropriate Minister; and
- (b) such number of other persons as may be specified in the scheme, being persons elected in accordance with the scheme by the constituent marketing boards respectively;

and the board to administer a development scheme is hereafter in this Act referred to as “ a development board.”

(2) The provisions of the Second Schedule to this Act shall apply with respect to the constitution, incidental functions, and winding-up of a development board.

Regulatory
provisions
of develop-
ment
schemes.

6.—(1) A development scheme may require that no person shall produce the secondary product in any premises in the area to which a related marketing scheme for regulating the marketing of that product applies, unless either—

- (a) he is exempt from registration under that marketing scheme; or
- (b) there is in force in respect of those premises a licence (hereafter in this section referred to as “ a producer’s licence ”) granted by the development board, authorising the production of the said product in the premises;

and may empower the development board to grant a producer’s licence subject to such conditions as the board, having regard to the interests of the persons registered as producers under the related marketing schemes, think necessary for promoting efficient production of the said product in the premises to which the licence relates or for preventing or reducing excessive production of that product, and may further empower the development board to revoke a producer’s licence if any condition subject to which the licence was granted is contravened; so however that the scheme shall provide for securing—

- (i) that the grant of a producer’s licence in respect of any premises in which the secondary product was being produced at any time during the six

months immediately preceding the relevant date, shall not (unless such a licence previously granted in respect of those premises has been revoked) be refused before the expiration of such period, not being less than one year nor more than two years from the day on which the scheme comes into force, as may be specified in the scheme; and

- (ii) that the grant of such a licence shall not be refused in respect of any premises except on such grounds as may be specified in the scheme.

In this subsection the expression "the relevant date" means, in relation to a development scheme submitted at any time during the year nineteen hundred and thirty-three, the first day of March, nineteen hundred and thirty-three, or, in relation to a development scheme submitted after that year, the date on which notice of the submission of the scheme was first published in accordance with this Act.

(2) A development scheme may empower the development board, so far as appears to them to be necessary for the purpose of preventing, eliminating or reducing inefficient or excessive production of the secondary product, to purchase by agreement any premises used for producing the said product in any area to which a related marketing scheme for regulating the marketing of that product applies, and to dispose, as the development board think fit, of any premises so purchased by them.

(3) Every development scheme shall provide for the following matters, that is to say :—

- (a) for securing that, in such class of cases as may be specified in the scheme or determined by the development board, compensation shall be payable by the board to any applicant for a producer's licence who is aggrieved by the refusal of the board to grant the licence or by any conditions attached thereto, as the case may be;
- (b) for securing that where any person producing, or desirous of producing, the secondary product in the area to which a related marketing scheme for regulating the marketing of that product applies, is aggrieved by any act or omission of

PART II.
—cont.

the development board, he may refer the matter to one or more arbitrators appointed in accordance with the development scheme, and for the manner in which any such reference is to be heard and determined;

- (c) for empowering the development board, for the purpose of defraying their expenses under the scheme, to levy from the constituent marketing boards contributions assessed on those boards in such proportions, in such manner, and subject to such limitations, as may be prescribed by the scheme;
- (d) for exempting from all or any of the provisions of the scheme producers of such classes or descriptions as may be specified in the scheme or determined by the development board, or the production of any such description of the secondary product as may be so specified or determined.

(4) A development scheme may further provide for all or any of the following matters, that is to say:—

- (a) for enabling the development board, subject to such conditions as may be specified in the scheme, to exercise any power of a constituent marketing board to grade, pack, store, adapt for sale, insure, advertise or transport an agricultural product, and any power of such a marketing board in connection with the regulation of sales of an agricultural product or the regulation of any matter mentioned in paragraph (f) of section five of the principal Act;
- (b) for requiring holders of producers' licences to furnish to the development board, or to any person authorised by that board, such estimates, returns, accounts and other information relating to the production of the secondary product as the development board consider necessary for the operation of the scheme; and for the imposition and recovery of penalties on and from any person who contravenes the provisions of the scheme made in pursuance of this paragraph;

PART II.
—cont.

- (c) for empowering any person authorised in writing by the development board, for the purpose of securing compliance with the scheme, to enter and inspect, at any reasonable time and on production of his authority, any such premises in the area to which a related marketing scheme for regulating the marketing of the secondary product applies as may be specified in the authority, being premises which the development board have reason to believe are used for producing the secondary product;
- (d) for enabling the development board to encourage, promote or conduct education and research in connection with the production and marketing of any agricultural product the marketing of which is regulated by a related marketing scheme;
- (e) for such matters as are necessary for giving effect to, or are incidental to, or consequential on, the provisions of the scheme made in pursuance of the foregoing provisions of this Act.

(5) Every person who produces any article in contravention of the provisions of a development scheme made in pursuance of subsection (1) of this section, shall be liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds and an additional fine not exceeding the value of the said article, or, in the case of a second or subsequent offence, to both such imprisonment and fines, and every person who obstructs a person in the exercise of any powers conferred on him by virtue of paragraph (c) of subsection (4) of this section shall, for each offence, be liable on summary conviction to a fine not exceeding twenty pounds.

The court by whom a fine is imposed for an offence under this subsection may, if the court think fit, having regard to the prejudicial effect which the commission of the offence has had, or is likely to have, on the operation of the development scheme, direct that the whole or any part of the fine be paid to the development board.

PART II.
—cont.
Secondary products to which Part II of the Act applies.

7.—(1) The secondary products to which this Part of this Act applies are bacon (including hams) and any such agricultural product, being a product wholly or partly manufactured or derived from another agricultural product, as may be specified by an order in force under this section.

(2) The Minister of Agriculture and Fisheries and the Secretaries of State concerned with agriculture in Scotland and Northern Ireland respectively, acting in conjunction, may, after consultation with the Board of Trade, lay before each House of Parliament the draft of an order directing that this Part of this Act shall apply to any such agricultural product, being a product wholly or partly manufactured or derived from another agricultural product, as may be specified in the order, and if each House resolves that the order be approved, the said Minister and Secretaries of State, acting as aforesaid, shall make the order.

Reports to be laid before Parliament.

8. The Minister of Agriculture and Fisheries and the Secretaries of State concerned with agriculture in Scotland and Northern Ireland respectively shall, in the year nineteen hundred and thirty-four and in each subsequent year, lay before Parliament a report—

- (a) upon the operation of all the development schemes for the time being in force; and
- (b) upon the development schemes which have been submitted to them since the last report was laid before Parliament under this section or, in the case of the first report, since the commencement of this Act, but which have not come into force at the date of the report.

Validity and commencement of orders under Part II.

9.—(1) The validity of an order made in pursuance of this Part of this Act shall not be called in question except in proceedings duly begun during the period of twenty-eight days from the day on which notice of the making of the order is first published in accordance with this Act.

(2) The court before whom any proceedings are duly taken for the purpose of questioning the validity of such an order as aforesaid may, upon application made by any party before the expiration of the said period of twenty-eight days, make an interim order directing that

the order in question shall not come into operation before the final determination of the proceedings.

PART II.
—cont.

(3) In any such proceedings as aforesaid no appeal shall, without the leave of the Court of Appeal or Court of Session, as the case may be, lie from that court to the House of Lords.

(4) Subject to the foregoing provisions of this section, every order made in pursuance of this Part of this Act shall come into operation at the end of the period of twenty-eight days from the day on which notice of the making of the order is first published in accordance with this Act and, unless the final decision in proceedings duly begun during the said period is that the order is invalid, the order shall be conclusive evidence that the requirements of this Act have been complied with in relation to the making of the order, and that the order and any scheme approved thereby have been duly made and approved respectively and are within the powers conferred by this Act.

PART III.

AMENDMENTS OF 21 & 22 GEO. 5. c. 42.

10.—(1) The principal Act shall have effect as if section five thereof were extended so as to enable any scheme under that Act to provide for the determination from time to time of the quantity of the regulated product or of any description thereof which may be sold by any registered producer, so, however, that the scheme shall either specify the method of determination or require the board to prescribe it, and, without prejudice to the generality of the foregoing provisions of this section, the method of determination may be such as to secure that the quantity (if any) which any particular registered producer may sell is determined wholly or partly by reference to the quantity of that product or description, as the case may be, which was, in some past period, produced, sold or otherwise dealt with on particular land or premises or by particular persons.

Regulation
of sales of
regulated
product.

(2) A scheme under the principal Act may provide for securing that, for all or any of the purposes of the scheme and of the said Act, the sale of any agricultural product wholly or partly manufactured or derived from

PART III.
—cont.

the regulated product shall be deemed to be a sale of the regulated product if the substance of the transaction between the seller and the buyer is that the seller, being in possession of the regulated product, agrees to subject it, or cause it to be subjected, to some process and to sell the resulting product to the buyer; and where, in the case of any such scheme as aforesaid, the regulated product is live stock of any kind, then, without prejudice to the foregoing provisions of this subsection, the scheme may provide for securing that, for all or any of the purposes aforesaid, a person shall be deemed to sell the regulated product if he sells the carcasses of any live stock of that kind, being live stock produced by him in the area to which the scheme is applicable.

Extension of marketing boards' powers by order.

11.—(1) With a view to enabling effect to be given to an order under Part I of this Act regulating sales of an agricultural product, or to any arrangements made by persons producing an agricultural product in Great Britain as to the quantity of that product or of any description thereof which is to be produced or sold by them, the Minister may by order—

- (a) modify any scheme in force under the principal Act by inserting therein any provision which the scheme might contain by virtue of the last foregoing section;
- (b) modify any such scheme as aforesaid by inserting therein provisions for the determination from time to time of the descriptions of the regulated product which may be sold by any registered producer;
- (c) empower the board administering such a scheme as aforesaid to require every producer of the regulated product, not being a registered producer, to furnish to the board his name and address and such information relating to the regulated product as the board, with the approval of the Minister, may determine:

Provided that—

- (i) no order under this section shall be made in relation to any such scheme as aforesaid, other than a substitutional scheme, until the expiration of the suspensory period; and

- (ii) except with a view to enabling effect to be given to an order under Part I of this Act regulating sales of an agricultural product, no order under this section modifying a scheme or conferring any power on a board shall be made otherwise than at the request of the board.

PART III.
—cont.

(2) An order under this section may make such modifications in the scheme to which the order relates as appear to the Minister to be necessary for giving effect to, or to be incidental to, or consequential on, the provisions of the order made in pursuance of paragraph (a) or paragraph (b) of the foregoing subsection, and such modifications may include a provision requiring the board to impose on, and recover from, any registered producer who contravenes any provision of the scheme which has effect by virtue of the provisions of the order made in pursuance of the said paragraph (a) or paragraph (b), such monetary penalties as may be specified in the order, and may prescribe the manner in which such penalties may be recovered; and the order shall make such modifications (if any) in the said scheme as appear to the Minister to be necessary for securing that any provisions of the scheme relating to the right of a producer to refer to arbitration any matter arising between him and the board, and to the payment of compensation to registered producers, shall apply in relation to the order as they apply in relation to the scheme.

(3) If any producer from whom any information is demanded by a board in the exercise of their powers under the provisions of an order made in pursuance of paragraph (c) of subsection (1) of this section, fails to comply with the demand or knowingly makes any false statement in reply thereto, he shall for each offence be liable on summary conviction to imprisonment for a term not exceeding one month, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

12. The principal Act shall have effect as if section five thereof were extended so as to enable any scheme under that Act to provide—

- (a) for empowering the board to receive the whole or any part of any sums payable by purchasers

Pooling and
distribution
of proceeds
of sales of
regulated
product.

PART III.
—cont.

of the regulated product in respect of sales of that product by registered producers; and.

- (b) for securing that any sums so received are distributed by the board to the sellers in such manner as may be specified in the scheme or prescribed by the board.

Consulta-
tion
between
marketing
boards and
other
persons.

13.—(1) The board administering a scheme under the principal Act shall have power to negotiate with any other person in respect of any matter concerning the marketing of the regulated product, or of any agricultural product from which the regulated product is wholly or partly manufactured or derived, or of any commodity wholly or partly manufactured or derived from the regulated product, and to agree with the other parties to the negotiations to bring into consultation in connection therewith such person as may be agreed between the parties or, in default of agreement, nominated by the Minister.

(2) The board administering a scheme under the principal Act may pay the whole or any part of the remuneration and expenses of any person whose function it is to advise the board in connection with the exercise of their powers under the scheme, or who is brought into consultation in connection with negotiations entered into by the board in pursuance of this section.

Composition
of market-
ing boards.

14.—(1) The board to administer a scheme under the principal Act, not being a scheme approved before the commencement of this Act, shall, subject to the provisions of the scheme as to the filling of casual vacancies in the board, be composed of—

- (a) persons elected, in accordance with the scheme, either by registered producers or by a body or bodies elected by such producers in accordance with the scheme; and
- (b) two persons co-opted to the board, in accordance with the scheme, by the elected members of the board after consultation with the Market Supply Committee :

Provided that—

- (i) during such period, not being longer than twelve months from the day on which the scheme comes into force, as may be

specified in the scheme, the board shall, subject as aforesaid, be composed of persons named in the scheme and two persons nominated by the Minister after consultation with the persons by whom the scheme was submitted; and

PART III.
—cont.

(ii) the co-option of any particular person to the board during the period of twelve months from the end of the period specified in the scheme for the purpose of paragraph (i) of this proviso shall be subject to the approval of the Minister.

(2) In the case of any scheme under the principal Act which was approved before the commencement of this Act, the Minister, after consultation with the board, may by order make such amendments in the scheme as appear to him to be necessary for securing that the composition of the board accords with the requirements of the foregoing subsection.

(3) Every person co-opted to a board for the purposes of this section shall be a person who, in the opinion of the persons co-opting him, is specially qualified for membership of the board by reason of his commercial or financial ability.

(4) The provisions of subsection (1) of section two of the principal Act which relate to the composition of boards shall cease to have effect.

15.—(1) Every scheme under the principal Act, not being a scheme approved before the commencement of this Act, shall require the board to appoint from among the members thereof an executive committee consisting of not more than seven persons, and shall provide—

Discharge of
functions of
marketing
boards by
executive
committees.

- (a) for the delegation to the said committee of all the functions of the board under the scheme, except such functions, if any, as may be specified in the scheme; and
- (b) for securing that at least one of the members of the board nominated by the Minister or co-opted in accordance with the last foregoing section shall be a member of the said committee.

PART III.
—cont.

(2) In the case of any scheme under the principal Act which was approved before the commencement of this Act, the Minister, after consultation with the board, may by order amend the scheme so as to make it conform with the requirements of the foregoing subsection.

Compensation under marketing schemes.

16.—(1) So much of paragraph (c) of subsection (1) of section seven of the principal Act as requires every scheme under that Act to provide for requiring the board by whom the scheme is to be administered to pay such sums by way of compensation as may be necessary for securing that the provisions of the scheme operate equitably as between all registered producers, shall cease to have effect, but compensation shall be payable under, and in accordance with, such a scheme as aforesaid by the board to registered producers in such class of cases as may be specified in the scheme.

(2) The operation of the provisions of a scheme relating to the payment of compensation shall, except in the case of a substitutional scheme, be suspended until the expiration of the suspensory period.

Effect of marketing schemes on contracts.

17.—(1) The proviso to subsection (1) of section eight of the principal Act (which provides that certain contracts the performance of which is prohibited by or under any scheme under that Act must be registered in order not to be invalidated) shall apply, and shall be deemed always to have applied, to all such contracts as aforesaid, so however that, in relation to any contract made before the commencement of this Act, not being a contract made during the relevant period, the reference in the said proviso to “the expiration of three months after the prohibition first takes effect” shall be construed as a reference to the expiration of three months after the prohibition first takes effect or the expiration of three months after the commencement of this Act, whichever occurs the later.

(2) Where, in conformity with a scheme under the principal Act, any contract for the sale of the regulated product by a registered producer otherwise than to, or through the agency of, the board purports to confer on the board any right to receive from the purchaser the whole or any part of the purchase price payable under the contract, or of any damages for which the purchaser

may be liable in respect of a wrongful rejection of articles tendered in accordance with the contract, the board may enforce that right against the purchaser, notwithstanding that the board are not parties to the contract and notwithstanding that, as between the board and the purchaser, there is no consideration.

PART III.
—cont.

(3) Where any scheme in force under the principal Act provides—

- (a) for requiring registered producers to sell the regulated product or any description thereof only to, or through the agency of, the board; or
- (b) for the determination of the quantity of the regulated product or of any description thereof which may be sold by any registered producer;

then, notwithstanding anything in section eight of the principal Act, as amended by this Act, every contract (whether made before or after the commencement of this Act) whereby a registered producer undertakes to sell, otherwise than to, or through the agency of, the board, a quantity of an agricultural product determined by reference to the total quantity thereof from time to time produced by the registered producer or produced by him in any area or premises specified in the contract, shall, if and in so far as the performance of the contract is prohibited by or under the scheme, be void and unenforceable:

Provided that nothing in this subsection shall affect any cause of action which has arisen before the commencement of this Act.

18.—(1) An Agricultural Marketing Reorganisation Commission constituted under section fifteen of the principal Act, as amended by this section, may be charged with the duty of preparing a development scheme in accordance with the provisions of this Act, and accordingly, in subsection (1) of the said section fifteen, the reference to schemes for regulating the marketing of such agricultural products as the Minister may direct shall be construed as including a reference to development schemes for organising the production of such agricultural products, being secondary products to which Part II of this Act applies, as the Minister may direct, and the reference to the producers concerned

Extension of functions of Agricultural Marketing Reorganisation Commissions and committees of investigation.

PART III. shall, in relation to a development scheme, be construed
—*cont.* as a reference to the boards concerned.

(2) A committee of investigation appointed under section nine of the principal Act, as amended by this section, shall be charged with the duty, if the Minister so directs, of considering, and reporting to him on, any complaint made to him as to the operation of a development scheme, and accordingly subsections (4), (5) and (6) of the said section nine shall have effect as if references therein to a scheme under the principal Act included references to a development scheme.

(3) The areas for which Agricultural Marketing Reorganisation Commissions may be constituted under section fifteen of the principal Act, and for which committees of investigation are to be appointed under section nine of that Act, shall, in relation to development schemes, include the following areas, that is to say, England and Northern Ireland, Scotland and Northern Ireland, and the United Kingdom, and in relation to any such commission or committee for an area which includes Northern Ireland, references to the Minister in this section and in the principal Act, as amended by this Act, shall be construed as references to the Minister and to the Secretary of State concerned with agriculture in Northern Ireland :

Provided that—

- (a) the development schemes to be prepared by Agricultural Marketing Reorganisation Commissions for England and Northern Ireland, for Scotland and Northern Ireland or for the United Kingdom shall be schemes applicable in England and Northern Ireland, in Scotland and Northern Ireland, or in England, Scotland and Northern Ireland, as the case may be ; and
- (b) a committee of investigation shall not be appointed for England and Northern Ireland, for Scotland and Northern Ireland or for the United Kingdom, unless there is in force a development scheme applicable not only in Northern Ireland, but also in England, in Scotland, or in England and Scotland, as the case may be.

(4) The expenses incurred by the Minister by virtue of this section in connection with any Agricultural Marketing Reorganisation Commission or committee of investigation shall be defrayed out of moneys provided by Parliament.

PART III.
—cont.

(5) Such of the expenses incurred by the Minister under section sixteen of the principal Act, as amended by this section, in connection with any Agricultural Marketing Reorganisation Commission or committee of investigation constituted or appointed for an area which includes Northern Ireland, as may be determined by the Joint Exchequer Board to be properly payable by the Government of Northern Ireland, shall be made good by means of deductions from the Northern Ireland residuary share of reserved taxes.

19. The amendments specified in the Third Schedule to this Act, being minor and consequential amendments, shall be made in the provisions of the principal Act.

Minor and
consequential
amendments
of principal
Act.

PART IV.

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS.

20. Every contract made after the commencement of this Act for the sale of eggs in shell laid by domestic fowls or domestic ducks shall be void unless the eggs are contracted to be sold by weight or under a grade designation prescribed in relation to eggs under the Agricultural Produce (Grading and Marking) Act, 1928 :

Sale of eggs
to be by
weight or
under grade
designation.
18 & 19
Geo. 5. c. 19.

Provided that the foregoing provisions of this section shall not apply—

- (a) to any contract for the sale of less than twenty-five eggs; or
- (b) to any contract if and in so far as it relates to eggs produced outside Great Britain, or requires delivery to be made outside Great Britain.

21.—(1) The Board of Trade, with a view to enabling them to decide whether any regulation or control of the importation of an agricultural product into the United Kingdom is desirable or should be varied or discontinued, may by order require the occupier of any premises used by way of trade for the storage of that

Power of
Board of
Trade to
obtain in-
formation
as to stocks
of agricul-
tural pro-
ducts.

PART IV.
—cont.

product, or of any specified commodity wholly or partly manufactured or derived therefrom, or of any specified description of that product or of such a commodity as aforesaid, to make to the Board, so often, and in such form and manner, as may be prescribed by the order, a return showing the quantity of that product or commodity or of that description thereof, as the case may be, which was stored in the premises on any specified day or during any specified period.

An order under this section may be made so as to apply either to all such premises as aforesaid or to any specified class of such premises or to premises situate in any specified area.

(2) If any person fails to make a return which he is required under this section to make, or makes such a return which is, to his knowledge, false in any material particular, he shall be liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

Payment
of certain
expenses by
boards ad-
ministering
schemes.

22.—(1) Subject to the provisions of this section, the board administering a scheme in force under the principal Act or a development scheme shall pay to the Minister or to the appropriate Minister, as the case may be, such sum (if any) as may be certified by him, after consultation with the Treasury, to represent—

- (a) the expenses of any Agricultural Marketing Reorganisation Commission attributable to the preparation of the scheme; or
- (b) where any such commission has been constituted at the request of the board, the expenses of the commission attributable to the investigation of any matter affecting the operation of the scheme.

(2) Subject to the following provisions of this section, the board administering any scheme under the principal Act, not being a substitutional scheme, shall pay to the persons by whom the scheme was submitted such sum (if any) as may be certified by the Minister to represent the expenses reasonably incurred by those persons in connection with the promotion, submission or bringing into operation of the scheme :

Provided that the board administering a scheme under the principal Act which came into force before the first day of April, nineteen hundred and thirty-three, shall not be obliged to make any payment under this subsection, but may, subject to the following provisions of this section, pay to the persons by whom the scheme was submitted the whole or any part of any sum certified by the Minister to represent the expenses reasonably incurred by those persons as aforesaid.

PART IV.
—cont.

(3) The board administering a scheme under the principal Act, not being a substitutional scheme, shall not make any payment under this section before the expiration of the suspensory period.

(4) Any expenses incurred by virtue of this Act by the board administering a scheme under the principal Act or a development scheme shall be deemed to be expenses incurred under that scheme, and if the scheme ceases to have effect at or before the expiration of the suspensory period, no payment under this section shall be made at any time by the board.

(5) The sums received under this section by the Minister or by the appropriate Minister shall be paid into the Exchequer; but, in determining the amount of the expenses properly payable by the Government of Northern Ireland for the purposes of this Act or of the principal Act, as amended by this Act, the Joint Exchequer Board shall have regard to the proportions in which any sum so received as aforesaid from the board administering a development scheme is attributable to Northern Ireland and to Great Britain respectively.

23.—(1) Where a motion made in either House of Parliament on behalf of His Majesty's Government for the approval of a scheme under the principal Act the draft of which has been laid before that House in accordance with subsection (8) of section one of the said Act, is negatived or withdrawn, there shall be paid out of the appropriate agricultural marketing fund to the persons by whom the scheme was submitted such sum (if any) as may be certified by the Minister to represent the expenses reasonably incurred by those persons in connection with the promotion or submission of the scheme, and the amount of any sum paid out of a fund in accordance with this section shall be written off the account of the assets of that fund.

Payment of
certain
expenses
out of agri-
cultural
marketing
funds.

PART IV.
—cont.

(2) In this section the expression “the appropriate agricultural marketing fund” means—

- (a) in relation to a scheme applicable in England only, the Agricultural Marketing Fund;
- (b) in relation to a scheme applicable in Scotland only, the Agricultural Marketing (Scotland) Fund;
- (c) in relation to a scheme applicable both in England and in Scotland, the Agricultural Marketing Fund and the Agricultural Marketing (Scotland) Fund;

and where any sum is required under this section to be paid out of both the said funds, it shall be paid thereout in such proportions respectively as may be determined by the Minister.

Restrictions
on dis-
closing
information.

24.—(1) No individual return or part of a return made to the Board of Trade in accordance with an order of the Board under this Part of this Act shall, without the authority of the person by whom it was made, be disclosed except in so far as it is required to be disclosed for the purpose of legal proceedings under this Act or for the purpose of any report of such proceedings, and any person by whom any such individual return or part of a return is disclosed in contravention of this subsection, shall be liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

(2) Section seventeen of the principal Act (which imposes restrictions on the disclosure of information obtained under that Act) shall have effect as if references in that section to the principal Act, to a board and to a scheme under that Act included references to this Act, to a development board and to a development scheme respectively.

Offences
committed
by bodies
corporate.

25. Where any offence under the principal Act or this Act committed by a body corporate is proved to have been committed with the consent or approval of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

26.—(1) Every order under this Act shall, as soon as may be after it is made, be laid before both Houses of Parliament.

PART IV.
—cont.
Provisions
as to orders.

(2) As soon as may be after any order is made under this Act, the authority making the order shall, in such manner as that authority thinks best for informing persons concerned, publish a notice stating that the order has been made and specifying a place where copies of the order may be purchased.

(3) Where any of the provisions of this Act, not being a provision contained in Part II of this Act, confers a power to make an order, the power shall be construed as including a power, exerciseable in the like manner, to vary or revoke the order by a subsequent order.

(4) Any order under Part I of this Act, and any order under section eleven of this Act, shall cease to have effect on the expiration of a period of twenty-eight days from the date on which it is made, unless, at some time before the expiration of that period, it has been approved by a resolution passed by each House of Parliament, but without prejudice to anything previously done under the order or to the making of a new order.

In reckoning any such period of twenty-eight days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which the Commons House is adjourned for more than four days.

(5) Notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, an order under this Act shall be deemed not to be a statutory rule to which that section applies.

56 & 57
Vict. c. 66.

27.—(1) Any order authorised under this Act to be made by the Board of Trade may be made by the President of the Board or, in his absence, by a Secretary of State, and any other thing required or authorised under this Act to be done by or to the Board of Trade may be done by or to the President of the Board or any person authorised by him in that behalf.

Exercise of
powers.

(2) Where anything required or authorised under this Act to be done by the appropriate Minister falls

PART IV.
—cont.

to be done by two or more authorities, it shall be done by those authorities acting in conjunction.

Provisions
as to *
Northern
Ireland.
10 & 11
Geo. 5. c. 87.

28.—(1) Legislation enacted by the Parliament of Northern Ireland, enabling schemes to be made for regulating the marketing of agricultural products, may, notwithstanding any limitation imposed by section four of the Government of Ireland Act, 1920, on the power of the said Parliament to make laws,—

- (a) authorise or require the making of provision in such schemes for all or any of the matters for which provision may or must be made in schemes under the principal Act; and
- (b) confer on boards administering such schemes, all or any of the powers conferred by the principal Act and this Act on boards administering schemes under that Act; and
- (c) enable regulations to be made for regulating the removal from Northern Ireland into Great Britain of any agricultural product the marketing of which is regulated by a scheme for the time being in force under the principal Act or under such legislation as aforesaid enacted by the Parliament of Northern Ireland :

Provided that any scheme or regulation made under such legislation as aforesaid enacted by the Parliament of Northern Ireland shall, in so far as the scheme or regulation involves or may involve a matter in respect of which any limitation is so imposed as aforesaid, have effect only if, and so long as, there is in force a certificate given by the Secretary of State concerned with agriculture in Northern Ireland, certifying that it is expedient that the scheme or regulation, as the case may be, should have full effect, as subserving the purposes of—

- (i) an order under Part I of this Act regulating sales of an agricultural product; or
- (ii) a scheme under the principal Act; or
- (iii) arrangements made by persons producing an agricultural product in Great Britain as to the quantity of that product, or of any description thereof, which is to be produced or sold by them;

and the said Secretary of State may at any time revoke a certificate given by him for the purposes of this proviso, but without prejudice to anything previously done under the scheme or regulations in respect of which the certificate was given, or to the making of a new scheme or new regulations, as the case may be.

PART IV.
—cont.

(2) Without prejudice to the generality of the powers conferred by paragraph (c) of subsection (1) of this section, regulations made by virtue of those powers may regulate the removal from Northern Ireland into Great Britain of the agricultural product to which the regulations relate by determining for any such period as may be specified in the regulations—

- (a) the quantity of the product, or of any description thereof, which may be so removed;
- (b) the descriptions of the product which may be so removed.

(3) Before giving or revoking a certificate under this section, the Secretary of State concerned with agriculture in Northern Ireland shall consult the Board of Trade, the Minister of Agriculture and Fisheries and the Secretary of State for Scotland.

(4) For the purpose of negotiations between the board administering a scheme under the principal Act and the board administering an agricultural marketing scheme applicable in Northern Ireland, the provisions of Part III of this Act relating to the power of the board administering a scheme under the principal Act to negotiate with other persons shall have effect as if the reference therein to the Minister were a reference to the Minister and to the Secretary of State concerned with agriculture in Northern Ireland.

29.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Interpreta-
tion.

“Agricultural marketing scheme” means a scheme for regulating the marketing of an agricultural product either under the principal Act or under corresponding legislation enacted by the Parliament of Northern Ireland:

PART IV.
—cont.

“The appropriate Minister” means, in relation to a development scheme which has not yet come into force,—

(a) if any of the related marketing schemes is a scheme applying in Northern Ireland, the Minister or Ministers, as the case may be, by whom the related marketing schemes applying in Great Britain were approved, and the Secretary of State concerned with agriculture in Northern Ireland; or

(b) in any other case, the Minister or Ministers, as the case may be, by whom the related marketing schemes were approved;

and means, in relation to a development scheme which has come into force, the Minister or Ministers, as the case may be, by whom that scheme was approved :

“Constituent marketing board” means, in relation to a development scheme, a board by whom that scheme was submitted :

“The development board” means, in relation to a development scheme, the board to administer that scheme :

21 & 22
Geo. 5. c. 42.

“The principal Act” means the Agricultural Marketing Act, 1931 :

“Related marketing scheme” means, in relation to a development scheme, an agricultural marketing scheme administered by a constituent marketing board :

“The secondary product” means, in relation to a development scheme, the agricultural product for organising the production of which provision is made by that scheme.

(2) For the purposes of this Act, any branch of industry which is engaged in the production of an agricultural product shall be deemed to be a branch of the agricultural industry.

(3) Except where the context otherwise requires, expressions used in this Act have respectively the same meanings as in the principal Act.

(4) In the application of this Act to Scotland, any reference to a board administering a scheme under the principal Act shall include a reference to the governing body of an agricultural society administering such a scheme in virtue of subsection (3) of section nineteen of the principal Act, and any reference to an Agricultural Marketing Reorganisation Commission shall include a reference to an organisation, or the governing body thereof, in which any of the powers and duties of such a commission are vested in pursuance of subsection (7) of the said section.

PART IV.
—cont.

30.—(1) This Act may be cited as the Agricultural Marketing Act, 1933, and the principal Act and this Act may be cited together as the Agricultural Marketing Acts, 1931 and 1933. Short title
citation and
repeal.

(2) The enactment mentioned in the Fourth Schedule to this Act is hereby repealed to the extent specified in the third column of that Schedule.

SCHEDULES.

FIRST SCHEDULE.

PART I.

PROCEDURE IN CONNECTION WITH SUBMISSION AND APPROVAL OF DEVELOPMENT SCHEMES. Section 4 (2).

1. As soon as may be after submitting a development scheme, the constituent marketing boards shall, in such manner as the appropriate Minister may direct, publish a notice of the submission of the scheme, specifying the place where copies of the scheme may be obtained (on payment of such fee as may be specified in the notice) and inspected, and the time (which shall not be less than six weeks after the date of the publication of the notice) within which, and the manner in which, objections and representations with respect to the scheme may be made.

2. The appropriate Minister, after considering any development scheme duly submitted for his approval and any objections and representations duly made with respect thereto, may make such modifications in the scheme as he thinks proper :

1ST SCH.
—cont.

Provided that before making any modifications, the appropriate Minister shall give notice of the proposed modifications to the constituent marketing boards, and unless, within four weeks after notice has been so given or within such longer time as the appropriate Minister may allow, those boards notify him that they assent to the modifications, he shall take no further action in the matter.

3. The draft of a development scheme shall not be laid before Parliament unless and until the appropriate Minister is satisfied that there has been duly held, under each of the related marketing schemes, a general meeting of the persons registered as producers under that marketing scheme, and that the development scheme has been approved in terms of the draft by the decision of that meeting, and the provisions of a related marketing scheme as to general meetings of registered producers shall apply in relation to a meeting held for the purpose of this paragraph as they apply in relation to meetings held for the purposes of the scheme:

Provided that—

- (a) if any of the related marketing schemes makes no provision, or appears to the appropriate Minister to make no sufficient provision, as to general meetings of registered producers, the appropriate Minister may direct the board to convene a general meeting of such producers for the purpose of this paragraph, and the voting and the procedure at the meeting shall be regulated in accordance with such directions as may be given by the appropriate Minister; and any meeting of persons registered as producers under a scheme which is held in accordance with such directions as aforesaid shall be deemed, for the purpose of this paragraph, to have been held under that scheme; and
- (b) a person who is registered as a producer under a scheme, though exempt from registration thereunder, shall, notwithstanding anything in the scheme, not be entitled to vote at any meeting of persons registered as producers under the scheme which is held for the purpose of this paragraph.

Section 4 (3).

PART II.

AMENDMENT AND REVOCATION OF DEVELOPMENT SCHEMES.

1. A development scheme may be revoked by a subsequent development scheme submitted and approved under this Act, and where such a scheme is so revoked, the subsequent

scheme may provide for the transfer to the new board of the whole or any part of the property, rights and liabilities of the existing board, for the continuation by or against the new board of any legal proceedings by or against the existing board, and for the dissolution, without winding up, of the existing board :

1st SCH.
—cont.

Provided that, in the case of a development scheme which provides for revoking a previous development scheme, the provisions of paragraph (i) of subsection (1) of section six of this Act shall not apply except in relation to premises which are situate in an area as respects which the revoking scheme provides for organising the production of the secondary product, but are not situate in any area as respects which the scheme to be revoked provides for organising such production.

In this paragraph the expression "new board" means the board by whom the revoking scheme is to be administered, and the expression "existing board" means the board administering the scheme to be revoked.

2. The appropriate Minister shall by order revoke a development scheme—

- (1) if an order is made for the winding up of the development board; or
- (2) if, by reason of the amendment or revocation of the related marketing schemes or any of them,—
 - (a) the provisions of the development scheme relating to the production of the secondary product are no longer operative; or
 - (b) the related marketing schemes no longer include both a scheme under the principal Act for regulating the marketing of the secondary product and a scheme under that Act for regulating the marketing of an agricultural product from which the secondary product is wholly or partly manufactured or derived,

and shall so revoke a development scheme not later than the end of the period of six weeks from the date on which he is requested in writing by the development board so to do, unless the board have previously notified him that they desire to withdraw the request; and where any of the related marketing schemes is revoked, the appropriate Minister shall by order make such amendments (if any) in the development scheme as appear to him to be necessary for securing that the members of the development board, other than the members appointed by him, represent only the boards administering the related marketing schemes which remain in force.

1ST SCH.
—cont.

3. Without prejudice to any other powers conferred on him by this Act, the appropriate Minister, if he is of opinion that any provision of a development scheme or any act or omission of the board administering such a scheme, is contrary to the interest of consumers of the secondary product or contrary to the interest of a substantial number of persons affected by the scheme, and is not in the public interest, may lay before each House of Parliament the draft of an order revoking the scheme, and if each House resolves that the order be approved, the appropriate Minister shall make the order to take effect on such date after the passing of the last of the resolutions of approval as may be specified in the order.

In considering, for the purposes of this paragraph, whether any provision of a development scheme or any act or omission of the board administering such a scheme is contrary to the interest of consumers of the secondary product, the appropriate Minister shall have regard to the interest of persons who purchase that product, or commodities wholly or partly produced therefrom, for their own consumption or use, and not to the interest of persons who purchase that product or such commodities as aforesaid for the purpose of any trade or industry carried on by them.

4. The board administering a development scheme shall not be deemed to be dissolved by reason only that the scheme has been revoked, and (except in the case where the board is dissolved, without winding up, under paragraph 1 of this Part of this Schedule) so much of the scheme as relates to the winding up of the board shall continue in force notwithstanding revocation.

5. Where a development scheme is revoked, or is so amended as to revoke any provision thereof, subsection (2) of section thirty-eight of the Interpretation Act, 1889, (which relates to the effect of repeals) shall apply as if the revocation of the scheme or of that provision, as the case may be, were the repeal of an enactment by another Act.

Section 5 (2).

SECOND SCHEDULE.

CONSTITUTION, INCIDENTAL FUNCTIONS AND WINDING UP OF DEVELOPMENT BOARDS.

1. Every development scheme shall provide for the following matters, that is to say:—

- (a) for the constitution of the development board as a body corporate with a common seal and power to hold land without licence in mortmain;

- (b) as to the manner in which the moneys of the development board may be invested;
- (c) for securing that the development board shall have an office in Great Britain at which communications and notices will at all times be received, and for requiring the board to notify to the appropriate Minister the address of that office and any change in that address;
- (d) for the keeping of accounts by the development board, and for the audit of such accounts;
- (e) for the furnishing by the development board to the appropriate Minister, and to the constituent marketing boards, of accounts, returns and other information, including an annual balance sheet and either an annual income and expenditure account or, if the development board trade for profit, an annual profit and loss account;
- (f) for requiring the development board to furnish a copy of their balance sheet to any person at his request and on payment of such fee as may be prescribed in the scheme.

2ND SCH.
—cont.

2. A development scheme may empower the development board to borrow money for the purpose of exercising their functions under the scheme.

3. In the case of every development board, the address of the office of the board in Great Britain shall be shown in a register, which shall be kept by the appropriate Minister, and the said register shall be open to inspection by the public at such times and at such place as the appropriate Minister may direct.

4. Every development scheme shall provide for the winding up of the development board, and paragraphs 3 to 6 of the Second Schedule to the principal Act shall apply in relation to development schemes and development boards as they apply in relation to schemes under the principal Act and boards administering schemes under that Act, so, however, that, in relation to a development scheme, the references in paragraphs 4 and 6 of the said Schedule to the Minister shall be construed as references to the appropriate Minister, and in paragraph 4 of the said Schedule the reference to the principal Act shall be construed as a reference to this Act.

5. In the event of the winding up of the development board constituted to administer a development scheme, the constituent marketing boards shall be severally liable to contribute to the payment of the debts and liabilities of the development board, and to the payment of the costs and expenses of the winding up, an amount assessed on those marketing boards in such proportions, in such manner, and subject to such limitations, as may be

2ND SCH.
—cont.

prescribed by the scheme, but, save as aforesaid, no person shall be liable to contribute to the assets of the development board in the winding up by reason only of his being or having been a member of the development board or of a constituent marketing board.

Section 19.

THIRD SCHEDULE.

MINOR AND CONSEQUENTIAL AMENDMENTS OF PRINCIPAL ACT.

In section four, in subsection (3), there shall be substituted for the words "the list aforesaid" the words "any list under this section," and at the end of the section there shall be inserted the following subsection:—

"(5) With a view to facilitating the due submission of a scheme, the Minister, if he thinks fit, may, at the request of any person, cause such a list as aforesaid to be compiled and to be supplied to him on payment of a fee of such amount as may be certified by the Minister to represent the cost of compiling the list."

In section five, in paragraph (b), for the words "kind, variety, or grade," in each place where those words occur, there shall be substituted the word "description"; for paragraph (e) there shall be substituted the following paragraph:—

"(e) for the determination from time to time—

(i) of the descriptions of the regulated product which may be sold by any registered producer;

(ii) of the price at, below or above which, the terms on which, and the persons to, or through the agency of whom, the regulated product, or any description or quantity thereof, may be sold as aforesaid;"

in paragraph (f), for the words "kind, variety," and for the words "kind, variety, grade," there shall be substituted the word "description"; and in paragraph (i) there shall be inserted after the words "to encourage" the words "promote or conduct."

In section six, after subsection (1), there shall be inserted the following subsection:—

"(1A) A scheme may provide for securing that where, by reason of a registered producer dying, or becoming subject to some legal disability, or entering into a composition or scheme of arrangement with his creditors,

any property in, or control of, the regulated product is transferred from the registered producer to a personal representative, trustee, committee or other person, the personal representative, trustee, committee or other person, as the case may be, shall, in such circumstances and in respect of such matters as may be specified in the scheme, be deemed to be a producer."

3RD SCH.
—cont.

In section seven, in paragraph (b) of subsection (1), for the words "enabling the board to recover from every registered producer" there shall be substituted the words "the payment by registered producers of," and for the words "each producer" there shall be substituted the word "producers"; and in paragraph (c) of subsection (1), there shall be substituted for the words "to registered producers, in proportion to their respective contributions to the fund" the words "in such manner as may be provided by the scheme."

In section eight, in subsection (1), the words "made during the relevant period" shall be omitted, and for the words "the foregoing provision" and the words "this subsection" there shall be substituted respectively the words "this subsection" and the words "this Act", and the last paragraph of subsection (1) shall have effect as a separate subsection and shall be numbered "(1A)"; in subsection (2), for the words "a contract," where those words first occur, there shall be substituted the words "such a contract as aforesaid," and for the words "the board are of opinion" there shall be substituted the words—

"(a) the application is made after the time at which it is provided by the proviso to subsection (1) of this section, as amended by any subsequent enactment, that that subsection shall cease to apply to the contract; or

(b) the board are of opinion—

(i) that the contract is unenforceable by any party thereto by virtue of the provisions of section four of the Statute of Frauds or section four of the Sale of Goods Act, 1893; or

(ii) in the case of a contract made during the relevant period";

29 Car. 2.
c. 3.
56 & 57
Vict. c. 71.

and in subsection (3), for the words "the contract is found by the Court not to have been made with a view to evading the operation of the scheme" there shall be substituted the words "the Court finds—

(a) that the application for registration of the contract was made before the time at which it is provided by the proviso to subsection (1) of this section, as amended by any subsequent enactment, that that subsection shall cease to apply to the contract; and

3RD SCH.
—cont.

(b) that the contract is not unenforceable by any party thereto by virtue of the provisions of section four of the Statute of Frauds or section four of the Sale of Goods Act, 1893; and

(c) in the case of a contract made during the relevant period, that the contract was not made with a view to evading the operation of the scheme”;

for the word “thereof” there shall be substituted the words “of the contract,” after the words “but, where” there shall be inserted the words “in the case of a contract made during the relevant period,” and for the words “a contract” there shall be substituted the words “the contract.”

In section fifteen, in subsection (1), there shall be inserted after the words “which shall” the words “if the Minister so directs”.

In section sixteen, in subsection (3), there shall be inserted after the word “meetings” the word “quorum”.

After section sixteen there shall be inserted the following section:—

“Registration of producers being firms. 16A. Registration under a scheme of the name or style under which two or more persons carry on business in partnership as producers, shall operate as the registration of all the partners for the time being, so, however, that for the purposes of those provisions of this Act and of the scheme which relate to elections, polls and voting at meetings, and to the assessment of contributions on registered producers, all the partners shall be regarded as constituting together a single registered producer.”

In Part II of the First Schedule, for sub-paragraph (c) of paragraph 1 there shall be substituted the following sub-paragraph:—

“(c) where an amendment is duly submitted to the Minister as aforesaid, the provisions of subsections (3), (4), (5), (6) and (8) of section one of this Act shall apply with respect to the amendment as they apply with respect to a scheme, subject to the following modifications, that is to say:—

(i) the said subsection (5) shall have effect as if paragraph (b) of the proviso thereto were omitted, and as if the following paragraph were substituted for paragraph (c) of the said proviso:—

“(c) before making any modifications, the Minister shall give notice of the proposed modifications to the board, and unless, within four weeks after notice has been so given or within

such longer time as the Minister may allow, the board notify the Minister that they assent to the modifications, the Minister shall take no further action in the matter'; and

3RD SCH.
—cont.

(ii) the said subsection (8) shall have effect as if the words 'is satisfied that the amendment will conduce to the more efficient operation of the scheme' were substituted for the words 'is satisfied that the scheme will conduce to the more efficient production and marketing of the regulated product'; and

(iii) except in a case where the Minister is required to direct a public inquiry to be held under the provisions of paragraph (a) of the proviso to the said subsection (5), the provisions of the said subsection (8) requiring the draft to be laid before Parliament and approval of the draft by each House of Parliament before the Minister approves a scheme shall not apply";

and at the end of paragraph 1 there shall be inserted the following proviso:

" Provided that no scheme shall be amended so as to be applicable to any area to which it would not have been applicable without amendment."

FOURTH SCHEDULE.

Section 30
(2).

ENACTMENT REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
21 & 22 Geo. 5. c. 42.	The Agricultural Marketing Act, 1931.	In section two the words from " which shall " to the end of subsection (1) ; in section seven, in paragraph (c) of subsection (1), the words from " for requiring " to " producers, and " ; in section eight, in subsection (1), the words " made during the relevant period " .

CHAPTER 32.

An Act to amend and continue the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1925. [18th July 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Duration and application of Acts.

1.—(1) The Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1925 (hereinafter referred to as the principal Acts), shall continue in force until the twenty-fourth day of June, nineteen hundred and thirty-eight, and no longer.

(2) As from the twenty-ninth day of September, nineteen hundred and thirty-three, the principal Acts shall not apply to any dwelling-house unless it is a dwelling-house to which they applied immediately before the passing of this Act or then formed part of such a dwelling-house, and it is also a dwelling-house of which either the annual amount of the recoverable rent on the appointed day or the rateable value on the appointed day did not exceed—

- (a) in the metropolitan police district or the City of London, forty-five pounds;
- (b) in Scotland, forty-five pounds;
- (c) elsewhere, thirty-five pounds.

(3) Where any dwelling-house to which the principal Acts apply consists of or comprises premises licensed for the sale of intoxicating liquor for consumption on the premises, the principal Acts shall, as from the said twenty-ninth day of September or as from the date on which the premises are first so licensed, whichever is the later date, cease to apply to that dwelling-house.

(4) A person who, on the twenty-eighth day of September, nineteen hundred and thirty-three, is, by

virtue only of the principal Acts, tenant of a dwelling-house to which those Acts cease to apply as from the following day by virtue of the provisions of this section shall be entitled to retain possession of the dwelling-house until the date specified in a notice served upon the tenant under this subsection by or on behalf of the landlord after the passing of this Act, and shall be so entitled in like manner and subject to the like terms and conditions as if the principal Acts had not ceased to apply to the dwelling-house.

Any notice served under this subsection shall be in writing and shall inform the tenant, either that he is required to give up possession of the dwelling-house on the date specified in the notice, or that he will be so required unless before that date an agreement for a new tenancy has been made between the tenant and the landlord, so, however, that the date specified in any such notice shall be not earlier than the twenty-ninth day of September, nineteen hundred and thirty-three, and not earlier than one month after the service of the notice.

(5) The acceptance of rent or mesne profits by the landlord after the date specified in a notice served in respect of any dwelling-house under the last foregoing subsection shall not affect the validity of the notice, and if any such notice contains or is accompanied by an offer in writing of the terms upon which the landlord is willing to grant a new tenancy of the dwelling-house, and a written statement that, if the tenant retains possession of the dwelling-house after the date aforesaid without having made an agreement with the landlord on any other terms, he will by virtue of this Act be deemed to do so upon the terms so offered as aforesaid, then, if the tenant so retains possession, he shall be deemed to do so on those terms.

(6) Where upon the expiration of such a notice as aforesaid a tenant ceases to be entitled by virtue of this Act to retain possession of a dwelling-house, the provisions of the Landlord and Tenant Act, 1927, shall apply in respect of the premises as if they had been held under a lease (as defined by that Act) terminated

by that notice, and if, before the expiration of the notice, either—

- (a) the tenant has, under section five of that Act, served on the landlord a notice requiring a new lease of the premises; or
- (b) the landlord has, under section two or section four of that Act, served on the tenant notice that he is willing and able to grant to the tenant or obtain the grant to him of a renewal of the tenancy,

so much of the last foregoing subsection as provides that in the circumstances therein mentioned the tenant of a dwelling-house will, if he retains possession thereof after the expiration of a notice requiring him to give up possession, be deemed to do so upon terms offered by the landlord, shall not apply.

(7) Part II of the Act of 1923 (which contains provisions as to restrictions after the expiry of the principal Acts) is hereby repealed.

Certain dwelling-houses not to be excluded from principal Acts.

2.—(1) Subject as hereinafter provided, section two of the Act of 1923 (which provides for the exclusion of dwelling-houses from the application of the principal Act in certain cases) shall not apply to any dwelling-house of which the rateable value on the appointed day did not exceed—

- (a) in the metropolitan police district or the City of London, twenty pounds;
- (b) in Scotland, twenty-six pounds five shillings;
- (c) elsewhere, thirteen pounds:

Provided that the said section two shall apply to any such dwelling-house which consists of a part of premises whereof the rateable value on the appointed day exceeded the respective amount aforesaid, if the letting which constituted that part a separate dwelling-house to which the principal Acts apply was a subletting effected by a person who at the date of the subletting was entitled by virtue of the Rent Restrictions Acts to retain possession of the premises in which the sublet part was comprised, or would have been so entitled if he had not then had some other right to retain possession.

(2) If the landlord of any dwelling-house let as a separate dwelling immediately before the passing of this Act, being a dwelling-house of which the rateable value on the appointed day did not exceed the respective amount mentioned in the last foregoing subsection, claims that by virtue of the provisions of the said section two of the Act of 1923 the principal Acts had ceased to apply to the dwelling-house before the passing of this Act, he shall within three months after the passing of this Act make to the council of the county borough or county district in which the dwelling-house is situated application in the prescribed form for the registration of the dwelling-house, and if in any proceedings with respect to any dwelling-house which is, or immediately before the passing of this Act formed part of, such a dwelling-house as aforesaid, it is proved that but for the provisions of the said section two of the Act of 1923 the principal Acts would have applied to the dwelling-house and that no such application has been made by or on behalf of the landlord within the time aforesaid, the dwelling-house shall, subject as hereinafter provided, be deemed to be a dwelling-house to which the principal Acts apply:

Provided that if, on application to the county court of the district in which the house is situated, the court certifies that there was reasonable excuse for the failure to make application for the registration of the dwelling-house within the time aforesaid and application for registration is made within seven days after the certificate has been granted, then, if the principal Acts had ceased to apply to the dwelling-house before the passing of this Act, section two of the Act of 1923 shall, notwithstanding anything in the last foregoing subsection, apply to the dwelling-house as from the date on which the application for registration is made.

(3) For the purposes of this section it shall be the duty of the council of every county borough and of every county district to make and keep a register (which shall be open to public inspection at the office of the council during the usual office hours) and to register therein every dwelling-house with respect to which application is duly made in accordance with the provisions of this section.

(4) Any such council as aforesaid shall, on application being made to them by any person in that behalf, issue, on payment of a fee not exceeding one shilling, a certificate with respect to any dwelling-house in their borough or district stating whether or not the dwelling-house is registered under this section and, if registered, the date of registration; and any such certificate shall, unless the contrary is proved, be evidence that application for registration of the dwelling-house has or has not been made by or on behalf of the landlord and, in the case of a certificate of registration, be evidence of the date before which such application was made, so however that neither a certificate of registration nor other proof of the registration of any premises under this section shall be received as evidence as to whether or not the premises consist of or include a dwelling-house to which the principal Acts apply.

Any document purporting to be a certificate issued under this subsection by a council named therein, and to be signed by an officer of that council, shall be received in evidence and be deemed to be such a certificate without further proof unless the contrary is shown.

(5) If in any proceedings the court determines that any dwelling-house registered under this section is a dwelling-house to which the principal Acts apply, it shall be the duty of the registrar or clerk of the court to inform the council by whom the dwelling-house was registered, and, upon being so informed, that council shall forthwith cancel the registration of the dwelling-house, so, however, that the registration shall be restored if the decision of that court is reversed on appeal:

Provided that this subsection shall not apply to any dwelling-house with respect to which a certificate has been granted under subsection (2) of this section, unless the court has determined that the principal Acts had not ceased to apply to the dwelling-house before the passing of this Act.

(6) If any person, with intent to deceive, knowingly makes any false statement calculated to lead to the belief that a dwelling-house of which the rateable value on the appointed day did not exceed the respective amount mentioned in subsection (1) of this section is,

by virtue of the provisions of the said section two of the Act of 1923, not a dwelling-house to which the principal Acts apply, he shall be guilty of an offence and liable on summary conviction thereof to a fine not exceeding ten pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

3.—(1) No order or judgment for the recovery of possession of any dwelling-house to which the principal Acts apply or for the ejectment of a tenant therefrom shall be made or given unless the court considers it reasonable to make such an order or give such a judgment, and either—

Amend-
ments as to
restriction
on right to
possession.

- (a) the court has power so to do under the provisions set out in the First Schedule to this Act; or
- (b) the court is satisfied that suitable alternative accommodation is available for the tenant or will be available for him when the order or judgment takes effect.

(2) A certificate of the housing authority for the area in which the said dwelling-house is situated, certifying that the authority will provide suitable alternative accommodation for the tenant by a date specified in the certificate, shall be conclusive evidence that suitable alternative accommodation will be available for him by that date.

(3) Where no such certificate as aforesaid is produced to the court, accommodation shall be deemed to be suitable if it consists either—

- (a) of a dwelling-house to which the principal Acts apply; or
- (b) of premises to be let as a separate dwelling on terms which will, in the opinion of the court, afford to the tenant security of tenure reasonably equivalent to the security afforded by the principal Acts in the case of a dwelling-house to which those Acts apply,

and is, in the opinion of the court, reasonably suitable to the needs of the tenant and his family as regards proximity to place of work, and either—

- (i) similar as regards rental and extent to the accommodation afforded by dwelling-houses provided

in the neighbourhood by any housing authority for persons whose needs as regards extent are, in the opinion of the court, similar to those of the tenant and his family; or

(ii) otherwise reasonably suitable to the means of the tenant and to the needs of the tenant and his family as regards extent and character.

(4) For the purposes of the last foregoing subsection any certificate of a housing authority stating—

(a) the extent of the accommodation afforded by dwelling-houses provided by it to meet the needs of tenants with families of such number as may be specified in the certificate; and

(b) the amount of the rent charged by it for dwelling-houses affording accommodation of that extent,

shall be conclusive evidence of the facts so stated.

(5) Any document purporting to be a certificate of a housing authority named therein issued for the purposes of this section and to be signed by the clerk to that authority shall be received in evidence and be deemed to be such a certificate without further proof unless the contrary is shown.

Prevention of excessive charges for sublet parts of dwelling-houses.

4.—(1) Notwithstanding anything in the last foregoing section, an order or judgment for the recovery of possession of a dwelling-house to which the principal Acts apply or for the ejection of a tenant therefrom may be made or given where the court considers it reasonable so to do, if the court is satisfied that the rent charged after the passing of this Act by the tenant for any sublet part of the dwelling-house which is also a dwelling-house to which the principal Acts apply was in excess of the recoverable rent of that part.

(2) Where, in any proceedings under the last foregoing subsection for the recovery of possession of a dwelling-house or for the ejection of a tenant therefrom, it appears to the court that neither an apportionment of standard rent as between the dwelling-house and the sublet part thereof nor a determination of the recoverable rent of the sublet part has previously been made by

the county court, the court shall make such an apportionment or determination, whether or not an order or judgment is made or given for the recovery of possession or the ejection of the tenant.

(3) Where an apportionment of standard rent has been made by the county court as between a dwelling-house to which the principal Acts apply and any sublet part thereof which is also a dwelling-house to which the principal Acts apply, or where the county court has determined the recoverable rent of any such sublet part, then, if, after the apportionment or determination, the rent charged after the passing of this Act by the tenant for that sublet part is in excess of the recoverable rent of that part, the tenant shall, unless he proves that he did not know and could not by reasonable enquiry have ascertained that the rent charged by him was so in excess as aforesaid or that the excess was solely due to an accidental miscalculation, be guilty of an offence and liable on summary conviction thereof to a fine not exceeding one hundred pounds.

(4) Where the tenant of a dwelling-house to which the principal Acts apply has sublet any part thereof which is also a dwelling-house to which the principal Acts apply, the tenant shall within fourteen days after the subletting, or, in the case of a subletting effected before the date of the passing of this Act, within three months after that date, supply the landlord with a statement in writing of the subletting giving particulars of occupancy, including the rent charged, and if without reasonable excuse he fails to do so or supplies a statement which is false in any material particular, he shall be liable on summary conviction to a fine not exceeding ten pounds :

Provided that it shall not be necessary to supply a statement of the subletting of any such part as aforesaid where the particulars to be given therein as to the rent and other conditions of the sub-tenancy would be the same as in the last statement supplied in accordance with the requirements of this subsection with respect to a previous subletting of that part.

5. If in proceedings for the recovery of possession of a dwelling-house to which the principal Acts apply, not being a sublet part of another such dwelling-house, or for the ejection of a tenant therefrom, the court

Exemption
from s. 5 of
Act of 1920
of certain

dwelling-houses of low value.

is satisfied that the recoverable rent of the dwelling-house in respect of which the proceedings are taken is not more than three shillings weekly and that the landlord or some person from whom he derives his title has since the passing of this Act been in possession thereof, section five of the Act of 1920 (which relates to restrictions on the right to possession and other like matters) shall not apply in relation to those proceedings.

Amendment as to ascertainment of standard rent.

6. If, in any proceedings in which the standard rent of any dwelling-house to which the principal Acts apply is required to be determined, the court is satisfied that it is not reasonably practicable to obtain sufficient evidence to enable the court to ascertain the rent at which the dwelling-house was let on the third day of August, nineteen hundred and fourteen, or, where the dwelling-house was not let on that date, the rent at which it was last let before that date, or, in the case of a dwelling-house which was first let after the said third day of August, the rent at which it was first let, the court shall have power to determine the standard rent as being, for the purposes of those proceedings, of such amount as the court thinks proper having regard to the standard rents of similar dwelling-houses in the neighbourhood, and as from the date on which any such determination is made under this section the standard rent of the dwelling-house shall, unless the court making the determination otherwise orders, be deemed for all purposes to be of that amount.

Amendments as to permitted increase of rent in respect of improvements and structural alterations.

7.—(1) For the purposes of paragraph (a) of subsection (1) of section two of the Act of 1920, expenditure after the passing of this Act on the provision of additional or improved fixtures or fittings in a dwelling-house (not being expenditure on decoration or repairs) shall be deemed to be expenditure on the improvement of the dwelling-house.

(2) The county court shall not make an order under the proviso to the said paragraph (a) upon the application of any person unless he proves either—

(a) that he was the tenant when the expenditure was incurred and had not given his written consent to the improvement or alteration and the expenditure thereon; or

(b) that, the landlord having been in possession of the premises at the date when the expenditure

was incurred, the applicant is the first tenant subsequent to that date and became tenant without notice of the following particulars, that is to say—

(i) the nature of the improvement or alteration; and

(ii) the amount of the expenditure thereon; and

(iii) the amount of the maximum increase of rent chargeable on account thereof.

8.—(1) Where the recoverable rent of any dwelling-house to which the principal Acts apply is determined by any court, that court shall have power, on the application of the tenant, whether in those proceedings or in any subsequent proceedings, to call for the production of the rent book or any similar document relating to the dwelling-house and may direct the registrar or clerk of the court to correct any entries therein showing, or purporting to show, the tenant as being in arrear in respect of any sum which the court has determined to be irrecoverable. Rectifica-
tion of
rent books.

(2) Paragraph (b) of subsection (2) of section fourteen of the Act of 1920 (which relates to the refusal or neglect of landlords to delete from rent-books and similar documents entries purporting to show as arrears sums which are irrecoverable) shall have effect in relation to entries made after the passing of the Act of 1920 as well as in relation to entries made before that date, and in the said subsection (2) there shall be substituted for the words “ unless he proves that he acted innocently and without intent to deceive ” the words “ unless he proves that “ at the time of the making of the entry or of the neglect “ or refusal to cause it to be deleted, as the case may be, “ the landlord had a bona fide claim that the sum was “ recoverable.”

9. Where any mortgaged property consists of or comprises one or more dwelling-houses to which the principal Acts ceased to apply as from the twenty-ninth day of September, nineteen hundred and thirty-three, by virtue of the provisions of section one of this Act, the principal Acts shall, until the expiration of the period of six months next after the passing of this Act, nevertheless have effect in relation to the mortgage as if those Temporary
continuance
of pro-
visions as to
mortgages
where pro-
perty de-
controlled
by this Act.

Acts had not ceased to apply to that dwelling-house or those dwelling-houses, and any question whether a mortgage is a mortgage to which those Acts apply, or whether or in what manner the principal moneys secured by a mortgage can be apportioned under subsection (5) of section twelve of the Act of 1920, shall be determined accordingly.

Powers
of local
authorities
for the
purposes
of giving
information.

10.—(1) The council of every county borough and of every county district shall have power to publish information, for the assistance of landlords and tenants, as to their rights and duties under the principal Acts, and as to the procedure for enforcing such rights or securing performance of such duties, and to furnish particulars as to the availability, extent, and character of alternative accommodation.

(2) The functions of a council under this section may in accordance with directions given by the council be exercised by a committee of the council appointed under this section or under any other enactment; and the council may appoint as additional members of any such committee for the purpose of exercising the said functions such persons as they think fit, whether members of the council or not.

(3) Any expenses incurred under this section by the council, or by any such committee as aforesaid with the permission or approval of the council by whom the committee was appointed, shall be defrayed out of the general rate.

Power of
local autho-
rities to
prosecute
offences.

11. The council of a county borough or county district in England shall have power to institute proceedings for any offence under the principal Acts or this Act.

Certificate
as to state
of repair.

12. Where the sanitary authority is satisfied that any dwelling-house to which the principal Acts apply is not in a reasonable state of repair, it shall be the duty of the authority to issue a certificate to that effect if application for such a certificate is made by the tenant of the dwelling-house, and, without prejudice to the generality of the foregoing provision, such a certificate shall not be refused if a notice requiring the execution of works in, or for the benefit of, the dwelling-house has been served under section seventeen of the Housing Act, 1930.

13. So much of paragraph (g) of subsection (1) of section twelve of the Act of 1920 as enacts that the expression "tenant" shall, in the case of a tenant dying intestate leaving no widow or being a woman, include such member of the tenant's family residing with him at the time of his death as may be decided in default of agreement by the county court shall not, as respects tenants dying after the passing of this Act, apply to any such member unless he was residing with the tenant for not less than six months immediately before the death.

Amendment as to application of Acts in relation to family of deceased tenant.

14.—(1) The Minister of Health may make regulations prescribing—

Regulations.

- (a) forms to be substituted for the form contained in the First Schedule to the Act of 1920;
- (b) the matters as to which notice is to be given to tenants of dwelling-houses to which the principal Acts apply by means of notices inserted in rent books and similar documents, and the forms of such notices;
- (c) the form of application for registration under section two of this Act.

(2) Upon the coming into force of regulations prescribing a form to be substituted for the form contained in the First Schedule to the Act of 1920, the form contained in the said Schedule shall cease to have effect.

(3) If any rent book or similar document which does not conform to the prescribed requirements is used by or on behalf of any landlord, the landlord shall be guilty of an offence and liable on summary conviction thereof to a fine not exceeding ten pounds.

(4) All regulations made under this section shall, as soon as may be after they are made, be laid before each House of Parliament, and if either House, within the next subsequent twenty-eight days on which that House has sat after any such regulations are laid before it, resolves that the regulations be annulled, the regulations shall thenceforth be void, but without prejudice to anything previously done thereunder or to the making of new regulations.

Application
to Scotland.

15. This Act shall, in its application to Scotland, be subject to the following modifications, that is to say:—

(a) for any reference to the Minister of Health there shall be substituted a reference to a Secretary of State, for any reference to the Minister of Agriculture and Fisheries there shall be substituted a reference to the Department of Agriculture for Scotland, for any reference to the Housing Act, 1925, there shall be substituted a reference to the Housing (Scotland) Act, 1925, and for any reference to section seventeen of the Housing Act, 1930, there shall be substituted a reference to section fourteen of the Housing (Scotland) Act, 1930:

15 & 16
Geo. 5. c. 14.
15 & 16
Geo. 5. c. 15.

20 & 21
Geo. 5. c. 40.

(b) for any reference to the twenty-fourth day of June, nineteen hundred and thirty-eight, there shall be substituted a reference to the twenty-eighth day of May, nineteen hundred and thirty-eight, and for references to the twenty-eighth and twenty-ninth days of September there shall be substituted, respectively, references to the twenty-seventh and twenty-eighth days of November:

(c) “appointed day” means the sixteenth day of May, nineteen hundred and thirty-one; “assessed” means entered in the valuation roll; “intoxicating liquor” means exciseable liquor; “county court” means sheriff court; “sanitary authority” means a county or a town council; “mortgage” means a heritable security, including a security constituted by absolute disposition qualified by back bond or letter, and any reference to mortgaged property shall be construed accordingly; “licensing justices” means licensing court; and “licence” means a certificate as defined in Part VII of the Licensing (Scotland) Act, 1903:

3 Edw. 7.
c. 25.

(d) for references to a county borough and a county district there shall be substituted respectively references to a burgh and a county:

(e) any expenses incurred by a county or town council under this Act or by any committee

under section ten of this Act shall be defrayed out of such rate payable by owners and occupiers in equal proportions as the council may determine:

- (f) "rateable value on the appointed day" in relation to any dwelling-house means, subject to the provisions of subsection (2) of section sixteen of this Act, the value shown as the rateable value with respect to that house in the valuation roll for the year beginning on the sixteenth day of May, nineteen hundred and thirty-one:
- (g) in determining for the purposes of the First Schedule to this Act whether any rent lawfully due from a tenant has or has not been paid in any case where the rent is payable in advance, any sums paid by the tenant in satisfaction of a decree or decrees for rent and expenses shall, if the action in which any such decree was obtained was raised before the expiry of the period in respect of which the rent sued for was due, be imputed wholly to rent and not to expenses:
- (h) where the landlord of a dwelling-house to which the principal Acts apply and of which the rent is payable in advance raises any proceedings for recovery of rent or for removing or ejection before the expiry of the period for which the rent sued for or in respect of the non-payment of which removing or ejection is craved is payable, the court shall not award any expenses to the landlord unless it considers it reasonable to do so after consideration of the whole circumstances of the case, including any offer made by the tenant prior to the bringing of the proceedings to pay the rent by instalments.

16.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Appointed day" means, as respects the administrative county of London, the sixth day of April, nineteen hundred and thirty-one, and, as

Interpreta-
tion.

respects the remainder of England, the first day of April, nineteen hundred and thirty-one;

“Dwelling-house” has the same meaning as in the principal Acts, that is to say, a house let as a separate dwelling or a part of a house being a part so let;

“Housing authority” means a local authority for the purposes of Part III of the Housing Act, 1925; and “area”, in relation to such an authority, means the area for supplying the needs of which the authority has powers under the said Part of that Act;

“Prescribed” means prescribed by regulations under this Act;

“Rateable value on the appointed day” in relation to any dwelling-house means, subject to the provisions of subsection (2) of this section, the value shown, with respect to that dwelling-house on that day in the valuation list then in force, as the rateable value or, where the net annual value differs from the rateable value, as the net annual value;

“Recoverable rent” means, in relation to any dwelling-house, the maximum rent which, under the provisions of the principal Acts, is or was recoverable from the tenant;

10 & 11
Geo. 5. c. 17.

“Rent Restrictions Acts” means the principal Acts and the Acts repealed by the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920;

“The Act of 1920” means the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920;

13 & 14
Geo. 5. c. 32.

“The Act of 1923” means the Rent and Mortgage Interest Restrictions Act, 1923.

(2) In relation to any dwelling-house of which the rateable value on the appointed day was not on that day separately assessed, references in this Act to rateable value on the appointed day shall be construed as references to such proportion of the rateable value on that day of the property in which the dwelling-house is comprised as may be apportioned to the dwelling-house by the county court in accordance with the provisions of subsection (3) of section twelve of the Act of 1920.

(3) References in this Act to the principal Acts or to any of them or to any provision of those Acts or of any of them shall, unless the context otherwise requires, be construed as references to those Acts, that Act or that provision, as the case may be, as amended by any subsequent enactment, including this Act.

(4) References in this Act to county boroughs and county districts and to the councils thereof shall be construed, for the purposes of the application of this Act to the City of London, as references to the City of London and the common council, and for the purposes of the application of this Act to the remainder of the administrative County of London, as references to metropolitan boroughs and the councils thereof.

17.—(1) The amendments in the second column of the Second Schedule to this Act (which relate to consequential matters and to matters of minor detail) shall be made in the enactments specified in the first column of that Schedule.

Consequential and minor amendments to principal Acts.

(2) In subsection (3) of section twelve of the Act of 1920 (which relates to the apportionment of rateable value) the references to rateable value shall be construed as including references to “rateable value on the appointed day” as defined by this Act.

18.—(1) This Act may be cited as the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, and this Act and the principal Acts may be cited together as the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933.

Short title, citation, extent and repeal.

(2) This Act shall not extend to Northern Ireland.

(3) The enactments specified in the Third Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

SCHEDULES.

FIRST SCHEDULE.

Sections 3
and 15.

POSSESSION OR EJECTMENT WITHOUT PROOF OF ALTERNATIVE ACCOMMODATION.

A court shall, for the purposes of section three of this Act, have power to make or give an order or judgment for the recovery of possession of any dwelling-house to which the principal Acts apply or for the ejectment of a tenant therefrom without proof of suitable alternative accommodation (where the court considers it reasonable so to do) if—

- (a) any rent lawfully due from the tenant has not been paid, or any other obligation of the tenancy (whether under the contract of tenancy or under the principal Acts), so far as the obligation is consistent with the provisions of the principal Acts, has been broken or not performed;
- (b) the tenant or any person residing or lodging with him or being his sub-tenant has been guilty of conduct which is a nuisance or annoyance to adjoining occupiers, or has been convicted of using the premises or allowing the premises to be used for an immoral or illegal purpose, or the condition of the dwelling-house has, in the opinion of the court, deteriorated owing to acts of waste by, or the neglect or default of, the tenant or any such person, and, where such person is a lodger or sub-tenant, the court is satisfied that the tenant has not, before the making or giving of the order or judgment, taken such steps as he ought reasonably to have taken for the removal of the lodger or sub-tenant;
- (c) the tenant has given notice to quit, and, in consequence of that notice, the landlord has contracted to sell or let the dwelling-house or has taken any other steps as a result of which he would, in the opinion of the court, be seriously prejudiced if he could not obtain possession;
- (d) the tenant without the consent of the landlord has at any time after the thirty-first day of July, nineteen hundred and twenty-three, assigned or sublet the whole of the dwelling-house or sublet part of the dwelling-house, the remainder being already sublet;
- (e) the dwelling-house consists of or includes premises licensed for the sale of intoxicating liquor not to be

- * consumed on the premises, and the tenant has committed an offence as holder of the licence or has not conducted the business to the satisfaction of the licensing justices or the police authority, or has carried it on in a manner detrimental to the public interest, or the renewal of the licence has for any reason been refused :
- (f) the dwelling house is so overcrowded as to be dangerous or injurious to the health of the inmates, and the court is satisfied that the overcrowding could have been abated by the removal of any lodger or sub-tenant (not being a parent or child of the tenant) whom it would, having regard to all the circumstances of the case, including the question whether other accommodation is available for him, have been reasonable to remove, and that the tenant has not taken such steps as he ought reasonably to have taken for his removal ;
- (g) the dwelling-house is reasonably required by the landlord for occupation as a residence for some person engaged in his whole-time employment or in the whole-time employment of some tenant from him or with whom, conditional on housing accommodation being provided, a contract for such employment has been entered into, and either—
- (i) the tenant was in the employment of the landlord or a former landlord, and the dwelling-house was let to him in consequence of that employment and he has ceased to be in that employment ; or
- (ii) the court is satisfied by a certificate of the county agricultural committee, or where there is no such committee, of the Minister of Agriculture and Fisheries, that the person for whose occupation the dwelling-house is required by the landlord is, or is to be, employed on work necessary for the proper working of an agricultural holding or as an estate workman on the maintenance and repair of the buildings, plant, or equipment, of agricultural holdings comprised in the estate ;
- (h) the dwelling-house is reasonably required by the landlord (not being a landlord who has become landlord by purchasing the dwelling-house or any interest therein after the eleventh day of July, nineteen hundred and thirty-one) for occupation as a residence for—
- (i) himself ; or
- (ii) any son or daughter of his over eighteen years of age ; or
- (iii) his father or mother :

1ST SCH.
 —cont.

Provided that an order or judgment shall not be made or given on any ground specified in paragraph (h) of the foregoing provisions of this Schedule if the court is satisfied that having regard to all the circumstances of the case, including the question whether other accommodation is available for the landlord or the tenant, greater hardship would be caused by granting the order or judgment than by refusing to grant it.

Section 17.

SECOND SCHEDULE.

CONSEQUENTIAL AND MINOR AMENDMENTS.

Provision to be amended.	Amendment.
Section 5 of the Act of 1920	For subsection (1) there shall be substituted the provisions of section three and subsection (1) of section four of this Act and of the First Schedule thereto; and in subsection (7) for the reference to the grounds specified in paragraph (d) of subsection (1) of that section there shall be substituted a reference to the grounds specified in paragraphs (g) and (h) of the First Schedule to this Act.
Section 12 of the Act of 1920	In subsection (9), the words from " but for the purpose of any enactment relating to rating" to the end of the subsection shall cease to have effect except in the application of the Act to Scotland.
Section 18 of the Act of 1923	In subsection (2) there shall be substituted for the reference to paragraph (ii) of subsection (1) of section five of the principal Act, a reference to sub-paragraph (ii) of paragraph (g) of the First Schedule to this Act.

THIRD SCHEDULE.

Section 18.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo. 5. c. 17.	The Increase of Rent and Mortgage Interest Restrictions Act, 1920.	Subsection (1) of section five; in subsection (9) of section twelve the words from "but for the purpose of any enactment relating to rating" to the end of the subsection, except as respects Scotland; in subsection (2) of section fourteen the words "before the passing of this Act."
13 & 14 Geo. 5. c. 32.	The Rent and Mortgage Interest Restrictions Act, 1923.	Section four so far as it relates to subsection (1) of section five of the Act of 1920; and Part II.
14 & 15 Geo. 5. c. 18.	The Prevention of Eviction Act, 1924.	Section one.
15 & 16 Geo. 5. c. 32.	The Rent and Mortgage Interest (Restrictions Continuation) Act, 1925.	The whole Act except subsection (3) of section one thereof in so far as it amends section two of the Rent and Mortgage Interest Restrictions Act, 1923.
23 & 24 Geo. 5. c. 2.	The Expiring Laws Continuance Act, 1932.	Subsection (2) of section one and Part II of the Schedule.

CHAPTER 33.

An Act to amend the enactments relating to the metropolitan police force in regard to the number of assistant commissioners of police, the age of compulsory retirement, membership of the Police Federation and the appointment of constables for a fixed period of service; to adapt to the case of constables so appointed the enactments relating to police pensions and gratuities, National Health Insurance, and Widows', Orphans' and Old Age Contributory Pensions; and for purposes connected with the matters aforesaid. [18th July 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Power to
appoint
additional
assistant
commis-
sioner.

19 & 20 Vict.
c. 2.

1. It shall be lawful for His Majesty to appoint a fit person to be a fifth assistant commissioner of police for the metropolis, and the Metropolitan Police Act, 1856, shall apply in like manner as if five assistant commissioners of police of the metropolis were therein mentioned instead of two.

Amendment
as to age
for compul-
sory retire-
ment in case
of senior
officers of
metropoli-
tan police
force.

11 & 12 Geo.
5. c. 31.

2.—(1) Subject to the provisions of the next succeeding subsection, the Police Pensions Act, 1921, shall have effect as if after paragraph (3) of section twenty-five of that Act, there were inserted the following paragraph :—

“(3A) Section one of this Act shall have effect as if for the words ‘for superintendents and inspectors, on attaining the age of sixty; for chief constables and assistant chief constables, on attaining the age of sixty-five,’ there were substituted the words ‘for any other members of the force, including the commissioner, assistant

commissioners and deputy assistant commissioners, on attaining such ages, not being less than forty-five, as the Secretary of State may from time to time fix in relation to the several ranks'; and the provisions of the said section as to extension of service in special cases shall apply in relation to the commissioner, assistant commissioners and deputy assistant commissioners as they apply in relation to a chief constable";

and as if in paragraph (4) of the said section the words "the age of compulsory retirement and" were omitted.

(2) This section shall not, without his consent, apply in relation to any member of the metropolitan police force who was serving as such immediately before the commencement of this Act.

3. Part I of the Schedule to the Police Act, 1919, (which relates to the constitution and proceedings of the Police Federation) shall, in its application to the metropolitan police force, have effect as if,—

Amendment
as to con-
stitution
of Police
Federation.

(a) in paragraphs 1 and 2 thereof, for the words "below the rank of superintendent," there were substituted the words "of the ranks of inspector, sergeant and constable"; and

9 & 10 Geo.
5. c. 46.

(b) after paragraph 2 thereof there were inserted the following paragraph:—

"2A. In this Schedule the expression 'inspector' does not include a chief inspector, sub-divisional inspector, station inspector or junior station inspector."

4.—(1) It shall be lawful for the commissioner of police of the metropolis, with the approval of the Secretary of State, to appoint persons to serve as constables in the metropolitan police force for a fixed period of service, not exceeding ten years, subject, at the discretion of the Secretary of State, in any particular case to such prolongation, if any, of the period as may be necessary to enable the constable concerned, for whatever number of years he was appointed, to complete that number of years of approved service.

Appoint-
ment of
constables
for fixed
period of
service in
metro-
politan
police force.

(2) In its application to constables appointed under this section, the Police Pensions Act, 1921, shall have effect, as if—

(i) at the end of subsection (1) of section two of the said Act there were inserted the following paragraph—

“ and (e) if he was appointed as a constable of the metropolitan police force for a fixed period of service, shall, on discharge on completion of the said period of service, be entitled to receive a gratuity ”; and

(ii) at the end of subsection (2) of section nine of the said Act there were inserted the following proviso :—

“ Provided that, in the case of a constable of the metropolitan police force appointed for a fixed period of service, the police authority of the other force which he joins may, if they think fit, allow a part of such service to be so reckoned if he pays, or has paid, to them either the amount of any such gratuity or rateable deductions as aforesaid or, where a gratuity has been granted to him, such part thereof, not being less than the amount of the rateable deductions, as the police authority may determine ”; and

(iii) after subsection (1) of section ten of the said Act there were inserted the following subsection :—

“ (1A) For the purposes of the foregoing subsection, service in the metropolitan police force under an appointment for a fixed period of service shall be disregarded, but where any person, after serving in the metropolitan police force under such an appointment as aforesaid, has served, otherwise than under such an appointment, in any capacity mentioned in the said subsection, he shall be entitled to reckon his service in the metropolitan police force for the purpose of pension in such circumstances, and to such extent, as may be prescribed by regulations made by the Treasury or the Secretary of State, as the case may require ”; and

- (iv) in paragraph 5 of Part I of the First Schedule to the said Act, after the words "ten years' approved service", there were inserted the words "or, in the case of a constable of the metropolitan police force appointed for a fixed period of service, on discharge on completion of the said period of service."

(3) In their application to constables appointed under this section, the National Health Insurance Act, 1924, and the Widows', Orphans' and Old Age Contributory Pensions Act, 1925 (in each case as amended by any subsequent enactment) shall have effect subject to the amendments specified in the Schedule to this Act.

14 & 15 Geo.
5. c. 38.
15 & 16 Geo.
5. c. 70.

5. This Act may be cited as the Metropolitan Police Act, 1933.

Short title.

SCHEDULE .

Section 4 (3).

AMENDMENTS OF CERTAIN ACTS IN THEIR APPLICATION TO CONSTABLES SERVING IN THE METROPOLITAN POLICE FORCE FOR A FIXED PERIOD OF SERVICE.

1. In the National Health Insurance Act, 1924, after section sixty-four the following section shall be inserted :—

64A. *Provisions as to short service constables of the metropolitan police force.*—Notwithstanding anything in any certificate given under paragraph (b) of Part II of the First Schedule to this Act, a constable of the metropolitan police force who is appointed for a fixed period of service shall be deemed to be employed within the meaning of this Act during his period of service and shall be insured during that period as an employed contributor, and the provisions of this Act shall apply in relation to him subject, however, to the following modifications :—

- (i) the contribution payable in respect of him shall be an employer's contribution at the rate of threepence a week and shall be paid to the Minister out of the metropolitan police fund in respect of

each contribution week, or part of a contribution week, for which he receives pay; and

(ii) he shall not be entitled during his period of service to medical benefit, sickness benefit or disablement benefit; and

(iii) if he is a member of an approved society, there shall be credited to the society a sum equal to sixpence for each weekly contribution paid, and an equal sum shall be treated as having been expended on benefits, and the proper proportion thereof shall accordingly be paid out of moneys provided by Parliament.

2. In the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, the following section shall be inserted after section twenty-four :—

24A. *Provisions as to short service constables of the metropolitan police force.*—(1) The contribution payable under this Act in respect of a short service constable shall be an employer's contribution at the rate of ninepence a week and shall be paid out of the metropolitan police fund in respect of each contribution week, or part of a contribution week, for which he receives pay.

(2) A widow's pension shall not be payable under this Act to the widow of a short service constable if a pension is payable to her under the Police Pensions Act, 1921, or if under paragraph (d) of section three of that Act she has accepted a gratuity in lieu of a pension, and an additional allowance or orphan's pension shall not be payable under this Act in respect of a child of a short service constable if an allowance or gratuity is payable in respect of that child under the said Act of 1921.

(3) If the total weekly amount of any widow's pension and any additional allowances, or of any orphans' pensions, which but for the provisions of the preceding subsection would have been payable under this Act in right of a short service constable exceeds the total weekly amount of any widow's pension and any children's allowances, or, as the case may be, of any children's allowances, payable in right of him out of the metropolitan police fund, a sum equal to the difference between those amounts shall in respect of each week be paid into that fund out of the pensions account and applied in augmenting the weekly payments made out of that fund :

Provided that this subsection shall not apply in any case where a gratuity in lieu of a pension or in lieu of an allowance has been granted to, or for the benefit of, the widow or any child of the constable.

(4) In this section the expression "short service constable" means a constable of the metropolitan police force who is appointed for a fixed period of service.

CHAPTER 34.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-four, and to appropriate the Supplies granted in this Session of Parliament.

[28th July 1933.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

GRANT OUT OF CONSOLIDATED FUND.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-four, the sum of three hundred and fourteen million nine hundred and eleven thousand nine hundred and ninety-four pounds.

Issue of
£314,911,994
out of the
Consoli-
dated Fund.

2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance

Power for
the Treas-
ury to
borrow.

to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole three hundred and fourteen million nine hundred and eleven thousand nine hundred and ninety-four pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and thirty-four and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict.
c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per cent. per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

(5) The interest on any money borrowed under this section shall be paid out of the permanent annual charge for the National Debt.

APPROPRIATION OF GRANTS.

Appropriation of sums voted for supply services.

3. All sums granted by this Act and the other Acts mentioned in Schedule (A) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the said schedule, in the aggregate, to the sum of five hundred and forty-five million two hundred and ninety-two thousand three hundred and twenty-six pounds one shilling and fivepence are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the services and purposes expressed in Schedule (B) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

In addition to the sums hereby granted out of the Consolidated Fund, there may be applied out of any money directed under section two of the Public Accounts and Charges Act, 1891, to be applied as appropriations in

54 & 55 Vict.
c. 24.

aid of the grants for the services and purposes specified in Schedule (B) annexed hereto the sums respectively set forth in the last column of the said schedule.

4.—(1) So long as the aggregate expenditure on naval, military and air services respectively is not made to exceed the aggregate sums appropriated by this Act for those services respectively, any surplus arising on any vote for those services, either by an excess of the sum realised on account of appropriations in aid of the vote over the sum which may be applied under this Act as appropriations in aid of that vote, or by saving of expenditure on that vote, may, with the sanction of the Treasury, be temporarily applied either in making up any deficiency in the sums realised on account of appropriations in aid of any other vote in the same department, or in defraying expenditure in the same department which is not provided for in the sums appropriated to the service of the department by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course.

Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for the navy services, army services and air services respectively be not exceeded.

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the naval, military and air services for the year, in order that any temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

5. Whereas under the powers given for the purpose by the Appropriation Act, 1931, surpluses arising on certain votes for the navy, army and air services respectively have been applied as shown in the statement set out in Schedule (C) to this Act:

Sanction for navy, army and air expenditure for 1931 unprovided for. 21 & 22 Geo. 5. c. 29.

It is enacted that the application of those surpluses as shown in the said statement is hereby sanctioned.

6.—(1) A person shall not receive any payment out of a grant which may be made in pursuance of this Act for half-pay or army, navy, air force, or civil non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant

Declaration required in certain cases before receipt of sums appropriated.

of the Treasury before one of the persons prescribed by the warrant :

Provided that the Treasury may dispense with the production of a declaration under this section in respect of any payment if either—

- (a) such a declaration has been subscribed within a period of twelve calendar months preceding the date of the payment, or such longer period as the Treasury may in any particular case allow; or
- (b) the payment is made through a banker who has entered into an undertaking in such form as may be approved by the Treasury with respect to the notification of circumstances coming to the knowledge of the banker which might affect the right to such payments of the person to whom the payment is made.

(2) Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanour.

Short title.

7. This Act may be cited for all purposes as the *Appropriation Act, 1933.*

A B S T R A C T

O F

SCHEDULES (A) and (B) to which this
Act refers.

Section 3.

SCHEDULE (A.)

	£	s.	d.
Grants out of the Consolidated Fund	545,292,326	1	5

SCHEDULE (B.)—APPROPRIATIONS OF GRANTS.

SCHED. (B.)
Appropriations of
Grants.

Section 3.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
1931 and 1932.						
Part 1. Civil Departments Excess, 1931 - -	£	s.	d.	£	s.	d.
„ 2. Civil and Revenue Departments (Supplementary), 1932	97	1	5	—		
	21,608,135	0	0	*—4,660	0	0
£	21,608,232	1	5	*—4,660	0	0
1933.						
Part 3. Navy - -	53,570,000	0	0	2,030,446	0	0
„ 4. Army - -	37,950,000	0	0	5,925,000	0	0
Army (Ordnance Factories) -	100	0	0	2,444,600	0	0
„ 5. Air Force - -	17,426,000	0	0	2,212,600	0	0
£	108,946,100	0	0	12,612,646	0	0
Part 6. Civil, Class I. -	2,019,274	0	0	3,441,009	0	0
„ 7. Civil, Class II. -	6,868,481	0	0	680,374	0	0
„ 8. Civil, Class III. -	15,863,797	0	0	2,181,639	0	0
„ 9. Civil, Class IV. -	51,204,982	0	0	5,608,390	0	0
„ 10. Civil, Class V. -	155,494,528	0	0	10,158,692	0	0
„ 11. Civil, Class VI. -	9,041,971	0	0	3,057,134	0	0
„ 12. Civil, Class VII. -	8,136,405	0	0	1,192,190	0	0
„ 13. Civil, Class VIII. -	48,889,418	0	0	18,864	0	0
„ 14. Civil, Class IX. -	45,311,253	0	0	6,458,520	0	0
TOTAL, CIVIL £	342,830,109	0	0	32,796,862	0	0
Part 15. Revenue Departments, &c. -	71,907,885	0	0	2,852,453	0	0
GRAND TOTAL £	545,292,326	1	5	48,257,301	0	0

* Deficit.

SCHED. (A.)

SCHEDULE (A.)

GRANTS OUT OF THE CONSOLIDATED FUND.

For the service of the year ended on the 31st day of March 1932—	£	s.	d.
Under Act 23 Geo. 5. c. 3 - - -	97	1	5
For the service of the year ending on the 31st day of March 1933—			
Under Act 23 Geo. 5. c. 1 - - -	21,420,955	0	0
Under Act 23 Geo. 5. c. 3 - - -	187,180	0	0
For the service of the year ending on the 31st day of March 1934—			
Under Act 23 Geo. 5. c. 3 - - -	208,772,100	0	0
Under this Act - - - - -	314,911,994	0	0
TOTAL - - - - -	£545,292,326	1	5

SCHED. (B.)
PART 1.
Civil
Depart-
ments
Excess,
1931.

SCHEDULE (B.)—PART 1.

CIVIL DEPARTMENTS EXCESS, 1931.

	Sums not exceeding					
	Supply Grants.	Appropriations in Aid.				
	£	s.	d.	£	s.	d.
Sum granted to make good an Excess on the Grant for the Privy Council Office for the Year ended 31st March 1932 - - -	97	1	5	—		

SCHEDULE (B.)—PART 2.

SCHED. (B.)
PART 2.
Civil
(Supple-
mentary),
1932.

CIVIL (SUPPLEMENTARY), 1932.

SCHEDULE OF SUPPLEMENTARY SUMS granted to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1933, viz: :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL.		
CLASS I.		
For the Salaries and Expenses of the Offices of the House of Lords - - -	£ 1,950	£ —
For the Salaries and Expenses of the Department of His Majesty's Most Honourable Privy Council - - -	660	*—660
CLASS II.		
For the Salaries and Expenses of the Department of His Majesty's Secretary of State for Foreign Affairs -	4,000	*—4,000
For sundry Dominion Services, including certain Grants in Aid, and for expenditure in connection with Ex-Service Men in the Irish Free State, and for a Grant in Aid to the Irish Free State in respect of Compensation to Transferred Officers - - - - -	166,570	—
In substitution for payments due from the Government of the Irish Free State - - - - -	3,410,955	—
CLASS III.		
For certain Miscellaneous Legal Expenses, for the Salaries and Expenses of Arbitrators, &c., under the Acquisition of Land (Assessment of Compensation) Act, 1919, and for a Grant in Aid of the Expenses of the Law Society - - - - -	6,500	—
Carried forward - - - - -	£ 3,590,635	*—4,660

* Deficit.

SCHED. (B.)
PART 2.
Civil
(Supple-
mentary),
1932.

SCHEDULE (B.)—PART 2—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
CIVIL— <i>cont.</i>		
Brought forward - - -	3,590,635	*—4,660
For the Salaries and Expenses of the Lord Advocate's Department, and other Law Charges, the Salaries and Expenses of the Courts of Law and Justice, and of Pensions Appeals Tribunals in Scotland, and Bonus on certain Statutory Salaries - - -	7,500	—
CLASS V.		
For the Salaries and Expenses of the Ministry of Labour and Subordinate Departments, including sums payable by the Exchequer to the Unemployment Fund, Grants to Associations, Local Authorities and others under the Unemployment Insurance, Labour Exchanges and other Acts; Expenses of the Industrial Court; Contribution towards the Expenses of the International Labour Organisation (League of Nations); Expenses of Training and Removal of Workers and their Dependants; Grants for assisting the voluntary provision of occupation for unemployed persons; and sundry services, including services arising out of the war - - - - -	18,010,000	—
TOTAL - - - - -	£ 21,608,135	*— 4,660

* Deficit.

SCHEDULE (B.)—PART 3.

SCHED. (B.)
PART 3.
Navy.

NAVY.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1934; viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For wages, &c., to 91,165 officers, seamen, and boys, and royal marines, and civilians employed on fleet services - - - -	12,593,000	56,419
2. For victualling and clothing for the navy, including the cost of victualling establishments at home and abroad - - - -	3,099,800	611,991
3. For medical services, including the cost of medical establishments at home and abroad - - - -	369,800	70,217
4. For the fleet air arm - - - -	1,089,000	—
5. For educational services - - - -	198,500	60,060
6. For scientific services - - - -	474,500	61,227
7. For the royal naval reserve, the royal fleet reserve and the royal naval volunteer reserve, &c. -	355,000	370
8. Sect. 1. For the personnel for ship-building, repairs, maintenance, &c., at dockyards and naval yards at home and abroad - - - -	6,176,400	50,986
„ Sect. 2. For the matériel for ship-building, repairs, maintenance, &c., at dockyards and naval yards at home and abroad - -	4,579,200	486,200
„ Sect. 3. For contract work for ship-building, repairs, &c. - - - -	7,635,700	31,895
Carried forward - - - -	£ 36,570,900	1,429,365

SCHED. (B.)
PART 3.
Navy.

SCHEDULE (B.)—PART 3—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	36,570,900	1,429,365
No. 9. For naval armaments - - -	4,024,100	189,683
10. For works, buildings and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants, and other charges connected therewith - - -	2,184,300	218,500
11. For various miscellaneous effective services - - - - -	560,000	136,960
12. For the Admiralty Office - -	1,090,200	11,369
13. For non-effective services (naval and marine)—officers - - -	3,178,200	16,322
14. For non-effective services (naval and marine)—men - - - - -	4,889,100	25,250
15. For civil superannuation, compensation allowances and gratuities -	1,073,200	2,997
TOTAL, NAVY SERVICES £	53,570,000	2,030,446

SCHEDULE (B.)—PART 4.

SCHED. (B.)
PART 4.
Army.

ARMY.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the ARMY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on 31st day of March 1934; viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the pay, &c., of His Majesty's Army (to a number not exceeding 148,700) at home and abroad (exclusive of His Majesty's Indian Possessions other than Aden) -	9,284,000	2,482,000
2. For the Army Reserve (to a number not exceeding 125,300), the Supplementary Reserve (to a number not exceeding 24,622), the Territorial Army (to a number not exceeding 170,288), the Officers' Training Corps, and Colonial Militia, &c. - - - -	4,740,000	41,000
3. For medical services - - - -	888,000	36,800
4. For educational establishments -	778,000	108,000
5. For quartering and movements -	1,232,000	730,000
6. For supplies, road transport and remounts - - - -	3,958,000	276,000
7. For clothing - - - -	918,000	105,000
8. For general stores - - - -	1,137,000	170,000
9. For warlike stores, including technical establishments - - - -	2,437,000	585,000
Carried forward - - - -	£ 25,372,000	4,533,800

M m

SCHED. (B.)
PART 4.
Army.

SCHEDULE (B.)—PART 4—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	25,372,000	4,533,800
No. 10. For works, buildings, and lands, including military and civilian staff and other charges in connection therewith - - -	2,640,000	212,000
11. For miscellaneous effective services -	911,000	159,000
12. For the War Office - - -	803,000	12,000
13. For rewards, half-pay, retired pay, widows' pensions, and other non-effective charges for officers -	3,524,000	477,100
14. For the Royal Hospital, Chelsea, and Kilmainham hospital, out-pensions, rewards for distinguished service, widows' pensions, and other non-effective charges for warrant officers, non-commissioned officers, men, &c. - - -	4,473,000	524,000
15. For civil superannuation, compensation and additional allowances, gratuities, injury grants, &c. -	227,000	7,100
TOTAL, ARMY SERVICES £	37,950,000	5,925,000
ARMY (ORDNANCE FACTORIES).		
For the ordnance factories, the cost of productions of which will be charged to the army, navy, air force and Indian, Dominion and Colonial Governments - - - - -	100	2,444,600
TOTAL ARMY SERVICES (INCLUDING ORDNANCE FACTORIES) } £	37,950,100	8,369,600

SCHEDULE (B.)—PART 5.

SCHED. (B.)
PART 5.
Air.

AIR.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the AIR SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1934, viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the pay, &c., of 31,000 of all ranks of the Royal Air Force (exclusive of those serving in His Majesty's Indian Possessions, other than Aden) - - -	4,110,000	454,000
2. For the quartering, stores (except technical), supplies, and transportation - - - - -	1,487,000	94,000
3. For technical and warlike stores (including experimental and research services) - - - -	7,203,000	1,246,000
4. For works, buildings, repairs, and lands, including civilian staff, and other charges connected therewith	1,610,000	152,000
5. For medical services - - - -	285,000	15,000
6. For technical training and educational services - - - -	384,000	10,000
7. For auxiliary and reserve forces (to a number not exceeding 12,650 of all ranks of the Royal Air Force Reserve, 527 of all ranks of the Special Reserve and 1,449 of all ranks of the Auxiliary Air Force and Auxiliary Air Force Reserve)	464,000	100
8. For Civil Aviation - - - -	490,000	173,000
9. For the meteorological and miscellaneous effective services - -	358,000	28,000
10. For the Air Ministry - - - -	645,000	4,000
11. For rewards, half-pay, retired pay, pensions, and other non-effective services - - - - -	390,000	36,500
TOTAL AIR SERVICES -	£ 17,426,000	2,212,600

SCHED. (B.)
PART 6.
Civil.
Class I.

SCHEDULE (B.)—PART 6.

CIVIL.—CLASS I.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1934, viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the salaries and expenses of the offices of the House of Lords -	51,094	11,880
2. For the salaries and expenses of the House of Commons - - -	332,502	8,500
3. For expenses under the Representation of the People Acts, 1918 to 1928 - - - - -	265,000	—
4. For the salaries and other expenses in the department of His Majesty's Treasury and subordinate departments - - - - -	319,726	8,864
5. For the salaries and expenses of the department of His Majesty's most Honourable Privy Council - -	10,613	5,400
6. For the salaries and expenses of the Charity Commission for England and Wales - - - - -	38,499	3,400
7. For the salaries and expenses of the Civil Service Commission - -	24,312	38,500
8. For the salaries and expenses of the department of the Comptroller and Auditor General - - -	141,810	8,364
Carried forward - - - £	1,183,556	84,908

SCHEDULE (B.)—PART 6—*continued.*

SCHED. (B.)
PART C.
Civil.
Class I.

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	1,183,556	84,908
No.	9. For making good the deficiency on the Income Account of the Fund for Friendly Societies - - -	5,989	—
	10. For the salaries and expenses of the department of the Government Actuary - - - - -	32,509	2,000
	11. For the salaries and expenses of the Department of the Government Chemist - - - - -	70,007	600
	12. For a grant-in-aid of the Government Hospitality Fund - -	6,000	—
	13. For the salaries and expenses of the Mint, including the expenses of coinage (Imperial, Colonial and Foreign), and the expenses of the preparation of medals, dies for postage and other stamps, and His Majesty's seals - - - -	150,000	3,290,000
	14. For the salaries and expenses of the National Debt Office - - -	883	26,445
	15. For the salaries and expenses of the National Savings Committee -	80,881	—
	16. For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - - - -	36,903	550
	17. For the salaries of the establishment under the Public Works Loan Commission and the expenses of the Commission - - - -	100	23,146
	Carried forward - - £	1,566,828	3,427,649

SCHED. (B.)
PART 6.
Civil.
Class I.

SCHEDULE (B.)—PART 6—*continued.*

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - - -	1,566,828	3,427,649
18.	For making the payment due to the Local Loans Fund in respect of advances in Northern Ireland and to make good certain sums written off from the assets of the Local Loans Fund - - - -	77,149	—
19.	For the salaries and other expenses of Royal Commissions, Committees, and Special Inquiries, &c., including provision for Shorthand; and the expenses of surplus stores, &c., liquidation - - - -	78,000	1,090
20.	For certain miscellaneous expenses, including certain grants-in-aid and bonus on certain statutory salaries - - - -	6,630	10,800
21.	For His Majesty's foreign and other secret services - - - -	180,000	—
22.	For making good the net loss on transactions connected with the raising of money for the various Treasury Chests abroad in the year 1931 - - - -	12,428	—
23.	For the salaries and expenses of the Scottish office; expenses under the Private Legislation Procedure (Scotland) Act, 1899; a subsidy for transport services to the Western Highlands and Islands; a grant in lieu of Land Tax; and contributions towards the expenses of Probation and of Remand Homes -	79,429	1,470
24.	For repayment to the Civil Contingencies Fund of certain Miscellaneous advances - - - -	18,810	—
	TOTAL, CIVIL, CLASS I. - £	2,019,274	3,441,009

SCHEDULE (B.)—PART 7.

SCHED. (B.)
PART 7.
Civil.
Class II.

CIVIL.—CLASS II.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1934, viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the salaries and expenses of the department of His Majesty's Secretary of State for Foreign Affairs - - - - -	209,278	93,764
2. For the expenses in connection with His Majesty's embassies, missions and consular establishments abroad, and other expenditure chargeable to the Consular Vote, certain special grants and payments, including a grant in aid; sundry services arising out of the War; and a loan to the European Commission of the Danube - - -	1,314,060	409,025
3. For a contribution towards the expenses of the League of Nations and for other expenses in connection therewith, including British Representation before the Permanent Court of International Justice - - - - -	164,900	—
Carried forward - - - - -	£ 1,688,238	502,789

SCHED. (B.)
PART 7.
Civil.
Class II.

SCHEDULE (B.)—PART 7—*continued.*

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	1,688,238	502,789
4.	For the salaries and expenses of the Department of His Majesty's Secretary of State for Dominion Affairs - - - -	51,450	30,010
5.	For sundry Dominion services, including certain grants in aid, and for expenditure in connection with ex-service men in the Irish Free State, and for a grant in aid to the Irish Free State in respect of compensation to transferred officers (including a supplementary sum of £540,000) - - - -	615,163	—
6.	In substitution for payments due from the Government of the Irish Free State - - - -	2,308,447	—
7.	For a grant in aid of the Empire Marketing Fund - - - -	220,000	—
8.	For the expenses connected with Oversea Settlement, and expenses arising out of the Empire Settlement Act, 1922 - - - -	69,325	20,000
9.	For the salaries and expenses of the department of His Majesty's Secretary of State for the Colonies	146,704	2,425
10.	For sundry Colonial and Middle Eastern services under His Majesty's Secretary of State for the Colonies, including certain non-effective services, and grants in aid	732,079	125,150
	Carried forward - £	5,831,406	680,374

SCHEDULE (B.)—PART 7—*continued.*SCHED. (B.)
PART 7.
Civil.
Class II.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	5,831,406	680,374
No. 11. For a Grant in Aid of the Colonial Development Fund - - -	400,000	—
12. For a contribution towards the cost of the department of His Majesty's Secretary of State for India in Council, including a grant in aid -	133,195	—
13. For certain salaries and expenses of the Imperial War Graves Commission, including purchase of land in the United Kingdom, and a grant in aid of the Imperial War Graves Commission Fund, formed under Royal Charter, 21 May 1917, and a contribution towards an endowment fund - - -	503,880	—
TOTAL, CIVIL, CLASS II. - £	6,868,481	680,374

SCHED. (B.)
PART 8.
Civil.
Class III.

SCHEDULE (B.)—PART 8.

CIVIL.—CLASS III.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1934, viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the salaries and expenses of the office of His Majesty's Secretary of State for the Home Department and subordinate offices, including liquidation expenses of the Royal Irish Constabulary and contributions towards the expenses of probation - - - - -	462,251	46,761
2. For the expenses of the maintenance of criminal lunatics in the Broadmoor Criminal Lunatic Asylum -	64,547	4,607
3. For the salaries of the Commissioner and Assistant Commissioners of the Metropolitan Police, and of the Receiver for the Metropolitan Police District; bonus to Metropolitan Police Magistrates; the contribution towards the expenses of the Metropolitan Police; the salaries and expenses of the Inspectors of Constabulary; and other grants in respect of Police Expenditure, including a grant in aid of the Police Federation, and a contribution towards the expenses of the International Criminal Police Commission -	10,282,915	315
Carried forward - - - £	10,809,713	51,683

SCHEDULE (B.)—PART 8—*continued.*

SCHED. (B.)
PART 8.
Civil.
Class III.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	10,809,713	51,683
No. 4. For the salaries and expenses of the office of the Prison Commissioners and of the prisons in England and Wales - - - - -	995,063	205,250
5. For grants in respect of the expenses of the managers of approved schools in England and Wales; the expenses of local authorities in respect of children and young persons committed to their care; and the expenses of the councils of counties and county boroughs in respect of remand homes; also for certain expenses in connection with the collection of parental contributions - - - - -	210,880	11,500
6. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal as are not charged on the Consolidated Fund, including bonus on certain statutory salaries, and a grant in aid, and the salaries and expenses of pensions appeals tribunals - - - - -	100	482,181
7. For the salaries and expenses connected with the County Courts, including bonus to County Court Judges - - - - -	100	734,544
8. For the salaries and expenses of the office of Land Registry - - -	100	163,444
9. For the salaries and expenses of the office of Public Trustee - - -	100	235,009
Carried forward - - -	£ 12,016,056	1,883,611

SCHED. (B.)
PART 8.
Civil.
Class III.

SCHEDULE (B.)—PART 8—*continued.*

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	12,016,056	1,883,611
No.	10. For the salaries of the law officers department, the salaries and expenses of the departments of His Majesty's Procurator-General and of the Solicitor for the Affairs of His Majesty's Treasury, and of the department of the Director of Public Prosecutions, the costs of prosecutions, of other legal proceedings, and of Parliamentary Agency - - - -	132,557	34,850
	11. For certain miscellaneous legal expenses, for the salaries and expenses of arbitrators, &c., under the Acquisition of Land (Assessment of Compensation) Act, 1919, and for a grant in aid of the expenses of the Law Society - -	56,718	4,150
	12. For the salary and expenses of the Inspector of Constabulary, grants in respect of Police expenditure and a grant in aid of the Police Federation in Scotland - -	1,039,449	—
	13. For the salaries and expenses of the Prisons Department for Scotland and of the prisons under their control, including the maintenance of criminal lunatics, defectives, and inmates of the State inebriate reformatory and the preparation of judicial statistics - - -	125,240	11,020
	Carried forward - - £	13,370,020	1,933,631

SCHEDULE (B.)—PART 8—continued.

SCHED. (B.)
PART 8.
Civil.
Class III.

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - - -	13,370,020	1,933,631
No.	14. For grants in respect of expenses of the Managers of Approved Schools, and of the expenses of Education Authorities in Scotland, in respect of Children and Young Persons committed to their care and certain expenses in connection with the Collection of Parental Contributions - - - -	47,576	3,680
	15. For the salaries and expenses of the office of the Scottish Land Court, including bonus to members of the Court - - - - -	8,595	450
	16. For the salaries and expenses of the Lord Advocate's department and other law charges, the salaries and expenses of the Courts of Law and Justice and of pensions appeals tribunals in Scotland, and bonus on certain statutory salaries - - - - -	42,649	144,750
	17. For the salaries and expenses of the offices in His Majesty's General Register House, Edinburgh - -	100	62,976
	18. For the cost of certain Northern Ireland services, including expenditure in connection with ex-service officers and men in Northern Ireland, and bonus on certain statutory salaries - - -	9,808	6,427
	Carried forward - - - £	13,478,748	2,151,914

SCHED. (B.)
PART 8.
Civil.
Class III.

SCHEDULE (B.)—PART 8—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	13,478,748	2,151,914
No. 19. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland, and of the Land Registry of Northern Ireland, as are not charged on the Consolidated Fund, and other expenses - - -	17,310	29,475
20. For the salaries and expenses of the Land Purchase Commission, Northern Ireland, including the payment of land purchase annuities in Northern Ireland and the expenses of certain land purchase services in the Irish Free State reserved as an imperial liability -	2,367,739	300
TOTAL, CIVIL, CLASS III. - £	15,863,797	2,181,689

SCHEDULE (B.)—PART 9.

SCHED. (B.)
PART 9.
Civil
Class IV.

CIVIL.—CLASS IV.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1934, viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the salaries and expenses of the Board of Education, and of the various establishments connected therewith, including sundry grants in aid - - - - -	42,061,901	4,881,000
2. For the salaries and other expenses of the British Museum, including a grant in aid - - - - -	168,529	27,611
3. For the salaries and other expenses of the British Museum (Natural History), including a grant in aid	98,504	2,205
4. For the salaries and expenses of the Imperial War Museum, including a grant in aid of purchases - -	11,375	725
5. For the salaries and expenses in respect of the London Museum, Lancaster House, including a grant in aid - - - - -	5,456	1,040
6. For the salaries and expenses of the National Gallery, and of the Tate Gallery, Millbank - -	23,414	1,823
Carried forward - £	42,369,179	4,914,404

SCHED. (B.)
PART 9
Civil.
Class IV.

SCHEDULE (B.)—PART 9—*continued.*

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - - - -	42,369,179	4,914,404
7.	For the salaries and expenses of the National Portrait Gallery, including a grant in aid for the purchase of portraits - - - -	7,679	970
8.	For the salaries and expenses of the Wallace Collection - - - -	10,516	1,235
9.	For sundry grants in aid of scientific investigation, &c., and other grants - - - -	197,573	9,275
10.	For grants in aid of the expenses of certain Universities, Colleges, Medical Schools, &c., in Great Britain and for a grant in aid of the British Post Graduate Medical School - - - -	1,890,000	—
11.	For public education in Scotland, and for the Royal Scottish Museum, Edinburgh, including sundry grants in aid - - - -	6,719,610	676,976
12.	For the salaries and expenses of the National Gallery, Scotland, the Scottish National Portrait Gallery, and the Museum of Antiquities, including certain grants in aid - - - -	9,044	313
13.	For the salaries and expenses of the National Library, Scotland, including a grant in aid - - - -	1,381	5,217
	TOTAL, CIVIL, CLASS IV. £	51,204,982	5,608,390

SCHEDULE (B.)—PART 10.

SCHED. (B.)
PART 10.
Civil.
Class V.

CIVIL.—CLASS V.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1934, viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1A. For special grants to local authorities in distressed areas in England and Wales - - - - -	440,000	—
1. For the salaries and expenses of the Ministry of Health, including grants and other expenses in connection with Housing, certain grants to local authorities, &c., grants in aid in respect of benefits and expenses of administration under the National Health Insurance Acts, certain expenses in connection with the Widows', Orphans' and Old Age Contributory Pensions Acts and other services - - - - -	19,200,445	1,987,520
2. For the salaries and expenses of the Board of Control, England, including expenses under the Lunacy and Mental Treatment Acts and the Mental Deficiency Acts, and grants in respect of the maintenance of certain ex-service mental patients - - - - -	144,891	25,514
3. For the salaries and expenses of the department of the Registrar-General of Births, &c. - - - - -	105,419	23,800
Carried forward	£ 19,890,755	2,036,834

SCHED. (B.)
PART 10.
Civil.
Class V.

SCHEDULE (B.)—PART 10—*continued.*

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
No.	Brought forward - - -	19,890,755	2,036,834
4.	For the salaries and expenses of the audit staff under the National Health Insurance Acts, 1924 to 1932 - - - - -	162,390	3,890
5.	For the salaries and expenses of the Registry of Friendly Societies -	46,194	5,350
6.	For the payment of Old Age Pensions, for certain administrative expenses in connection therewith, and for pensions under the Blind Persons Act, 1920 - - -	40,375,000	7,000
7.	For the Treasury Pensions Account in accordance with the provision of the Widows', Orphans' and Old Age Contributory Pensions Act, 1929 - - - - -	12,000,000	—
8.	For the salaries and expenses of the Ministry of Labour and Subordinate Departments, including sums payable by the Exchequer to the Unemployment Fund, grants to associations, local authorities and others under the Unemployment Insurance, Labour Exchanges and other Acts; expenses of the Industrial Court; contribution towards the expenses of the International Labour Organisation (League of Nations), expenses of training and removal of workers and their dependants; grants for assisting the voluntary provision of occupation for unemployed persons; and sundry services, including services arising out of the war (including a supplementary sum of £22,500,000) -	76,093,000	7,844,000
	Carried forward - - -	£ 148,567,339	9,897,074

SCHEDULE (B.)—PART 10—*continued.*SCHED. (B.)
PART 10.
Civil.
Class V.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
No. Brought forward - -	148,567,339	9,897,074
9. For grants to local authorities, &c., made prior to the 31st day of August 1929 towards employment schemes; and for grants in respect of schemes approved under Part II. of the Development (Loan Guarantees and Grants) Act, 1929, including adjustments of grant in certain cases - -	4,000,000	—
10. For the salaries and expenses of the Department of Health for Scotland, including grants and other expenses in connection with housing, certain grants to local authorities, &c., grant in aid of the Highlands and Islands medical service, grants in aid of benefits and expenses of administration under the National Health Insurance Acts, certain expenses in connection with the Widows', Orphans' and Old Age Contributory Pensions Acts, and other services - - - -	2,832,265	259,438
11. For the salaries and expenses of the General Board of Control for Scotland, including expenses under the Lunacy (Scotland) and Mental Deficiency (Scotland) Acts, and grants in respect of the maintenance of certain ex-service mental patients - - - -	16,623	480
12. For the salaries and expenses of the department of the Registrar General of Births, &c., in Scotland -	18,301	1,700
13. For special grants to local authorities in distressed areas in Scotland -	60,000	—
TOTAL, CIVIL, CLASS V. £	155,494,528	10,158,692

SCHED. (B.)
PART 11.
Civil.
Class VI.

SCHEDULE (B.)—PART 11.

CIVIL—CLASS VI.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1934, viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments, including certain Services arising out of the War -	199,911	441,260
2. For the salaries and expenses of the Board of Trade under the Bankruptcy Acts, 1914 and 1926, and the Economy (Miscellaneous Provisions) Act, 1926 - - -	100	160,120
3. For the salaries and expenses of certain services transferred from the Mercantile Marine Fund and other services connected with the Mercantile Marine, including the Coastguard, General Register and Record Office of Shipping and Seamen and Merchant Seamen's Fund Pensions - - - -	369,591	216,571
Carried forward - - - £	569,602	817,951

SCHEDULE (B.)—PART 11—*continued.*

SCHED. (B.)
PART 11.
Civil.
Class VI.

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - - -	569,602	817,951
No.	4. For the salaries and expenses of the Department of Overseas Trade, including grants in aid of the Imperial Institute and the Travel and Industrial Development Association of Great Britain and Ireland - - - - -	365,478	131,630
	5. For guarantees in respect of exports of goods wholly or partly produced or manufactured in the United Kingdom and for the salaries and expenses of the Export Credits Guarantee Department - - -	100	264,474
	6. For the salaries and expenses of the Mines Department of the Board of Trade - - - - -	204,079	22,915
	7. For the salaries and expenses of the office of Commissioners of Crown Lands, including bonus to Commissioner and Secretary -	32,520	—
	8. For the salaries and expenses of the Ministry of Agriculture and Fisheries, and of the Royal Botanic Gardens, Kew, including grants and grants in aid in respect of agricultural education and research, eradication of diseases of animals, and fishery research; and grants, grants in aid, loans, and expenses in respect of improvement of breeding, &c., of live stock; land settlement, cultivation, improvement, drainage, &c.; regulation of agricultural wages, agricultural credits, co-operation, and marketing; fishery development; and sundry other services - - -	1,985,624	494,338
	Carried forward - £	3,157,403	1,731,308

SCHEM. (B.)
PART 11.
Civil.
Class VI.

SCHEDULE (B.)—PART 11—*continued.*

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - - -	3,157,403	1,731,308
No.	9. For a subsidy on sugar and molasses manufactured from beet grown in Great Britain - - - -	2,900,000	—
	10. For the expenses of the survey of Great Britain and of minor services connected therewith -	141,965	99,945
	11. For a grant in aid of the Forestry Fund - - - - -	450,000	—
	12. For the salaries and expenses of the Ministry of Transport, under the Ministry of Transport Act, 1919; expenses of the Railway Rates Tribunal under the Railways Act, 1921; expenses under the London Traffic Act, 1924; expenses in respect of advances under the Light Railways Act, 1896; expenses of maintaining Holyhead Harbour, the Caledonian Canal, Crinan Canal and Menai Bridge; advance to meet deficit in Ramsgate Harbour Fund; and for expenditure in connection with the Severn Barrage Investigation - - -	80,796	383,791
	Carried forward - -	6,730,164	2,215,044

SCHEDULE (B.)—PART 11—*continued.*

SCHED. (B.)
PART 11.
Civil.
Class VI.

No.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - - -	6,730,164	2,215,044
13.	For a grant in aid of the Development Fund - - - -	370,000	—
14.	For grants to public utility undertakings in Great Britain - -	900,000	—
15.	For the salaries and expenses of the Department of Scientific and Industrial Research, including the Geological Survey of Great Britain and Museum of Practical Geology, and a grant in aid - - - -	517,281	179,689
16.	For the salaries and expenses of the State Management Districts, including the salaries of the central office, and the cost of provision and management of licensed premises - - - -	100	546,930
17.	For the salaries and expenses of the Department of Agriculture for Scotland, including grants for land improvement, agricultural education, research and marketing, loans to co-operative societies, a grant under the Agricultural Credits (Scotland) Act, 1929, a grant in respect of the Hebridean Drifter Service and certain grants in aid - - - - -	449,104	100,862
18.	For the salaries and expenses of the Fishery Board for Scotland, including expenses of marine superintendence, and a grant in aid of piers or quays - - - -	75,322	14,609
	TOTAL, CIVIL, CLASS VI. £	9,041,971	3,057,134

SCHED. (B.)
PART 12.
Civil.
Class VII.

SCHEDULE (B.)—PART 12.

CIVIL.—CLASS VII.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1934, viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For expenditure in respect of Art and Science buildings, Great Britain (including a supplementary sum of 100 <i>l.</i>) - - - -	234,960	22,615
2. For expenditure in respect of Houses of Parliament buildings -	116,400	800
3. For expenditure in respect of Employment Exchange and Insurance buildings, Great Britain (including Ministries of Labour and Health and the Department of Health for Scotland) - - -	596,935	6,600
4. For expenditure in respect of miscellaneous legal buildings, including the whole additional cost of a new Sheriff Court House at Edinburgh (including a supplementary sum of 100 <i>l.</i>) - - -	165,425	1,200
Carried forward - - - £	1,113,720	31,215

SCHEDULE (B.)—PART 12—*continued*.

SCHED. (B.)
PART 12.
Civil.
Class VII.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	1,113,720	31,215
No. 5. For expenditure in respect of Osborne - - - - -	13,860	5,040
6. For the salaries and expenses of the office of the Commissioners of His Majesty's Works and Public Buildings - - - - -	569,660	142,330
7. For expenditure in respect of sundry public buildings in Great Britain, not provided for on other Votes, including Historic Buildings, Ancient Monuments, Brompton Cemetery and certain Housing Estates - - - -	1,067,800	167,720
8. For expenditure in respect of public buildings overseas - - - -	105,150	9,100
9. For expenditure in respect of royal palaces, including a grant in aid -	71,495	10,000
10. For expenditure in respect of Customs and Excise, Inland Revenue, Post Office and Telegraph buildings in Great Britain, certain Post Offices abroad, and for certain expenses in connection with boats and launches belonging to the Customs and Excise Department - - - - -	1,296,715	23,450
Carried forward - - - £	4,238,400	388,855

SCHED. (B.)
PART 12.
Civil.
Class VII.

SCHEDULE (B.)—PART 12—*continued.*

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - - -	4,238,400	388,855
No.	11. For expenditure in respect of royal parks and pleasure gardens - -	178,890	49,460
	12. For rates and contributions in lieu of rates, &c., in respect of property in the occupation of the Crown for the Public Service, and for rates on buildings occupied by Representatives of British Dominions and of Foreign Powers; and to pay the salaries and expenses of the Rating of Government Property Department, and a grant in aid of the expenses of the London Fire Brigade - - - -	1,976,502	23,865
	13. For stationery, printing, paper, binding, and printed books for the public service; to pay the salaries and expenses of the Stationery Office; and for sundry miscellaneous services, including reports of Parliamentary Debates - -	1,665,213	714,550
	14. For the expense of constructing a new harbour of refuge at Peterhead - - - -	23,000	—
	15. For expenditure in respect of public works and buildings in Ireland -	54,400	15,460
	TOTAL, CIVIL, CLASS VII. £	8,136,405	1,192,190

SCHEDULE (B.)—PART 13.

SCHED. (B.)
PART 13.
Civil.
Class VIII.

CIVIL.—CLASS VIII.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1934, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
No.		
1. For War pensions and allowances (including cost of treatment) to merchant seamen and fishermen and their dependants and the administrative expenses connected therewith - - - - -	319,282	—
2. For the salaries and expenses of the Ministry of Pensions, and for sundry contributions in respect of the administration of the Ministry of Pensions Act, 1916, the War Pensions Acts, 1915 to 1921, and sundry services -	45,200,000	18,500
3. For the expenses of pensions, compensation allowances and gratuities awarded to retired and disbanded members and staff of the Royal Irish Constabulary, and to widows and children of such members, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances and certain extra-statutory payments - -	1,681,057	—
Carried forward - £	47,200,339	18,500

SCHED. (B.)
PART 13.
Civil.
Class VIII.

SCHEDULE (B.)—PART 13—*continued.*

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - - -	47,200,339	18,500
No.	4. For superannuation, compensation, compassionate and additional allowances and gratuities under sundry Statutes; compassionate allowances, gratuities, and supplementary pensions awarded by the Treasury; and, under the Government of Ireland Act, 1920, by the Civil Service Committee -	1,689,079	364
	TOTAL, CLASS VIII. - £	48,889,418	18,864

SCHED. (B.)
PART 14
Civil.
Class IX.

SCHEDULE (B.)—PART 14.

CIVIL.—CLASS IX.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1934, viz. :—

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
No.	1. For grants to local authorities in England and Wales, authorised by Part VI of the Local Government Act, 1929, including certain sums as fixed for the Second Fixed Grant Period - - - - -	39,555,000	5,775,000
	Carried forward - - -	39,555,000	5,775,000

SCHEDULE (B.)—PART 14—*continued.**SCHED. (B.)
PART 14.
Civil.
Class IX.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	39,555,000	5,775,000
No. 2. For grants to local authorities in Scotland authorised by the Local Government (Scotland) Act, 1929, including certain sums as fixed for the Second Fixed Grant Period -	5,756,253	683,520
TOTAL CLASS IX. -	£ 45,311,253	6,458,520

SCHEDULE (B.)—PART 15.

SCHED. (B.)
PART 15.
Revenue
Departments, &c.

REVENUE DEPARTMENTS, &c.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several REVENUE DEPARTMENTS, &c., herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1934, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
No. 1. For the salaries and expenses of the Customs and Excise Department	5,364,300	166,700
2. For the salaries and expenses of the Inland Revenue Department -	7,104,585	194,000
3. For the salaries and expenses of the Post Office, including Telegraphs and Telephones - - - -	59,439,000	2,491,753
TOTAL, REVENUE DEPARTMENTS	£ 71,907,885	2,852,453

SCHED. (C.)
PART I.
Navy
Services.
Section 5.

SCHEDULE (C.)—PART I.

NAVY SERVICES, 1931, VOTES.	Deficits.		Surpluses.	
	Excesses of actual over estimated gross Expenditure.	Deficiencies of actual as compared with estimated Receipts.	Surpluses of actual gross Expenditure.	Surpluses of actual as compared with estimated Receipts.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Wages, &c., of Officers, Seamen, Boys and Royal Marines and Civilians employed on Fleet Services.	—	1,775 19 9	254,998 10 8	—
2. Victualling and Clothing . . .	—	42,152 18 4	297,622 6 7	—
3. Medical Establishments and Services.	—	—	17,023 13 1	4,237 7 3
4. Fleet Air Arm	—	—	—	—
5. Educational Services	—	—	10,630 8 0	2,003 6 11
6. Scientific Services	—	—	23,889 9 6	7,113 0 10
7. Royal Naval Reserves	4,216 8 3	90 15 9	—	—
8. Shipbuilding, Repairs, Maintenance, &c.—				
I. Personnel	—	—	95,598 6 10	60 10 0
II. Matériel	—	456,056 11 5	622,872 15 4	—
III. Contract Work	232,935 13 2	28,615 13 3	—	—
9. Naval Armaments	—	—	88,775 11 10	18,450 6 3
10. Works, Buildings and Repairs.	20,218 15 9	90,851 9 5	—	—
11. Miscellaneous Effective Services.	57,870 0 6	—	—	35,326 3 4
12. Admiralty Office	—	—	25,846 4 4	1,087 11 3
13. Non-effective Services (Naval and Marine)—Officers.	—	647 17 2	4,835 11 1	—
14. Non-effective Services (Naval and Marine)—Men.	—	2,391 4 11	26,957 19 6	—
15. Civil Superannuation, Compensation Allowances and Gratuities.	8,143 11 0	462 12 4	—	—
Balances Irrecoverable and Claims abandoned.	651 16 5	—	—	—
	324,036 5 1	623,045 2 4	1,469,050 16 9	68,278 5 10
	Total Deficits : £947,081 7s. 5d.		Total Surpluses : £1,537,329 2s. 7d.	
	NET SURPLUS : £590,247 15s. 2d.			

SCHEDULE (C.)—PART II.

SCHED. (C.)
PART II.
Army
Services.
Section 5.

ARMY SERVICES, 1931, VOTES.	Deficits.		Surpluses.	
	Excesses of actual over estimated gross Expenditure.	Deficiencies of actual as compared with estimated Receipts.	Surpluses of estimated over actual gross Expenditure.	Surpluses of actual as compared with estimated Receipts.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Pay, &c., of the Army . . .	—	179,148 0 0	348,101 14 0	—
2. Territorial Army and Reserve Forces . . .	—	—	129,867 5 5	4,353 9 2
3. Medical Services . . .	—	—	61,121 12 10	1,005 16 10
4. Educational Establishments . . .	—	—	16,800 1 1	2,021 12 1
5. Quarters and Movements . . .	—	—	70,299 19 5	38,580 9 6
6. Supplies, Road Transport and Remounts . . .	—	43,334 14 10	476,059 14 4	—
7. Clothing . . .	—	—	49,475 13 1	4,097 4 9
8. General Stores . . .	—	20,972 13 7	121,085 8 6	—
9. Warlike Stores . . .	—	98,131 13 10	74,159 16 2	—
10. Works, Buildings and Lands . . .	—	52,365 7 2	169,394 14 7	—
11. Miscellaneous Effective Services . . .	36,124 18 9	—	—	22,866 17 0
12. War Office . . .	—	—	14,740 14 6	1,677 14 10
13. Half-pay, Retired Pay and other Non-effective Charges for Officers . . .	—	—	172,355 17 11	4,835 15 4
14. Pensions and other Non-effective Charges for Warrant Officers, Non-commissioned Officers, men and others . . .	—	—	28,446 2 4	98,744 0 10
15. Civil Superannuation Compensation and Gratuities . . .	—	—	7,806 10 10	78 9 0
Balances Irrecoverable and Claims Abandoned . . .	3,395 4 11	—	—	—
	39,520 3 8	393,952 9 5	1,739,715 5 0	178,261 9 4
	Total Deficits: £433,472 13s. 1d.		Total Surpluses: £1,917,976 14s. 4d.	
	NET SURPLUS: £1,484,504 1s. 3d.			

SCHED. (C.)
PART III.
Air Services.
Section 5.

SCHEDULE (C.)—PART III.

AIR SERVICES, 1931, VOTES.	Deficits.		Surpluses.	
	Excesses of actual over estimated gross Expenditure.	Deficiencies of actual as compared with estimated Receipts.	Surpluses of estimated over actual gross Expenditure.	Surpluses of actual as compared with estimated Receipts.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.
1. Pay, &c. of the Air Force -	—	17,626 18 0	87,886 0 6	—
2. Quarters Stores (except Technical), Supplies and Transport - - -	—	13,978 19 4	209,433 9 9	—
3. Technical and Warlike Stores (including Experi- mental and Research Ser- vices) - - -	53,889 16 8	120,445 15 9	—	—
4. Works, Buildings and Lands - - -	—	17,499 11 7	82,571 4 1	—
5. Medical Services - - -	—	4,248 15 4	12,095 15 4	—
6. Educational Services - - -	—	—	7,631 11 9	1,772 16 10
7. Auxiliary and Reserve Forces - - -	—	—	7,827 8 9	161 17 4
8. Civil Aviation - - -	—	72,040 19 0	76,273 17 3	—
9. Meteorological Services - Miscellaneous Effective Ser- vices - - -	—	813 12 7	11,575 14 6	—
10. Air Ministry - - -	—	—	2,812 13 4	1,516 7 9
11. Half - Pay, Pensions and other Non-effective Ser- vices - - -	—	—	16,824 16 0	854 11 2
Balances Irrecoverable and Claims Abandoned - - -	1,149 6 10	—	13,159 1 11	348 18 4
	55,039 3 6	246,654 11 7	528,091 13 2	4,654 11 5
	Total Deficits: £301,693 15s. 1d.		Total Surpluses: £532,746 4s. 7d.	
	NET SURPLUS: £231,052 9s. 6d.			

CHAPTER 35.

An Act to provide for the better protection of trout in Scotland, and for other purposes relating thereto. [28th July 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Section one of the Freshwater Fish (Scotland) Act, 1902, shall be amended by the substitution of the seventh day of October and the fourteenth day of March for the fifteenth day of October and the twenty-eighth day of February respectively. Annual close time for trout. 2 Edw. 7. c. 29.

2.—(1) It shall not be lawful to purchase, sell, expose or consign for sale, or export or consign for exportation— Size limit for selling trout.

(a) trout under eight inches in length; or

(b) any trout at any time between the first day of September and the thirty-first day of March, both inclusive.

(2) Any person who contravenes this section shall be guilty of an offence and liable on summary conviction thereof to a penalty not exceeding five pounds.

3. In this Act "trout" shall mean all trout other than rainbow trout or migratory trout known as sea-trout, salmon-trout, and bull trout, or by other local name. Interpretation.

4. Nothing in this Act shall apply to live trout sold or disposed of for the purpose of stocking any river, loch, or water whatsoever, or of artificial propagation. Saving.

5. Section one of the Freshwater Fish (Scotland) Act, 1902, shall be repealed to the following extent, that is to say: the words "or (c) expose common trout for sale;" the words "or expose for sale;" and from the words "(b) sell or expose" to the words "purposes of food." Repeal in part of s. 1 of 2 Edw. 7. c. 29.

Saving
Salmon
Fisheries
Act.

6. Nothing herein contained shall affect any Act of Parliament, general or local, passed for the preservation of the salmon fisheries in Scotland, or in relation to the fishing of salmon or fish of the salmon kind in Scotland.

Short title,
construction
and extent.

7.—(1) This Act may be cited for all purposes as the Trout (Scotland) Act, 1933, and the Trout (Scotland) Acts, 1845 to 1902, and this Act may be cited together as the Trout (Scotland) Acts, 1845 to 1933.

(2) This Act shall extend only to Scotland.

CHAPTER 36.

An Act to abolish grand juries and amend the law as to the presentment of indictments; to provide for the summary determination of questions as to liability for death duties; to make provision for alternative procedure for the recovery of Crown debts and to enable proceedings by the Crown to be instituted in county courts in appropriate cases; to amend the procedure as to certain prerogative writs and as to trials by jury in the High Court; to amend the law as to the payment of costs by and to the Crown; to provide for the further delegation of the jurisdiction of the Master in Lunacy; and for purposes connected with the matters aforesaid.

[28th July 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Abolition
of grand
juries.

1.—(1) Subject to the provisions of this section grand juries are hereby abolished, but where a bill of indictment has been signed in accordance with the provisions of this Act, the indictment shall be proceeded with in the same manner as it would have been proceeded with before the commencement of this Act

if it had been found by a grand jury, and all enactments and rules of law relating to procedure in connection with indictable offences shall have effect subject only to such modifications as are rendered necessary by the provisions of this section and of the section next following.

(2) Where at the commencement of this Act any person has obtained the direction or consent in writing of a judge of the High Court for the preferment of an indictment under the Vexatious Indictments Act 1859, the direction or consent shall have effect as if it were a direction or consent for the preferment of a bill of indictment under this Act.

22 & 23 Vict.
c. 17.

(3) After the commencement of this Act no precept shall be issued for the summoning of grand jurors nor shall any grand jurors be summoned, and if any such precept or summons has been issued before the commencement of this Act it shall be void so far as it relates to the summoning of grand jurors to attend at any court after the commencement of this Act.

(4) The provisions of this section, and of the section next following, shall not apply with respect to a bill of indictment preferred before or to an indictment found by a grand jury of the county of London and county of Middlesex by virtue of any of the enactments specified in the First Schedule to this Act, but where within the time limited by the Middlesex Grand Juries Act 1872 the Master of the Crown Office has received notice to the effect that it is intended to prefer a bill of indictment by virtue of any of those enactments and has given notice to the sheriff accordingly, a grand jury of the county of London and county of Middlesex shall be summoned and such a bill of indictment may be preferred and proceedings taken thereon in all respects as if this Act had not been passed.

35 & 36 Vict.
c. 52.

2.—(1) Subject to the provisions of this section, a bill of indictment charging any person with an indictable offence may be preferred by any person before a court in which the person charged may lawfully be indicted for that offence, and where a bill of indictment has been so preferred the proper officer of the court shall, if he is satisfied that the requirements of the next following subsection have been complied with, sign the

Procedure
for indict-
ment of
offenders.

bill, and it shall thereupon become an indictment and be proceeded with accordingly :

Provided that if the judge or chairman of the court is satisfied that the said requirements have been complied with, he may, on the application of the prosecutor or of his own motion, direct the proper officer to sign the bill and the bill shall be signed accordingly.

(2) Subject as hereinafter provided no bill of indictment charging any person with an indictable offence shall be preferred unless either—

- (a) the person charged has been committed for trial for the offence; or
- (b) the bill is preferred by the direction or with the consent of a judge of the High Court or pursuant to an order made under section nine of the Perjury Act 1911 :

1 & 2 Geo. 5.
c. 6.

Provided that—

- (i) where the person charged has been committed for trial, the bill of indictment against him may include, either in substitution for or in addition to counts charging the offence for which he was committed, any counts founded on facts or evidence disclosed in any examination or deposition taken before a justice in his presence, being counts which may lawfully be joined in the same indictment;
- (ii) a charge of a previous conviction of an offence or of being a habitual criminal or a habitual drunkard may, notwithstanding that it was not included in the committal or in any such direction or consent as aforesaid, be included in any bill of indictment.

(3) If a bill of indictment preferred otherwise than in accordance with the provisions of the last foregoing subsection has been signed by the proper officer of the court, the indictment shall be liable to be quashed :

Provided that—

- (a) if the bill contains several counts, and the said provisions have been complied with as respects one or more of them, those counts only that were wrongly included shall be quashed under this subsection; and

(b) where a person who has been committed for trial is convicted on any indictment or any count of an indictment, that indictment or count shall not be quashed under this subsection in any proceedings on appeal, unless application was made at the trial that it should be so quashed.

(4) Where at any assizes no judge of the High Court is present, the direction or consent of the commissioner of assize who is acting, or is to act, as judge at those assizes, shall for the purposes of paragraph (b) of subsection (2) of this section have the like effect as if it had been given by a judge of the High Court.

(5) For the purposes of this section the expression "judge or chairman" includes a deputy recorder, deputy chairman, or acting chairman, and the expression "proper officer" means in relation to a court of assize the clerk of assize, and in relation to a court of quarter sessions the clerk of the peace, and also includes in relation to any court such officer as may be prescribed by rules made under this section.

(6) The Lord Chancellor may make rules for carrying this section into effect and in particular for making provision as to the manner in which and the time at which bills of indictment are to be preferred before any court and the manner in which application is to be made for the consent of a judge of the High Court or of a commissioner of assize for the preferment of a bill of indictment.

(7) The Vexatious Indictments Act 1859 shall cease to have effect, but save as aforesaid nothing in this section shall affect any enactment restricting the right to prosecute in particular classes of case.

(8) The provisions of any enactment passed before the commencement of this Act shall have effect subject to the adaptations and modifications specified in the Second Schedule to this Act.

3. Any person against whom a claim has been made by the Crown for the payment of any death duties which have, or are alleged to have, become chargeable by reason of the death of any person, or who has reasonable grounds for apprehending that a claim may be made

Summary determination by High Court of liability as to death duties.

against him in respect of any death duties which have, or are alleged to have, become so chargeable, may, subject to and in accordance with rules of court, apply in a summary manner to the High Court to have it determined whether he is accountable for or chargeable with, or is or may thereafter become liable to pay, those duties, and, if so, to have the extent of his liability determined, and the Court shall have power to hear any application made under this section and to make such order thereon as seems proper.

Proceedings
by the
Crown.
15 & 16
Geo. 5. c. 49.

4.—(1) Subject to and in accordance with such rules of court as may after the passing of this Act be made under section ninety-nine of the Supreme Court of Judicature (Consolidation) Act 1925, any debt due to the Crown may, without prejudice to the recovery thereof by means of an information in the High Court, be recovered by proceedings instituted by writ of summons.

(2) Subject to the provisions of any enactment limiting the jurisdiction of the county court, whether by reference to the subject matter of the proceedings to be brought or the amount sought to be recovered in the proceedings or otherwise, proceedings by the Crown may be instituted in a county court, and accordingly the power of the Attorney-General, and any power conferred by any enactment upon a Government department or upon an officer of the Crown as such, to institute proceedings by the Crown shall include power to institute such proceedings in a county court.

(3) Subject as hereinafter provided all rules of law and enactments regulating the removal of proceedings from a county court into the High Court and the remittal of proceedings in the High Court to a county court shall apply respectively to the removal of proceedings by the Crown in a county court and to the remittal of proceedings by the Crown in the High Court instituted by writ of summons :

Provided that an order for the remittal to a county court of any proceedings by the Crown in the High Court shall not be made without the consent of the Crown.

51 & 52 Vict.
c. 43.

(4) Section one hundred and sixteen of the County Courts Act 1888 (which makes provision with respect

to costs in High Court cases which could have been commenced in the county court) shall not apply in the case of any proceedings by the Crown.

5. As soon as may be after the commencement of this Act, rules of court shall be made under section ninety-nine of the Supreme Court of Judicature (Consolidation) Act 1925,— Amendment of procedure as to certain prerogative writs.

- (a) providing for the abolition of the procedure of motion for an order nisi in cases where the issue of a prerogative writ of certiorari mandamus or prohibition is sought;
- (b) requiring, except in such cases as may be specified in the rules, that leave should be obtained before an application is made for an order absolute for the issue of such a writ;
- (c) requiring that where leave is obtained for making such an application as aforesaid, no relief shall be granted and no contention relied upon except the relief and contentions specified when the application for leave was made;
- (d) assimilating the procedure in cases where it is sought to compel justices of the peace or a judge or officer of a county court to do any act relating to the duties of their respective offices to the procedure where the issue of a prerogative writ of mandamus is sought.

6.—(1) Subject as hereinafter provided, if, on the application of any party to an action to be tried in the King's Bench Division of the High Court made not later than such time before the trial as may be limited by rules of court, the Court or a judge is satisfied that— Amendment of procedure as to trials by jury in the King's Bench Division.

- (a) a charge of fraud against that party; or
- (b) a claim in respect of libel, slander, malicious prosecution, false imprisonment, seduction or breach of promise of marriage,

is in issue, the action shall be ordered to be tried with a jury unless the Court or judge is of opinion that the trial thereof requires any prolonged examination of documents or accounts or any scientific or local investigation which cannot conveniently be made with a jury; but, save as aforesaid, any action to be tried in that Division may, in

the discretion of the Court or a judge, be ordered to be tried either with or without a jury :

Provided that the provisions of this section shall be without prejudice to the power of the Court or a judge to order, in accordance with rules of court, that different questions of fact arising in any action be tried by different modes of trial, and where any such order is made the provisions of this section requiring trial with a jury in certain cases shall have effect only as respects questions relating to any such charge or claim as aforesaid.

(2) In this section the expression "action" has the same meaning as in the Supreme Court of Judicature (Consolidation) Act 1925.

Costs in
Crown pro-
ceedings.

7.—(1) In any civil proceedings to which the Crown is a party in any court having power to award costs in cases between subjects, and in any arbitration to which the Crown is a party, the costs of and incidental to the proceedings shall be in the discretion of the court or arbitrator to be exercised in the same manner and on the same principles as in cases between subjects, and the court or arbitrator shall have power to make an order for the payment of costs by or to the Crown accordingly :

Provided that—

- (a) in the case of proceedings to which by reason of any enactment or otherwise the Attorney-General, a Government department or any officer of the Crown as such is required to be made a party, the court or arbitrator shall have regard to the nature of the proceedings and the character and circumstances in which the Attorney-General, the department or officer of the Crown appears, and may in the exercise of its or his discretion order any other party to the proceedings to pay the costs of the Attorney-General, department or officer, whatever may be the result of the proceedings; and
- (b) nothing in this section shall affect the power of the court or arbitrator to order, or any enactment providing for, the payment of

costs out of any particular fund or property, or any enactment expressly relieving any department or officer of the Crown of the liability to pay costs.

(2) In this section the expression "civil proceedings" includes proceedings by petition of right and proceedings by the Crown in the High Court or a county court for the recovery of fines or penalties, and references to proceedings to which the Crown is a party include references to proceedings to which the Attorney-General or any Government department or any officer of the Crown as such is a party, so, however, that the Crown shall not be deemed to be a party to any proceedings by reason only that the proceedings are proceedings by the Attorney-General on the relation of some other person.

(3) This section shall apply to proceedings pending at the commencement of this Act.

8.—(1) The Lord Chancellor may by order authorise any officer of the Master in Lunacy, being a person qualified to be appointed assistant master, to exercise the jurisdiction of the Master and any such officer so authorised shall, subject to any reservations and conditions contained in the order and subject to rules in lunacy and the directions of the Master, be capable of exercising that jurisdiction accordingly.

Exercise of jurisdiction in lunacy by officers of the Master.

(2) Subsection (2) of section one of the Lunacy Act 1922 (which relates to the jurisdiction of the Assistant Master in Lunacy) shall have effect as if the words "as regards administration and management" were omitted therefrom.

12 & 13
Geo. 5. c. 60.

9. Nothing in this Act shall apply to proceedings affecting His Majesty in His private capacity.

Saving for proceedings affecting His Majesty in His private capacity.

10.—(1) This Act may be cited as the Administration of Justice (Miscellaneous Provisions) Act 1933.

Short title, extent, repeal and commencement.

(2) This Act shall not extend to Scotland or to Northern Ireland.

(3) The enactments set out in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(4) This Act shall come into operation on the first day of September nineteen hundred and thirty-three.

SCHEDULES.

Section 1.

FIRST SCHEDULE.

ENACTMENTS BY VIRTUE OF WHICH BILLS OF INDICTMENT
MAY BE PREFERRED BEFORE GRAND JURIES OF
THE COUNTIES OF LONDON AND MIDDLESEX.

Session and Chapter.	Title.	Enactment.
35 Hen. 8. c. 2	An Acte concerninge the triall of Treasons comytted out of the Kinge Majesties Domyions.	All provisions.
11 Will. 3. c. 12	An Act to punish Governors of Plantations in this Kingdom for Crimes by them committed in the Plantations.	All provisions.
42 Geo. 3. c. 85	The Criminal Jurisdiction Act 1802.	All provisions.
53 Geo. 3. c. 89	An Act for the more regular conveyance of Writs for the Election of Members to serve in Parliament.	Section six.
1 & 2 Geo. 5. c. 28.	The Official Secrets Act 1911	Section ten.
5 & 6 Geo. 5. c. 61.	The Government of India Act	Section one hundred and twenty-seven.

Section 2.

SECOND SCHEDULE.

CONSEQUENTIAL ADAPTATIONS OF ENACTMENTS.

1. References in any enactment to the preferment of a bill of indictment before or the finding of an indictment by a grand jury shall (whatever words are used) include respectively references to the preferment and signing of a bill of indictment under this Act.

2. References in the Counties of Cities Act, 1798 (which provides inter alia for the prosecution of offences committed in cities and towns at the assizes for the adjoining county) to the preferment of a bill of indictment before and the finding of an indictment by a grand jury for any place shall, whatever words are used, be construed respectively as references to the preferment of a bill of indictment before a court of assize for that place, and the signing of the bill by the proper officer of such a court, under this Act.

2ND SCH.
—cont.

* 3. Subsection (2) of section six of the Costs in Criminal Cases Act 1908 (which relates to the power of the Court to order payment of costs by the prosecutor where a person is acquitted on certain indictments) shall extend to all cases where the person acquitted has not been committed for trial.

4. The words "Presentment of the Grand Jury" shall be omitted from the form specified in rule 2 of the First Schedule to the Indictments Act, 1915 (which prescribes the form for the commencement of indictments) in the case of any bill of indictment preferred under this Act.

THIRD SCHEDULE.

Section 10.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
33 Hen. 8. c. 39.	The Byll for the stablishment of the Courte of Surveyors.	In section thirty-six, the word "costs."
38 Geo. 3. c. 52.	The Counties of Cities Act 1798.	In section five, the words "before the grand jury" and "and."
16 & 17 Vict. c. 51.	The Succession Duty Act 1853.	In section fifty, the words "and the costs thereof."
18 & 19 Vict. c. 90.	The Crown Suits Act 1855.	The whole Act.
22 & 23 Vict. c. 17.	The Vexatious Indictments Act 1859.	The whole Act.
22 & 23 Vict. c. 21.	The Queen's Remembrancer Act 1859.	Section twenty-one.
27 & 28 Vict. c. 57.	The Admiralty Lands and Works Act 1864.	In section eleven, the words from "and in any such" "action" to the end of the section.

CH. 36. *Administration of Justice (Miscellaneous Provisions) Act, 1933.* 23 & 24 GEO. 5.

3RD SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
28 & 29 Vict. c. 104.	The Crown Suits Act 1865.	In section fifty-eight, the words "and for costs"; and in section fifty-nine, the words "and may award costs."
28 & 29 Vict. c. 124.	The Admiralty Powers &c. Act 1865.	In section two, the words from "and in any action" to the end of the section.
30 & 31 Vict. c. 35.	The Criminal Law Amendment Act 1867.	Section one.
31 & 32 Vict. c. 78.	The Admiralty Suits Act 1868.	Section five.
31 & 32 Vict. c. 110.	The Telegraph Act 1868	In section six, the words "to pay costs and."
32 & 33 Vict. c. 62.	The Debtors Act 1869	In section eighteen, the words "shall be deemed to be an offence within and subject to the provisions of the Vexatious Indictments Act, 1859."
40 & 41 Vict. c. 13.	The Customs and Inland Revenue and Savings Bank Act 1877.	Section five, so far as it relates to civil proceedings by the Crown.
43 & 44 Vict. c. 19.	The Taxes Management Act 1880.	In paragraph (b) of subsection (2) of section fifty-nine, the words "and may make such order as to costs."
44 & 45 Vict. c. 60.	The Newspaper Libel and Registration Act 1881.	Section six.
45 & 46 Vict. c. 50.	The Municipal Corporations Act 1882.	In subsection (2) of section one hundred and eighty-six, the words from "and shall" to the end of the subsection.
48 & 49 Vict. c. 69.	The Criminal Law Amendment Act 1885.	In section seventeen, the words from the beginning to "amending the same and."
50 & 51 Vict. c. 28.	The Merchandise Marks Act 1887.	Section thirteen.
52 & 53 Vict. c. 49.	The Arbitration Act 1889.	In section twenty-three, the words "or shall affect the law as to costs payable by the Crown."

Session and Chapter.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 39.	The Stamp Act 1891 -	In subsection (4) of section thirteen, the words "with " or without costs as the " court may determine," and subsection (5) of the same section.
57 & 58 Vict. c. 30.	The Finance Act 1894 -	In subsection (3) of section ten, the words "the costs " of the appeal shall be " in the discretion of the " court and."
6 Edw. 7. c. 34	The Prevention of Cor- ruption Act 1906.	Subsection (2) of section two.
8 Edw. 7. c. 15	The Costs in Criminal Cases Act 1908.	In subsection (2) of section six, the words "presented " to a grand jury under the " Vexatious Indictments " Act, 1859 "; and subsec- tion (2) of section nine.
8 Edw. 7. c. 41	The Assizes and Quarter Sessions Act 1908.	In subsection (5) of section one, the words " to a grand jury."
8 Edw. 7. c. 45	The Punishment of Incest Act 1908.	Subsection (1) of section four.
1 & 2 Geo. 5. c. 6.	The Perjury Act 1911 -	Section eleven.
4 & 5 Geo. 5. c. 59.	The Bankruptcy Act 1914.	In subsection (3) of section one hundred and sixty-four, the words from " shall be " deemed " to " that Act."
5 & 6 Geo. 5. c. 90.	The Indictments Act 1915.	In section seven the words " the Vexatious Indictments " Act, 1859, as amended by " section one of the Criminal " Law Amendment Act, " 1867, or " and the proviso.
8 & 9 Geo. 5. c. 40.	The Income Tax Act 1918.	In subsection (2) (a) of section one hundred and forty- nine, the words " and may " make such order as to " costs "; and in section one hundred and sixty- nine, the words " with full costs of suit."
9 & 10 Geo. 5. c. 50.	The Ministry of Trans- port Act 1919.	In subsection (1) of section twenty-six, the words " and " costs may be awarded to " or against the Minister."

3RD SCH.
—cont.

3RD SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
10&11Geo.5. c. 81.	The Administration of Justice Act 1920.	In subsection (1) of section four, the words from "and the grand jury" to the end of the subsection.
12&13Geo.5. c. 11.	The Juries Act 1922	In subsection (1) of section four, the words "on grand juries in the borough and."
12 & 13Geo.5. c. 60.	The Lunacy Act 1922	In subsection (2) of section one, the words "as regards administration and management"
15&16Geo.5. c. 49.	The Supreme Court of Judicature (Consolidation) Act 1925.	In subsection (5) of section seventy-eight, the words "to a grand jury."
15 & 16Geo.5. c. 72.	The Honours (Prevention of Abuses) Act 1925.	Subsection (4) of section one.
15&16Geo.5. c. 86.	The Criminal Justice Act 1925.	Subsection (4) of section thirteen; section nineteen; and in subsection (1) of section thirty-three, the words "to the grand jury."
23&24Geo.5. c. 12.	The Children and Young Persons Act 1933.	Section sixteen.

CHAPTER 37.

An Act to improve and extend the procedure under the Private Legislation Procedure (Scotland) Act, 1899. [28th July 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. For section one of the Private Legislation Procedure (Scotland) Act, 1899 (hereafter in this Act referred to as the principal Act), the following section shall be substituted :—

"1.—(1) When any public authority or any persons (hereinafter referred to as the petitioners)

Application
for Pro-
visional
Order.
Notices.

62&63 Vict.
c. 47.

desire to obtain Parliamentary powers in regard to any matter affecting public or private interests in Scotland for which they are entitled to apply to Parliament by a petition for leave to bring in a Private Bill, they shall proceed by presenting a petition to the Secretary for Scotland, praying him to issue a Provisional Order in accordance with the terms of a draft Order submitted to him, or with such modifications as shall be necessary.

(2) A printed copy of the draft Order shall, at such time as shall be prescribed, be deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons, and also at the office of the Treasury and of such other public departments as shall be prescribed.

(3) The petitioners shall make such deposits and give such notice by public advertisement, and, where land is proposed to be taken, by such service on owners, lessees and occupiers, as shall be prescribed as sufficient for procedure by way of Provisional Order under this Act.

(4) If a representation is made to the Secretary for Scotland by any public authority or persons that they desire to obtain Parliamentary powers to be operative in Scotland and elsewhere, and that it is expedient that such powers should be conferred by one enactment by reason of the fact that it is necessary to provide for the uniform regulation of the affairs of an undertaking or institution carried on or operating in Scotland and elsewhere, the Secretary for Scotland and the Chairman of Committees of the House of Lords and the Chairman of Ways and Means in the House of Commons (in this Act referred to as the Chairmen) shall take such representation into their consideration, and, if they shall be of opinion that the said powers or some of them would more properly be obtained by the promotion of a Private Bill than by the promotion of a Private Bill and of a Provisional Order, they shall cause a notice of a decision to that effect to be published in the London and the Edinburgh Gazettes and shall lay a report of such decision before both

Houses of Parliament, and, on the publication of such notice as aforesaid, subsection (1) of this section shall not apply as regards any powers to which the said decision relates.”

Report by Chairmen that procedure should not be by Provisional Order.

2. For section two of the principal Act the following section shall be substituted :—

“2.—(1) The Chairmen shall, if the two Houses of Parliament think fit so to order, determine all matters of practice and procedure which will enable them to take into consideration the draft Order, and to report thereon to the Secretary for Scotland: Provided that with a view to such report the Secretary for Scotland shall forthwith inform the Chairmen of any dissents from or objections to any of the provisions of the Order which have been stated in the prescribed manner and within the prescribed time.

(2) If it appears from the report of the Chairmen that in their opinion the provisions or some of the provisions of the draft Order relate to matters outside Scotland to such an extent, or raise questions of public policy of such novelty and importance, that they ought to be dealt with by Private Bill and not by Provisional Order, the Secretary for Scotland shall, without further inquiry, refuse to issue the Provisional Order, so far as the same is objected to by the Chairmen.

(3) A copy of every report by the Chairmen in pursuance of this section shall as soon as possible be laid before both Houses of Parliament.

(4) If the Secretary for Scotland shall refuse to issue the Provisional Order or part thereof in pursuance of the provisions of this section, the notices published and served and the deposits made for the proposed Provisional Order shall, subject to Standing Orders, be held to have been published and served and made for a Private Bill applying for similar powers: Provided that the petitioners shall, by notice served in the prescribed manner and within the prescribed time, inform all opponents of their intention to proceed by way of Private Bill, and, subject to Standing Orders, the petition for the

Provisional Order shall be deemed and taken to be the petition for leave to bring in a Private Bill, and the petitioners shall also give such additional notices (if any) as shall be required by Standing Orders.”

3. In subsection (1) of section three of the principal Act the words “ or either of them ” shall be omitted.

Amendment
of s. 3 of
principal Act.

4. In section six of the principal Act the following subsection shall be added after subsection (5) :—

Amendment
of s. 6 of
principal
Act.

“(6) The provisions of sections one, two, three, five, six and seven, of the Parliamentary Costs Act, 1865, shall, so far as applicable, apply to costs incurred in or in relation to any inquiry by the Commissioners in like manner as they apply to costs in proceedings before a committee on a Private Bill, subject to the following and any other necessary modifications :—

28 & 29 Vict.
c. 27.

- (a) The costs, which shall be according to such scale as may be prescribed by the Secretary for Scotland, shall be taxed by the Auditor of the Court of Session in lieu of the taxing officer of the House, and for the purpose of such taxation the Auditor shall have power to examine on oath any party to such taxation and any witnesses who may be examined in relation thereto, and to call for the production of any books or writings in the hands of any party to such taxation relating to the matters thereof.
- (b) The Auditor shall be entitled for any such taxation to such fee as may be authorised by General Orders, and shall have power to award the costs of such taxation (including such fee as aforesaid) against either party thereto or in such proportion against either party as he may think fit.
- (c) For any reference to the committee’s report to the House there shall be substituted a reference to the Commissioners’ report to the Secretary for Scotland.”

5. In subsection (3) of section eleven of the principal Act the following words shall be added at the end of the subsection :—“ but the making of such a report

Amendment
of s. 11 of
principal
Act.

“ shall not confer any right to a hearing by the
“ Commissioners.”

Amendment
of s. 16 of
principal
Act.

6. Subsection (2) of section sixteen of the principal Act shall cease to have effect: Provided always that nothing contained in the principal Act or in this Act shall affect the right of any person to apply for, or the powers of the Board of Trade or the Minister of Transport or the Electricity Commissioners or any other department to make or confirm, Provisional or other Orders under the provisions of any Act in force at the passing of this Act or the procedure therein specified.

Short title.

7. This Act may be cited as the Private Legislation Procedure (Scotland) Act, 1933, and the principal Act and this Act may be cited together as the Private Legislation Procedure (Scotland) Acts, 1899 and 1933.

CHAPTER 38.

An Act to amend the law relating to appeals
from courts of summary jurisdiction.

[28th July 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Amendment
of 42 & 43
Vict. c. 49.
s. 31.

1. The Summary Jurisdiction Act, 1879, shall have effect as if for section thirty-one of that Act (which relates to procedure on appeal to general or quarter sessions) there were substituted the following section :—

“ Procedure
on appeal to
quarter
sessions.

31.—(1) Subject to the provisions of this section, where a person is authorised by or under any Act, including any local Act, to appeal to a court of general or quarter sessions against a conviction, sentence, order, determination or other decision of a court of summary jurisdiction, the following provisions shall apply :—

(i) the appeal shall be made to a court of quarter sessions having jurisdiction in the

county, borough or place for which the court of summary jurisdiction acted;

(ii) the appellant shall, within fourteen days after the day on which the decision of the court of summary jurisdiction was given, give to the clerk to that court and to the other party notice in writing of his appeal, stating the general grounds of his appeal, and signed by him or by his agent on his behalf;

(iii) the appellant shall, after giving notice of appeal to the clerk to the court of summary jurisdiction and within twenty-one days after the day on which the decision of the court was given, enter into a recognisance with or without sureties as that court, or any other court of summary jurisdiction acting for the same petty sessional division or place, may have directed, and in such reasonable sum as, having regard to the purpose of the recognisance and to his means, they may have thought necessary to fix, conditioned to prosecute his appeal with diligence, or, with the consent of the court, he may, as respects the whole or any part of the sum so fixed, give such other security, by deposit of money with the clerk to the court, or otherwise, as the court deem sufficient;

(iv) where the appellant is in custody, the court who fix the recognisance to be entered into, or the other security to be given, under the preceding paragraph, or any other court of summary jurisdiction acting for the same petty sessional division or place, may, if they think fit, release him from custody on his complying with the provisions of the preceding paragraph, if he has not already done so, and on his either entering into a recognisance, with or without sureties, and in such reasonable sum as they think necessary to fix, conditioned to appear at the hearing of the appeal, or giving with their consent other security for his appearance;

(v) recognisances for the purposes of paragraphs (iii) and (iv) of this subsection may, if it be convenient, be combined in one recognisance;

(vi) quarter sessions may from time to time, adjourn the hearing of any appeal;

(vii) quarter sessions may by their order confirm, reverse or vary the decision of the court of summary jurisdiction, or may remit the matter with their opinion thereon to a court of summary jurisdiction acting for the same petty sessional division or place as the court by whom the decision appealed against was given, or may make such other order in the matter as they think just, and by such order exercise any power which the court of summary jurisdiction might have exercised; and any order made by quarter sessions shall have the like effect and may be enforced in the like manner as if it had been made by the court of summary jurisdiction. Quarter sessions may also make such order as to costs to be paid by either party as they think just;

(viii) on an appeal against a conviction or a sentence, the powers of quarter sessions under the preceding paragraph shall be construed as including power to award any punishment, whether more or less severe than that awarded by the court of summary jurisdiction, which that court might have awarded;

(ix) the clerk of the peace shall send to the clerk to the court by whom the decision appealed against was given, for entry in his register, a memorandum of the decision of quarter sessions, and if the appeal was an appeal against a conviction or sentence or against an order, shall endorse a like memorandum on the conviction or order, as the case may be, and whenever any copy or certificate of the conviction or order is made, a copy of the memorandum shall be added thereto and shall be sufficient evidence of the decision of quarter sessions in every case where the copy or certificate would be sufficient evidence of the conviction or order;

(x) a notice of appeal under paragraph (ii) of this subsection may be transmitted to the

person to whom it is to be given in a registered letter addressed to that person at his last or usual place of abode and, if so transmitted, shall be deemed to have been given at the time when it would be delivered in the ordinary course of post.

(2) Nothing in the preceding subsection shall apply to, or affect the procedure on, appeals under sections three hundred and one to three hundred and thirteen of the Lunacy Act, 1890, or under section ninety-seven of the Poor Law Act, 1930."

53 & 54 Vict.
c. 5.
20 & 21
Geo. 5. c. 17.

2.—(1) Where a person who has been convicted of an offence by a court of summary jurisdiction desires to appeal to quarter sessions against the conviction or the sentence but has not sufficient means to enable him to obtain legal aid for the purpose, he may make an application for free legal aid to the court by whom he was convicted or to any court of summary jurisdiction acting for the same petty sessional division or place, and, where a person so convicted has given notice of appeal to quarter sessions, the other party to the appeal, if he has not sufficient means to enable him to obtain legal aid for the purpose of resisting the appeal, may make an application for free legal aid to any court of summary jurisdiction acting for that division or place.

Provisions
as to legal
aid.

(2) If, on an application made to them under the preceding subsection, it appears to the court of summary jurisdiction that the means of the applicant are insufficient to enable him to obtain legal aid, and that, by reason of the nature of the offence of which the appellant was convicted, or by reason of the sentence, or of exceptional circumstances, it is desirable in the interests of justice that the applicant should have free legal aid in the preparation and conduct of his appeal, or, as the case may be, in resisting the appeal, the court may grant in respect of him a certificate (in this section referred to as "an appeal aid certificate").

(3) Where, on an application made to them under this section, the court of summary jurisdiction have refused to grant an appeal aid certificate, the applicant

may make an application for the same purpose to the court to whom the appeal lies either—

(i) by letter addressed to the clerk of the peace and setting out the facts of the case and the grounds of his application; or

(ii) in person to the court,

and the court shall have the like power, exerciseable on the like grounds, of granting an appeal aid certificate as the court of summary jurisdiction.

In this subsection the expression "the court" means, in the case of an application sent by post to the clerk of the peace for a county, the chairman of the appeal committee of quarter sessions, and includes a deputy chairman of that committee.

(4) A person in respect of whom an appeal aid certificate has been granted under this section shall be entitled to free legal aid in the preparation and conduct of his appeal or in resisting the appeal, as the case may be, and to have a solicitor and counsel assigned to him for that purpose in the prescribed manner :

Provided that, where before the court to whom the appeal lies a party may be heard by a solicitor, the court or person granting the certificate may direct that a solicitor only shall be assigned.

(5) Where an appeal aid certificate has been granted under this section in respect of any party to an appeal, an order shall be made by the court before whom the appeal is heard, directing his costs, as fixed by, or ascertained in accordance with, rules made under this section, to be paid out of local funds, that is to say,—

(a) where the court of summary jurisdiction by whom the appellant was convicted was a court acting for a borough, being a county borough, out of the general rate fund of the borough; and

(b) in any other case, out of the county fund.

Where notice of the abandonment of an appeal has been received by the clerk of the peace, an order under this subsection may be made by any court before whom the appeal might have been heard if it had been duly prosecuted.

(6) So soon as the amount of the costs so payable has been ascertained, the clerk of the peace shall make out and transmit to each person to whom any sum is due an order for payment addressed to the treasurer of the county borough or county out of the funds of which the costs are payable, and the treasurer shall forthwith comply with the order, and shall be allowed the sum paid by him in his accounts, and, if any order for payment of costs has been made against the other party to the appeal in favour of the person in respect of whom the appeal aid certificate was granted, the council of the county borough or county out of the funds of which payment has been so made, shall be entitled to enforce that order, so far as it relates to any costs paid out of those funds, as if it had been made in their favour.

(7) The Attorney General, with the approval of the Lord Chancellor and a Secretary of State, may by rules prescribe the form of certificates to be granted under this section and the manner in which counsel and solicitors are to be assigned in pursuance of such certificates.

(8) Subject to the provisions of the last preceding subsection, a Secretary of State may make rules generally for carrying this section into effect and, in particular, with respect to the rates or scales of payment of any costs which are payable under this section out of local funds and the conditions under which any such costs may be allowed.

(9) The foregoing provisions of this section shall apply in relation to appeals under subsection (1) of section seven of the Criminal Justice Act, 1925 (as amended by any subsequent enactment), as they apply in relation to appeals against convictions. 15 & 16
Geo. 5. c. 86.

3.—(1) In the case of an appeal to which this Act applies, it shall not be necessary for the appellant to enter the appeal with the clerk of the peace, but so soon as an appellant has complied with the provisions of paragraph (iii) of subsection (1) of section thirty-one of the Summary Jurisdiction Act, 1879, with respect to entering into a recognisance or giving other security, it shall be the duty of the clerk to the court of summary jurisdiction against whose decision the appeal is brought to transmit to the clerk of the peace the notice of appeal and the recognisance, if any, and a statement as to any other security given by the appellant, and thereupon the clerk of the Provisions
as to entry
of appeal.

peace shall enter the appeal, and shall in due course give notice to the appellant, to the other party to the appeal, and to the clerk to the court of summary jurisdiction as to the date, time and place fixed for the hearing of the appeal.

A notice required by this subsection to be given to any person may be sent by post in a registered letter addressed to him at his last or usual place of abode.

(2) Where an appellant has for the purposes of paragraph (iv) of subsection (1) of section thirty-one of the Summary Jurisdiction Act, 1879, entered into a separate recognisance or given other security for his appearance, the clerk to the court of summary jurisdiction against whose decision the appeal is brought shall, before the date fixed for the hearing of the appeal, transmit to the clerk of the peace the recognisance, if any, and a statement as to any other such security given by the appellant.

(3) Where any recognisance for the purposes of such an appeal as aforesaid is entered into otherwise than before the court of summary jurisdiction against whose decision the appeal is brought, or their clerk, the clerk to the justices or other officer concerned in the taking of the recognisance shall forthwith transmit it to the clerk to the court against whose decision the appeal is brought.

Abandonment of appeal.

4.—(1) In the case of an appeal to which this Act applies the appellant may at any time, not less than two clear days before the date fixed for the hearing, abandon the appeal by giving notice in writing to the clerk to the court of summary jurisdiction against whose decision the appeal is brought and, if he gives such a notice, the clerk shall forthwith give notice of the abandonment to the other party to the appeal and to the clerk of the peace.

A notice authorised or required by this subsection to be given to any person may be sent by post in a registered letter addressed to him at his last or usual place of abode.

(2) Where an appeal has been so abandoned—

(a) any justice acting for the same petty sessional division or place as the court against whose decision the appeal was brought may issue process for enforcing that decision, subject to

anything already suffered or done thereunder by the appellant; and

- (b) any court of summary jurisdiction acting for that division or place may, on the application of the other party to the appeal, order the appellant to pay to him such costs as appear to them to be just and reasonable in respect of expenses properly incurred by him in connection with the appeal before notice of the abandonment was given to him; and
- (c) any recognisance entered into in connection with the appeal shall be dealt with by a court of summary jurisdiction acting for that division or place instead of by the court of quarter sessions, and accordingly the clerk of the peace shall re-transmit any such recognisance to the clerk to the court of summary jurisdiction, and the provisions of subsections (1) and (4) of section nine of the Summary Jurisdiction Act, 1879 (except the words from "and giving security" to the end of the said subsection (1)) shall apply in relation to any such recognisance as they apply in relation to such recognisances as are mentioned therein, but any condition for the appearance of the appellant at the hearing of the appeal shall be deemed to be performed if he duly surrenders himself.

(3) Costs ordered to be paid under the last preceding subsection may be recovered summarily as a civil debt by the party to whom they are ordered to be paid, or by a council entitled under subsection (6) of section two of this Act to enforce the order, and shall not be recoverable in any other manner.

5.—(1) On any appeal to which this Act applies a court of quarter sessions may, in the exercise of their power to award costs—

Provisions
as to costs.

- (i) where they allow the appeal, direct that there shall be included in any costs to be paid by the respondent to the appellant the costs properly incurred by the appellant in the proceedings before the court of summary jurisdiction, or such fixed sum as the court of quarter sessions may

consider reasonable in respect of the costs so incurred by him;

- (ii) in any case, in lieu of directing a taxation of costs, fix the sum to be paid by way of costs by either party to the appeal;

and in fixing, for the purposes of this subsection, the amount of any costs to be paid by a party to an appeal shall have regard to his means.

(2) Costs ordered to be paid by quarter sessions on any such appeal as aforesaid may be recovered summarily as a civil debt by the party to whom they are ordered to be paid, or by a council entitled under subsection (6) of section two of this Act to enforce the order, and shall not be recoverable in any other manner.

Provisions
as to for-
feited re-
cognisances.

6.—(1) The following provisions of this section shall have effect in any case where a recognisance entered into in connection with an appeal to which this Act applies has become forfeited.

3 Geo. 4.
c. 46.

(2) The court of quarter sessions before whom the recognisance is forfeited may, in lieu of certifying the recognisance in accordance with section two of the Levy of Fines Act, 1822, make an order wholly discharging the recognisance or they may before so certifying the recognisance, make an order reducing the amount due thereunder to such amount as they think fit, and thereupon the reduced amount shall; for the purposes of the said section two, be deemed to be the amount of the sum forfeited in respect of the recognisance.

(3) The court, unless they make an order wholly discharging the recognisance,—

- (a) shall, at the time when they certify it as aforesaid, make an order fixing the term of imprisonment which the person bound by the recognisance is to undergo if any sum due in respect thereof is not duly paid and cannot be recovered by distress; and
- (b) may at the same time make an order directing that the sum due in respect of the recognisance be paid on some future date specified in the order, or that the said sum be paid by instalments of such amount, on such dates respectively, as may be so specified.

(4) Any order under paragraph (b) of the last preceding subsection, postponing the payment of any sum due in respect of a recognisance, shall operate as a direction to the sheriff to exercise his power of recovering the sum due in respect of the recognisance only if and when default is made in complying with the order.

(5) The clerk of the peace shall enter upon the roll any order made by the court under this section.

(6) The powers conferred by this section shall be in addition to, and not in derogation of, the powers conferred by any other Act, and this section shall not, save as otherwise expressly provided therein, be taken to affect the law relating to the procedure for recovering forfeited recognisances.

7.—(1) The powers and duties of a court of quarter sessions with respect to appeals to which this Act applies shall, in the case of quarter sessions for a county, other than the county of London, be delegated to, and exercised and performed by, a committee of the justices of the county to be appointed by quarter sessions and to be known as the appeal committee. Courts for hearing of appeals.

(2) The appeal committee shall be deemed to be a standing committee of quarter sessions for the period for which they are appointed or, if no period is fixed, until their successors are appointed, and their jurisdiction shall not be affected by the termination of the sessions at which they were appointed and may be exercised at any date and continuously whether quarter sessions are, or are not, for other purposes in session.

(3) The mode of appointment of the appeal committee, the number and, subject to the provisions of this or any other Act relating to procedure on appeals to quarter sessions, the procedure of the committee shall be determined by quarter sessions :

Provided that—

- (a) in appointing members of the committee quarter sessions shall, so far as practicable, select justices having special qualification for the hearing of appeals;
- (b) the chairman and one or more deputy chairmen of the committee shall be appointed annually by quarter sessions, except that, where there

is a paid chairman of quarter sessions, he shall be chairman of the committee, and, where there is a paid deputy chairman of quarter sessions, he shall be a deputy chairman of the committee;

- (c) the committee in hearing and determining any appeal shall act by a court consisting of not less than three nor more than twelve members of the committee;
- (d) courts so composed may sit for the hearing and determination of appeals at such place or places as the committee think fit and, if the committee think fit, two or more such courts may sit for that purpose at the same time, either at the same place or at different places;
- (e) in the determination of any appeal, the justice acting as chairman of the court shall have a second or casting vote.

(4) A court composed and sitting in accordance with the provisions of the last preceding subsection shall have all the same powers with respect to the hearing and determination of appeals, and with respect to costs, recognisances and other matters preliminary to or arising out of appeals, as they would have, whether under this or any other Act or at common law, if they were a court of quarter sessions.

(5) The clerk of the peace and his deputy shall act as clerk and deputy clerk to the appeal committee and, if by reason of the sitting of two or more courts at the same time it becomes necessary to appoint some other person to act as clerk to any such court, the provisions of section eleven of the Stipendiary Magistrates Act, 1858, shall apply as they apply in relation to the appointment of a person to act as clerk of a second court of quarter sessions.

21 & 22 Vict.
c. 73.

(6) Where quarter sessions have customarily been held separately by adjournment or otherwise for any part of a county, a Secretary of State may by order, on the application of the justices sitting at each such separate sessions, for the purposes of appeals to which this Act applies constitute any part of the county for which quarter sessions are for the time being so separately held a separate county, and the justices so sitting at those separate quarter sessions a separate quarter sessions,

and make all necessary provisions for the hearing of appeals in such a case.

(7) In the case of a borough having a separate court of quarter sessions, the recorder may hold a court of quarter sessions in and for the borough for the purpose only of hearing and determining appeals to which this Act applies at any date and as often as he thinks fit, and sections one hundred and sixty-six and one hundred and sixty-seven of the Municipal Corporations Act, 1882, and section one hundred and sixty-eight of that Act, as amended by the next succeeding subsection, shall apply in relation to any sessions so held. 45 & 46 Vict.
c. 50.

(8) The power of a recorder under section one hundred and sixty-eight of the Municipal Corporations Act, 1882, to order a second court to be formed, and for that purpose to appoint an assistant recorder to try felonies and misdemeanours, shall be extended so as to enable him to order a second court to be formed and to appoint an assistant recorder to hear and determine appeals to which this Act applies, and accordingly the said section shall have effect as if in subsection (1) thereof, after the word "misdemeanours," there were inserted the words "and hear and determine such appeals from convictions, sentences, orders, determinations, and other decisions of courts of summary jurisdiction," and in subsection (3) thereof, for the words from "save that" to the end of the subsection, there were substituted the words "save that the assistant recorder may finish any case in which the prisoner has pleaded or any appeal which has been called on for hearing, and in the trial or hearing of which he is actually engaged at the time when the recorder ceases to sit, and may sentence any prisoner tried before him but not then sentenced, and may give judgment in any appeal which he has heard but in which he has not given judgment."

8.—(1) The powers and duties of a court of quarter sessions with respect to appeals to which this Act applies shall, in the case of quarter sessions for the county of London, be exercised and performed by courts of quarter sessions constituted in accordance with the provisions of this section. Special provisions
as to
London
quarter
sessions.

(2) There shall be a panel of justices consisting of the paid chairman and any paid deputy chairman of

quarter sessions, and one representative of each petty sessional division within the county of London (exclusive of the city of London) to be nominated annually from amongst themselves by the justices customarily acting in and for that division, unless on any occasion when such a nomination would otherwise fall to be made the chairman of the justices elects to serve during the ensuing year as the representative of the division, in which case he shall be entitled so to do; and—

- (a) no justice who is not a member of the panel shall sit as a member of any court of quarter sessions sitting for the exercise and performance of such powers and duties as aforesaid; and
- (b) no such court shall be deemed to be properly constituted unless either the paid chairman, or a paid deputy chairman, is sitting as chairman thereof:

Provided that, if no other member of the panel is present, the paid chairman or a paid deputy chairman may sit and adjudicate alone; and

- (c) the chairman of any such court shall have a second or casting vote.

(3) Any reference in this section to the paid chairman or to a paid deputy chairman of quarter sessions shall be construed as including a reference to a person appointed under section two of the Quarter Sessions (London) Act, 1896, to act temporarily in the office in question, and any reference in this Act to the chairman or to a deputy chairman of an appeal committee of quarter sessions shall be construed as a reference to the paid chairman or to a paid deputy chairman, as the case may be, including in either case a person so appointed as aforesaid.

59 & 60 Vict.
c. 55.

Application
of Act and
construction
of refer-
ences.

9.—(1) Subject to the provisions of the next succeeding subsection, and unless in any particular case the context otherwise requires, the foregoing provisions of this Act shall apply in relation to every appeal which a person is authorised by or under any Act, including any local Act, to bring to a court of general or quarter sessions against a conviction, sentence, order, determination, or other decision of a court of summary jurisdiction.

(2) The provisions of sections seven and eight of this Act shall apply in relation to appeals under sections three hundred and one to three hundred and thirteen of the Lunacy Act, 1890, and under section ninety-seven of the Poor Law Act, 1930, but save as aforesaid none of the provisions of this Act shall apply in relation to such appeals.

(3) In the case of quarter sessions for a county, references in any Act, order, regulation, table of fees, or other document, to quarter sessions, to the chairman of quarter sessions, or to the clerk of the peace shall, in relation to appeals, be construed respectively as including references to the appeal committee, and any court exercising the functions of such a committee, to the chairman of that committee, and of any such court, or to the clerk of that committee and of any such court, as the case may be.

10. The enactments mentioned in the Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule, and any other provision in any Act, including any local Act, which is inconsistent with any provision in this Act shall also be repealed in so far as it relates to any appeal to which this Act applies. Repeals.

11.—(1) This Act may be cited as the Summary Jurisdiction (Appeals) Act, 1933. Short title, commencement and extent.

(2) This Act shall come into operation on the first day of January nineteen hundred and thirty-four :

Provided that, in the case of a decision given by a court of summary jurisdiction before the said date, an appeal against that decision may be brought within the time, and in accordance with the provisions as to notice of appeal and recognisances, which would have been applicable to such an appeal if this Act had not been passed.

(3) The provisions of this Act shall not extend to Scotland or Northern Ireland.

Section 10.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
11 & 12 Vict. c. 43.	The Summary Jurisdiction Act, 1848.	In section twenty-seven the words from "and if upon any such appeal" to the end of the section.
12 & 13 Vict. c. 45.	The Quarter Sessions Act, 1849.	Section one, so far as it relates to appeals from courts of summary jurisdiction.
42 & 43 Vict. c. 49.	The Summary Jurisdiction Act, 1879.	Section thirty-two.
15 & 16 Geo. 5. c. 86.	The Criminal Justice Act, 1925.	In subsection (1) of section seven the words from "in the same manner" to the end of the subsection, and section twenty-one.
22 & 23 Geo. 5. c. 48.	The Town and Country Planning Act, 1932.	Subsection (2) of section thirty-nine.

CHAPTER 39.

An Act to provide for the humane and scientific slaughter of animals; and for purposes connected therewith. [28th July 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Provisions
as to
slaughter of
certain
animals in

1.—(1) No animal to which this section applies shall be slaughtered in a slaughter-house or knacker's yard except in accordance with the following provisions, that is to say, every such animal shall be instantaneously

slaughtered, or shall by stunning be instantaneously rendered insensible to pain until death supervenes, and such slaughtering or stunning shall be effected by means of a mechanically-operated instrument in proper repair : slaughter-houses and knackers' yards.

Provided that no person shall be liable for any contravention of the provisions of this subsection in respect of—

- (a) the slaughter of any pig, boar, hog, or sow in a slaughter-house or knacker's yard in which there is not available a supply of electrical energy unless it is proved that such a supply could reasonably have been made available; or
- (b) the slaughter of any animal slaughtered without the infliction of unnecessary suffering—

- (i) by the Jewish method for the food of Jews and, by a Jew duly licensed for the purpose by the Rabbinical Commission constituted in accordance with the provisions of the First Schedule to this Act; or

- (ii) by the Mohammedan method for the food of Mohammedans and by a Mohammedan.

(2) This section shall not apply within the area of any local authority to any animal which in that area is exempt from the application thereof under the section of this Act next following, but save as aforesaid this section applies to all animals.

2.—(1) Every local authority shall within twelve months after the passing of this Act consider the question whether they will pass a resolution applying the last foregoing section to all or any of the following animals, that is to say, sheep, ewes, wethers, rams and lambs; and if such a resolution is at any time (whether within the said twelve months or thereafter) passed by a local authority relating to any such animals, the last foregoing section shall in their area apply to those animals accordingly, but in any area in which no such resolution is in force the said animals shall be exempt from the application of the last foregoing section. Application of last foregoing section.

(2) If at any time a resolution is passed by a local authority exempting either goats or kids or both such animals from the application of the last foregoing

section in their area, the animals to which the resolution relates shall while the resolution is in force accordingly be exempt in that area from the application of the last foregoing section.

(3) The following provisions shall have effect with respect to any such resolution as is mentioned in the foregoing provisions of this section—

(a) not less than twenty-eight days before the meeting of the local authority at which the resolution is to be proposed special notice of the meeting and of the intention to propose the resolution shall be given to every member of the local authority, and the like notice shall also be inserted at least once in one or more of the newspapers circulated within the area of the authority;

(b) a resolution, after being passed, shall be published by advertisement in one or more of the newspapers circulated within the area of the local authority by whom it was passed, and may also be published otherwise in such manner as the local authority think sufficient for giving notice thereof to all persons interested;

(c) a copy of every such resolution passed by a local authority shall be sent to the Minister of Health;

(d) any such resolution passed by a local authority may be rescinded or varied by a subsequent resolution, but the foregoing provisions of this subsection shall apply with respect to any such subsequent resolution.

(4) The following provisions shall have effect with respect to any alteration of the areas of local authorities, that is to say:

(a) any resolution in force under this section in the altered areas shall—

(i) as respects any areas reduced, continue in force until rescinded or varied by the local authority;

(ii) as respects any areas extended, apply for a period of three months after the extension (unless rescinded within that

period) to the whole of the area extended and shall then be deemed to be rescinded as respects the whole area unless in the meanwhile a new resolution has been passed by the local authority;

- (b) if at any time a local authority is newly constituted or the area of any local authority is extended, the local authority shall consider the question specified in subsection (1) of this section within three months after the constitution of the authority or after the extension, as the case may be.

3.—(1) No animal shall be slaughtered or stunned in a slaughter-house or knacker's yard by any person who is not the holder of a licence granted by a local authority and in force under this section:

Prohibition
of slaughter
and
stunning
except by
licensed
slaughter-
men.

Provided that this subsection shall not apply with respect to the slaughter of any animal under the Diseases of Animals Acts, 1894 to 1927, by an officer of or person employed by the Minister of Agriculture and Fisheries.

(2) No licence shall be granted under this section except to a person of the age of eighteen years or upwards who is, in the opinion of the local authority, a fit and proper person to hold such a licence.

(3) A licence under this section shall be in force for such period not exceeding three years as may be specified therein and may be renewed from time to time at the discretion of the local authority.

(4) A licence shall be in force in the district of the local authority granting the licence and also in the district of any other local authority, and the licence shall be produced on demand for inspection by such other local authority.

(5) The local authority may suspend the operation of a licence within their area at any time for such period as they may determine and, where they are satisfied that the person is no longer a fit and proper person to hold a licence, the local authority by whom the licence was granted may revoke the licence.

(6) Any person aggrieved by the refusal of the local authority to grant or renew a licence or by the suspension or revocation by the local authority of a licence may appeal to a court of summary jurisdiction

against such refusal, suspension, or revocation, within one month of the intimation thereof, and the decision of the court of summary jurisdiction shall be final.

(7) A fee, not exceeding two shillings, may be charged by the local authority for each such licence, and a fee, not exceeding one shilling, for every renewal thereof.

(8) The provisions of this section shall apply to any licence granted by the local authority for the purpose of the provisions of this Act with regard to the Jewish and Mohammedan methods of slaughter.

(9) Any person applying for a licence shall in such application state—

- (a) whether he holds a licence granted under this Act in any area or areas other than that to which his application relates and the names of any such areas;
- (b) whether he has been refused a licence or has had a licence suspended or revoked in any other area and, if so, the name of that area; and
- (c) whether he has any similar application pending in any other area and, if so, the name of that area.

4. The provisions set out in the Second Schedule to this Act shall apply to all slaughter-houses and knackers' yards.

5. If any person slaughters or stuns, or attempts to slaughter or stun, an animal in a slaughter-house or knacker's yard in contravention of the provisions of section one or of subsection (1) of section three of this Act, or knowingly makes any false statement for the purpose of obtaining a licence under this Act, or contravenes or causes or permits any contravention of the provisions set out in the Second Schedule to this Act, he shall be liable on summary conviction to a fine not exceeding ten pounds, or on a second conviction to a fine not exceeding twenty pounds, or on a conviction subsequent to a second conviction to imprisonment for a period not exceeding three months or to a fine not exceeding twenty pounds, or to both such imprisonment and fine:

Provided that a person shall not be liable for any such contravention as aforesaid if he proves that by

Provisions as
to slaughter-
houses and
knackers'
yards.

Penalties.

reason of an accident or other emergency the contravention was necessary for preventing physical injury or suffering to any person or animal.

6. Any local authority who have provided or established a slaughter-house may, if they think fit, employ persons to slaughter or stun animals, in accordance with the provisions of this Act, and may make such charges as they consider reasonable for the services of the persons so employed.

Employment of slaughtermen by local authority.

7.—(1) Any medical officer of health or any sanitary inspector duly appointed by a local authority in whose area the slaughter-house or knacker's yard is situated may enter any slaughter-house or knacker's yard in the district of the local authority at any time when business is, or appears to be in progress, or is usually carried on therein for the purpose of ascertaining whether there is or has been any contravention of the provisions of this Act, and if any person shall refuse to permit any medical officer of health or sanitary inspector to enter any premises which he is entitled to enter under this Act, or shall obstruct or impede him in the exercise of his duties under this Act, he shall be liable on summary conviction to a fine not exceeding five pounds.

Inspection of slaughter-houses and knackers' yards.

(2) This section shall not apply with respect to any slaughter-house or knacker's yard which for the time being is or is comprised in an infected place within the meaning of the Diseases of Animals Acts, 1894 to 1927.

8.—(1) The local authority for the purpose of enforcing the provisions of this Act shall, as regards the Metropolitan Cattle Market in the metropolitan borough of Islington and as regards the city of London, be the common council of the city of London, and as regards their respective areas, the councils of the metropolitan boroughs and county boroughs, and boroughs and urban and rural district councils, and it shall be the duty of every such local authority to enforce the provisions of this Act within their area.

Enforcement.

(2) The expenses of enforcing this Act shall be defrayed in the case of the common council of the city of London and metropolitan borough councils, out of the general rate, and in the case of other councils; as expenses incurred in the administration of the Public Health Acts, 1875 to 1926.

Interpreta-
tion.

9. In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“Animal” means any horse, mare, gelding, pony, foal, colt, filly, stallion, ass, donkey, mule, bull, cow, bullock, heifer, calf, steer, ox, sheep, ewe, wether, ram, lamb, pig, boar, hog, sow, goat or kid.

“Contravention,” in relation to any provision of this Act, includes a failure to comply with that provision.

“Knacker’s yard” means any building, premises or place used in connection with the business of killing animals not killed for butcher’s meat.

“Local authority” means a council having under this Act the duty of enforcing the provisions thereof.

“Mechanically-operated instrument” includes an instrument for stunning by means of electricity.

“Slaughter-house” means any building, premises or place used in connection with the business of killing animals for butcher’s meat.

Short title,
extent and
commence-
ment.

10.—(1) This Act may be cited as the *Slaughter of Animals Act, 1933.*

(2) This Act shall not apply to Scotland or Northern Ireland.

(3) This Act shall come into operation on the first day of January, nineteen hundred and thirty-four.

Section 1.

SCHEDULES.

FIRST SCHEDULE.

RABBINICAL COMMISSION.

The Rabbinical Commission for the licensing of Shochetim (Jewish ritual slaughterers) shall be forthwith set up constituted as follows:—

The Chief Rabbi of the United Hebrew Congregations of the British Empire for the time being who shall be the permanent chairman;

One member to be appointed by the Spanish and Portuguese Synagogue (London) who shall be a vice-chairman;

1ST SCH.
—cont.

Three members to be appointed by the Beth Din appointed by the United Synagogue (London);

Two members to be appointed by the Federation of Synagogues (London);

One member to be appointed by the Union of Orthodox Hebrew Congregations (London);

Two members to be appointed by the president for the time being of the London committee of deputies of British Jews to represent provincial congregations.

The commission shall be entitled to exercise its functions notwithstanding any vacancy in its constitution, and four members shall form a quorum.

SECOND SCHEDULE.

Sections 4
and 5.

PROVISIONS AS TO SLAUGHTER-HOUSES AND KNACKERS' YARDS.

1. Every person engaged in driving or bringing any animal to the place of slaughter shall—

(a) avoid, so far as practicable, driving or bringing the animal over any ground which is likely to cause the animal to slip or fall; and

(b) otherwise adopt such methods and precautions as will prevent the infliction upon the animal of unnecessary suffering and pain.

2. Every occupier of a slaughter-house or knacker's yard shall cause every animal brought to such slaughter-house or knacker's yard for the purpose of being slaughtered to be provided with a sufficient quantity of wholesome water, and when it is necessary to confine any such animal for a period exceeding twenty-four hours with a sufficient quantity of wholesome food.

3. Every occupier of a slaughter-house or knacker's yard and every servant of such occupier and every other person employed upon the premises in the slaughtering of cattle, shall, before proceeding to stun any horse, mare, gelding, pony, foal, colt, filly, stallion, ass, donkey, mule, bull, ox, bullock, cow, heifer, or steer, cause the head of such animal to be securely fastened in such a position as to enable such animal to be felled with as little pain or suffering as practicable, and shall in the process of slaughtering any animal use such instruments and appliances

2ND SCH.
—cont.

and adopt such method of slaughter, and otherwise take such precautions as may be requisite to secure the infliction of as little pain and suffering as possible.

4. A person shall not so far as is practicable without structural alteration to premises existing at the passing of this Act, slaughter, or cause or suffer to be slaughtered, any animal in the view of another animal.

5. A person shall not use any instrument for slaughtering or stunning any animal unless his ability and physical condition qualify him to use it without inflicting unnecessary pain on the animal, nor shall he use a mechanically-operated instrument in such manner or in such circumstances or in such a state of want of repair as to incur the risk of causing unnecessary suffering to an animal.

6. An occupier of a slaughter-house or knacker's yard shall not (so far as it is reasonably practicable to avoid it) cause or allow any blood or other refuse to flow from such slaughter-house or knacker's yard so as to be within the sight or within the smell of any animal in the slaughter-house or knacker's yard, and he shall not cause or allow any such blood or other refuse to be deposited in the waiting pens or lairs so far as it is reasonably practicable to avoid it.

CHAPTER 40.

An Act to amend the law with respect to Customs
in the Isle of Man. [28th July 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Increased
duty on
matches.

1.—(1) As from the ninth day of June, nineteen hundred and thirty-three, in lieu of the customs duties theretofore payable on matches, there shall, until the first day of August, nineteen hundred and thirty-four, be payable on matches removed or imported into the Isle of Man the duties specified in the First Schedule to this Act.

(2) For the purpose of the duties under this section, a match which has more than one point of ignition shall be reckoned as so many matches as there are points of ignition.

(3) The Commissioners may make regulations with respect to the collection of the duties under this section, and may for that purpose apply, with the necessary modifications, to matches removed or imported into the Isle of Man, any enactments applicable to duties on matches imported into the United Kingdom.

2.—(1) As from the ninth day of June, nineteen hundred and thirty-three, there shall be payable on the removal or importation into the Isle of Man of any article, being a mechanical lighter or a component part of a mechanical lighter other than a flint, in lieu of the duty of customs theretofore payable, the following duties of customs, that is to say :—

Increased
duties on
mechanical
lighters.

Articles manufactured in the United Kingdom	- - - - -	1s. 0d.
Other articles	- - - - -	1s. 6d.

(2) The Commissioners may, subject to such conditions (if any) as they think fit to impose, exempt from the duties under this section any mechanical lighters which are shown to their satisfaction to be intended to be used as parts of miners' lamps, and the component parts of any such mechanical lighters.

(3) In this section the expression "mechanical lighter" means any mechanical or chemical contrivance which is portable and is intended for producing a spark or flame, whether by itself or when brought into contact with gas.

(4) The Commissioners may make regulations with respect to the collection of the duties under this section, and may for that purpose apply, with the necessary modifications, to mechanical lighters removed or imported into the Isle of Man any enactments applicable to duties on mechanical lighters imported into the United Kingdom.

3.—(1) As from the ninth day of June, nineteen hundred and thirty-three, the duty of customs imposed by section two of the Act of 1929 on sweets removed or imported into the Isle of Man shall, in the case of sparkling sweets, be payable at the rate of seven shillings per gallon instead of at the rate of one shilling per gallon.

Amendment
and continu-
ation of
duty on
sweets.
20 & 21
Geo. 5. c. 1.

(2) The duty of customs imposed on sweets by the said section two, as amended by the foregoing provisions of this section, shall continue to be payable as from the first day of August, nineteen hundred and thirty-three,

until the first day of August, nineteen hundred and thirty-four.

Continuation of duties on silk with power to vary duties. 15 & 16 Geo. 5. c. 56. 16 & 17 Geo. 5. c. 27. 22 & 23 Geo. 5. c. 41.

4.—(1) Subject to the provisions of this section, the duties of customs imposed by section seven of, and the Schedule to, the Act of 1925, section eight of the Act of 1926, and section nine of the second Act of 1932 (hereafter in this section referred to as “the silk duties enactments”) on silk and artificial silk and articles made wholly or in part of silk or artificial silk shall continue to be payable as from the first day of August, nineteen hundred and thirty-three, until the first day of August, nineteen hundred and thirty-four.

23 & 24 Geo. 5. c. 19.

(2) If an order is made by the Treasury under subsection (1) of section nine of the Finance Act, 1933, repealing or reducing the rate of any customs duty charged under the enactments referred to in that subsection or amending or repealing any of the provisions of those enactments, the Governor may by order repeal or reduce the rate of the corresponding duty payable under the silk duties enactments, or amend or repeal the corresponding provisions of those enactments, and as from the date on which any order so made comes into operation, the silk duties enactments shall have effect subject to the provisions of the order.

(3) The Governor may, from time to time, by order direct that, on the removal or importation into the Isle of Man of goods of such classes and descriptions as are specified in any order for the time being in force made by the Treasury under subsection (2) of section nine of the Finance Act, 1933, there shall be payable a new duty of customs at a rate equivalent to the rate of the duty on the like goods specified in the Treasury order, and any order made under this subsection may direct that any of the provisions contained in the silk duties enactments shall apply to the new duty imposed by the order subject to such modifications (if any) as may be specified in the order.

(4) An order made under the last foregoing subsection may direct that any new duty payable thereunder shall be payable—

(a) as from such date as may be specified in the order, not being earlier than the date of the order or the date from which the corresponding duty is payable under the Treasury order; and

(b) for the same period or periods as are specified in the Treasury order in relation to the corresponding duty or, if no period is so specified, without limitation of period.

(5) Any new duty payable by virtue of an order made under subsection (3) of this section shall, for all purposes, be deemed to be payable under this section.

(6) Where an order made by the Treasury under subsection (1) or subsection (2) of the said section nine is varied or revoked, any corresponding order made by the Governor under this section may be varied or revoked accordingly by a subsequent order of the Governor.

(7) In the case of goods being Empire products, a new duty payable under subsection (3) of this section shall be payable at the preferential rate of five-sixths of the full rate.

5.—(1) Subject to the provisions of this section, the duties of customs imposed by section six of the Act of 1925 on the removal or importation into the Isle of Man of—

- (a) musical instruments, including gramophones, pianolas and other similar instruments;
- (b) accessories and component parts of musical instruments and records and other means of reproducing music;
- (c) clocks, watches and component parts of clocks and watches;

Continuation and reduction of duties on musical instruments, clocks, &c.

shall continue to be payable as from the first day of August, nineteen hundred and thirty-three, until the first day of August, nineteen hundred and thirty-four.

(2) As from the ninth day of June, nineteen hundred and thirty-three, the duties of customs payable under the said section six on articles of the descriptions specified in the first column of the Second Schedule to this Act, shall, instead of being an amount equal to thirty-three and one-third per cent. of the value of the article; be an amount equal to the percentage of the value of the article specified in relation thereto in the second column of the said Schedule :

Provided that, if an order is made by the Treasury under subsection (2) of section thirteen of the Finance Act, 1933, directing as respects articles of all or any of the descriptions aforesaid that the duties of customs charged

15 & 16
Geo. 5. c. 36.

under section three of the Finance Act, 1925, shall again be an amount equal to thirty-three and one-third per cent. of the value of the articles, either in the case of articles wheresoever manufactured or in the case of articles manufactured elsewhere than in countries to which the order is expressed to apply, the Governor may by order give corresponding directions, as respects the duties payable under section six of the Act of 1925, to take effect as from such date as may be specified in his order (not being earlier than the date of his order or the date on which the Treasury order takes effect), and as from that date this subsection shall cease to have effect or have effect subject to the provisions of the Governor's order, as the case may be.

(3) For the purpose of an order made under this section which is expressed to apply to any particular countries, the Governor may make regulations prescribing, either generally or in relation to articles of any particular description, the conditions which must be fulfilled in order to prove that articles have been manufactured in any of those countries, or partly in one and partly in another of those countries, and the Commissioners may in any case require a person removing or importing any such article into the Isle of Man to furnish, in such form as they may prescribe, proof that the conditions so prescribed by the Governor have been fulfilled, and if such proof is not furnished to the satisfaction of the Commissioners, the articles shall be deemed not to be articles so manufactured.

(4) Where an order made by the Treasury under the said section thirteen is varied as respects the countries to which it applies, any corresponding order made by the Governor under this section may be varied accordingly by a subsequent order of the Governor.

(5) Any order made by the Governor under this section shall (if it has not previously ceased to have effect under the provisions of this Act) cease to have effect on the expiration of a period of twenty-eight days from the date on which Tynwald next sits after the making of the order unless at some time before the expiration of that period it has been approved by resolution passed by Tynwald, but without prejudice to anything previously done thereunder or to the making of a new order.

(6) In the case of articles of any of the descriptions aforesaid (other than mouth organs) as respects which

subsection (2) of this section for the time being has effect, being articles shown to the satisfaction of the Commissioners to have been consigned from, and produced or manufactured in, the British Empire, subsection (7) of section six of the Act of 1925 shall have effect with the substitution for the preferential rate therein referred to of a preferential rate representing the full rate of duty chargeable by virtue of the said subsection (2) reduced by an amount representing eleven and one-ninth per cent. of the value of the articles.

(7) Whilst subsection (2) of this section has effect as respects mouth organs, no duty shall be payable under the said section six on articles of that description shown to the satisfaction of the Commissioners as aforesaid.

6. The duties of customs imposed on goods removed or imported into the Isle of Man, being goods of the descriptions set out in the first column of the following table, by the respective enactments set out in the second column of that table shall continue to be payable as from the first day of August, nineteen hundred and thirty-three until the first day of August, nineteen hundred and thirty-four.

Continuation of certain annual duties.

TABLE.

Description of Goods.	Enactment imposing Duty.
Ale and beer - - - -	Section 8 of the second Act of 1932.
Cinematograph films - - -	Section 6 of the Act of 1925, as amended by section 12 of the Act of 1927 and section 14 of the Act of 1928.
Cocoa - - - - -	Section 4 of the Act of 1924.
Hops and extracts, essences and other similar preparations (other than hop oil) made from hops.	Section 5 of the Act of 1925.
Hop oil - - - - -	Section 3 of the Act of 1929.
Motor cars, including motor bicycles and motor tricycles, and their accessories and component parts.-	Section 6 of the Act of 1925, as amended by section 6 of the Act of 1926 and section 11 of the Act of 1927.
Spirits - - - - -	Section 2 of the Act of 1930.
Tea - - - - -	Section 7 of the second Act of 1932.
Tobacco - - - - -	Section 19 of the first Act of 1932.

17 & 18
Geo. 5. c. 20.
18 & 19
Geo. 5. c. 38.
14 & 15
Geo. 5. c. 24.
20 & 21
Geo. 5. c. 42.
22 & 23
Geo. 5. c. 16.

Duties on
coffee and
chicory.

7.—(1) As from the twenty-third day of November, nineteen hundred and thirty-two, there shall be payable on the removal or importation into the Isle of Man of coffee or chicory, in lieu of the duties theretofore payable, duties of customs at the following rates, that is to say:—

	<i>s.</i>	<i>d.</i>
Coffee (not kiln-dried, roasted or ground) per cwt.	14	0
Coffee (kiln-dried, roasted or ground) - per lb.	0	2
Chicory (roasted or ground) - - per lb.	0	2
Chicory (raw or kiln-dried) - - - per cwt.	13	3

(2) In the case of coffee not kiln-dried, roasted or ground, being an Empire product, the duty aforesaid shall, subject as hereafter provided, be charged at a preferential rate representing the full rate of duty reduced by nine and fourpence the hundredweight, and in the case of other coffee and chicory being an Empire product, the duties aforesaid shall be charged at the preferential rates provided by section five of the Act of 1919:

9 & 10
Geo. 5. c. 74.

22 & 23
Geo. 5. c. 53.

Provided that if by virtue of proviso (a) or proviso (b) to subsection (2) of section four of the Ottawa Agreements Act, 1932, the preferential rate chargeable under that subsection on coffee (not kiln-dried, roasted or ground) is increased, either generally or as respects coffee produced or manufactured in any particular country, the Governor may from time to time make such orders as may be necessary to provide that this subsection has the same effect as respects coffee removed or imported into the Isle of Man as the said subsection (2) has for the time being as respects coffee imported into the United Kingdom.

Duties on
wines.

8.—(1) As from the twenty-third day of November, nineteen hundred and thirty-two,—

- (a) the duty of customs imposed by section one of the Act of 1927 on wine not being an Empire product and not exceeding twenty-five degrees of proof spirit shall be increased from three shillings per gallon to four shillings per gallon; and
- (b) the duty of customs imposed by the said section on wine not exceeding twenty-seven degrees of proof spirit, being an Empire product, shall be payable at a preferential rate representing the

full rate of duty for the time being chargeable on wine not exceeding twenty-five degrees of proof spirit and not being an Empire product, reduced by two shillings per gallon :

Provided that if by virtue of proviso (i) or proviso (ii) to section three of the Ottawa Agreements Act, 1932, the preferential rate chargeable under that section on wine not exceeding twenty-seven degrees of proof spirit is increased, either generally or as respects wine produced or manufactured in any particular country, the Governor may from time to time make such orders as may be necessary to provide that this subsection has the same effect as respects wine imported or removed into the Isle of Man as the said section three has for the time being as respects wine imported into the United Kingdom.

(2) Subject to the amendments made by the foregoing provisions of this section, the duties of customs imposed by section one of the Act of 1927 on wines removed or imported into the Isle of Man shall continue to be payable as from the first day of August, nineteen hundred and thirty-three, until the first day of August, nineteen hundred and thirty-four.

9.—(1) There shall be payable on the removal or importation into the Isle of Man of goods of the classes and descriptions specified in the first column of Parts I, II, III and IV of the Third Schedule to this Act the duties of customs respectively specified in the second column of those Parts of that Schedule, subject to and in accordance with the provisions of Part V of that Schedule.

Charge of
customs
duties in
pursuance
of Ottawa
agreements.

(2) If the duty chargeable on any class or description of goods under section one of the Ottawa Agreements Act, 1932, is repealed or reduced, or reimposed or increased, by an order made under subsection (2) or subsection (3) of that section, the Governor may by order repeal or reduce, or reimpose or increase, the duty payable on that class or description of goods under this section accordingly.

(3) Subject to the provisions as to exemption from the general ad valorem duty contained in paragraph (a) of subsection (2) of section one of the first Act of 1932 and to the provisions of the next following subsection, the duties of customs payable on any goods under this

section shall be payable in addition to any other duties of customs payable thereon or on any of the components thereof.

(4) While any goods are chargeable with duty under this section, any order in force under section two of the second Act of 1932 at the date when those goods become so chargeable shall, if and so far as it imposes an additional duty on those goods, cease to have effect, but nothing in this subsection shall be taken to affect the power of making orders under the said section two as respects goods chargeable with duty under this section and in relation to any order so made the reference in subsection (2) of that section to the general ad valorem duty shall be construed as a reference to the duty payable under this section.

Provisions
as to
Imperial
preference.

10.—(1) Neither the duties chargeable under the last foregoing section of this Act, nor the general ad valorem duty, nor, subject as hereinafter provided, any additional duty shall be charged in the case of goods which are shown to the satisfaction of the Commissioners to have been consigned from any part of the British Empire, and grown, produced or manufactured in any country the Government of which is a party to one of the agreements set out in the First Schedule to the Ottawa Agreements Act, 1932, for the time being in force under that Act:

22 & 23
Geo. 5. c. 8.

Provided that if at any time an order is made by the Treasury under the proviso to subsection (1) of section two of the Ottawa Agreements Act, 1932, directing that an additional duty chargeable under the Import Duties Act, 1932, shall be charged on any goods which by virtue of that section would otherwise be exempt from that duty on their importation into the United Kingdom, the Governor may by order direct that the corresponding duty (if any) chargeable under section two of the second Act of 1932 shall be charged on the like goods on their importation or removal into the Isle of Man.

Where an order made by the Treasury as aforesaid is varied or revoked, any corresponding order made by the Governor under this section may be varied or revoked accordingly by a subsequent order of the Governor.

(2) For the purpose of the last foregoing subsection, any territory in respect of which a mandate of the League of Nations is being exercised by, or which is administered under the authority of, the Government of any country shall be treated as if it were a part of that country.

(3) In the case of goods which are shown to the satisfaction of the Commissioners to have been consigned from any part of the British Empire and grown, produced or manufactured in the Irish Free State, no duty shall be payable either under the last foregoing section of this Act or under any order made under section two of the second Act of 1932, being an order corresponding to a Treasury Order made by virtue of paragraph (a) of subsection (5) of section one of the Ottawa Agreements Act, 1932, until the date on which the duties chargeable under section one of the Ottawa Agreements Act, 1932, become chargeable on goods shown as aforesaid.

(4) The duties chargeable under the last foregoing section of this Act shall not be charged in the case of goods which are shown to the satisfaction of the Commissioners to have been consigned from any part of the British Empire and grown, produced or manufactured in any part of the British Empire to which section two of the first Act of 1932 does not apply.

(5) During the period of three years from the fifteenth day of November, nineteen hundred and thirty-two, or such further period as may be prescribed, any copper produced in any part of the British Empire but refined outside the British Empire, being copper to which this subsection applies, shall, subject to proof being given in the prescribed manner that it has been so produced and that it has been consigned from the country in which it was refined, be treated for the purposes of this section as if it had been consigned from a part of the British Empire.

This subsection applies to any kind of copper to which subsection (5) of section two of the Ottawa Agreements Act, 1932, applies, and the expression "prescribed" in this subsection means prescribed by regulations made under that subsection.

(6) Goods shown to the satisfaction of the Commissioners to have been consigned from the port of Beira in Portuguese East Africa and shown as aforesaid, by

means of a certificate signed by a customs officer in the service of the Government of Southern or Northern Rhodesia or of Nyasaland, to have been grown, produced or manufactured in Southern or Northern Rhodesia or Nyasaland, as the case may be, shall be treated for the purposes of this section and of section three of the first Act of 1932 as if they had been consigned from a part of the British Empire.

(7) The foregoing provisions of this section shall be deemed to have had effect, in relation to the general ad valorem duty and any additional duties, as from the fifteenth day of November, nineteen hundred and thirty-two, and in relation to the duties chargeable under the last foregoing section of this Act, as from the twenty-third day of November, nineteen hundred and thirty-two.

(8) The provisions of the Fifth Schedule to the Finance Act, 1933, as set out with modifications in the Fourth Schedule to this Act shall have effect for the purposes of this section and Part I of the first Act of 1932 and Part I of the second Act of 1932.

(9) The following provisions of the first Act of 1932 shall cease to have effect, namely, subsection (4) of section two, section four and the Second Schedule.

Amend-
ments as to
application
of 9 & 10
Geo. 5. c. 32,
s. 8.

11. Subsection (1) of section eight of the Finance Act, 1919 (which relates to preferences in the case of certain Empire products) shall have effect in its application by virtue of any enactment to goods removed or imported into the Isle of Man, subject to the following further modifications, that is to say:—

(a) for the definition of the expression “the British Empire” (including the proviso thereto) there shall be substituted the definition of that expression contained in section eleven of the first Act of 1932;

(b) for the words “is the result of labour within the British Empire” there shall be substituted the words “is derived from expenditure of a kind so prescribed which has been incurred in the British Empire or the Isle of Man in respect of materials grown or produced or work done in the British Empire or the Isle of Man.”

12.—(1) Subject to the provisions of this section, the Governor may by order direct in relation to any class or description of goods specified in an order for the time being in force made by the Treasury under section fourteen of the Finance Act, 1933, that in the case either—

Power to
repeal or
reduce
duties under
Part I of
22 & 23
Geo. 5. c. 16.

- (a) of goods of that class or description wheresoever grown, produced or manufactured; or
- (b) of goods of that class or description grown, produced or manufactured in any countries to which the order is expressed to apply or manufactured partly in one and partly in another of any such countries;

that the general ad valorem duty or any additional duty or both those duties shall be payable at the reduced rate specified in the Treasury order, or, if the Treasury order so provides, shall not be payable:

Provided that no order made under this section shall be expressed to apply to any particular countries unless the Treasury order is expressed to apply to those countries.

(2) Where an order made by the Treasury as aforesaid is varied or revoked, any corresponding order made by the Governor under this section may be varied or revoked accordingly by a subsequent order of the Governor.

(3) The provisions of subsection (3) of section five of this Act shall have effect for the purpose of any order made under this section which is expressed to apply to any particular countries as it has effect for the purpose of any such order made under that section.

(4) Section three of the second Act of 1932 shall cease to have effect.

13.—(1) If an order is made by the Treasury under section sixteen of the Finance Act, 1933, directing that a duty of customs chargeable by reference to weight or other measure of quantity shall be charged on the importation into the United Kingdom of goods of the classes and descriptions specified in the order in lieu of the general ad valorem duty chargeable under Part I of the Import Duties Act, 1932, the Governor may by order direct that the like duty of customs shall be payable under this section on the removal or importation into the

Substitution
of specific
duty for the
general ad
valorem
duty.

Isle of Man of goods of the like classes and descriptions in lieu of the general ad valorem duty chargeable under Part I of the first Act of 1932 and references in any enactments relating to customs in the Isle of Man to the general ad valorem duty or the duty payable under Part I of the first Act of 1932, shall, unless the context otherwise requires, be deemed to include, in relation to such goods, a reference to the duty payable under this section.

(2) Where an order made by the Treasury as aforesaid is varied or revoked, any corresponding order made by the Governor under this section may be varied or revoked accordingly by a subsequent order of the Governor.

(3) Section nine of the first Act of 1932 shall cease to have effect.

Amend-
ments as to
additional
duties.

14.—(1) The power conferred on the Governor by section two of the second Act of 1932 to impose by order such additional duties of customs as are specified in an order made by the Treasury under section three of the Import Duties Act, 1932, shall include power, in a case where a duty specified in a Treasury order is expressed by reference to enactments which do not apply to the Isle of Man, to impose in lieu of the duty specified in the Treasury order an additional duty at a rate (whether expressed by reference to enactments which apply to the Isle of Man or otherwise) which is equivalent to the rate of the duty specified in the Treasury order, and the Governor may accordingly amend any order which is in force under the said section two at the commencement of this Act.

(2) Where, in any order made by the Governor (whether before or after the commencement of this Act) under section two of the second Act of 1932, the rate of an additional duty charged on goods of any class or description is stated to be such rate as will, with the general ad valorem duty, amount to a rate specified in the order as being chargeable by reference to weight or any other measure of quantity, then, if duty is paid in respect of any goods of that class or description at the rate so specified, both the general ad valorem duty and the additional duty shall be deemed to have been paid in respect of those goods, notwithstanding that the amount of the duty paid is equivalent to less than ten per cent. of the value of the goods.

15. If and when an order made by the Treasury under any provision of the Ottawa Agreements Act, 1932, or of the Finance Act, 1933, ceases to have effect under section nineteen of the Import Duties Act, 1932, as applied for the purpose of that provision, any corresponding order made by the Governor under this Act shall, if it has not previously ceased to have effect under the provisions of this Act, cease to have effect accordingly, but without prejudice to anything previously done thereunder or to the making of a new order.

Effect of order ceasing to have effect under s. 19 of 22 & 23 Geo. 5. c. 8.

16.—(1) Subject to such conditions as the Commissioners may prescribe for the protection of the revenue, where it is shown to the satisfaction of the Commissioners—

Repayment of customs duty where goods returned in certain cases.

- (a) that goods were imported into the Isle of Man in pursuance of a contract of sale and that the description, quality, state or condition of the goods was not in accordance with the contract or that the goods were damaged in transit; and
- (b) that the person importing the goods, with the consent of the seller, returned the goods unused to the seller and for that purpose entered the goods before shipment;

the person importing the goods shall be entitled to obtain from the Commissioners repayment of any duty of customs paid on the importation of the goods into the Isle of Man.

(2) Nothing in this section shall apply to goods imported on approval or “on sale or return” or other similar terms or to goods brought into the Isle of Man from the United Kingdom.

17. No customs duties shall be charged on the removal or importation into the Isle of Man of articles which are shown to the satisfaction of the Commissioners to have been awarded abroad to any person for distinction in art, literature, science or sport, or for public service, or otherwise as a record of meritorious achievement or conduct, and to be removed or imported by or on behalf of that person.

Exemption from customs duties of prizes, &c., awarded abroad.

18. Sections seven and eight of the first Act of 1932 (which make provision for the valuation of imported goods for the purpose of Part I of that Act) shall have effect for the purpose of any other enactment relating

Valuation of goods for purpose of all ad valorem duties.

to customs in the Isle of Man whereunder a duty of customs is chargeable on any goods by reference to their value as they have effect for the purposes of that Part of that Act.

Duties on certain Irish Free State goods.

19.—(1) On the importation into the Isle of Man from the Irish Free State of articles of the classes and descriptions specified in the first column of Part I of the Fifth Schedule to this Act, and on the bringing into the Isle of Man from any country of any articles of the said classes and descriptions exported to that country from the Irish Free State, the duties of customs respectively specified in the second column of Part I of the said Schedule shall be payable for the periods respectively specified in the third column of the said Schedule, subject to the provisions of Part II of the said Schedule :

Provided that nothing in this section shall apply to any articles imported or brought as aforesaid and shown to the satisfaction of the Commissioners to have been imported into the Irish Free State in the same condition as that in which they were exported therefrom.

(2) The Commissioners may make such regulations as may be necessary for preventing the evasion of duty payable under this section in the case of articles brought into the Isle of Man from a country other than the Irish Free State, or otherwise for carrying this section into effect, and for that purpose may apply with any necessary modifications any regulations made under subsection (4) of section one of the Irish Free State (Special Duties) Act, 1932.

22 & 23
Geo. 5. c. 40.

Repeal of emergency duties on horticultural products.

20.—(1) The duties imposed by section thirteen of the first Act of 1932 as amended by section twelve of the second Act of 1932 (being duties on certain horticultural products) shall cease to be payable, and accordingly Part II of the first Act of 1932 and the said section twelve shall cease to have effect.

(2) This section shall be deemed to have had effect as from the thirtieth day of August, nineteen hundred and thirty-two.

Short title, interpretation and repeals.

21.—(1) This Act may be cited as the Isle of Man (Customs) Act, 1933.

(2) In this Act, unless the context otherwise requires—

(a) the expression “ Empire product ” has the same meaning as in section five of the Act of 1919 ;

(b) the expression "British Empire" has the meaning assigned to it by section eleven of the first Act of 1932;

(c) the expression "additional duty" has the same meaning as in the second Act of 1932.

(3) The enactments set out in the Sixth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

SCHEDULES.

FIRST SCHEDULE.

CUSTOMS DUTIES ON MATCHES.

Section 1.

	<i>s.</i>	<i>d.</i>
Containers in which there are not more than ten matches—		
For every 1,000 such containers	6	8
Containers in which there are more than 10 matches, but not more than 20 matches—		
For every 1,000 such containers	13	4
Containers in which there are more than 20 matches, but not more than 50 matches—		
For every 144 such containers	4	9
In respect of every additional 25 matches, or part of 25 matches, over 50 in a container—		
For every 144 such containers, an additional duty of	2	5
And so in proportion for any less number of containers.		

SECOND SCHEDULE.

CUSTOMS DUTIES ON CERTAIN MUSICAL INSTRUMENTS, CLOCKS, &C. Section 5.

Description of Goods.	Rate of duty.
Pianos, non-automatic; and component parts and accessories thereof	20 per cent.
Piccolos, flutes, clarinets, flageolets, bassoons and cornets; and component parts and accessories thereof	20 per cent.

2ND SCH.
—cont.

Description of Goods.	Rate of duty.
Stringed musical instruments; and component parts and accessories thereof - - - -	20 per cent.
Gramophones without electrical amplification, of a value not exceeding 10s. each - - - -	15 per cent.
Gramophones without electrical amplification, of a value exceeding 10s. each - - - -	20 per cent.
Concertinas (including accordions) of a value not exceeding 35s. each - - - -	15 per cent.
Concertinas (including accordions) of a value exceeding 35s. each - - - -	20 per cent.
Mouth organs - - - -	10 per cent.
Clocks, alarm (other than electric clocks) of a value not exceeding 30s. each - - - -	20 per cent.
Clocks (other than electric or alarm clocks) of a value not exceeding 30s. each - - - -	25 per cent.
Clock movements complete (other than movements of electric clocks), of a value not exceeding 15s. each - - - -	25 per cent.

THIRD SCHEDULE.

Section 9. PROVISIONS AS TO DUTIES IMPOSED IN PURSUANCE OF OTTAWA AGREEMENTS.

PART I.

DUTIES PAYABLE AS FROM THE TWENTY-THIRD DAY OF NOVEMBER, NINETEEN HUNDRED AND THIRTY-TWO.

Class or description of Goods.	Rate of duty.	Period during which duty charged.
Wheat in grain - - -	2s. per qtr. of 480 lbs.	—
Maize, flat, white - - -	10 per cent.	—
Butter - - - -	15s. per cwt.	—
Cheese - - - -	15 per cent.	—
Eggs in shell :—		
(a) not exceeding 14 lbs. in weight per great hundred.	1s. per great hundred.	—
(b) over 14 lbs. but not exceeding 17 lbs. in weight per great hundred.	1s. 6d. per great hundred.	—
(c) over 17 lbs. in weight per great hundred.	1s. 9d. per great hundred.	—

Class or description of Goods,	Rate of duty.	Period during which duty charged.	3RD SCH. —cont.
Condensed Milk, whole :—			
Not sweetened - - -	6s. per cwt. -	—	
Sweetened, or slightly sweetened.	5s. per cwt. -	—	
Milk Powder and other preserved milk excluding condensed milk :—			
Not sweetened - -	6s. per cwt. -	—	
Fresh or raw fruit :—			
Apples - - - -	4s. 6d. per cwt.	—	
Pears - - - -	4s. 6d. per cwt.	—	
Bananas - - - -	2s. 6d. per cwt.	—	
Oranges	3s. 6d. per cwt.	1st April to 30th November.	
Grapefruit - - - -	5s. per cwt. -	—	
Grapes other than hothouse -	1½d. per lb. -	1st February to 30th June.	
Peaches and Nectarines -	14s. per cwt. -	1st December to 31st March.	
Plums - - - -	9s. 4d. per cwt.	1st December to 31st March.	
Preserved or dried fruits :—			
Apples preserved in syrup -	3s. 6d. per cwt.	—	
Figs and fig cake, plums (commonly called french plums and prunelloes), plums not otherwise described, prunes and raisins.	3s. 6d. per cwt.	—	
Other fruits (except stoned cherries) preserved in syrup.	15 per cent. -	—	
Honey - - - -	7s. per cwt. -	—	

PART II.

DUTIES PAYABLE AS FROM THE TWENTY-SEVENTH DAY OF
JANUARY, NINETEEN HUNDRED AND THIRTY-THREE.

Class or Description of Goods.	Rate of Duty.
Rice, husked, including cargo rice and cleaned rice whole, but not including broken rice -	1d. per lb.
Linseed - - - -	10 per cent.
Castor oil - - - -	15 per cent.
Linseed oil - - - -	
Coconut oil - - - -	
Ground-nut oil - - - -	
Rape oil - - - -	
Sesamum oil - - - -	
Magnesium chloride - - - -	1s. per cwt

3RD SCH.
—cont.

PART III.

DUTIES PAYABLE AS FROM THE TWELFTH DAY OF JULY,
NINETEEN HUNDRED AND THIRTY-THREE.

Class or Description of Goods.	Rate of Duty.
Cod liver oil - - - - -	1s. 4d. per gallon
Chilled or frozen salmon - - - - -	1½d. per lb.

PART IV.

DUTY PAYABLE AS FROM DATE TO BE FIXED BY ORDER.

Class or Description of Goods.	Rate of Duty.
Copper, unwrought, whether refined or not, in ingots, bars, blocks, slabs, cakes or rods -	2d. per lb.

PART V.

MISCELLANEOUS PROVISIONS AS TO DUTIES.

1. The duties mentioned in Part I of this Schedule shall be payable as from the twenty-third day of November, nineteen hundred and thirty-two :

Provided that in the case of goods of a class or description in relation to which a period is specified in the third column of that Part of that Schedule, the respective duties shall be payable as from the date of the commencement of that period next following the said twenty-third day of November, and shall, instead of being charged continuously, be charged only from time to time for the period so specified.

Any period so specified shall be deemed to include both dates by reference to which it is defined.

2. The duties mentioned in Part II of this Schedule shall be payable as from the twenty-seventh day of January, nineteen hundred and thirty-three.

3. The duties mentioned in Part III of this Schedule shall be payable as from the twelfth day of July, nineteen hundred and thirty-three.

4. The duty mentioned in Part IV of this Schedule shall be payable as from such date as the Governor may by order appoint :

Provided that the date appointed by the Governor under this paragraph shall not be earlier than the date on which the corresponding duty chargeable under section one of the Ottawa Agreements Act, 1932, becomes chargeable in the United Kingdom by virtue of an order made by the Treasury under section fourteen of that Act.

5. References in the second column of Parts I and II of this Schedule to a rate of duty of ten per cent. or a rate of duty of fifteen per cent. shall be construed as references to a rate of duty of ten or fifteen per cent., as the case may be, of the value of the goods.

3RD SCH.
—cont.

6. For the purpose of Part I of this Schedule, the expression "great hundred" means one hundred and twenty.

7. Where apples removed or imported into the Isle of Man are consigned direct to a registered cider factory, the Commissioners may, subject to such conditions as they may impose for securing that the apples are used for the making of cider in that factory, allow the apples to be imported free of the duty mentioned in Part I of this Schedule.

The Commissioners, if it is shown to their satisfaction that any premises in the Isle of Man are occupied and used for the purpose of making cider shall, on an application made to them in that behalf and on payment by the applicant of a fee of one pound, register those premises for the purpose of this paragraph as a cider factory, and the expression "registered cider factory" in this paragraph means premises so registered.

8. The provisions of sections six, seven and eight of the first Act of 1932 shall have effect in relation to goods chargeable with duty under this section as they have effect in relation to goods chargeable with the general ad valorem duty.

FOURTH SCHEDULE.

SUPPLEMENTARY PROVISIONS AS TO IMPERIAL PREFERENCE.

Section 10.

1. For the purpose of any provision of Part I of the first Act of 1932 or of Part I of the second Act of 1932 or of this Act, which provides for the exemption of goods manufactured in a country or territory in the British Empire from any duty chargeable under Part I of the first Act of 1932 or under Part I of the second Act of 1932 or under section nine of this Act, or for the charge of any such duty in the case of such goods at a rate less than the full rate, goods shall not be deemed to have been manufactured in any such country or territory unless such proportion of their value as is prescribed by regulations made by the Governor is derived from expenditure of a kind so prescribed which has been incurred within that country or territory in respect of materials grown or produced or work done in that country or territory :

4TH SCH.
—cont.

Provided that in reckoning the proportion aforesaid, there shall be included any expenditure of a kind prescribed as aforesaid which has been incurred within any of the countries and territories to which this proviso applies, being expenditure in respect of materials grown or produced or work done in any of those countries and territories.

2. The countries and territories to which the proviso to the last foregoing paragraph applies are—

- (a) the United Kingdom;
- (b) any country the Government of which is a party to one of the agreements set out in the First Schedule to the Ottawa Agreements Act, 1932, for the time being in force;
- (c) any territory in respect of which a mandate of the League of Nations is being exercised by, or which is administered under the authority of, the Government of a country specified in sub-paragraph (b) of this paragraph;
- (d) any part of His Majesty's dominions outside the United Kingdom other than a Dominion within the meaning of the Statute of Westminster, 1931, India or Southern Rhodesia;
- (e) any territory which is under His Majesty's protection;
- (f) any territory in relation to which an order made under subsection (2) of section three of the first Act of 1932 is in force.

22 & 23
Geo. 5. c. 4.

3. For the purpose of this Schedule, the value of any goods shall, notwithstanding anything in any other enactment, be taken to be their value as ascertained in accordance with regulations made by the Governor under this Schedule.

4. It shall be lawful for the Commissioners on the removal or importation into the Isle of Man of any goods consigned from any part of the British Empire which, if grown, produced or manufactured in any particular country or territory therein would, under any provision of Part I of the first Act of 1932 or of Part I of the second Act of 1932 or of this Act, be exempt from a duty chargeable under Part I of the first Act of 1932 or under Part I of the second Act of 1932 or under section nine of this Act, or be chargeable with such a duty at a rate less than the full rate, to require the person removing or importing the goods to furnish to the Commissioners, in such form as they may prescribe, proof that the goods were grown, produced or manufactured in that country or territory, and if such proof is not furnished to their satisfaction (having regard, in the case of manufactured goods, to the foregoing provisions of this Schedule) the goods shall be deemed not to be goods so grown, produced or manufactured.

FIFTH SCHEDULE.

DUTIES ON CERTAIN IRISH FREE STATE GOODS.

Section 19.

PART I.

CLASS OR DESCRIPTION OF GOODS CHARGEABLE, AND RATE
AND PERIOD OF DUTY.

Class or description of Goods.	Rate of duty.	Period for which duty chargeable.
Live animals for food - -	40 per cent.	} 8th November, 1932, to 8th June, 1933.
Animals not for food - -	40 per cent.	
Live cattle :—		} 9th June, 1933, to 31st December, 1933.
(i) under 6 months old - -	1 <i>l.</i> 5 <i>s.</i> 0 <i>d.</i> per head	
(ii) 6 months old but under 15 months old - -	2 <i>l.</i> 10 <i>s.</i> 0 <i>d.</i> per head	
(iii) 15 months old but under 2 years old - -	4 <i>l.</i> 0 <i>s.</i> 0 <i>d.</i> per head	
(iv) 2 years old and upwards not being cattle known as mincers - -	6 <i>l.</i> 0 <i>s.</i> 0 <i>d.</i> per head	
(v) 2 years old and upwards being cattle known as mincers - -	3 <i>l.</i> 0 <i>s.</i> 0 <i>d.</i> per head	
Live sheep and live lambs - -	12 <i>s.</i> per head	
Other animals - - - -	40 per cent.	} 8th November, 1932, to 31st December, 1933.
Pork - - - - -	30 per cent.	
Poultry and game - - - -	30 per cent.	
Other meat of all kinds (other than bacon and ham) - -	30 per cent.	

PART II.

MISCELLANEOUS PROVISIONS AS TO DUTIES.

1. Any duty chargeable under this Schedule on any article shall be chargeable in addition to any other duty of customs for the time being chargeable thereon, whether under Part I of the first Act of 1932 or under Part I of the second Act of 1932 or otherwise, and articles chargeable with duty under this Schedule shall not, for the purpose of Part I of the last-mentioned Act, be deemed to be chargeable with a duty of customs by or under the provisions of any enactment relating to customs in the Isle of Man other than that Part of that Act.

5TH SCH.
—cont.

2. Sections seven and eight of the first Act of 1932 (which relate respectively to the determination for the purpose of Part I of that Act of the value of goods and to disputes as to the value of goods) shall apply for the purpose of the charge of duties under this Schedule as they apply for the purpose of the charge of duties under Part I of that Act.

3. References in this Schedule to a rate of duty of thirty per cent. or to a rate of duty of forty per cent. shall be construed as references to a rate of duty of thirty or forty per cent., as the case may be, of the value of the goods.

4. In any case where a duty chargeable on cattle, sheep or lambs under this Schedule would exceed the value thereof, this Schedule shall have effect as if there were substituted for that duty a duty of one hundred per cent. of the value thereof.

5. For the purpose of this Schedule, the expression "cattle" means bulls, cows, oxen, heifers and calves.

6. Any period specified in the third column of Part I of this Schedule shall be deemed to include both dates by reference to which it is defined.

SIXTH SCHEDULE.

Section 21.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
58 & 59 Vict. c. 38.	Isle of Man (Customs) Act, 1895.	The whole Act.
15 & 16 Geo. 5. c. 56.	Isle of Man (Customs) Act, 1925.	Section ten.
16 & 17 Geo. 5. c. 27.	Isle of Man (Customs) Act, 1926.	Subsection (5) of section thirteen.
17 & 18 Geo. 5. c. 20.	Isle of Man (Customs) Act, 1927.	Section seven and the Third Schedule.
18 & 19 Geo. 5. c. 38.	Isle of Man (Customs) Act, 1928.	Section eight.
22 & 23 Geo. 5. c. 16.	Isle of Man (Customs) Act, 1932.	Subsection (4) of section two; sections four and nine; Part II; and the Second Schedule.
22 & 23 Geo. 5. c. 41.	Isle of Man (Customs) (No. 2) Act, 1932.	Sections three and twelve.

CHAPTER 41.

An Act to amend the law of Scotland relating to the Court of Session and procedure therein, to the appointment of Officers in the said Court and the High Court of Justiciary, to criminal jury trials and to the Sheriffs and procedure in the Sheriff Court, and with regard to solicitors' fees; and for purposes connected therewith.

[28th July 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.**COURT OF SESSION.**

1.—(1) It shall not be necessary for the judges of the Court of Session to make trial or examination of the qualifications of a person nominated and appointed to be a judge of the said Court and the provisions of the Court of Session Act 1723 and of the Acts of the Parliament of Scotland therein referred to shall, in so far as they relate to such trial and examination, cease to have effect.

Abolition of
trials of
Judges.

10 Geo. 1.
c. 19.

(2) This section shall come into operation on the passing of this Act.

2.—(1) The Lord President shall have power from time to time to direct any three judges to sit as an additional division of the Inner House for the purpose of hearing and disposing of causes pending before the Inner House, and the senior judge present shall preside, and shall sign any judgment or interlocutor pronounced by that division. Any reference in any Act or in any Act of Sederunt to a division of the Inner House of the Court shall be construed as including a reference to any such additional division.

Provision
for extra
division of
Inner
House.

(2) This section shall come into operation on the passing of this Act.

PART I.
—*cont.*
Abolition
of Bill
Chamber.

3.—(1) The Bill Chamber shall cease to exist and any cause which according to the law and practice existing immediately prior to the commencement of this Act required to be brought in the Bill Chamber may be brought in the Outer House and any reference in any Act or in any Act of Sederunt to the Lord Ordinary on the Bills or to the Junior Lord Ordinary shall be construed as a reference to a judge sitting in the Outer House, provided that, in any provision of an Act or an Act of Sederunt as to the exercise of jurisdiction in vacation, any reference to the Lord Ordinary on the Bills shall be construed as a reference to the judge acting as vacation judge in pursuance of section four of this Act.

(2) Notwithstanding anything in the foregoing subsection a solicitor shall have, as regards any cause which according to the law and practice existing immediately prior to the commencement of this Act required to be brought in the Bill Chamber, the like rights of audience and appearance as if the said subsection had not been enacted.

Sessions of
the Court.

4.—(1) The ordinary sessions of the Court shall in every year be as follows :—

from the Tuesday preceding the tenth day of January to the Saturday preceding the thirty-first day of March; from the Tuesday preceding the tenth day of May to the Saturday preceding the twenty-third day of July; and from the Tuesday preceding the fifteenth day of October to the Saturday preceding the twenty-fourth day of December.

(2) It shall be lawful for the Court, if at any time they shall be of opinion that the business before the Court so requires, by Act of Sederunt to extend any ordinary session of the Court for such period as may be deemed necessary: Provided always that it shall be competent for any division or for any Lord Ordinary to sit during vacation; notwithstanding that no Act of Sederunt under this subsection may have been made, and at such sitting to hear and determine any cause pending before such division or Lord Ordinary.

(3) During vacation the judges of the Court, other than the Lord President and the Lord Justice Clerk, shall in rotation act as vacation judge, and it shall

be competent for such vacation judge, at any time during vacation, and whether sitting in Court or in chambers, to do anything delegated to him by the Inner House, or to do anything which the Lord Ordinary officiating on the Bills was empowered by the law and practice existing immediately prior to the commencement of this Act to do either at the Courts appointed to be held by him or at any other time during vacation or recess, or to do any other thing which he may, by Act of Sederunt, be authorised to do.

PART I.
—cont.

(4) Section ninety-three of the Act of 1868, in so far as it requires the Lord Ordinary officiating on the Bills to sit in Court on the fifth day after each box-day in vacation or recess, shall cease to have effect.

(5) Without prejudice to the provisions of section eight of the Act of 1868 relating to sittings on Monday—

- (a) the Court may continue on the ensuing Monday the taking of any proof proceeding on a Friday or Saturday and not finished on that day, and shall, unless it is impracticable, do so, where the Court is of opinion that undue expense or delay can thereby be avoided, and
- (b) the Court shall, where it is necessary in order to avoid interference with the regular sittings of any judge of the Outer House, hold on a Monday any hearing in the Inner House at which the presence of such judge is required.

(6) Section nine of the Court of Session Act, 1830, shall cease to have effect in so far as it requires causes to be tried by jury at sittings of the Court to be held during vacation or during the Christmas recess.

11 Geo. 4. and
1 Will. 4. c. 69.

5. The right of a party to a cause, including an appeal, to mark the same to a specified Lord Ordinary or Division, or otherwise to select the Lord Ordinary or Division by whom the cause shall be heard, shall cease. Every cause in the Inner House shall be heard and determined by such Division thereof, and (save as in section ten of this Act otherwise expressly provided) every cause in the Outer House shall be heard and determined by such Lord Ordinary as may be determined in accordance with this Act or any Act of Sederunt made in pursuance thereof.

Right of
party to
choose Lord
Ordinary
and
Division
abolished.

PART I.
—cont.
Form of
proceedings
in the
Court of
Session.

6.—(1) Save as hereinafter provided all causes initiated in the Court shall be initiated in the Outer House either by summons or by petition, which summons or petition shall be in such form as may be prescribed, and any enactment in force at the commencement of this Act prescribing or regulating the form of any summons or petition in the Court shall cease to have effect.

(2) Save as hereinafter provided there shall be annexed to every summons, and included in every petition, a statement in the form of an articulate condensation of the allegations in fact which form the grounds of the pursuer's claim, or on which the prayer of the petition is based, and there shall also be annexed to every summons and to every petition for suspension, suspension and interdict, or suspension and liberation, a note of the pursuer's or petitioner's pleas-in-law. The defences to every such summons and the answers to every such petition shall be in the form of articulate answers to the aforesaid statement, and there shall be annexed to such defences and to the answers to every petition for suspension, suspension and interdict, or suspension and liberation, a note of the defender's or respondent's pleas-in-law. Where a counterclaim is made by the defender or where it is otherwise necessary, a statement of facts founded on by the defender shall be annexed to the defences.

(3) The foregoing subsections shall not apply to Exchequer causes or to special cases under section sixty-three of the Court of Session Act, 1868, and, notwithstanding anything in the foregoing subsections, such special cases and the following petitions, viz. :—

- (a) petitions and complaints;
- (b) petitions in respect of failure to perform a statutory duty;
- (c) petitions in respect of failure to perform any public or official duty which would according to the law and practice existing immediately prior to the commencement of this Act require to be presented in the Inner House;
- (d) petitions under the Acts relating to solicitors or notaries public (other than petitions for admission as a solicitor);

- (e) petitions incidental to a cause already before the Inner House;
- (f) petitions under the Evidence by Commission Act, 1843 or under the Foreign Tribunals Evidence Act, 1856 or under the Evidence by Commission Act, 1859 or under the British Law Ascertainment Act, 1859 or under any similar enactment;
- (g) petitions to the Court invoking the exercise of the *nobile officium*;

PART I.
—*cont.*

6 & 7 Vict. c. 82.
19 & 20 Vict.
c. 113.
22 Vict. c. 20.
22 & 23 Vict.
c. 63.

shall be presented in the Inner House.

(4) Notwithstanding anything in the immediately preceding subsection it shall be competent to the Division or to the Lord Ordinary before whom any cause in which interim interdict has been granted, is depending, to deal, on enrolment of the cause, with any breach of such interim interdict without the presentation of a petition and complaint.

(5) Notwithstanding anything in the foregoing provisions of this section, no condescendence or note of pleas-in-law shall be annexed to the summons and no defences shall be lodged in any cause between vessels in respect of damage by collision at sea, but any such summons shall specify the time and place of the collision, the vessels involved, and the damages claimed, and each party to the cause shall, not later than the day when, but for the provisions of this subsection, defences would be due, lodge a statement in such form and giving such particulars regarding the collision as may be prescribed, and such statements shall be sealed up and shall not be opened until the Court so directs or the parties so agree: Provided always that the Court, if after consideration of the aforesaid statements, it deems it expedient to do so, may order a condescendence and answers thereto to be lodged, or may require the parties to lodge such further information or particulars in such form as the Court may think fit.

(6) Any application to the Court for suspension, suspension and interdict, or suspension and liberation which, according to the law and practice existing immediately prior to the commencement of this Act, would require to be in the form of a note, shall be in the form of a petition which shall be presented in the Outer House.

PART I.
—cont.

(7) In any cause containing a conclusion or a crave for interdict or liberation, the Court shall have power on the motion of either party to grant interim interdict or liberation, and in any cause in dependence before the Court, the Court shall have power on the motion of either party to make such order regarding the interim possession of any property to which the cause relates, or regarding the subject matter of the cause, as the Court may think fit.

Proceedings
in revenue
cases.
19 & 20 Vict.
c. 56.
43 & 44 Vict.
c. 19.
8 & 9 Geo. 5.
c. 40.
54 & 55 Vict.
c. 39.

7. Notwithstanding anything contained in section two or section eight of the Exchequer Court (Scotland) Act, 1856, proceedings in any appeal by way of stated case, whether under the Taxes Management Act, 1880, the Income Tax Act, 1918, or the Stamp Act, 1891, and all special cases lodged in process in pursuance of section eight of the first-mentioned Act shall not be brought in the first instance before the Lord Ordinary but shall be presented in the Inner House.

Signature of
a summons
by writer to
signet no
longer
necessary.

8. Section thirteen of the Act of 1868 in so far as it requires the last page of a summons to be signed by a writer to the signet shall cease to have effect and accordingly the proviso to the said section shall be repealed.

Printing,
boxing, & c.

9. Any enactment in force at the commencement of this Act requiring any petition, summons, note or other document for the purpose of any cause in the Court to be printed or boxed, or specifying the number of copies to be printed or boxed, shall cease to have effect.

Provision
for
summary
trial of
certain
cases.

10.—(1) The parties to any dispute or question to which this section applies may present a petition in the Outer House setting forth the dispute or question and craving that it may be decided by a particular Lord Ordinary, and any such petition shall stand referred to such Lord Ordinary for his determination of the dispute or question.

(2) For the purpose of the hearing and determination of any such dispute or question, the procedure, in lieu of the procedure ordinarily obtaining in proceedings in the Outer House, shall, subject to the provisions of any Act of Sederunt made under this Act, be such as the parties may, with the consent of the Lord Ordinary,

agree, or, failing such agreement, as the Lord Ordinary may order :

PART I.
—cont.

Provided always that any evidence led shall not be taken down in shorthand and recorded unless the parties so agree.

(3) The Lord Ordinary may, on cause shown, hear and determine in chambers any dispute or question submitted for his decision under this section.

(4) The Lord Ordinary shall pronounce any decree which he may deem necessary to enable his decision of a dispute or question under this section to be carried into effect.

(5) Any decree or interlocutor of the Lord Ordinary in any proceedings under this section shall be final and binding on the parties and shall not be subject to review by reclaiming note or otherwise.

(6) It shall be competent to the parties to any cause in dependence in the Outer House not affecting the status of any person, to agree by joint minute, or in such other manner as may be prescribed, that the provisions of this section shall apply to such cause, and thereafter the said provisions shall apply accordingly.

(7) Provision shall be made by Act of Sederunt under this Act for securing that causes under this section shall be disposed of with as little delay as possible.

(8) This section shall apply to any dispute or question not affecting the status of any person which might competently be the subject of any cause in the Outer House, or which might competently have been the subject of any such cause but for the provisions of section seven of the Sheriff Courts (Scotland) Act, 1907.

7 Edw. 7.
c. 51.

11.—(1) A jury impanelled to try any cause in the Court may at any time return a verdict by a majority of its members, and if such a jury, after it has been enclosed for three hours, shall be unable to agree upon a verdict or to return a verdict by a majority, the presiding judge may discharge the jury without their having given a verdict, and on the jury being discharged shall order the cause to be tried by another jury.

Provisions
as to jury
trial.

(2) Where in the course of any jury trial in the Court the presiding judge is satisfied that any member of the

PART I.
—cont.

jury is, by reason of illness, unable to continue to serve on the jury or ought, for any other reason, to be discharged from further service on the jury, it shall be lawful for the judge to discharge such member, and in any such case or in any case where in the course of such a jury trial, a member of the jury dies, the remaining members of the jury (if they shall be not less than ten in number) shall in all respects be deemed to constitute the jury for the purpose of the trial and any verdict returned by them whether unanimous or by majority shall be of the like force and effect as a unanimous verdict or a verdict by majority of the whole number of the jury.

(3) This section shall come into operation on the passing of this Act.

Choosing of
curators.

12.—(1) The action of choosing curators shall cease to be competent, and, where a minor desires to choose curators, it shall be competent to him, in lieu of bringing such an action, to present a petition, in such form, and subject to such conditions as to citation and service or otherwise, as may be prescribed, for the appointment of a curator or curators, and in any such petition the Court may appoint to the office of curator any person resident in Scotland, or any person not so resident if he finds security and prorogates the jurisdiction of the Court.

(2) The Act of the Parliament of Scotland 1555 cap. 8 is hereby repealed.

Assessors.
57 & 58 Vict.
c. 40.

13.—(1) Without prejudice to the provisions of the Nautical Assessors (Scotland) Act, 1894, or of the Patents and Designs Acts, 1907 to 1932, regarding the summoning of assessors, the Court may, in any cause, on the joint request of the parties thereto summon to its assistance, at the trial or proof or at any subsequent hearing, whether on reclaiming note, appeal, or otherwise, a specially qualified assessor.

(2) The remuneration to be paid to an assessor under this section shall, unless the Court otherwise directs, be treated as expenses in the cause.

Provisions
as to re-
claiming.

14.—(1) Section fifty-one of the Act of 1868 (which relates to the form of reclaiming notes) shall cease to have effect and a party desiring to submit to the review of the Inner House an interlocutor of the Lord Ordinary may

do so in such form as may be prescribed and any submission to review in such form shall be of the like force and effect as a reclaiming note in the form required by the law and practice existing immediately prior to the commencement of this Act.

(2) Any enactment in force at the commencement of this Act precluding the presentation of a reclaiming note against an interlocutor without the leave of the Lord Ordinary, or fixing, whether by reference to the date of the interlocutor or by reference to the date of granting such leave, the period within which a reclaiming note may be presented shall cease to have effect and the Court shall, by Act of Sederunt, prescribe—

- (a) the interlocutors which may, and the interlocutors which may not, be submitted to the review of the Inner House without obtaining the leave of the Lord Ordinary;
- (b) the manner in which, and the time within which, such leave may be obtained and the Lord Ordinary by whom it may be granted, in session as well as in vacation; and
- (c) the period within which any interlocutor pronounced by a Lord Ordinary may be submitted to the review of the Inner House.

15. Any enactment in force at the commencement of this Act prescribing or regulating the form of the extract of a decree of the Court shall cease to have effect, and an extract of such a decree in such form as may be prescribed, shall be of the like effect in all respects as an extract in the form required by the law and practice in existence immediately prior to the commencement of this Act.

Form of
extract of
decree.

16. The Court shall have power by Act of Sederunt—

- (a) to regulate and prescribe the procedure and practice to be followed in various categories of causes in the Court or in execution or diligence following on such causes, whether initiated in the said Court or brought there by way of appeal, removal, remit, stated case, or other like process, and any matters incidental or relating to any such procedure

Power to
regulate
procedure,
&c., by
Act of
Sederunt.

PART I.
—cont.

or practice including (but without prejudice to the foregoing generality) the manner in which, the time within which, and the conditions on which any interlocutor of the Lord Ordinary may be submitted to the review of the Inner House, or any application to the Court, or any thing required or authorised to be done in relation to any such causes as aforesaid shall or may be made or done;

- (b) to prescribe the form of any summons, defence, petition, answer, writ, pleading or other document whatsoever to be used in, or for the purposes of, any such causes as aforesaid, or in, or for the purposes of, execution or diligence following on such causes and the manner in which, and the person by whom, any such summons, petition, writ, pleading or document shall be signed or authenticated;
- (c) to prescribe the manner in which, the time within which, and the conditions on which any verdict of a jury may be submitted to the review of the Inner House on any ground set forth in section six of the Jury Trials (Scotland) Act, 1815;
- (d) to regulate the production and recovery of documents;
- (e) to provide for the admission, on such conditions as may be prescribed, of affidavits, in lieu of parole evidence, in any issue not affecting the status of any person;
- (f) to provide for the payment into Court and the investment or application of sums of money awarded in any action of damages in the Court to a pupil or a minor;
- (g) to regulate the fees of solicitors practising before the Court;
- (h) to regulate the summoning, remuneration, and duties of assessors;
- (i) to make such regulations as may be necessary to carry out the provisions of this Act or of any Act conferring powers or imposing duties on the Court or relating to proceedings therein; and

- (j) to modify, amend or repeal any enactments, including enactments contained in this Act, relating to matters with respect to which an Act of Sederunt is made under this Act.

PART I.
—cont.

17. With a view to securing that causes coming before the Court may be heard and determined with as little delay as is possible, and to the simplifying of procedure and the reduction of expense in causes before the Court, the Court shall, in the exercise of the powers conferred on them by the last foregoing section, provide by Act of Sederunt :—

Allocation
of business,
&c., by
Act of
Sederunt.

- (i) for the classification of the causes brought into the Court according to the manner in which they are initiated, and for the institution of (a) an Ordinary Roll; (b) an Admiralty and Commercial Roll; and (c) a Consistorial Roll; and the assignment to the Consistorial Roll of all consistorial causes and to the Ordinary Roll or to the Admiralty and Commercial Roll of all other causes initiated by summons, according to the subject matter of such causes;
- (ii) for the allocation of the causes before the Inner House among the divisions thereof and of the causes before the Outer House among the Lords Ordinary;
- (iii) for enabling the enforcement of a maritime lien over a ship by an action in rem directed against the ship and all persons interested therein without naming them and concluding for the sale of the ship and the application of the proceeds in extinction pro tanto of the lien, and for enabling arrestment of the ship on the dependence of such an action, and for the regulation of the procedure in any such action;
- (iv) for enabling the inclusion, in any such action as is mentioned in the immediately preceding paragraph, of conclusions in personam against the registered owners of the vessel, whether their names are or are not known to the pursuer, and the granting of decree in any such action containing such conclusions against any compearing defender;

PART I.
—cont.

- (v) for the inclusion in defences to any action of any counter claim arising out of the matters on which the action is based, to the effect of enabling such counter claim to be enforced without a separate action being raised;
- (vi) for enabling trustees under any trust deed to obtain the direction of the Court on questions relating to the investment, distribution, management or administration of the trust estate, or the exercise of any power vested in, or the performance of any duty imposed on, the trustees notwithstanding that such direction may affect contingent interests in the trust estate, whether of persons in existence at, or of persons who may be born after, the date of the direction;
- (vii) for enabling arrestment *ad fundandam jurisdictionem* to proceed on a warrant contained in the summons in like manner as arrestment on the dependence of the action.

Rules
Council.

18.—(1) There shall be established a Rules Council consisting of the Lord President *ex officio*, two other judges of the Court to be appointed by the Lord President, five members of the Faculty of Advocates to be appointed by the Faculty, and five solicitors, of whom not less than two shall be solicitors practising before the Court, to be appointed on the first occasion by the Lord President and thereafter by the General Council of Solicitors in Scotland.

(2) The members of the Rules Council, other than the Lord President, shall, so long as they retain the respective qualifications hereinbefore prescribed, hold office for three years and be eligible for reappointment.

(3) Any vacancy in the membership of the Rules Council occurring by death, resignation, or other cause prior to the expiry of three years from the date of appointment of the member whose office is so vacated shall be filled by the appointment by the person or body by whom that member was appointed of another person possessing the same qualification:

Provided that—

- (i) where the vacancy occurs after the first day of March, nineteen hundred and thirty-four,

and the member whose office is vacated was a solicitor appointed by the Lord President, such vacancy shall be filled by appointment by the General Council of Solicitors in Scotland; and

PART I.
—cont.

- (ii) any person appointed in pursuance of this subsection to fill a vacancy shall remain a member of the council only until the expiry of three years from the date of the appointment of the member whose office is so vacated.

(4) The Rules Council may from time to time frame rules regarding any of the matters relating to the Court, which the Court are empowered to regulate by Act of Sederunt, and shall submit any rules so framed to the Court, and the Court shall consider such rules and, if approved, embody them (with or without amendment) in an Act of Sederunt. At any meeting of the Rules Council seven members shall form a quorum.

(5) This section shall come into operation on the passing of this Act.

PART II.

CRIMINAL JURY TRIALS, &c.

19. Where in the course of the trial on any indictment any juror chosen to serve on such trial dies, or the court is satisfied that any juror so chosen is, through illness or for any other reason, unfit to continue to serve on the trial, the court may, on application made by or on behalf of the Lord Advocate or an accused, in its discretion, direct that the trial shall proceed before the remaining jurors (if they shall be not less than twelve in number), and where any such direction is given the remaining jurors shall be deemed in all respects to be a properly constituted jury for the purpose of the trial and shall have power to return a verdict accordingly whether unanimous or by majority, provided always that they shall not be entitled to return a verdict of guilty by majority unless eight of their number are in favour of such verdict and if, in any such case, the remaining jurors shall inform the Court that less than eight of their number are in favour of a verdict of guilty, and that there is not a majority in favour of any other verdict,

Provision
for death or
illness of
jurors in
trials on
indictment.

PART II.
—cont.

they shall be deemed to have returned a verdict of not guilty.

Admissions
by parties
in trials on
indictment.

20.—(1) In any trial on indictment it shall not be necessary for the prosecutor or the accused to prove any documents which are admitted by the other party, and copies of any documents may, where the parties so agree, be accepted as equivalent to the originals, provided that no such admission or agreement by the accused shall be accepted, except in a case in which he has legal assistance in his defence.

(2) For the purposes of the foregoing subsection any admission or agreement may be made by lodging with the clerk of court a minute signed by the person making the admission or agreement, or, in the case of the accused, by his counsel or solicitor, and the documents so admitted shall be deemed to have been duly proved, and copies of any documents so agreed to be accepted as equivalent to the originals shall be accepted as if they were the originals.

Intimation
of pro-
ceedings in
High Court
of Justiciary
to Lord
Advocate.

21. In any proceeding in the High Court of Justiciary (other than a proceeding to which the Lord Advocate or a procurator fiscal is a party) it shall be competent for the said Court to order intimation of such proceeding to the Lord Advocate, and on such intimation being made, the Lord Advocate shall be entitled to appear and be heard in such proceeding.

Commence-
ment of
this Part of
this Act.

22. This Part of this Act shall come into operation on the passing thereof.

PART III.

OFFICERS OF THE HIGH COURT OF JUSTICIARY AND OF
THE COURT OF SESSION.

Appoint-
ment of
clerks in
the Court of
Justiciary.

23.—(1) The right of appointing any Depute, Assistant or other Clerk in the Justiciary Office shall be vested in the Secretary of State and shall be exercised after consultation with the Lord Justice General.

(2) The duties of Clerk of the High Court of Justiciary when sitting in Edinburgh or elsewhere may be performed by the Principal Clerk or by such Depute, Assistant, or other Clerk in the Justiciary Office as the Lord Justice General may approve, and the said

Principal Clerk and any such Depute, Assistant, or other Clerk shall perform such duties in relation to the business of the said High Court as the Lord Justice General may direct.

PART III.
—cont.

24.—(1) Any enactment in force at the passing of this Act as to the number or appointment of the Clerks of Court shall cease to have effect and the Secretary of State shall, after consultation with the Lord President, appoint a Principal Clerk of Session and such other clerks and officers of the Court as he may, with the sanction of the Treasury as to numbers, determine to be necessary to discharge the duties devolving, according to the law and practice existing immediately prior to the passing of this Act, on the whole staff of clerks in the Inner and Outer Houses and in the Bill Chamber and on the clerks to the judges, and such other clerks and officers shall, subject to the directions of the Lord President, be under the general supervision of the Principal Clerk of Session, and shall, subject as aforesaid, perform such duties in relation to the business of the Court as the Principal Clerk may require.

Appoint-
ment of
officers of
the Court of
Session.

(2) There shall be a Central Office of the Court which shall comprise the clerks and officers appointed in pursuance of this section and which shall be divided into a General Department and a Petition Department. Causes initiated in the Court by petition shall be assigned to the Petition Department and there shall be assigned to the General Department—

- (a) causes initiated by summons in the Court;
- (b) special cases;
- (c) causes brought before the Court by appeal, removal, remit, stated case or other like process; and
- (d) Exchequer causes.

(3) The Petition Department and the General Department shall be respectively responsible under the supervision of the Principal Clerk and subject to the directions of the Lord President, for the allocation among the Divisions of the Inner House or the Lords Ordinary, as the case may be, of the causes assigned to the said departments in pursuance of the foregoing subsection,

PART III. and the General Department shall be responsible for the
—cont. division of the causes initiated by summons among—

- (a) the Ordinary Roll;
- (b) the Admiralty and Commercial Roll; and
- (c) the Consistorial Roll;

in accordance with any Act of Sederunt made under section seventeen of this Act.

(4) The clerks and officers appointed in pursuance of this section shall be assigned by the Principal Clerk, subject to the directions of the Lord President and the provisions of any Act of Sederunt, to one or other of the aforesaid departments, provided always that any clerk or officer in the Central Office shall be capable of performing, and shall perform, any duty in relation to the business of the Court as may be required by the Principal Clerk, subject to such directions and provisions as aforesaid.

(5) Notwithstanding anything in the foregoing provisions of this section, it shall not be competent to allocate any Exchequer Cause to any Lord Ordinary other than the Lord Ordinary in Exchequer Causes.

(6) Any provision in an Act or an Act of Sederunt regarding the Principal Clerk of Session or the Clerks of Court shall apply to the Principal Clerk and to the clerks appointed in pursuance of this section in like manner as it applies to the Principal Clerk and to the clerks holding office at the passing of this Act, and any reference in any enactment to a depute, assistant or other clerk in the Court of Session or in the Bill Chamber, shall apply, in like manner as it applies to such depute, assistant or other clerk to the clerk required in pursuance of this section to perform the duties devolving on such depute, assistant or other clerk according to the law and practice existing immediately prior to the passing of this Act.

(7) The right of appointing to the office of Macer, which in accordance with the law and practice existing immediately prior to the passing of this Act was vested in His Majesty, shall be transferred to and vested in the Secretary of State, and shall be exercised on nomination by the Lord Advocate, and it shall be competent to the Secretary of State in pursuance of the power so vested in him to appoint the same persons to be Macers in the High Court of Justiciary and in the Court of Session.

25. The right of appointing to the offices of Principal Clerk of Justiciary, Accountant of Court, Auditor of the Court of Session, and Principal Extractor of the Acts and Decrees of the Court of Session shall be vested in the Secretary of State, and shall be exercised on nomination by the Lord Advocate.

PART III.

—cont.

Appointment of Principal Clerk of Justiciary, &c.

26. A person appointed, in pursuance of the powers vested in the Secretary of State by this Part of this Act, to any office shall vacate his office on attaining the age of sixty-five years :

Age limit for officers of High Court of Justiciary and Court of Session.

Provided that, where the Secretary of State after consultation with the Lord President considers it desirable in the public interest to retain any such person in office after he attains the age of sixty-five years, he may, with the approval of the Treasury, authorise the continuance in office of such person, up to such later age, not exceeding seventy years, as he may think fit.

27.—(1) The remuneration of the persons appointed to any office in pursuance of the powers vested in the Secretary of State by this Part of this Act, and of any clerk or officer in the High Court of Justiciary or in the Court of Session (including any clerk to a judge) holding office at the passing of this Act, and of any person holding, at the passing of this Act, any office mentioned in section twenty-five of this Act, shall be of such amounts as the Secretary of State may, after consultation with the Lord President and with the concurrence of the Treasury, from time to time, determine, and such remuneration shall be payable out of moneys provided by Parliament.

Remuneration of officers of High Court of Justiciary and Court of Session.

(2) The sole remuneration of the persons holding any office mentioned in the immediately preceding subsection (other than the office of Auditor of the Court of Session) shall be the remuneration determined in pursuance of the said subsection, and any fee or other sum paid or received, by virtue of his office, to or by any such person, other than such remuneration, shall be paid over and accounted for in such manner as the Treasury may direct.

28. The Secretary of State may, after consultation with the Lord President and with the concurrence of the Treasury and the Civil Service Commissioners,

Regulations for admission

PART III.
—*cont.*
of officers of
High Court
of Justiciary and
Court of
Session.
52 & 53 Vict.
c. 54.

make regulations prescribing the manner in which persons are to be admitted to any office the right of appointment to which is vested in the Secretary of State by this Part of this Act, and the conditions on which the said Commissioners may issue certificates in accordance with section eight of the Clerks of Session (Scotland) Regulation Act, 1889, which section shall apply to any such office as aforesaid in like manner as it applies to the offices therein mentioned.

Existing
officers.

29.—(1) Any clerk or officer in the High Court of Justiciary or the Court of Session (not being clerk to a judge), holding office at the passing of this Act, and any person holding, at the passing of this Act, any office mentioned in section twenty-five of this Act, shall be deemed to have been appointed in pursuance of the powers vested in the Secretary of State by this Part of this Act, provided that any such clerk, officer or person shall be in no worse position as regards tenure of office, remuneration or superannuation allowance than he would have been if this Act had not passed.

(2) It shall be lawful for the Secretary of State, after consultation with the Lord President, to direct that any person holding office as clerk to a judge who was appointed clerk to that judge prior to the passing of this Act shall be deemed to have been appointed in pursuance of the powers vested in the Secretary of State by this Part of this Act, provided that no such direction shall be given without the consent of such person and of such judge. Any such person in whose case such a direction is given shall on his retirement from his employment be entitled, in addition to any superannuation allowance or gratuity payable under the Superannuation Acts, 1834 to 1919, to such annuity in respect of his service as clerk to the judge as he would have been entitled to if such judge had retired immediately before the date when the direction aforesaid was given; and any such person, in whose case no such direction is given, shall continue to hold his office on the terms on which he held it at the passing of this Act.

Commence-
ment of
this Part of
this Act.

30. This Part of this Act (except subsections (2), (3) and (4) of section twenty-four) shall come into operation on the passing thereof.

PART IV.

SHERIFFS AND SHERIFF COURT.

31.—(1) On the occurrence of a vacancy in the office of the Sheriff of Chancery that office shall be united with the office of the sheriff in whose sheriffdom the city of Edinburgh is included. Number of
sheriffs and
sheriffdoms.

(2) It shall be lawful for the Secretary of State, from time to time, as vacancies in the office of sheriff occur, by order, to form new sheriffdoms by uniting into one sheriffdom two or more counties, or parts of counties, whether the counties affected by any such order form, at the passing of this Act, separate sheriffdoms or are united with other counties into one sheriffdom.

(3) Any union into one sheriffdom effected by an order under the last foregoing subsection shall, notwithstanding anything in any Act, have effect as a complete union as regards the jurisdiction, powers and duties of the sheriff and his substitutes, and the powers, duties, rights and privileges of solicitors practising in the sheriff courts.

(4) An order made under this section shall be laid before each House of Parliament forthwith and shall not come into force until it has been approved by a resolution of each House.

(5) When a vacancy shall occur in the office of sheriff of any sheriffdom the Secretary of State may, if he deems it expedient to do so, pending the consideration of the question whether an order under this section affecting such sheriffdom should be made, or the coming into force of any such order, appoint a sheriff of some other sheriffdom, or an advocate of not less than five years' standing, to act as interim sheriff of such sheriffdom or of any part thereof, and on such interim appointment being made the Treasury may, on the recommendation of the Secretary of State, allow such interim sheriff such remuneration as they think fit out of moneys to be provided by Parliament.

(6) In this section the expressions "sheriff" shall not include a sheriff-substitute.

32. Where the Secretary of State in pursuance of section fifteen of the Sheriff Courts (Scotland) Act, 1907, appoints an interim sheriff to act in the place and Amendment
of 7 Edw.
VII. c. 51.
s. 15.

PART IV.
—*cont.*

during the absence on leave, granted on account of temporary illness, of a sheriff who is restricted by the terms of his appointment from engaging in private practice, the provisions of the said section with regard to payment to the interim sheriff shall not apply and it shall be lawful for the Treasury to allow to any interim sheriff so appointed such remuneration as they think fit out of moneys to be provided by Parliament, and in the event of a vacancy in the office of such sheriff prior to the expiry of the period of leave of absence so granted to him, the appointment of the interim sheriff shall have effect as an appointment to act as sheriff until such vacancy shall be filled.

Sheriffs not to be entitled to annuity unless restricted from private practice.

33.—(1) Section twenty of the Sheriff Courts (Scotland) Act, 1907 (which relates to annuities to sheriffs and salaried sheriffs-substitute), shall not apply to any sheriff (other than a sheriff holding office at the passing of this Act) unless he is restricted by the terms of his appointment from engaging in private practice.

(2) In this section the expression “sheriff” shall not include a sheriff-substitute.

Court of Session may regulate procedure in the Sheriff Court.

34.—(1) The Court of Session shall have power by Act of Sederunt—

(a) to regulate and prescribe the procedure and practice to be followed in any proceedings in the sheriff court or in execution or diligence following thereon and any matters incidental or relating to any such procedure or practice including (but without prejudice to the foregoing generality) the manner in which, the time within which, and the conditions on which any application to the sheriff court or anything required or authorised to be done in relation to any such proceedings shall or may be made or done;

(b) to prescribe the form of any petition, writ, pleading or other document to be used in, or for the purposes of, any such proceedings as aforesaid, or in, or for the purposes of, any execution or diligence following on such proceedings, and the manner in which, and the person by whom, any such petition, writ,

pleading or document shall be signed or authenticated; PART IV.
—cont.

- (c) to provide for the admission, on such conditions as may be prescribed, of affidavits in lieu of parole evidence;
- (d) to modify, amend or repeal any enactments relating to matters with respect to which an Act of Sederunt is made under this section.

(2) Section forty of the Sheriff Courts (Scotland) Act, 1907, shall, except in so far as it relates to the regulation of fees, cease to have effect, provided always that any regulations under the said section (other than regulations relating to fees) which shall be in force at the passing of this Act shall continue in full force and effect unless and except in so far as they may be repealed or amended by Act of Sederunt under this section.

35.—(1) There shall be established a Rules Council for the sheriff court, consisting of the Lord President ex officio, two sheriffs and four sheriffs-substitute to be appointed by the Lord President, one member of the Faculty of Advocates to be appointed by the Faculty and six solicitors to be appointed by the General Council of Solicitors in Scotland, provided that in the event of the said Rules Council being established before the first day of March, nineteen hundred and thirty-four, the first appointment of solicitors to be members thereof shall be made by the Lord President. The provisions of subsections (2), (3), and (4) of section eighteen of this Act with regard to the Rules Council appointed under that section shall apply to the Rules Council appointed under this section with the substitution of matters relating to the sheriff court for matters relating to the Court of Session, and with any other necessary modifications. Sheriff
Court
Rules
Council.

(2) In this section the expression “sheriff” shall not include a sheriff-substitute.

(3) A person appointed a member of the Rules Council under section eighteen of this Act may also be appointed a member of the Rules Council under this section.

36. This Part of this Act (except sections thirty-four and thirty-five) shall come into operation on the passing thereof. Commence-
ment of
this Part of
this Act.

PART V.

MISCELLANEOUS.

Agreements
between
solicitors as
to sharing
fees.

37.—(1) An agreement between solicitors acting for the same client to share fees or profits shall be lawful if the following conditions are complied with but not otherwise :—

- (i) The share payable under the agreement, by the solicitor to whom the fees or profits are due, to the other solicitor shall not exceed one-third.
- (ii) The solicitor to whom such share is payable shall, not later than the time when he renders his account to the client, inform the client of the terms of the agreement.
- (iii) The solicitor to whom such share is payable shall make no charge against the client for communications or correspondence with the other solicitor in the matter of the business to which the agreement relates.
- (iv) The fees or profits to be shared under the agreement shall not include any charge in respect of clerk's writings.

23 & 24
Geo. 5. c. 21.

(2) Section forty-one of the Solicitors (Scotland) Act, 1933, in so far as it relates to the legality of agreements between solicitors acting for the same client is hereby repealed.

Amendment
of 58 & 59
Vict. c. 36.
s. 5 (4).
6 Edw. 7.
c. 35.

38.—(1) Where the evidence adduced at any inquiry under the Fatal Accidents Inquiry (Scotland) Act, 1895, or under the Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act, 1906, shall have been taken down in shorthand, it shall, notwithstanding anything in subsection (4) of section five of the first-mentioned Act, not be necessary that such evidence be afterwards written out unless the sheriff shall so direct *ex proprio motu* or on application made to him not later than one month after the close of the inquiry by any person appearing or entitled to appear at the inquiry.

(2) This section shall come into operation on the passing of this Act.

Repeal.

39. The enactments mentioned in the Schedule to this Act shall be repealed to the extent specified in the third column of that schedule : Provided that any Act

of Sederunt in force at the passing of this Act made under any enactment so repealed shall have effect as if it had been made under this Act.

PART V.
—cont.

40. In this Act unless the context otherwise requires :— Interpreta-
tion.

“ The Court ” means the Court of Session, and, in any provision conferring a power on the Court with regard to a cause before it, “ the Court ” includes a reference to a division of the Inner House or to the Lord Ordinary.

“ The Lord President ” means the Lord President of the Court of Session.

The expression “ cause ” includes any petition, action, case, or proceeding whatsoever competent in the Court.

The expression “ consistorial cause ” has the meaning assigned to the expression “ consistorial action ” by the Conjugal Rights (Scotland) Amendment Act, 1861. 24 & 25 Vict.
c. 86.

The “ Act of 1868 ” means the Court of Session Act, 1868.

The expression “ solicitor ” has the like meaning as in the Solicitors (Scotland) Act, 1933, provided that for the purpose of the construction of any provision of this Act with reference to any time prior to the first day of March, nineteen hundred and thirty-four, any reference to a solicitor shall be construed as a reference to a law agent as defined in the Law Agents (Scotland) Act, 1873. 36 & 37 Vict.
c. 63.

The expression “ General Council of Solicitors in Scotland ” means the General Council of Solicitors in Scotland constituted under the Solicitors (Scotland) Act, 1933.

“ Prescribed ” means prescribed by Act of Sederunt under this Act.

41.—(1) This Act shall extend to Scotland only, and may be cited as the Administration of Justice (Scotland) Act, 1933. Extent,
short title
and com-
mencement.

(2) Save as otherwise expressly provided, this Act shall come into operation on such day or days not later

PART V.
—*cont.*

than the ninth day of October, nineteen hundred and thirty-four, as the Secretary of State, after consultation with the Lord President, may appoint, and the Secretary of State may, after such consultation, appoint different days for different purposes and different provisions of this Act.

(3) Any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the date when that provision comes into operation.

SCHEDULE.

Section 39..

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
10 Geo. I. c. 19.	The Court of Session Act, 1723.	Section one from "and the qualifications" to the end of the section.
2 Geo. III. c. 27.	The Court of Session Adjournment Act, 1762.	The whole Act.
48 Geo. III. c. 151.	The Court of Session Act, 1808.	Sections nine, eleven, twelve, fourteen and sixteen.
50 Geo. III. c. 112.	The Court of Session Act, 1810.	Sections one to ten; Sections sixteen and seventeen; Section thirty from "but shall not extend" to the end of the section; Sections forty to forty-three; Schedules A to I.
53 Geo. III. c. 64.	The Court of Session Act, 1813.	Sections two to six, and ten to twelve.
55 Geo. III. c. 42.	The Jury Trials (Scotland) Act, 1815.	Sections thirty-five and forty.
1 & 2 Geo. IV. c. 38.	The Court of Session Act, 1821.	Sections four, eight, ten, sixteen, twenty-two, twenty-three, twenty-five and twenty-eight.
6 Geo. IV. c. 120.	The Court of Session Act, 1825.	Sections eighteen, twenty-seven, fifty and fifty-eight.

Session and Chapter.	Short Title.	Extent of Repeal.
11 Geo. IV. and 1 Will. IV. c. 69.	The Court of Session Act, 1830.	Sections five, six, seven; Section nine from "and all causes" to the end of the section; Sections ten, thirteen and four- teen; Section sixteen from "and the said Court of Session" to the end of the section; Section eighteen from "and the appointment" to the end of the section.
1 & 2 Vict. c. 86.	The Court of Session (No. 1) Act, 1838.	Section nine.
1 & 2 Vict. c. 114.	The Debtors (Scot- land) Act, 1838.	Section one.
1 & 2 Vict. c. 118.	The Court of Session (No. 2) Act, 1838.	Section one from "and it shall accordingly" to the end of the section; Section four, from "and the partibus" to the end of the section; Sections five, nine, eleven and twelve; In section eighteen the words "to be appointed by Her Majesty" and the words from "and in preparing extracts" to the end of the section; Sections nineteen, thirty and thirty-three.
2 & 3 Vict. c. 36.	The Court of Session Act, 1839.	Sections three, nine, ten, eleven and thirteen.
13 & 14 Vict. c. 36.	The Court of Session Act, 1850.	Sections one, eleven, thirty- three, thirty-seven, and fifty- four; Schedule A.
20 & 21 Vict. c. 18.	The Bill Chamber Procedure Act, 1857.	Sections one, two, four and seven.
20 & 21 Vict. c. 56.	The Court of Session Act, 1857.	Sections one, two, three and four; Section six from "provided that" to the end of the section; Sections seven and ten.
24 & 25 Vict. c. 86.	The Conjugal Rights (Scotland) Amend- ment Act, 1861.	Section seventeen.
29 & 30 Vict. c. 71.	The Glebe Lands (Scotland) Act, 1866.	Section twenty-three.

*Administration of 23 & 24 GEO. 5.
Justice (Scotland) Act, 1933.*

Session and Chapter.	Short Title.	Extent of Repeal.
29 & 30 Vict. c. 112.	The Evidence (Scotland) Act, 1866.	Section five.
30 & 31 Vict. c. 126.	The Railway Companies (Scotland) Act, 1867.	Section twenty-two.
31 & 32 Vict. c. 84.	The Entail Amendment (Scotland) Act, 1868.	Section sixteen.
31 & 32 Vict. c. 100.	The Court of Session Act, 1868.	Sections four and five; in section thirteen, the proviso; Sections thirty-three, forty-eight, fifty-one, fifty-four and fifty-five; Section ninety-three from "and on the fifth lawful day" to the end of the section; Section ninety-four from "Provided that where" to the end of the section; Sections one hundred and five and one hundred and six.
31 & 32 Vict. c. 125.	The Parliamentary Elections Act, 1868.	In section fifty-eight the words in paragraph 12 from "and there shall be awarded" to the end of the paragraph.
50 & 51 Vict. c. 35.	The Criminal Procedure (Scotland) Act, 1887.	In section forty-four from the words "and every Senator" to the words "in vacation" where first occurring and the words "or in the Bill Chamber."
52 & 53 Vict. c. 54.	The Clerks of Session (Scotland) Regulation Act, 1889.	Sections one, two, three, four, five, eleven, and thirteen.
55 & 56 Vict. c. 55.	The Burgh Police (Scotland) Act, 1892.	Section four, in paragraph (11) the words "either Division of."
57 & 58 Vict. c. 40.	The Nautical Assessors (Scotland) Act, 1894.	Section five from the beginning to the words "their remuneration."
61 & 62 Vict. c. 40.	The Circuit Clerks (Scotland) Act, 1898.	Section two.
7 Edw. VII. c. 51.	The Sheriff Courts (Scotland) Act, 1907.	Section forty, from "not inconsistent" to "Small Debts Acts; and" and from "and for altering" to "Schedule hereto;" Section forty-one.

Session and Chapter.	Short Title.	Extent of Repeal.
2 & 3 Geo. V. c. 23.	The Clerks of Session (Scotland) Regulation Act, 1913.	The whole Act.
6 & 7 Geo. V. c. 49.	The Court of Session (Extracts) Act, 1916.	Section one.
23 & 24 Geo. V. c. 21.	The Solicitors (Scotland) Act, 1933.	Section forty-one, from the beginning to the words "lawful and."

CHAPTER 42.

An Act to make provision for the service by post of summonses issued by justices of the peace in England, to amend the law with respect to the mode of proving the service of process and other documents in proceedings before, and on appeal from, such justices, and for purposes connected with the matters aforesaid.

[28th July 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) Subject to the provisions of this Act, service of a summons issued by a justice of the peace in England may be effected by sending it by post to the defendant in a prepaid registered letter addressed to him at his last or usual place of abode, and where a summons is so served it shall, for the purpose of any enactment requiring a summons to be served in any particular manner, be deemed to have been as effectively served as if it had been served in that manner, and the service shall be deemed to have been effected at the time at

Service of
summonses
by post.

which the letter containing the summons would be delivered in the ordinary course of post :

Provided that, notwithstanding that a summons has been sent by post in manner authorised by this subsection, service shall be deemed not to have been effected unless either—

- (a) the defendant appears, either in person or by counsel or solicitor, in manner required by the summons; or
- (b) it is proved to the satisfaction of the justices that the summons came to the knowledge of the defendant.

For the purposes of the foregoing paragraph (b), the production of a letter or other communication which purports to be written by or on behalf of the defendant, and is in such terms as reasonably to justify the inference that the summons came to the knowledge of the defendant, shall be *prima facie* evidence that the summons came to his knowledge.

(2) Where by reason of the proviso to subsection (1) of this section service of a summons is deemed not to have been effected, a justice of the peace for the same county or place may issue another summons on the original complaint or information and any enactment which requires, whether expressly or by implication, that a summons in respect of the offence alleged in the complaint or information shall be issued or served within a specified period after the date of the commission of the offence shall have effect as if the specified period were a period running from the return day of the original summons instead of from the date aforesaid :

Provided that this subsection shall not apply unless the letter containing the original summons was posted at such a time as to enable it to be delivered in the ordinary course of post within the specified period.

(3) This section shall not apply to—

- (a) a summons requiring the attendance of a person for the purpose of giving evidence or producing any document; or

- (b) a summons issued under any enactment relating to the liability of members of the naval, military or air forces of the Crown for the maintenance of their wives and children (whether legitimate or illegitimate); or
 - (c) service of a summons outside England.
- (4) Nothing in this section shall affect—
- (a) any jurisdiction of a justice of the peace to issue a warrant for the apprehension of any person; or
 - (b) the validity of the service of a summons in any case where the service thereof has been effected in any manner in which the summons might lawfully have been served if this Act had not passed.

2.—(1) Subject to the provisions of this section, in all proceedings before justices of the peace in England the service of any process or other document required or authorised to be served and, where service of a document may lawfully be effected by post, the proper addressing, prepaying and posting of a letter containing the document and the place, date and time of posting, and the registration of the letter, if it was registered, may, without prejudice to any other mode of proof, be proved by a certificate in the prescribed form signed by the person by whom the service was effected, or, as the case may be, by whom the letter was posted, and in any such proceeding as aforesaid any document purporting to be such a certificate and to be so signed shall be prima facie evidence of the facts stated therein and shall be received in evidence without proof of the signature of the person signing it.

Proof of service of documents in proceedings before, and on appeals from, justices.

(2) The provisions of the preceding subsection shall apply in relation to appeals to quarter sessions from justices of the peace, but, save as aforesaid, shall not apply in relation to proceedings at quarter sessions.

(3) If any person signs such a certificate as aforesaid knowing it to contain any statement which is false in a material particular, he shall be liable on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding six months, or to both such imprisonment and fine.

Short title,
interpretation and
commencement.

3.—(1) This Act may be cited as the Service of Process (Justices) Act, 1933.

(2) In this Act, unless the context otherwise requires—

the expression “defendant” in relation to any summons means the person to whom the summons is directed;

the expression “return day” in relation to any summons means the day on which the defendant is required by the summons to appear;

the expression “prescribed” means prescribed by rules made under section twenty-nine of the Summary Jurisdiction Act, 1879.

(3) This Act shall come into operation on the first day of January nineteen hundred and thirty-four.

42 & 43
Vict. c. 49.

CHAPTER 43.

An Act to make provision for certain deductions from remuneration to be disregarded in the computation of contributions, pensions and gratuities under enactments relating to the superannuation of persons employed, or paid, by local authorities and other public bodies; to give retrospective effect to such provision; and for purposes connected with the matters aforesaid. [28th July 1933.]

BE it enacted by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) Subject to the provisions of this Act, when, in computing for purposes relating to superannuation under any enactment to which this section applies, the amount of—

(i) any contribution to be made by any person;

(ii) any contribution to be paid or credited to any fund in respect of any person;

Certain reductions in remuneration to be disregarded for purposes of superannuation.

- (iii) any transfer value, or sum in lieu of a transfer value, to be paid or credited by or in respect of any person; or
- (iv) any superannuation allowance to be paid to, or in respect of, any person,

account has to be taken of that person's remuneration in respect of any period within the five years commencing on the first day of September, nineteen hundred and thirty-one, then, if his remuneration has been affected by any such reduction as is directed by the next succeeding subsection to be disregarded, his remuneration in respect of the period in question shall be taken to be the remuneration which would have been payable to him if that reduction had not been made.

(2) Subject as hereinafter provided, a reduction in remuneration shall, for the purposes of any such computation as is mentioned in the preceding subsection, be disregarded if it—

- (i) was made, whether with or without the consent of the person whose remuneration was reduced, on account of national economic conditions; and
- (ii) first took effect between the first day of September, nineteen hundred and thirty-one, and the first day of July, nineteen hundred and thirty-two; and
- (iii) was made upon the understanding that it should not affect the amount of any superannuation allowance to become payable in the future :

Provided that a person appointed to a post after the making of any such reduction as aforesaid in the remuneration attached to the post shall, as regards his remuneration in that post, be excluded from the operation of the preceding subsection if he was appointed to the post upon the understanding that the reduced remuneration should be taken to be his remuneration for superannuation purposes.

(3) This section applies to any enactment by or under which provision is made for the granting of superannuation allowances out of a rate fund or other fund of a local authority, or a superannuation fund established or

administered by a local authority, to any such persons as are hereinafter mentioned, that is to say,—

- (i) officers or servants of any local authority;
- (ii) officers or servants of undertakers admitted to participate with officers or servants of a local authority in the benefits of a superannuation scheme or fund;
- (iii) public officers not being officers of a local authority.

Retrospective effect of Act and consequential adjustments.

2.—(1) The provisions of the preceding section shall be deemed to have come into operation on the first day of September, nineteen hundred and thirty-one, and where before the passing of this Act any such computation as is mentioned in subsection (1) of that section has been made otherwise than in accordance with the provisions of that section, a fresh computation shall be made in accordance with those provisions as soon as practicable after the passing of this Act.

(2) After the making of such fresh computation as aforesaid—

- (i) every person who has made any contribution which is shown to have been an insufficient contribution, shall pay to the authority, or the treasurer of the fund, to which that contribution was paid the difference between that contribution and the contribution which ought to have been made;
- (ii) every employer who has paid or credited to any fund a contribution which is shown to have been an insufficient contribution, shall pay or credit to that fund the difference between that contribution and the contribution which ought to have been paid or credited;
- (iii) every authority, employer and person by whom an amount, which is shown to have been an insufficient amount, has been credited or paid to any authority or fund as a transfer value, or, in lieu of a transfer value, shall credit or pay to that authority or fund the difference between that amount and the amount which ought to have been credited or paid; and

- (iv) every authority which has made any payment in respect of a superannuation allowance which is shown to have been an insufficient payment, shall pay to the person entitled the difference between that payment and the payment which ought to have been made;

and such consequential adjustments in accounts shall be made as may be necessary.

(3) Any sum which but for the death of a person would have been payable by him under paragraph (i) of the last preceding subsection shall be set off against any increased payment due in respect of him under paragraph (iv) of that subsection, but save as aforesaid, no such sum shall be recoverable from the estate of a deceased contributor.

(4) Any payment to be made under this section by a contributor shall be made at such time or times and in such manner as may be agreed upon between him and the authority or person entitled to the payment or, in default of agreement, may be determined by the Minister.

(5) If by reason of the death of any person, or the infancy of any person, a doubt arises as to the person by whom a valid discharge can be given for any payment to be made under paragraph (iv) of subsection (2) of this section, the payment shall be made to such person as the Minister may direct.

3. If, in connection with any enactment to which section one of this Act applies, any question arises as to whether any reduction in remuneration is such a reduction as is mentioned in subsection (2) of that section, or as to whether there was any such understanding as is mentioned in the proviso to that subsection, or as to whether any payment or adjustment ought to be made under section two of this Act, that question shall, if all persons and authorities concerned so agree, be determined by the Minister and, in default of such agreement, shall be referred for decision to an arbitrator to be appointed by the Minister on the application of any person or authority concerned.

Deter-
mination of
questions
arising
under Act.

Saving for
certain
Acts.

4. Nothing in this Act shall apply to, or affect any of the provisions of, the Police Pensions Acts, 1921 and 1926, or any Act amending those Acts or either of them.

Interpre-
tation.

5. In this Act, unless the context otherwise requires—

“enactment” includes an enactment in a local Act and a scheme or order made under any enactment;

“superannuation allowance” includes pension and any other similar allowance, gratuity, and grant by way of compassionate allowance, and “superannuation”, “superannuation fund”, and “superannuation scheme” shall be construed accordingly;

“reduction” in relation to remuneration includes a reduction by way of deduction or refund;

“local authority” does not include the London County Council or the council of a metropolitan borough, but, save as aforesaid, means the council of any county, county borough, or county district, and any other local authority within the meaning of the Local Loans Act, 1875, and includes any combination of local authorities;

“Minister” means Minister of Health.

38 & 39 Vict.
c. 83.

Application
to Scotland.

6. This Act in its application to Scotland shall have effect subject to the following modifications:—

- (i) the Secretary of State shall be substituted for the Minister of Health; and
- (ii) “local authority” means a county or a town council, and includes any combination of local authorities.

Short title
and extent.

7.—(1) This Act may be cited as the Local Government and other Officers Superannuation (Temporary Provisions) Act, 1933.

(2) This Act does not extend to Northern Ireland.

CHAPTER 44.

An Act to amend the Church of Scotland (Property and Endowments) Act, 1925, to make further provision with regard to the properties and endowments of the Church of Scotland, and for purposes connected therewith.

[28th July 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1. The following paragraph shall be substituted for paragraph (g) of subsection (1) of section thirty-four of the Church of Scotland (Property and Endowments) Act, 1925 (hereinafter referred to as the "principal Act") :—

Amendment of principal Act, 15 & 16 Geo. 5. c. 33. s. 34.

"(g) the statutory properties and endowments of the parish transferred to the General Trustees under or by virtue or in pursuance of this subsection shall be held by the General Trustees for the same ends, uses and purposes as those for which they were held by the trustees or other persons in whom they were vested prior to their being so transferred, or, if the General Assembly shall by Act of Assembly at any time so direct, shall be sold or otherwise disposed of, and the proceeds shall be held and applied by the General Trustees (or by any body to whom the General Assembly may delegate or may have delegated the necessary powers) in accordance with the provisions of section thirty-six of this Act. Provided that no ground used as a burial ground shall be put to any other use."

2.—(1) Notwithstanding anything contained in paragraph (g) of subsection (1) of section thirty-four of the principal Act, and without prejudice to anything therein contained, the trustees or other persons by whom any churchyard forming part of the statutory properties and endowments of a parish quoad sacra or connected with a

Transfer of churchyards attached to parishes quoad sacra, and parliamentary churches.

parliamentary church is held, or the General Trustees if any such churchyard shall have become vested in them, may by notice in writing require the local authority to take over such churchyard, and as from the date of such notice such churchyard shall, without the necessity of any further conveyance, be transferred to and vested in the local authority, and the provisions of section thirty-two of the principal Act shall apply to any churchyard so transferred in like manner as they apply to a churchyard transferred under that section.

(2) For the purposes of this section the expression "local authority" shall as regards any churchyard, mean the council of the county or burgh within which the churchyard is situated, or, in the case of a churchyard situated partly in a county and partly in a burgh, the council of the county and the council of the burgh as regards the parts of the churchyard respectively situated in the county and in the burgh.

Non-
statutory
properties
and endow-
ments of
quoad sacra
parishes.

3.—(1) The trustees or other persons in whom any properties or endowments, whether heritable or moveable, of a parish quoad sacra, other than the statutory properties and endowments of the parish, are vested shall, if so required by the General Trustees, convey or transfer such properties and endowments (hereinafter referred to as non-statutory properties and endowments) or any of them in the option of such Trustees or other persons as aforesaid to the General Trustees or to any other body authorised for the purpose by the General Assembly, or to a permanent body of local trustees, and on their so conveying or transferring the same, such trustees or other persons as aforesaid shall be thereby fully exonerated and discharged of the trust under which the said properties and endowments were held without the necessity of any further release, discharge or exoneration.

(2) The General Trustees shall as regards any non-statutory properties and endowments vested in them, and any trustees or other persons shall as regards any such properties or endowments vested in them, have power, subject to the provisions of any deed of trust, conveyance or other deed applicable thereto and to the approval of the presbytery of the bounds, to sell or otherwise dispose of such properties and endowments and to apply the proceeds thereof in the first place to meet the proper

requirements of the parish as such requirements may be determined by the General Assembly, or by any body to which the General Assembly may delegate the necessary power, and any remainder after these requirements have been fully met shall be applied for such ends, uses and purposes as the General Assembly may direct:

Provided always that—

- (i) the consent of the General Assembly declared by Act of Assembly shall be required to the sale or disposal of any such properties and endowments, except where by the terms of the deed of trust, conveyance or other deed under which any such properties and endowments are held the General Trustees or any trustees or other persons holding the same have power to sell or to dispose thereof without such consent; and
- (ii) where it is proposed under the authority of the General Assembly to transfer the statutory properties and endowments of a parish quoad sacra to a new area, the non-statutory properties and endowments of such parish, or the proceeds of the sale of the same, if sold, may, with the like approval of the presbytery of the bounds and of the kirk session of the parish concerned, also be transferred along with the statutory properties and endowments of such parish to such new area.

4. Any trustees or other persons in whom any chapel of ease, mission church or church hall is vested or the General Trustees if the same shall be vested in them shall have power, subject to the provisions of any deed of trust, conveyance or other deed applicable thereto, to sell or otherwise dispose of the same and to apply the proceeds thereof for such ends, uses and purposes as the General Assembly may direct. Provided always that the consent of the General Assembly declared by Act of Assembly shall be required to the sale or disposal thereof, except where by the terms of the deed of trust, conveyance or other deed under which any chapel of ease, mission church or church hall is held the trustees or other persons or the General Trustees holding the same

Chapels of
ease and
mission
churches.

have power to sell or to dispose thereof without such consent.

Parliamentary churches and manses, &c.

5. Notwithstanding anything in the Act 5 George IV, chapter 90, or in the principal Act, the General Trustees shall, subject to the consent of the General Assembly, declared by Act of Assembly, have power, subject to the provisions of any deed of trust, conveyance or other deed applicable thereto, to sell or otherwise dispose of any parliamentary church or manse, or any other subjects connected therewith vested in them under section twenty-three of the principal Act and to apply the proceeds thereof for such ends, uses and purposes as the General Assembly may direct. Provided always that no ground used as a burial ground shall be put to any other use.

Power to dispose of certain churches and manses erected under the Act of 1844.

6. Notwithstanding anything contained in the titles under which any of the churches or manses of the parishes quoad omnia referred to in section twenty-four of the principal Act and specified in the Eighth Schedule thereto are held, the General Trustees shall, upon the same becoming vested or having become vested in them, in terms of the said section of the principal Act, have power, subject to the consent of the General Assembly, declared by Act of Assembly, to sell or otherwise dispose of any of the said churches or manses or any glebes or other subjects connected therewith, so far as such glebes or other subjects shall be vested in the General Trustees, and the General Trustees shall apply the proceeds thereof in the first place to meet the proper requirements of the parish as such requirements may be determined by the General Assembly, or by any body to which the General Assembly may delegate the necessary power, and any remainder after these requirements have been fully met shall be applied for such ends, uses and purposes as the General Assembly may direct: Provided always that no ground used as a burial ground shall be put to any other use.

Suppression or union of parishes.

7. Notwithstanding anything contained in any Act of Parliament, decree of the Court of Session or Court of Teinds, or deed of constitution or in the titles, deeds or certificates relating to any parish quoad sacra or any parish quoad omnia included in the Eighth Schedule to

the principal Act, the General Assembly or any body to which the General Assembly may have delegated the necessary powers may, by Act of Assembly or by resolution of such body, suppress any such parish or alter or extend the bounds of any such parish or unite any such parish with any other parish or parishes, and on the suppression of any such parish quoad sacra or quoad omnia the area or district thereof shall be united to and form part of such other parish or parishes as the General Assembly or such body as aforesaid (as the case may be) may direct; or if no such direction is given, such area or district shall be reunited to and form part of the parish from which it was disjoined on the erection of the parish suppressed, or where such area or district was disjoined from more than one parish then the several parts thereof shall be reunited to and form parts of the parishes from which they were respectively so disjoined:

Provided that—

- (i) the consent of the minister of any such parish who was appointed thereto prior to the passing of the principal Act shall be necessary to any suppression of that parish or to any union thereof or of any part thereof with any other parish or parishes, or to any union therewith of any part of the area or district of any other parish; and
- (ii) no such parish the stipend whereof is payable out of teinds shall be suppressed or united with any other parish or parishes, nor shall any part of any area or district be united with any such parish, until a teind roll therefor shall have been made up in terms of the provisions of the principal Act and shall have become final.

8. Upon the suppression of any parish quoad sacra or of any parish quoad omnia included in the Eighth Schedule to the principal Act, or upon the alteration or extension of the bounds of such parish or the uniting of the same with any other parish or parishes by the General Assembly or by such body as aforesaid, whether such suppression or uniting shall have taken place prior to the commencement of this Act or shall take place at any

Application of properties and endowments on suppression or union of quoad sacra parishes.

date subsequent thereto, the following provisions shall have effect :—

- (1) Any obligation by any third party contained in any bond or other deed or document representing or making provision for part or the whole of the statutory endowments of the parish being a parish quoad sacra, or any obligation at common law for payment of the stipend or part of the stipend of the parish being a parish quoad omnia, shall not be prejudiced or affected by such suppression or union or alteration or extension of bounds, but shall remain in full force and effect unless and until expressly discharged or otherwise dealt with by the General Trustees, and the statutory properties and endowments of the parish being a parish quoad sacra shall be held, or if the General Assembly by Act of Assembly so direct, shall, subject to the provisions of any deed of trust, conveyance or other deed applicable thereto, be sold or otherwise disposed of by the General Trustees, and the income of such properties and endowments or the proceeds thereof, if sold or otherwise disposed of as well as the income of such proceeds, shall be applied by the General Trustees, subject to the provisions of section thirty-six of the principal Act, for such ends, uses and purposes as the General Assembly may direct. Provided always that—

- (a) Any bond of annual rent or other heritable security permanently provided or secured for the maintenance of the church or manse of any parish quoad sacra shall, if such church or manse is sold or otherwise disposed of, be discharged by the General Trustees as regards the subject so sold or disposed of, quoad the obligation for such maintenance, unless the debtor in such bond or other heritable security consents to such obligation remaining in full force and effect; but that without prejudice to any obligations for payment of stipend or otherwise contained in such bond of annual rent or other heritable security such as aforesaid, or for the maintenance of any church or manse remaining

(Property and Endowments) Amendment Act, 1933.

unsold or undisposed of and falling to be retained for any ecclesiastical purpose; and

(b) no ground used as a burial ground shall be put to any other use:

- (2) The non-statutory properties and endowments (if any) of the parish being a parish quoad sacra may, subject to any provisions applicable thereto contained in any deed of trust, conveyance or other deed relating to any such non-statutory property or endowment, be sold or otherwise disposed of and the income of such properties and endowments and the proceeds thereof, if sold or otherwise disposed of as well as the income of such proceeds, shall be applied by the trustees or other person in whom the same may then be vested for behoof of the parish or district concerned, or by the General Trustees, if the same shall then have become vested in them, in the first place to meet the proper requirements of the parish as such requirements may be determined by the General Assembly, or by any body to which the General Assembly may delegate the necessary power, and any remainder after these requirements have been fully met shall be applied for such ends, uses and purposes as the General Assembly may direct. Provided always that the consent of the General Assembly declared by Act of Assembly shall be required to the sale or disposal of any such properties and endowments, except where by the terms of the deed of trust, conveyance or other deed under which any such properties and endowments are held the General Trustees or any trustees or other persons holding the same have power to sell or to dispose thereof without such consent:
- (3) Without prejudice to the provisions of section five of this Act, where the church or manse in the parish being a parish quoad sacra is a parliamentary church or manse, such church or manse and any other subjects connected therewith and situated within the parish shall after the transfer thereof to the General Trustees under the principal Act be held

by the General Trustees, or if the General Assembly by Act of Assembly so direct, shall, subject to the provisions of any deed of trust, conveyance or other deed applicable thereto, be sold or otherwise disposed of by the General Trustees and the proceeds thereof shall be applied for such ends, uses and purposes as the General Assembly may direct. Provided always that no ground used as a burial ground shall be put to any other use.

Rights of
superiors
and others.

9.—(1) Nothing in this Act contained shall prejudice or affect the patrimonial rights or interests of superiors or other persons conferred by or reserved under any Act, Decree of the Court of Session or Court of Teinds, deed of constitution, deed of trust, or any feu charter, feu contract, deed, conveyance or other document relating to the properties and endowments, whether statutory or non-statutory, of any parish or to any chapel of ease, mission church or church hall, or to any parliamentary church or manse or any other subjects connected therewith, and all such rights and interests shall continue to have the like force and effect as if this Act had not passed.

(2) Where any ground has been feued for a nominal feu-duty for the site of the church or manse of any parish and where nothing is stated in the feu charter, feu contract or other deed under which such ground is feued as to the feu-duty which is to be payable by the vassal in the event of the church or manse being sold or disposed of for other than any ecclesiastical purpose, the feu-duty to be payable for the said ground after such sale is effected shall be such sum as shall be agreed upon between the superior and the General Trustees or other vassal, or such sum as, failing agreement, shall be determined by an arbiter to be appointed by the sheriff.

(3) Before selling or otherwise disposing of the ground or any part thereof on which any church or manse included in the Tenth Schedule to the principal Act as extended by section fifteen of this Act has been erected, the General Trustees shall give to any heritor whose lands adjoin such ground or part and by whose predecessor in title such ground or part was originally granted or disposed without valuable consideration for the erection of the church or manse, an opportunity

to purchase or take in feu such ground or part at such price or feu-duty and on such terms as may be agreed upon between the General Trustees and such heritor, or, as failing agreement, may be determined by an arbiter appointed by the sheriff on the application of either party.

10. The stipend payable to the minister of any burgh church or parliamentary church or the church of any parish quoad omnia mentioned in the Eighth Schedule to the principal Act shall, as from the date of the passing of this Act, if the benefice shall then be vacant, and, if the benefice shall not then be vacant, as from the occurrence of the first vacancy after the said date, be deemed to vest de die in diem in the minister entitled thereto without prejudice to the payment of any stipend vested in him or in any former incumbent according to the law and practice existing at the passing of this Act, and subject to the satisfaction of any claim for Ann on the part of the widow or other representatives of a deceased incumbent :

Vesting of stipends of ministers of burgh churches, &c.

Provided that the minister of any such church as aforesaid, being the incumbent of the benefice at the date of the passing of this Act, or where an assistant and successor has been appointed to such minister, either the minister or the assistant and successor, with the consent of the assistant and successor or of the minister (as the case may be), or, failing such consent, with the authority of the presbytery, may elect, by intimation in writing addressed to the General Trustees, that the provisions of this section shall apply to his stipend, and in such cases the benefice shall, for the purposes of this section be deemed to have become vacant as at the date of the said intimation.

11.—(1) Where the General Trustees or the minister of any parish is entitled to receive payment of any feu-duties or rents in respect of the glebe of the parish, or the income of any Government or other securities or investments representing the price or consideration received in respect of the sale of the glebe or part thereof or of any right therein, including any rents or royalties received in respect of or under any lease or agreement applicable to any minerals underlying such glebe or part thereof or of any mineral wayleaves, such feu-duties, rents, royalties, or income shall be deemed to vest de die in diem any law or practice to the contrary notwithstanding, and neither

Vesting of glebe feu-duties, &c.

the widow nor any other representative of such minister shall have any claim thereto after his death in name of Ann.

(2) This section shall not take effect until all rights in or in relation to the glebe specified in section thirty of the principal Act shall have been transferred to the General Trustees in accordance with the provisions of that Act, and, except in the case of a benefice which is or was actually vacant at the date of such transfer, unless and until a vacancy in the benefice occurring after that date shall have been filled :

Provided however that the minister being the incumbent of the benefice at the date of such transfer, or, where an assistant and successor has been appointed to such minister, either the minister or the assistant and successor, with the consent of the assistant and successor or of the minister (as the case may be) or, failing such consent, with the authority of the presbytery, may elect, by intimation in writing addressed to the General Trustees, that the provisions of this section shall take effect as if a vacancy in the benefice had occurred, and in such case the benefice shall, for the purposes of this section, be deemed to have become vacant as at the date of the said intimation.

General
 Assembly
 may specify
 parish
 church.

12. Where in any parish, parochial district or area as defined by the General Assembly, or by any body to which the General Assembly may have delegated or may hereafter delegate the necessary powers, there are two or more separate churches or benefices, it shall be competent for the General Assembly to declare that such one of the churches within the parish, district or area concerned as the General Assembly may specify shall be deemed to be the church of the parish, and that the minister and elders or kirk session of such church shall be deemed to be the minister and elders or kirk session thereof for the purposes of any Act, Act of Sederunt, trust deed, scheme of administration or other public or private instrument, deed or document having reference to the minister or to the elders or to the kirk session (as the case may be) of the parish as trustee or trustees ex officio, and, where the General Assembly shall have so declared, the church so specified shall be deemed to be the church and the minister and elders or the kirk session thereof for the time being shall be deemed to be the

minister and elders or kirk session (as the case may be) for the purposes aforesaid.

13.—(1) A minister of the Church of Scotland who has been appointed to a charge without limit of time or for a period of years to officiate as minister shall, in any parish in which such charge or any part thereof is situated, have the like power as regards the notarial execution of wills or other testamentary writings as is conferred by subsection (1) of section eighteen of the Conveyancing (Scotland) Act, 1924, on a parish minister acting in his own parish.

Notarial
execution
by minister
of wills, &c

14 & 15
Geo. 5. c. 27.

(2) A certificate by one of the principal clerks, or the principal clerk if there shall be only one, of the General Assembly, stating the parish in which the charge of any such minister is situated shall be accepted as conclusive evidence thereof.

(3) In the foregoing provisions of this section the expression "minister" shall include an assistant and successor or a colleague and successor of such minister.

(4) Any reference in subsection (1) of section eighteen of the Conveyancing (Scotland) Act, 1924, to an assistant and successor shall be deemed to include a reference to a colleague and successor.

14. In the event of the death, resignation or incapacity of the chairman or vice-chairman of the General Trustees between the close of one General Assembly and the meeting of the next General Assembly, the General Trustees are hereby authorised to appoint an interim chairman or vice-chairman (as the case may be) until the first meeting of the General Assembly occurring thereafter, or in the case of incapacity such earlier date as may be specified.

Appoint-
ment of
interim
chairman
or vice-
chairman
of General
Trustees
during a
vacancy.

15. Section twenty-three of and the Tenth Schedule to the principal Act shall apply to the following churches in like manner in all respects as if they were mentioned in the said schedule, viz. :—Muckairn, Kilmeny and Salen, in the county of Argyll; Rothiemurchus and Inch in the county of Inverness; and Deerness, N. Ronaldshay and Sandwick, in the county of Orkney and Shetland; and accordingly the said schedule shall have effect as if the words "manse only" wherever they occur were omitted.

Amendment
of principal
Act with
regard to
parlia-
mentary
churches.

Mortifica-
 tions and
 endowments
 in certain
 parishes
 quoad
 omnia.

16. The following section shall be substituted for section twenty-five of the principal Act :—

“ 25. Where in the case of a parish quoad omnia (not being one of the parishes quoad omnia mentioned in the Eighth Schedule to this Act) there exists any mortification or other endowment not derived from teinds which is for the benefit of the minister or parish either by way of stipend or by way of provision of a manse, glebe or other subjects, the Commissioners shall, upon application made to them by the General Trustees, inquire into all circumstances relating to such mortification or endowment and may thereafter, by order, provide for the transfer of the mortification or endowment or of the properties forming the subject of such mortification or endowment to the General Trustees :

“ Provided that, except in the case of a benefice which is actually vacant at the passing of this Act, any order made by the Commissioners under this section shall not take effect unless or until the benefice shall have become actually vacant after such passing.”

Amendment
 of principal
 Act, s. 44.

17. Section forty-four of the principal Act in so far as it empowers the Secretary of State to give direction with respect to the preservation of books, records or documents, shall apply in any case where the Secretary of State is satisfied that the powers and duties of the heritors of a parish have been extinguished, notwithstanding that intimation of such extinction may not have been made by the clerk to the heritors of the parish in pursuance of the said section.

Interpre-
 tation.

18. In this Act, unless the context otherwise requires, the expression “ the Church ” means the Church of Scotland as now constituted by the Union of the said Church with the United Free Church of Scotland on the second day of October 1929; the expression “ The General Assembly ” means the General Assembly of the said Church as now so constituted; the expression “ the statutory properties and endowments of the parish ” has the meaning assigned to it in section thirty-four of the principal Act; the expression “ parliamentary church or manse ” means any church or manse mentioned in the Tenth Schedule to the principal Act, together with

any land whether described as churchyard, glebe or otherwise, connected with any such church or manse; and other expressions have the like meaning as in the principal Act.

19. This Act may be cited as the Church of Scotland (Property and Endowments) Amendment Act, 1933, and the principal Act and this Act may be cited as the Church of Scotland (Property and Endowments) Acts, 1925 and 1933. Citation.

CHAPTER 45.

An Act to provide for regulating the catching, landing, and sale of sea-fish, for the constitution of a Sea-fish Commission, and for purposes connected with the matters aforesaid.

[28th July 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) Subject to the provisions of this section, the Board of Trade, after consultation with the appropriate Ministers, may by order regulate the landing in the United Kingdom of sea-fish which have not been both—

Regulation
of landing
of foreign-
caught
sea-fish.

(a) taken by British fishing-boats registered in the United Kingdom, the Isle of Man or any of the Channel Islands; and

(b) brought to land in the United Kingdom without having been previously landed outside the United Kingdom;

and, without prejudice to the generality of the power conferred by the foregoing provisions of this section, an order under this section may determine for any such period as may be specified in the order—

(i) the descriptions of such sea-fish as aforesaid which may be landed in the United Kingdom;

(ii) the quantity of such sea-fish, or of any description thereof, which may be so landed:

Provided that the landing of sea-fish taken by a British fishing-boat registered in the Isle of Man or any of the Channel Islands shall not be exempt from the operation of an order under this section unless both the master and the second hand are British subjects.

(2) Any order under this section may contain such provisions as appear to the Board of Trade, after consultation with the appropriate Ministers, to be necessary for securing the due operation and enforcement of the scheme of regulation contained in the order.

(3) No order regulating the landing of sea-fish shall be made under this section, unless orders made under the next three following sections are in force.

(4) After the end of the period of three years from the commencement of this Act, an order under this section regulating the landing of sea-fish shall not be made unless it appears to the Board of Trade, after consultation with the appropriate Ministers and after consideration of any report of the Sea-fish Commission constituted under this Act, that there have been, or are being, taken all such steps (if any) as are practicable and necessary for the efficient reorganisation of that branch of the sea-fishing industry of the United Kingdom or of that branch of the fish-curing industry in the United Kingdom, as the case may be, in whose interests the order is proposed to be made.

(5) Any order regulating the landing of sea-fish which is made under this section before the end of the period of three years from the commencement of this Act shall, if not previously revoked, cease to have effect at the end of that period unless each House of Parliament has passed a resolution approving the continuance in force of the order.

(6) In deciding whether or not to make an order under this section, and in settling the terms of any such order, the Board of Trade shall, among other considerations, have regard to the interests of consumers of the sea-fish to which the order relates (including persons who purchase such sea-fish for the purpose of subjecting them to any treatment or process of manufacture) and to the effect which the regulation of the landing of such sea-fish in the United Kingdom is likely to have upon commercial relations between the United Kingdom and other

countries; and the Board shall not make such an order unless they are satisfied that it is not at variance with any treaty, convention or agreement for the time being in force between His Majesty and any foreign Power, or between His Majesty's Government in the United Kingdom and the government of any other country.

(7) Any expenses incurred under this section by the Board of Trade for the purpose of regulating the landing of sea-fish in the United Kingdom shall be defrayed out of moneys provided by Parliament.

2.—(1) The appropriate Ministers, after consultation with the Board of Trade, may by order prohibit, for any such period as may be specified in the order, the landing in the United Kingdom of sea-fish caught in any such waters as may be so specified, being waters situate to the northward of a line drawn along the parallel of sixty-eight degrees of north latitude between the east coast of Greenland and the west coast of Norway, or to the eastward of the fifteenth meridian of east longitude.

Prohibition of landing of sea-fish caught in certain areas during certain seasons.

(2) Sea-fish landed in contravention of an order under this section shall be treated as if they were goods enumerated and described in the table of prohibitions and restrictions inwards contained in section forty-two of the Customs Consolidation Act, 1876, and the enactments relating to customs shall apply accordingly:

39 & 40 Vict. c. 36.

Provided that no steps shall be taken under the said enactments for the purposes of this section by any officer of Customs and Excise, except at the request of an officer of the Ministry of Agriculture and Fisheries, the Fishery Board for Scotland or the Ministry of Commerce for Northern Ireland, as the case may be.

(3) Any British sea-fishery officer may serve on the master of any vessel a notice in writing under the hand of the officer requiring the master to make, on each occasion when any sea-fish are about to be landed in the United Kingdom from that vessel during any period specified in an order in force under this section, a written declaration that those sea-fish are not sea-fish the landing of which is prohibited by the order, and to deliver the declaration, before any of the sea-fish are landed, to such person, or at such place, in the port of landing as may be specified in the notice:

Provided that a notice under this subsection shall not be taken to require the making or delivery of any declaration in respect of the landing of any sea-fish after the end of the period of six months from the date on which the notice is served.

(4) Where any sea-fish are brought to land in the United Kingdom in any vessel, any British sea-fishery officer may, at any time before the vessel next puts out to sea, request the master to make, in respect of any of those sea-fish which have been, or are being, or are about to be, landed from the vessel during a period specified in an order in force under this section, a written declaration that the sea-fish in question are not sea-fish the landing of which is prohibited by the order, and to deliver the declaration to the officer or to such person, or at such place, in the port of landing as he may designate.

Nothing in this subsection shall be taken to affect the operation of the last foregoing subsection.

(5) If the master of any vessel makes for the purposes of this section a declaration which is to his knowledge false in any material particular, he shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and fine, and if the master of any vessel fails to make, in respect of any sea-fish, a declaration in accordance with the requirements of a notice duly served on him under this section or in accordance with a request duly made under this section by a British sea-fishery officer, as the case may be, the said sea-fish shall be presumed until the contrary is proved to be sea-fish the landing of which is prohibited under this section.

(6) A notice under subsection (3) of this section relating to any vessel may be addressed to "The Master" of the vessel (identifying it by name or otherwise), and shall be deemed to be duly served if it is delivered or sent by post to, or to the agent of, the owner or the charterer (if any) of the vessel, together with a written request that it be transmitted to the master, and, if the notice is served by being so delivered or sent as aforesaid, it shall be deemed to be served on the master of the vessel for the time being and on every other person who at any material time thereafter is the master of the vessel.

3.—(1) The appropriate Ministers may make an order for securing that the nets carried in any British fishing-boat registered in the United Kingdom for the purpose of catching sea-fish shall be constructed in such manner, and have a mesh of at least such size, as may be prescribed by the order, and an order under this section may prescribe different modes of construction and different minimum sizes of mesh for fishing for different descriptions of sea-fish, for different methods of fishing, for fishing in different areas and for fishing during different periods :

Construc-
tion, and
size of
mesh, of nets
carried in
British sea-
fishing
boats.

Provided that no order under this section shall affect the carrying of any nets for the purpose of fishing only in waters within a distance of three nautical miles from the coast of any part of the United Kingdom, measured from low-water mark of ordinary spring tides.

(2) An order under this section prescribing minimum sizes of mesh may also prescribe the manner in which those sizes are to be measured, and may, in the case of any class of nets, prescribe different sizes for the nets when in different conditions.

(3) If an order under this section is contravened in the case of any fishing-boat, the master, the owner and the charterer (if any) shall each be liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding fifty pounds, or to both such imprisonment and fine, and the court by whom the offender is convicted may order the forfeiture of the net in respect of which the contravention occurred. Provided that in any proceedings taken by virtue of this subsection in the case of any fishing-boat it shall be a good defence to prove that the net to which the proceedings relate was in the possession of the owner, charterer, or master of the fishing-boat before the first day of August, nineteen hundred and thirty-three.

(4) Any British sea-fishery officer may seize any net in respect of which a contravention of an order under this section has been, or is being, committed, and an order under this section may confer on British sea-fishery officers of any specified class such of the powers conferred on British sea-fishery officers by section twelve of the Sea Fisheries Act, 1883, as the appropriate

46 & 47 Vict.
c. 22.

Ministers consider necessary for the purpose of the enforcement of the order, and section fourteen of that Act (which provides for the protection of sea-fishery officers and for the punishment of persons obstructing such officers) shall apply for the purposes of this subsection and of any order under this section as it applies for the purposes of that Act.

57 & 58 Vict.
c. 60. (5) Section six hundred and eighty-four of the Merchant Shipping Act, 1894, (which relates to the jurisdiction of courts) shall apply for the purposes of this section as it applies for the purposes of that Act.

(6) Any restrictions imposed by an order under this section shall be in addition to, and not in substitution for, any restrictions imposed by or under any other Act, and nothing in this section shall affect any power conferred by any Act to regulate sea-fishing.

(7) In this section the expression "fishing-boat" does not include any vessel used for catching fish otherwise than for profit.

(8) His Majesty may by Order in Council direct—

(a) that, subject to such exceptions, modifications, and adaptations, if any, as may be specified in the order, the foregoing provisions of this section shall apply in relation to British fishing-boats registered in the Isle of Man or any of the Channel Islands as they apply in relation to British fishing-boats registered in the United Kingdom;

(b) that, subject as aforesaid, the said provisions shall extend to the Isle of Man or to any of the Channel Islands.

Minimum
sizes of
sea-fish
which may
be sold.

4.—(1) No person shall, in Great Britain, sell, expose or offer for sale, or have in his possession for the purpose of sale, any sea-fish of a smaller size than such size as may be prescribed by an order made by the Minister of Agriculture and Fisheries and the Secretary of State for Scotland, and an order under this section may prescribe different minimum sizes in relation to different descriptions of sea-fish.

(2) Every person who contravenes this section shall, for each offence, be liable on summary conviction to a fine not exceeding fifty pounds.

- (3) Any of the following officers, that is to say :—
- (a) any officer authorised by the Minister of Agriculture and Fisheries or the Fishery Board for Scotland;
 - (b) any officer of police;
 - (c) any officer of a market authority acting within the limits of any market which that authority has power to regulate;
 - (d) any officer authorised by the Fishmongers' Company and acting within the City of London;

may seize any sea-fish which are sold, or exposed or offered for sale, by any person in contravention of this section, or which any person has in his possession in contravention of this section.

(4) As from the date on which the first order under this section relating to crabs comes into force, paragraph (1) of section eight of the Fisheries (Oysters, Crabs and Lobsters) Act, 1877, and as from the date on which the first order under this section relating to lobsters comes into force, section nine of that Act, shall cease to have effect in Great Britain. 40 & 41 Vict.
c. 42.

5.—(1) There shall be constituted a Sea-fish Commission for the United Kingdom (hereafter in this section referred to as "the Commission"), which shall consist of a chairman and four other members appointed by the appropriate Ministers. Constitution
and func-
tions of the
Sea-fish
Commis-
sion.

(2) The Commission may investigate any matter relating to the catching, landing, storage, treatment, distribution or sale of sea-fish, and shall investigate any such matter as aforesaid which it is required by the appropriate Ministers to investigate, and shall, as soon as may be,—

- (a) report to the appropriate Ministers as to whether any, and if so, what, steps ought, in the opinion of the Commission, to be taken for reorganising any branch of the sea-fishing industry of the United Kingdom or any branch of industry in the United Kingdom which is engaged in dealing with sea-fish; and
- (b) report generally to the appropriate Ministers as to the result of the investigations of the Commission.

For the purpose of reporting to the appropriate Ministers in accordance with paragraph (a) of this subsection, the Commission shall, among other matters, consider the desirability, as regards sea-fish, of schemes similar to those which may be prepared by Agricultural Marketing Reorganisation Commissions under the enactments relating to the marketing of agricultural products.

(3) The appropriate Ministers shall cause the report made by the Commission in accordance with the last foregoing subsection to be presented to Parliament and published as soon as may be in such manner as the said Ministers think best for informing persons concerned :

Provided that no information with respect to any particular undertaking shall be published without the consent of the owner of that undertaking.

(4) The Commission may hold such inquiries as it considers necessary or desirable for the discharge of its functions under this section.

(5) If the Commission reports to the appropriate Ministers—

(a) that it is necessary for the discharge of its functions under this section that it should inquire into a definite matter specified in the report, being a matter relating to the catching, landing, treatment, storage, distribution or sale of sea-fish or of any commodity produced from sea-fish, or to the quantity of sea-fish or of any such commodity which is being, or has been, caught, landed, sold or otherwise dealt with; and

(b) that it has reason to believe that information with respect to that matter is being, or is likely to be withheld;

the appropriate Ministers may lay before each House of Parliament the draft of an order providing that, in respect of any meeting of the Commission held for the purpose of inquiring into that matter, the Tribunals of Inquiry (Evidence) Act, 1921, shall apply to the Commission as if it were a tribunal established in manner provided by that Act and as if that Act had been applied thereto in manner thereby provided, and

unless either House before the expiration of twenty days on which that House has sat next after the draft is laid before it, resolves that the order be not made, the appropriate Ministers may make an order in terms of the draft to take effect on such date after the expiration of the said period as may be specified in the order :

Provided that where the said Act is applied to the Commission in pursuance of this subsection, the Commission shall, notwithstanding anything in paragraph (a) of section two of that Act, refuse to allow the public, or any portion of the public, to be present while evidence is being given by any witness summoned before the Commission under that Act.

(6) Every person who discloses any information obtained by him in the exercise of any power conferred on the Commission by, or by virtue of, this section, shall be liable, on conviction on indictment, to imprisonment for a term not exceeding two years, or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine, or, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds, or to both such imprisonment and fine :

Provided that nothing in this subsection shall be taken to prohibit the inclusion of any information in a report made by the Commission to the appropriate Ministers.

(7) Subsections (1) to (4) of section sixteen of the Agricultural Marketing Act, 1931, (which contain incidental provisions as to commissions) shall apply in relation to the Commission as if it were a commission constituted under that Act and as if references in those subsections to the Minister were references to the appropriate Ministers, and any expenses which, by virtue of this subsection, are incurred by the appropriate Ministers in connection with the Commission, shall be defrayed out of moneys provided by Parliament.

21 & 22
Geo. 5. c. 42.

6. The duties of the Market Supply Committee shall include a duty to give to the appropriate Ministers advice in connection with the making and operation of orders under this Act, and, if requested so to do by the

Functions
of Market
Supply
Committee
in relation
to sea-fish.

said Ministers, to give them advice upon any specified matter relating to the supply of sea-fish in the United Kingdom.

Offences
committed
by bodies
corporate.

7. Where any offence under this Act committed by a body corporate is proved to have been committed with the consent or approval of any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of the offence, and shall be liable to be proceeded against and punished accordingly.

Provisions
as to
orders.

8.—(1) Where any of the provisions of this Act confers a power to make an order, the power shall be construed as including a power, exercisable in the like manner, to vary or revoke the order by a subsequent order.

(2) Every order under this Act, not being an Order in Council, shall, as soon as may be after it is made, be laid before both Houses of Parliament.

(3) As soon as may be after any order, not being an Order in Council, is made under this Act, the authority making the order shall, in such manner as that authority thinks best for informing persons concerned, publish a notice stating that the order has been made, and specifying the place where copies of the order may be purchased.

(4) An order of the Board of Trade under this Act shall cease to have effect on the expiration of a period of twenty-eight days from the date on which it is made, unless, at some time before the expiration of that period, it has been approved by a resolution passed by each House of Parliament, but without prejudice to anything previously done under the order or to the making of a new order.

In reckoning any such period of twenty-eight days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which the Commons House is adjourned for more than four days.

(5) Notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, an order under this Act shall be deemed not to be a statutory rule to which that section applies.

9.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

Definition
of terms
and exercise
of powers.

“The appropriate Ministers” means the Minister of Agriculture and Fisheries and the Secretaries of State concerned with the sea-fishing industry in Scotland and Northern Ireland respectively :

“British subject” has the same meaning as in the British Nationality and Status of Aliens Act, 1914 :

4 & 5 Geo. 5.
c. 17.

“Fishing-boat” means a vessel of whatever size, and in whatever way propelled, which is for the time being employed in sea-fishing or in the sea-fishing service :

“The Fishmongers’ Company” means the wardens and commonalty of the Mystery of Fishmongers in the City of London :

“Market authority” means any person having power to regulate a market :

“Master” includes, in relation to any vessel, the person for the time being in command or charge of that vessel :

“Sea-fish” means fish (whether fresh or cured) of any kind found in the sea, and includes lobsters, crabs, shrimps, prawns, oysters, mussels, cockles and any other kind of shell-fish, but does not include—

(a) fish of the salmon species ; or

(b) trout which migrate to and from the sea :

“British sea-fishery officer” means any person who is a British sea-fishery officer by virtue of section eleven of the Sea-Fisheries Act, 1883 :

“Vessel” has the same meaning as in the Merchant Shipping Act, 1894.

(2) Any order authorised under this Act to be made by the Board of Trade may be made by the President of the Board or, in his absence, by a Secretary of State, and any other thing required or authorised under this Act to be done by or to the Board of Trade may be done

by or to the President of the Board or any person authorised by him in that behalf.

(3) Anything which is required or authorised under this Act to be done by the appropriate Ministers shall be done by those Ministers acting in conjunction.

Short title.

10. This Act may be cited as the Sea-Fishing Industry Act, 1933.

CHAPTER 46.

An Act to amend section sixteen of the Electricity (Supply) Act, 1919, and section twenty-one of the Electricity (Supply) Act, 1922.

[28th July 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Amendment
of 9 & 10
Geo. 5.
c. 100, s. 16.
12 & 13
Geo. 5. c. 46.
19 & 20
Geo. 5. c. 4.

1. Section sixteen of the Electricity (Supply) Act, 1919, as amended by section twenty-one of the Electricity (Supply) Act, 1922, and by section one of the Electricity (Supply) Act, 1928, shall have effect as if for the words “ or a scheme for the improvement of the supply of electricity in any district has come into operation, “ or an agreement or arrangement between various authorised undertakers for the rendering of mutual assistance to one another has been entered into ” there were substituted the words “ or an authorised undertaker has ceased to operate or changed the method of operation of the whole or any part of an undertaking in pursuance of—

“ (a) a scheme for the improvement of the supply of electricity in any district; or

“ (b) an agreement or arrangement between various authorised undertakers for the rendering of mutual assistance to one another ”;

and as if for the words “ scheme, agreement or arrangement,” there were substituted the words “ cessation of operation or change in the method of operation ”; and

as if for the words "on the like conditions as those obtaining with respect to him at the date when the scheme comes into operation or the agreement or arrangement is entered into was available," there were substituted the words "was available on the like conditions as those obtaining with respect to him at the date of such transfer, cessation of operation, or change in the method of operation as is hereinbefore mentioned."

2. Section twenty-one of the Electricity (Supply) Act, 1922, as amended by the Sixth Schedule to the Electricity (Supply) Act, 1926, shall have effect as if for the proviso to subsection (1) of the said section the following were substituted:

Amendment
of 12 & 13
Geo. 5. c. 46,
s. 21.

16 & 17
Geo. 5. c. 51.

"Provided that any question as to whether a transfer was made under or in consequence of the principal Act and any question as to whether any cessation of operation or change in the method of operation was in pursuance of a scheme, agreement or arrangement under or in consequence of the principal Act shall be determined by the Electricity Commissioners."

3. This Act may be cited as the Electricity (Supply) Act, 1933, and shall be construed as one with the Electricity (Supply) Acts, 1882 to 1928, and those Acts and this Act may be cited together as the Electricity (Supply) Acts, 1882 to 1933.

Short title,
construction
and citation.

CHAPTER 47.

An Act to amend the Superannuation (Ecclesiastical Commissioners and Queen Anne's Bounty) Act, 1914. [17th November 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The amount of the gratuity which may be granted under subsection (1) of section two of the

Gratuity in
case of
death.

4 & 5 Geo. 5. Superannuation (Ecclesiastical Commissioners and Queen
 c. 5. Anne's Bounty) Act, 1914, to the legal personal repre-
 sentatives of an officer or clerk in the service of the
 Ecclesiastical Commissioners or the Governors of the
 Bounty of Queen Anne who dies whilst still employed
 in such service shall be either the amount specified
 in that subsection or an amount equal to the amount
 of the additional allowance which the Ecclesiastical
 Commissioners or the said Governors might have granted
 to him if he had retired from their service on the ground
 of ill-health at the date of his death, whichever may be
 the greater.

Reckoning
 of service
 under the
 two bodies.

2.—(1) The Ecclesiastical Commissioners and the
 Governors of the Bounty of Queen Anne may, subject
 to the approval of the Treasury, from time to time
 make rules regulating the superannuation allowance,
 additional allowance, or gratuity which may be granted
 to or in respect of persons who have served continuously
 and successively under the two bodies, or who, after
 service under one of them, is appointed to a joint office
 under both.

(2) These rules shall provide for granting the same
 superannuation allowance, additional allowance, or
 gratuity to or in respect of such person as might have
 been granted to him if during his whole service he had
 been in the service from which he ultimately retires,
 and for the apportionment by the Treasury of the
 amounts to be paid by each of the two bodies.

Repeal of
 s. 5 of the
 Act of 1865
 as to added
 years.
 28 & 29 Vict.
 c. 68.

3. Section five of the Ecclesiastical Commissioners
 (Superannuation) Act, 1865, is hereby repealed but
 nothing in this repeal shall affect the rights of any
 person who before the date of the passing of this
 Act has been appointed to an office to which the section
 applied.

Short title
 and con-
 struction.

33 & 34 Vict.
 c. 89.

4. This Act may be cited as the Superannuation
 (Ecclesiastical Commissioners and Queen Anne's Bounty)
 Act, 1933, and shall be read as one with the Ecclesiastical
 Commissioners (Superannuation) Act, 1865, the Queen
 Anne's Bounty (Superannuation) Act, 1870, and the
 Superannuation (Ecclesiastical Commissioners and Queen
 Anne's Bounty) Act, 1914.

CHAPTER 48.

An Act to continue certain expiring laws.

[17th November 1933.]

WHEREAS the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December, nineteen hundred and thirty-three :

And whereas it is expedient to provide for the continuance, as in this Act mentioned, of those Acts and of the enactments amending or affecting the same :

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

1.—(1) The Acts mentioned in the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December, nineteen hundred and thirty-four. Continuance
of Acts in
Schedule.

(2) Any unrepealed enactments which are temporary in their duration, shall, in so far as they amend or affect the enactments continued by the foregoing provisions of this Act, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act, 1933. Short title
and applica-
tion to
Northern
Ireland.

(2) This Act shall apply to Northern Ireland in so far as it deals with any enactment relating to a subject with respect to which the Parliament of Northern Ireland has not power to make laws, but subject to this provision this Act shall not apply to Northern Ireland.

SCHEDULE.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1) 4 Edw. 7. c. 24	The Wireless Tele- graphy Act, 1904.	The whole Act -	6 Edw. 7. c. 13. 15 & 16 Geo. 5. c. 67. 16 & 17 Geo. 5. c. 54.
(2) 2 Geo. 5. c. 2.	The Coal Mines (Minimum Wage) Act, 1912.	The whole Act.	—
(3) 9 & 10 Geo. 5. c. 92.	The Aliens Restriction (Amendment) Act, 1919.	Section one.	—
(4) 9 & 10 Geo. 5. c. 97.	The Land Settlement (Scotland) Act, 1919.	Section two -	12 & 13 Geo. 5. c. 52.
(5) 10 & 11 Geo. 5. c. 21.	The Harbours, Docks and Piers (Tempo- rary Increase of Charges) Act, 1920.	The whole Act -	12 & 13 Geo. 5. c. 23.
(6) 10 & 11 Geo. 5. c. 47.	The Ministry of Food (Continu- ance) Act, 1920.	So far as it autho- rises the making or revoking, in whole or in part, of Part III. of the Sale of Food Order, 1921, and provides for the enforcement, and imposes penal- ties for the breach, thereof.	—
(7) 10 & 11 Geo. 5. c. 57.	The Unemployment (Relief Works) Act, 1920.	The whole Act -	20 & 21 Geo. 5. c. 50.
(8) 10 & 11 Geo. 5. c. 65.	The Employment of Women, Young Per- sons and Children Act, 1920.	Section two.	—

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(9) 10&11Geo.5. c. 77.	The Dyestuffs (Im- port Regulation) Act, 1920.	The whole Act.	—
(10) 11 & 12Geo.5. c. 64.	The Poor Law Emer- gency Provisions (Scotland) Act, 1921.	The whole Act except subsec- tion (4) of sec- tion two.	13 & 14 Geo. 5. c. 6. 14 & 15 Geo.5. c. 9. 15 & 16 Geo.5. c. 35. 17 Geo. 5. c. 3.
(11) 16 & 17Geo.5. c. 28.	The Mining Industry Act, 1926.	Section eighteen.	—
(12) 17 Geo. 5. c. 3.	The Poor Law Emer- gency Provisions (Scotland) Act, 1927.	Sections one, three and five.	—
(13) 20 & 21Geo.5. c. 50.	The Public Works Facilities Act, 1930.	Section one, for the purposes only of any scheme the draft of which was submitted to the appro- priate Minister on or before the thirty-first day of Decem- ber, nineteen hundred and thirty-three. The remainder of the Act.	—

CHAPTER 49.

An Act to amend the law relating to the national status of married women so far as is necessary for giving effect to a Convention on certain questions relating to the Conflict of Nationality Laws, signed on behalf of His Majesty at the Hague on the twelfth day of April, nineteen hundred and thirty, and for purposes incidental to the matter aforesaid. [17th November 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amend-
ments of
4 & 5 Geo. 5.
c. 17.

1.—(1) The following section shall be substituted for section ten of the British Nationality and Status of Aliens Act, 1914 (hereafter in this Act referred to as “the principal Act”):—

National
status of
married
women.

“10.—(1) Subject to the provisions of this section, the wife of a British subject shall be deemed to be a British subject, and the wife of an alien shall be deemed to be an alien.

(2) Where a woman has (whether before or after the commencement of this Act) married an alien, and was at the time of her marriage a British subject, she shall not, by reason only of her marriage, be deemed to have ceased to be a British subject unless, by reason of her marriage, she acquired the nationality of her husband.

(3) Where a man has, during the continuance of his marriage, ceased (whether before or after the commencement of this Act) to be a British subject, his wife shall not, by reason only of that fact, be deemed to have ceased to be a British subject unless, by reason of the acquisition by her husband of a new nationality, she also acquired that nationality.

(4) Where a man ceases, during the continuance of his marriage, to be a British subject and, by reason of his acquisition of a new nationality, his wife also acquires that nationality, she may, whether her marriage is still continuing or not, at any time within the period of twelve months from the date on which she so acquired that nationality, or at such later time as the Secretary of State may in special circumstances allow, make a declaration that she desires to retain British nationality, and thereupon she shall be deemed to have remained a British subject.

(5) Where, after the end of the year nineteen hundred and thirty-three, a certificate of naturalisation is granted to an alien, his wife, if not already a British subject, shall not be deemed to be a British subject, unless, within the period of twelve months from the date of the certificate, or within such longer period as the Secretary of State may in special circumstances allow, she makes a declaration that she desires to acquire British nationality.

(6) Where an alien is a subject of a state at war with His Majesty, it shall be lawful for his wife, if she was at birth a British subject, to make a declaration that she desires to resume British nationality, and thereupon the Secretary of State, if he is satisfied that it is desirable that she be permitted to do so, may grant her a certificate of naturalisation."

(2) In paragraph (b) of subsection (1) of section nineteen of the principal Act (which section empowers the Secretary of State to make regulations with respect to the form and registration of declarations of resumption or retention of British nationality) there shall be inserted after the word "retention" the words "or acquisition."

2.—(1) This Act may be cited as the British Nationality and Status of Aliens Act, 1933, and the British Nationality and Status of Aliens Acts, 1914 to 1922, and this Act may be cited together as the British Nationality and Status of Aliens Acts, 1914 to 1933. Short title, citation, and printing.

(2) Subsection (3) of section three of the British Nationality and Status of Aliens Act, 1922, (which relates 12 & 13 Geo. 5. c. 44.

to the construction, and the printing of copies, of the principal Act) shall apply in relation to amendments made in the principal Act by this Act as it applies in relation to amendments so made by the said Act of 1922.

CHAPTER 50.

An Act to impose penalties for the use, attempted use and possession of firearms and imitation firearms in certain cases, to amend certain provisions of the Larceny Act, 1916, relating to offensive weapons or instruments, and for purposes connected with the matters aforesaid.

[17th November 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Penalty for use or attempted use of firearms or imitation firearms to avoid arrest.

1.—(1) If any person makes or attempts to make any use whatsoever of a firearm or imitation firearm with intent to resist or prevent the lawful apprehension or detention of himself or any other person, he shall be guilty of an offence under this section, and on conviction thereof on indictment shall be liable to penal servitude for a term not exceeding fourteen years.

(2) Where any person commits an offence under this section in respect of the lawful apprehension or detention of himself for any other offence committed by him, he shall be liable to the penalty provided by this section in addition to any penalty to which he may be sentenced for that other offence.

Penalty for possession of firearms or imitation firearms in certain cases.

2.—(1) If any person, at the time of his committing, or at the time of his apprehension for, any offence to which this section applies, has in his possession any firearm or imitation firearm, he shall, unless he shows that he had it in his possession for a lawful object, be guilty of an offence under this section, and on conviction thereof on indictment shall be liable to penal servitude for a term not exceeding seven years in addition to any

penalty to which he may be sentenced for the first-mentioned offence.

(2) This section applies to the offences specified in the Schedule to this Act.

3.—(1) If on the trial of an indictment for an offence under section one of this Act the jury are not satisfied that the defendant is guilty of that offence but are satisfied that he is guilty of an offence under section two of this Act, the jury may find the defendant guilty of the offence under the said section two, and thereupon he shall be liable to be punished accordingly.

General provisions as to offences under Act.

(2) Where an adult within the meaning of section twenty-four of the Criminal Justice Act, 1925, is charged before a court of summary jurisdiction with an offence specified in the Second Schedule to that Act, and is also charged before that court with an offence under section one or section two of this Act, then, notwithstanding anything in the said section twenty-four, the court shall not have power to deal summarily with the first-mentioned offence if the defendant is committed for trial in respect of the offence under this Act.

15 & 16
Geo. 5. c.86.

4. A firearm or imitation firearm shall, notwithstanding that it is not loaded or is otherwise incapable of discharging any shot, bullet or other missile, be deemed to be an offensive weapon or instrument for the purpose of the following enactments, namely:—

Firearms or imitation firearms to be deemed offensive weapons for purpose of 6 & 7 Geo. 5. c. 50.

(a) paragraph (a) of subsection (1) of section twenty-three of the Larceny Act, 1916 (which deals with the offence of robbing or assaulting with intent to rob when armed with any offensive weapon or instrument); and

(b) paragraph (1) of section twenty-eight of the said Act (which deals with the offence of being found at night armed with any dangerous or offensive weapon or instrument with intent to break or enter into any building and to commit any felony therein).

5.—(1) This Act may be cited as the Firearms and Imitation Firearms (Criminal Use) Act, 1933.

Short title, interpretation and extent.

(2) In this Act the expression "firearm" means any lethal firearm or other weapon of any description from

10 & 11
Geo. 5. c. 43.

which any shot, bullet or other missile can be discharged, and includes, except for the purpose of the definition of the expression "imitation firearm," a prohibited weapon as defined by section six of the Firearms Act, 1920, and the expression "imitation firearm" means anything which has the appearance of being a firearm whether it is capable of discharging any shot, bullet or other missile or not.

(3) This Act shall not extend to Scotland or Northern Ireland.

Section 2.

SCHEDULE.

OFFENCES TO WHICH SECTION TWO APPLIES.

24 & 25 Vict.
c. 97.

Offences under the following sections of the Malicious Damage Act, 1861, that is to say, sections one to twelve, sections fourteen and fifteen, sections twenty-six to twenty-nine, sections thirty-three to thirty-eight, and section fifty-four.

24 & 25 Vict.
c. 100.

Offences under the following sections of the Offences Against the Person Act, 1861, that is to say, sections twenty to twenty-two, sections thirty, thirty-two, thirty-eight, forty-seven and forty-eight, and sections fifty-three to fifty-six.

5 Geo. 4.
c. 83.
34 & 35 Vict.
c. 112.
54 & 55 Vict.
c. 69.

Offences under such of the provisions of section four of the Vagrancy Act, 1824, as are referred to in, and amended by, section fifteen of the Prevention of Crimes Act, 1871, and section seven of the Penal Servitude Act, 1891.

Offences under the third and fourth paragraphs of section seven of the Prevention of Crimes Act, 1871.

Offences under the following provisions of the Larceny Act, 1916, that is to say, sections two to four, sections twelve to fifteen, sections twenty-four to twenty-seven, paragraphs (2), (3) and (4) of section twenty-eight, and sections twenty-nine and thirty.

Offences under section twenty-eight of the Road Traffic Act, 1930. 20 & 21
Geo. 5. c. 43.

Aiding or abetting the commission of any offence herebefore specified in this Schedule; and attempting to commit any such offence, other than an offence under section eight, section twenty-seven or section thirty-eight of the Malicious Damage Act, 1861.

CHAPTER 51.

An Act to consolidate with amendments the enactments relating to authorities for the purposes of local government in England and Wales exclusive (except in relation to certain matters) of London. [17th November 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.—CONSTITUTION AND ELECTIONS.

LOCAL GOVERNMENT AREAS.

1.—(1) For the purposes of local government, England and Wales (exclusive of London) shall be divided into administrative counties and county boroughs, and administrative counties shall be divided into county districts, being either non-county boroughs, urban districts or rural districts, and county boroughs and county districts shall consist of one or more parishes.

Division
into admin-
istrative
areas.

(2) Subject to any alteration of boundaries or the constitution of new authorities which may take effect after the passing of this Act—

(a) the administrative counties shall be the administrative counties which are named in Part I of the First Schedule to this Act;

PART I.
—cont.

- (b) the county boroughs shall be the boroughs which are named in Part II of the First Schedule to this Act;
- (c) the non-county boroughs shall be the boroughs which are named in Part III of the First Schedule to this Act;
- (d) the urban districts shall be the urban districts other than boroughs existing at the passing of this Act;
- (e) the rural districts shall be the rural districts existing at the passing of this Act; and
- (f) the parishes shall be the urban parishes which at the passing of this Act are comprised in boroughs or urban districts, and the rural parishes which at the passing of this Act are comprised in rural districts.

(3) Every county borough shall, with respect to the functions which the council of the borough discharge, form a separate administrative area.

ADMINISTRATIVE COUNTIES.

Constitution of County Councils.

Establishment of county councils.

2.—(1) For every administrative county there shall be a county council consisting of the chairman, county aldermen and county councillors, and the council shall have all such functions as are vested in the county council by this Act or otherwise.

(2) The county council shall be a body corporate by the name of the county council with the addition of the name of the administrative county, and shall have perpetual succession and a common seal and power to hold land for the purposes of their constitution without licence in mortmain.

Chairman and Vice-Chairman of County Council.

Chairman of county council.

3.—(1) The chairman of a county council shall be elected annually by the county council from among the county aldermen or county councillors or persons qualified to be county aldermen or county councillors.

PART I.
—cont.

(2) The chairman shall, unless he resigns or ceases to be qualified or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.

(3) During his term of office, the chairman shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of county councillors at the end of three years.

(4) The county council may pay to the chairman such remuneration as they think reasonable.

(5) The chairman shall, by virtue of his office, be a justice of the peace for the county, but before acting as such justice he shall take the oaths required by law to be taken by a justice of the peace for the county, unless he is, at the date on which he becomes entitled to act as chairman, a justice of the peace for the county and has taken the oaths required by law to be taken to enable him to act as a justice of the peace for the county.

4.—(1) The election of the chairman shall be the first business transacted at the annual meeting of the county council. Election of
chairman.

(2) An outgoing county alderman shall not, as alderman, vote at the election of a chairman.

(3) In the case of an equality of votes, the person presiding at the meeting, whether or not entitled to vote in the first instance, shall have a casting vote.

5.—(1) A county council shall appoint a member of the council to be vice-chairman of the council. Vice-
chairman.

(2) The vice-chairman shall, unless he resigns or ceases to be qualified or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council and during that time shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of county councillors at the end of three years.

(3) Subject to any standing orders made by the county council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman, except that he shall not, as vice-chairman, act as a justice of the peace.

PART I.
—cont.County
aldermen.

County Aldermen.

6.—(1) The county aldermen shall be elected by the county council from among the county councillors or persons qualified to be county councillors.

(2) The number of county aldermen shall be one-third of the whole number of county councillors or, if that number is not divisible by three, one-third of the highest number below that number which is divisible by three:

Provided that, if at the commencement of this Act the number of county aldermen for any county exceeds the number permitted by this section, the number of such county aldermen shall not be reduced, until the ordinary election of county aldermen held next or next but one after the commencement of this Act, as the Secretary of State may direct.

(3) If a county councillor is elected to and accepts the office of county alderman, his office of county councillor shall thereupon become vacant.

(4) In every third year, being the year in which county councillors are elected, one half as near as may be of the whole number of county aldermen, being those who have been county aldermen for the longest time without re-election, shall retire immediately after the election of the new county aldermen, and their places shall be filled by the newly elected county aldermen who shall come into office on that day.

Election of
county
aldermen

7.—(1) The ordinary election of county aldermen shall be held in every third year, being the year in which county councillors are elected, at the annual meeting of the county council, and shall take place immediately after the election of the chairman.

(2) A county alderman shall not, as such, vote at the election of a county alderman.

(3) Every person entitled to vote may vote for any number of persons, not exceeding the number of vacancies to be filled, by signing and delivering at the meeting to the person presiding thereat a voting paper containing the full names and places of residence and descriptions of the persons for whom he votes.

(4) The person presiding at the meeting, as soon as all the voting papers have been delivered to him, shall openly produce and read them or cause them to be read, and then deliver them to the clerk of the county council to be kept for six months.

PART I.
—cont.

(5) In the case of an equality of votes, the person presiding at the meeting, whether or not entitled to vote in the first instance, shall have a casting vote.

(6) As many persons as there are vacancies to be filled, being the persons who have the greatest number of votes, shall be declared by the person presiding at the meeting to be elected.

County Councillors.

8.—(1) The county councillors shall be elected by the local government electors for the county in manner provided by this Act.

Term of office, retirement, &c. of county councillors.

(2) The term of office of county councillors shall be three years, and they shall retire together in every third year, on the eighth day of March, and their places shall be filled by the newly-elected councillors, who shall come into office on that day.

9. The ordinary day of election of county councillors shall be such day, not being earlier than the first day and not later than the eighth day of March, as the county council may, not later than the preceding twenty-fifth day of January, fix for that purpose, and, if no date is so fixed, shall be the eighth day of March.

Day of election of county councillors.

Election of County Councillors.

10. For the purpose of the election of county councillors, every county shall be divided into electoral divisions, each returning one councillor, and there shall be a separate election for each electoral division.

Division of county into electoral divisions.

11.—(1) A county council may at any time, either on the receipt of proposals from the council of a county district or without any such proposals, make a representation to the Secretary of State for the alteration of the boundaries of any electoral division of the county, or of the number of county councillors and the number of electoral divisions of the county.

Alteration of electoral divisions.

PART I.
—cont.

(2) Where the council of a county district have made proposals to the county council under the preceding subsection and are aggrieved by the refusal or neglect of the county council to make a representation to the Secretary of State, the council of the county district may themselves make a representation to the Secretary of State as to all or any of the matters referred to in their proposals.

(3) As soon as a representation has been made under this section, the council making the representation shall—

(a) in the case of a representation relating only to the alteration of the boundaries of electoral divisions, send a copy thereof to the council of every county district wholly or in part comprised in any of the electoral divisions proposed to be altered, and, if the representation is made by the council of a county district, to the county council; and

(b) in every other case, send a copy thereof to the council of every county district wholly or in part comprised in the county and, if the representation is made by the council of a county district, to the county council.

(4) The council making the representation shall forthwith publish in one or more local newspapers circulating in the county a notice stating that the representation has been made and that a copy thereof is open to inspection at a specified place within the county, and that petitions with respect thereto may be made to the Secretary of State within six weeks after the publication of the notice.

(5) Where any such representation has been made, the Secretary of State shall, unless for special reasons he considers that the representation ought not to be entertained, direct a local inquiry to be held, and may either—

(a) make such order as he may think fit altering the boundaries of any electoral division, or altering the number of county councillors and the boundaries and numbers of the electoral divisions; or

(b) refuse to make an order:

Provided that an order may be made under this subsection without a local inquiry being held—

PART I.
—cont.

- (i) if within six weeks after the publication of the notice referred to in subsection (4) of this section, a petition against the representation has not been received by the Secretary of State from any local authority in or for the county, or from at least one hundred or one-sixth of the local government electors for any electoral division of the county, whichever number is the smaller; or
 - (ii) if all petitions so received have been withdrawn.
- (6) In the constitution of electoral divisions the following directions shall, so far as is reasonably practicable, be observed—
- (a) The divisions shall be arranged with a view to the population of each division being approximately equal, subject to due regard being had to area, to a proper representation both of the rural and of the urban population, to the distribution and pursuits of the population, to the last published census for the time being, and to evidence of any considerable change of population since that census;
 - (b) Every division shall consist of one or more county districts or wards, or shall be comprised in one county district or ward;
 - (c) Whenever a rural district is divided into two or more electoral divisions, every division shall consist of one or more parishes.

12.—(1) The persons entitled to vote at an election of a county councillor shall be the persons entitled, by virtue of the provisions of the Representation of the People Acts, to vote at that election. Persons entitled to vote.

(2) No person shall give more than one vote at an election of a county councillor.

13. The county council may divide an electoral division into polling districts, and may alter any polling district. Polling districts.

14.—(1) The county council shall appoint a person to be the county returning officer, and if at an election of a county councillor the office of county returning officer is vacant, or the county returning officer is for Appointment of returning officer, &c.

PART I.
—cont.

any reason unable to act, the chairman of the county council shall forthwith appoint another person to be the county returning officer at that election.

(2) At an election of a county councillor for an electoral division which is not co-extensive with or wholly comprised in a borough, the county returning officer shall be the returning officer, and may by writing under his hand appoint a fit person to be his deputy for all or any of the purposes of the election, and any functions which a returning officer is authorised or required to discharge in relation to such election may be discharged by a deputy so appointed.

(3) At an election of a county councillor for an electoral division which is co-extensive with or wholly comprised in a borough, the mayor of the borough or some person appointed by him shall be the returning officer, or if the office of mayor is vacant, or the mayor is for any reason unable to act and has failed to appoint a person to act in his place, the deputy mayor, or if there is no deputy mayor, or the deputy mayor is for any reason unable to act, such alderman of the borough as the council of the borough may choose for that purpose, shall be the returning officer.

(4) A mayor or other person acting as returning officer under the provisions of this section shall, as respects the election at which he is so acting, follow the instructions of the county returning officer.

Conduct of
county
council
elections.

15. Subject to the provisions of this Part of this Act, an election of a county councillor shall be conducted in accordance with the provisions of the Second Schedule to this Act.

Expenses of
county
council
elections.

16.—(1) All expenses properly incurred in relation to the holding of an election of a county councillor, not exceeding such scale as may be fixed by the county council, so far as the scale is applicable, shall be paid by the county council.

(2) Before a poll is taken at an election of a county councillor, the county council shall, at the request of a returning officer, advance to him such sum, not exceeding ten pounds for every thousand electors at the election, as he may require.

BOROUGHES.

PART I.

—cont.

Constitution.

17.—(1) The municipal corporation of a borough shall be capable of acting by the council of the borough and shall—

Name of corporations and constitution of councils of boroughs

- (a) in the case of a borough being a city, the mayor of which is entitled to bear the title of lord mayor, bear the name of the lord mayor, aldermen and citizens of the city;
- (b) in the case of any other borough being a city, bear the name of the mayor, aldermen and citizens of the city; and
- (c) in the case of any other borough, bear the name of the mayor, aldermen and burgesses of the borough.

(2) The council of a borough shall consist of the mayor, aldermen and councillors and shall exercise all such functions as are vested in the municipal corporation of the borough or in the council of the borough by this Act or otherwise.

(3) The municipal corporation of a borough shall have power to hold land for the purposes of their constitution without licence in mortmain.

The Mayor.

18.—(1) The mayor shall be elected annually by the council of the borough from among the aldermen or councillors of the borough or persons qualified to be aldermen or councillors of the borough.

Qualification, term of office, salary, precedence, and powers of mayor.

(2) The term of office of the mayor shall be one year, but he shall, unless he resigns or ceases to be qualified or becomes disqualified, continue in office until his successor becomes entitled to act as mayor.

(3) During his term of office, the mayor shall continue to be a member of the council, notwithstanding the provisions of this Act relating to the retirement of councillors of a borough at the end of three years.

(4) The council may pay to the mayor such remuneration as they think reasonable.

PART I.
—cont.

(5) The mayor shall have precedence in all places in the borough:

Provided that nothing in this subsection shall prejudicially affect His Majesty's royal prerogative.

(6) Save as otherwise expressly provided in this Act, nothing in this Act shall affect any functions of the mayor existing immediately before the commencement of this Act.

(7) The mayor shall, by virtue of his office, be a justice of the peace for the borough and shall, unless he ceases to be qualified or becomes disqualified for being mayor, continue to be such a justice during the year next after he ceases to be mayor, but before acting as such justice he shall take the oaths required by law to be taken by a justice of the peace for the borough unless he is, at the date on which he becomes entitled to act as mayor, a justice of the peace for the borough and has taken the oaths required by law to be taken to enable him to act as a justice of the peace for the borough.

(8) The mayor of a non-county borough, shall, in addition, during his term of office be a justice of the peace for the county in which the borough is situate, but before acting as such justice he shall take the oaths required by law to be taken by a justice of the peace for the county unless he is, at the date on which he becomes entitled to act as mayor, a justice of the peace for the county and has taken the oaths required by law to be taken to enable him to act as a justice of the peace for the county.

(9) The mayor, if present, shall be entitled to preside at all meetings of justices of the peace held in the borough:

Provided that the mayor shall not, by virtue of this subsection, be entitled to preside at meetings of justices of the peace acting in and for the county in which the borough is situate except when acting in relation to the business of the borough, or at meetings when any stipendiary magistrate having jurisdiction in the borough is engaged in administering justice.

(10) The mayor shall not be required to make the declaration required to be made by a justice of the peace for a borough under section one hundred and fifty-seven of the Municipal Corporations Act, 1882.

19.—(1) The election of the mayor shall be the first business transacted at the annual meeting of the council.

PART I.

—cont.

(2) An outgoing alderman shall not, as alderman, vote at the election of the mayor.

Election of
mayor.

(3) In the case of an equality of votes, the person presiding at the meeting, whether or not entitled to vote in the first instance, shall have a casting vote.

20.—(1) The mayor may appoint an alderman or councillor of the borough to be deputy mayor, and the person so appointed shall, unless he resigns or ceases to be qualified or becomes disqualified, hold office until a newly elected mayor becomes entitled to act as mayor.

Power of
mayor to
appoint
deputy.

(2) The appointment of a deputy mayor shall be signified to the council in writing and be recorded in the minutes of the council.

(3) The deputy mayor may, if for any reason the mayor is unable to act, or the office of mayor is vacant, discharge all functions which the mayor as such might discharge, except that he shall not take the chair at a meeting of the council unless specially appointed by the meeting to do so, and shall not, as deputy mayor, act as a justice of the peace.

Aldermen.

21.—(1) The aldermen of a borough shall be elected by the council of the borough from among the councillors or persons qualified to be councillors of the borough.

Number,
qualifica-
tion, term of
office and
retirement
of aldermen

(2) The number of aldermen shall be one-third of the whole number of councillors.

(3) If a councillor is elected to, and accepts the office of, alderman of the borough, his office of councillor shall thereupon become vacant.

(4) The term of office of an alderman of a borough shall be six years, and one half, as near as may be, of the whole number of aldermen, being those who have been aldermen for the longest time without re-election, shall retire in every third year immediately after the election of the new aldermen, and their places shall be filled by the newly elected aldermen who shall come into office on that day.

PART I.

—cont.

Time and
mode of
election of
aldermen.

22.—(1) The ordinary election of aldermen shall be held in every third year at the annual meeting of the council, and shall take place immediately after the election of the mayor, or, if there is a sheriff, after the appointment of the sheriff.

(2) An alderman shall not, as such, vote at the election of an alderman of the borough.

(3) Every person entitled to vote may vote for any number of persons, not exceeding the number of vacancies to be filled, by signing and delivering at the meeting to the person presiding thereat a voting paper containing the full names and places of residence and descriptions of the persons for whom he votes.

(4) The person presiding at the meeting, as soon as all the voting papers have been delivered to him, shall openly produce and read them, or cause them to be read, and then deliver them to the town clerk to be kept for six months.

(5) In the case of an equality of votes the person presiding at the meeting, whether or not entitled to vote in the first instance, shall have a casting vote.

(6) As many persons as there are vacancies to be filled, being the persons who have the greatest number of votes, shall be declared by the person presiding at the meeting to be elected.

*Councillors.*Term of
office of
councillors,
day of
election,
&c.

23.—(1) The councillors of a borough shall be elected by the local government electors for the borough in manner provided by this Act.

(2) The term of office of the councillors of a borough shall be three years, and one third of the whole number of councillors of the borough or of each ward thereof, as the case may be, being those who have been councillors for the longest time without re-election, shall retire in every year on the first day of November and their places shall be filled by the newly elected councillors who shall come into office on that day.

(3) The ordinary day of election of councillors shall be the first day of November.

Election of Councillors.

24.—(1) Where a borough is not divided into wards, there shall be one election of councillors for the whole borough.

(2) Where a borough is divided into wards, there shall be a separate election of councillors for each ward.

25.—(1) The council of a borough may, upon a resolution passed by a majority of the whole number of the members of the council, present to His Majesty a petition praying for any one or more of the following things—

- (a) the division of the borough into wards;
- (b) an alteration of the number and of the boundaries of the wards;
- (c) an alteration of the boundaries of the wards;
- (d) an alteration of the number of councillors of the borough;
- (e) the holding of a fresh election of councillors or of aldermen and councillors following upon any such division or alteration.

A petition presented under this section shall be accompanied by a detailed statement prepared by the council of proposals intended to give effect to the prayer contained in the petition, and a notice stating that the petition has been presented and that a copy of the petition and of the proposals accompanying it are open to inspection at a specified place within the borough shall be published in one or more local newspapers circulating in the borough.

(2) Where a petition is presented under this section by the council of a borough not divided into wards, praying only for an alteration of the number of councillors, His Majesty may, by Order in Council, alter the number of councillors of the borough as from such date as may be specified in the Order.

(3) Where a petition, other than such a petition as is in the preceding subsection mentioned, is presented under this section, the petition shall, unless it appears to His Majesty in Council that the petition ought not to be entertained, stand referred to the Secretary of State, and the Secretary of State shall appoint a

PART I.

—cont.

Borough
and ward
elections.Division of
borough
into wards
or alteration
of number of
councillors,
wards or
boundaries.

PART I.
—cont.

commissioner to prepare a scheme, and the commissioner shall hold such local inquiries for that purpose as he may consider necessary.

(4) The scheme shall contain provisions giving such effect to the prayer contained in the petition as the commissioner may, after holding any necessary local inquiries, think proper and shall fix the number of councillors to be elected for each ward, and where the scheme does not provide for the holding of a fresh election of councillors, the following provisions shall have effect—

(a) in the case of a division of a borough into wards, the existing councillors shall be apportioned among the wards;

(b) in the case of an alteration of wards, the existing councillors shall, so far as is reasonably practicable, be apportioned among the wards so as to provide for their continuing to represent as large a number as possible of their former constituents; and

(c) in either case, an existing councillor shall hold his office in the ward to which he is assigned for the same time that he would have held it had the borough remained undivided or the wards unaltered.

(5) The number of councillors assigned by the scheme to each ward shall be a number divisible by three; and in fixing their number the commissioner shall, as far as he deems it practicable, have regard to the number of local government electors for the ward and to the net annual value of the land in the ward as at the last preceding thirty-first day of March.

(6) The commissioner shall send the scheme prepared by him to the Secretary of State to be submitted to His Majesty in Council and shall at the same time send a copy of the scheme to the town clerk.

(7) His Majesty may by Order in Council approve the scheme so submitted, either with or without modifications, or may reject the scheme.

(8) If a scheme is so approved, the council shall publish in the London Gazette and in one or more local newspapers circulating in the borough a notice stating that the scheme has been approved and that a copy

thereof is open to inspection at a specified place within the borough, and the scheme shall come into operation on such date as may be specified in the Order approving the scheme.

PART I.
—cont.

(9) Any Order in Council or scheme made under this section may contain such incidental, consequential or supplemental provisions as appear to be necessary or proper for bringing the Order or scheme into operation and giving full effect thereto.

26.—(1) The persons entitled to vote at an election of councillors of a borough shall be the persons entitled, by virtue of the provisions of the Representation of the People Acts, to vote at that election.

Persons
entitled to
vote.

(2) Every elector may give one vote and no more for each candidate:

Provided that the total number of votes which he may give shall not exceed the number of councillors to be elected.

27. The council of a borough may divide the borough or any ward thereof into polling districts, and may alter any polling district.

Polling
districts.

28.—(1) At an election of councillors of a borough not divided into wards the mayor shall be the returning officer:

Appoint-
ment of re-
turning
officer, &c.

Provided that, if the office of mayor is vacant, or for any reason the mayor is unable to act, the deputy mayor, or if there is no deputy mayor, or the deputy mayor is for any reason unable to act, such alderman of the borough as the council may choose for that purpose, shall be the returning officer.

(2) At an election of councillors for a ward, an alderman of the borough assigned for that purpose by the council at the annual meeting shall be the returning officer, but if the number of aldermen in office at that time is less than the number of wards, then there shall be assigned to the ward or each of the wards for which no alderman is available a councillor, not being a councillor or local government elector for the ward, and he shall be the returning officer:

Provided that, if the alderman or councillor so assigned dies or is for any reason unable to act, the mayor may appoint another alderman, or if the number

PART I.
—cont.

of aldermen able to act is less than the number of wards, a councillor, not being a councillor or local government elector for that ward, to be the returning officer.

(3) Where a borough is divided into wards, the returning officer at the first election for each ward held after the division shall, notwithstanding anything in this section, be the mayor or a person appointed by the mayor.

Conduct of
elections of
councillors
of a
borough.

29. Subject to the provisions of this Act, an election of councillors of a borough shall be conducted in accordance with the provisions of the Second Schedule to this Act.

Expenses of
elections of
councillors.

30. All expenses properly incurred by the mayor, returning officer or town clerk in relation to the holding of an election of councillors of a borough, shall be paid by the council of the borough.

URBAN AND RURAL DISTRICTS.

*Constitution of District Councils.*Urban dis-
trict coun-
cils.

31.—(1) For every urban district there shall be an urban district council consisting of the chairman and councillors, and the council shall have all such functions as are vested in the urban district council by this Act or otherwise.

(2) The urban district council shall be a body corporate by the name of the urban district council with the addition of the name of the urban district, and shall have perpetual succession and a common seal and power to hold land for the purposes of their constitution without licence in mortmain.

Rural dis-
trict coun-
cils.

32.—(1) Subject to the provisions of this Act, for every rural district there shall be a rural district council consisting of the chairman and councillors, and the council shall have all such functions as are vested in the rural district council by this Act or otherwise.

(2) The rural district council shall be a body corporate by the name of the rural district council with the addition of the name of the rural district, and shall have perpetual succession and a common seal and power to hold land for the purposes of their constitution without licence in mortmain.

Chairman and Vice-Chairman of District Council.

PART I.

—cont.

33.—(1) The chairman of a district council shall be elected annually by the council from among the councillors or persons qualified to be councillors of the district. Chairman of district council.

(2) The election of the chairman shall be the first business transacted at the annual meeting of the council.

(3) The chairman shall, unless he resigns or ceases to be qualified or becomes disqualified, continue in office until his successor becomes entitled to act as chairman.

(4) During his term of office the chairman shall continue to be a member of the council, notwithstanding the provisions of this Act relating to the retirement of district councillors at the end of three years.

(5) The chairman shall, by virtue of his office, be a justice of the peace for the county or for each county in which the district is wholly or in part situate, but before acting as a justice of the peace for a county, he shall take the oaths required by law to be taken by a justice of the peace for that county unless he is, at the date on which he becomes entitled to act as chairman, a justice of the peace for that county and has taken the oaths required by law to be taken to enable him to act as a justice of the peace for that county.

34.—(1) A district council may appoint a member of the council to be vice-chairman of the council, and the vice-chairman shall, unless he resigns or ceases to be qualified or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council, and during that time shall continue to be a member of the council notwithstanding the provisions of this Act relating to the retirement of district councillors at the end of three years. Vice-chairman.

(2) Subject to any standing orders made by the district council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman, except that he shall not, as vice-chairman, act as a justice of the peace.

PART I.

—cont.

District Councillors.

Number
and term of
office of
district
councillors.

35.—(1) The councillors of an urban district shall be called “urban district councillors” and the councillors of a rural district shall be called “rural district councillors.”

(2) The councillors for each urban or rural district shall be elected by the local government electors for the district in manner provided by this Act.

(3) The term of office of district councillors shall be three years, and one-third, as near as may be, of the whole number of councillors of the district or, in the case of an urban district divided into wards, of each ward, being those who have been district councillors for the longest time without re-election, shall retire in every year on the fifteenth day of April, and their places shall be filled by the newly elected councillors who shall come into office on that day :

Provided that, where a county council, on request made by a resolution of a district council, passed by not less than two-thirds of the members voting on the resolution, consider that it would be expedient to provide for the simultaneous retirement of the whole of the members of that district council, they may by order give directions to that effect, and where an order giving such directions as aforesaid has been made, whether before or after the commencement of this Act, the members of that district council shall retire together in every third year on the fifteenth day of April.

(4) Where any such order has been made with respect to the simultaneous retirement of district councillors, the county council may, on the like request, by order rescind such first-mentioned order, and the rescinding order shall provide for all matters necessary or proper for giving effect thereto and, in particular, shall require all the councillors of the district in office at the date thereof to retire on the fifteenth day of April next following that date, and their places to be filled by the newly-elected councillors.

(5) A county council may, for the purpose of regulating the retirement of rural district councillors, in cases where they retire by thirds, and in order that, as

near as may be, one third of the councillors of the rural district shall retire in each year, direct in which year or years of each triennial period the councillors for each electoral area in the district shall retire.

PART I.
—cont.

Election of District Councillors.

36.—(1) Where an urban district is not divided into wards, there shall be one election of councillors for the whole district.

Urban
district and
ward elec-
tions.

(2) Where an urban district is divided into wards, there shall be a separate election of councillors for each ward.

37.—(1) Where a county council consider, either on receipt of proposals from the council of the urban district or without any such proposals, that a *prima facie* case exists as respects any urban district in the county for—

Division of
urban dis-
trict into
wards.

- (a) the division of the district into wards; or
- (b) an alteration of the number and of the boundaries of wards; or
- (c) an alteration of the boundaries of wards; or
- (d) an alteration of the number of councillors; or
- (e) an alteration of the apportionment of the councillors among the wards,

the county council may cause a local inquiry to be held.

(2) The county council shall cause such notice as may be prescribed by the Secretary of State of the local inquiry and of the matters to be considered thereat to be given both in the district and to the Secretary of State, and to the Minister, and to such other Government Departments as may be prescribed as aforesaid, and if, after holding the local inquiry, the county council are satisfied that any such division or alteration is desirable, they may prepare a draft order for the purpose of giving effect thereto and, in the case of a division of a district into wards or an alteration of the number or boundaries of wards or of the number of councillors, for apportioning, if necessary, the existing councillors among the wards.

(3) The county council shall publish in one or more local newspapers circulating in the district a notice stating that the draft order has been prepared and

PART I.
—cont.

that a copy thereof is open to inspection at a specified place within the district, and that representations with respect thereto may be made to them within six weeks after the publication of the notice.

(4) On the expiration of six weeks from the date of the publication of the said notice, and upon consideration of any representations made thereon, the county council may make an order giving effect, with or without modification, to the proposed division or alteration, and to any apportionment of councillors, as from such date as may be fixed by the order.

(5) If proposals under this section have been made to the county council by the council of an urban district, and the county council refuse or neglect to hold a local inquiry or to make an order under this section, the council who made the proposals may apply to the Secretary of State, and the Secretary of State may, after giving the county council an opportunity of making representations, make any such order as the county council might have made.

Election of
rural district
councillors.

38.—(1) Rural district councillors shall be elected for the several areas into which the district is divided for the purpose of the election of rural district councillors, being either parishes, or combinations of parishes, or wards of parishes.

(2) A county council may by order fix or alter the number of rural district councillors to be elected for the several rural parishes within the county, and for those purposes may—

- (a) divide a parish into wards and determine the number of councillors to be elected for each ward, and alter the boundaries of the wards; or
- (b) combine a parish with any adjoining parish or parishes in the same rural district:

Provided that a parish shall not be combined under this section with another parish having a larger population if the population of the first mentioned parish exceeds three hundred, and the net annual value of the land in that parish as at the last preceding thirty-first day of March exceeds the average net annual value of the land in the parishes of the district at that date.

(3) Where a rural parish is not divided into wards or combined with one or more other parishes for the purpose of the election of rural district councillors, there shall be a separate election of district councillors for the parish.

PART I.
—cont.

(4) Where a rural parish is combined with one or more other parishes for the purpose of the election of rural district councillors, there shall be a separate election of district councillors for the combined parishes.

(5) Where a rural parish is divided into wards for the purpose of the election of rural district councillors, there shall be a separate election of district councillors for each ward.

39.—(1) The persons entitled to vote at an election of district councillors shall be the persons entitled, by virtue of the provisions of the Representation of the People Acts, to vote at that election.

Persons
entitled to
vote.

(2) Every elector may give one vote and no more for each candidate :

Provided that the total number of votes which he may give shall not exceed the number of councillors to be elected.

40.—(1) An election of district councillors shall, subject to the provisions of this Part of this Act, be conducted in accordance with rules (in this Part of this Act referred to as “district election rules”) made by the Secretary of State, which shall provide among other things—

District
election
rules.

- (a) for the appointment of a returning officer for the election ;
- (b) for fixing, or enabling the county council to fix, the day of the poll and the hours during which the poll is to be kept open, so, however, that the poll shall always be open between the hours of six and eight in the evening ;
- (c) for the polls at elections of rural district councillors and of parish councillors being, so far as practicable, taken together where the elections are held on the same date and for the same area.

PART I.

—cont.

47 & 48 Vict.

c. 70.

1 & 2 Geo. 5.

c. 7.

(2) At every election regulated by district election rules the poll shall be taken by ballot, and Part IV of the Municipal Corporations Act, 1882, the Municipal Elections (Corrupt and Illegal Practices) Act, 1884 (other than the provisions referred to in section thirty-seven of that Act), the Municipal Corporations (Corrupt and Illegal Practices) Act, 1911, and the provisions of the Second Schedule to this Act shall, subject to such adaptations, alterations and exceptions as may be made by the district election rules, apply in like manner as in the case of an election of councillors of a borough.

(3) Except in so far as provision is otherwise made by the district election rules in cases where the polls at elections of rural district councillors and parish councillors are taken together, the district council shall pay all expenses properly incurred in relation to the holding of an election of district councillors, not exceeding such scale as may be fixed by the county council so far as the scale is applicable.

(4) Rules made under this section shall be laid before each House of Parliament as soon as may be after they are made.

Special Provisions as to Rural Districts.

Provision where district is situate in more than one county.

41.—(1) Where a rural district is not wholly situate in one county, the power conferred on county councils by this Part of this Act of regulating the retirement of rural district councillors and of fixing or altering the number of rural district councillors shall be exercised by a joint committee of the county councils concerned, but if either of those councils fail, within two months after request from the other of them, to appoint members of the said joint committee, the members of the committee actually appointed shall act as the joint committee.

(2) Where an order is made under this section, and within six weeks after the making thereof an objection is taken thereto by either of the county councils concerned, the order shall be of no effect until confirmed by the Minister.

42.—(1) Where the number of councillors of a rural district is less than five, the Minister may from time to time by order nominate as members of the district council such number of persons as may be necessary to make up the number of councillors to five.

PART I.
—cont.
Appoint-
ment of
councillors
by Minister,
&c.

(2) Where by virtue of subsection (5) of section twenty-four of the Local Government Act, 1894, part of a rural sanitary district became a separate rural district and the number of councillors for that district is less than five, and by virtue of a direction of the Local Government Board or the Minister the affairs of the district were, immediately before the commencement of this Act, being temporarily administered by the council of an adjoining district in another county, the councillors of the district whose affairs were being temporarily administered as aforesaid shall be entitled, so far as regards those affairs, to sit and act as members of that district council, but a separate account shall be kept of receipts and expenses in respect of the district, and those receipts and expenses shall be credited and charged separately to the district.

56 & 57 Vict.
c. 73.

RURAL PARISHES.

Constitution of Parish Meetings and Parish Councils.

43.—(1) For every rural parish there shall be a parish meeting, and, subject to the provisions of this Act, for every rural parish or group of parishes having a parish council immediately before the commencement of this Act there shall continue to be a parish council.

Parish
meetings
and councils.

(2) If a rural parish has not a separate parish council, the county council shall by order establish a parish council for that parish—

- (a) if the population of the parish is three hundred or upwards; or
- (b) if, in the case of a parish having a population of two hundred or upwards but under three hundred, the parish meeting of the parish so resolve,

and the county council may, in the case of a parish having a population of less than two hundred, by order establish a parish council for that parish if the parish meeting so resolve.

PART I.
—cont.

(3) Where a rural parish is co-extensive with a rural district, then, unless the county council otherwise direct, a parish council shall not be elected for that parish, and the rural district council shall, in addition to their own functions, have the functions of, and be deemed to be, the parish council.

(4) An order establishing a parish council for a rural parish shall make such provision as appears to the county council to be necessary for the election of a parish council in manner provided by this Part of this Act.

(5) An order establishing a parish council for a parish included in a grouping order, as hereinafter defined, shall make such provision as appears to the county council to be necessary for separating the parish from the group, and for the alteration or dissolution of the parish council of the group.

Power
to dissolve
parish
councils
in small
parishes.

44.—(1) Where the population of a rural parish having a separate parish council is less than two hundred, the parish meeting may petition the county council for the dissolution of the parish council, and thereupon the county council may by order dissolve the parish council, and from such date as may be specified in the order this Act shall apply to that parish as to a parish not having a separate parish council.

(2) Where a petition for an order under this section is rejected, another petition for the same purpose may not be presented within two years from the presentation of the previous petition.

Orders for
grouping
parishes,
dissolving
groups, and
separating
a parish from
a group.

45.—(1) The parish meeting of a rural parish may apply to the county council for an order grouping the parish with some neighbouring parish or parishes in the same county under a common parish council, and the county council may thereupon make an order (in this Act referred to as "a grouping order") accordingly:

Provided that—

(a) no parish shall be so grouped without the consent of the parish meeting of that parish; and

(b) unless the county council for special reasons otherwise direct, the grouped parishes shall be within the same rural district.

(2) A grouping order shall make the necessary provisions—

PART I.
—cont.

- (a) for the name of the group;
- (b) for there being a parish meeting for each of the parishes included in the group;
- (c) for the election, in manner provided by this Part of this Act and any rules made thereunder, of separate representatives on the parish council for each parish;
- (d) for the application to the parishes included in the group of any provisions of the Local Government Act, 1894, with respect to the appointment of trustees and to beneficiaries of a parochial charity, and of any provisions of this Act with respect to the custody of parish documents, so as to preserve the separate rights of each parish,

and the order may provide for the consent of the parish meeting of a parish being required to any particular act of the parish council, and for any other necessary adaptations of this Act to the group of parishes, or to the parish meetings of the parishes in the group.

(3) The county council may, on the application of the council of a group of parishes or of the parish meeting of any parish included in a group of parishes, make an order dissolving the group, and an order so made shall make such provision as appears to the county council to be necessary for the election of a parish council or councils for any parish or parishes in the group.

In this subsection a reference to a group of parishes includes a reference to a group of parishes formed by an order made before the commencement of this Act.

46. An order made by a county council under any of the last three preceding sections may contain such incidental, consequential and supplemental provisions as appear to the county council to be necessary or proper for bringing the order into operation and giving full effect thereto, including provisions for the transfer and compensation of officers and for the adjustment of property, rights, and liabilities as between parishes and groups of parishes, and upon such order

Provisions
as to orders.

PART I.
—cont.

being made the provisions of Part VI of this Act with respect to the transfer and compensation of officers and with respect to financial adjustments between public bodies affected by an order shall apply as if the order was an order made under that Part of this Act.

Constitution
and powers
of parish
meeting, &c.

47.—(1) The parish meeting of a rural parish shall consist of the local government electors for the parish.

(2) Any act of a parish meeting may be signified by an instrument under the hands, or, if an instrument under seal is required, under the hands and seals, of the person presiding at the meeting and two other local government electors present thereat, and any instrument purporting to have been so executed shall, until the contrary is proved, be deemed to have been so executed.

(3) In a rural parish not having a separate parish council the chairman of the parish meeting and the councillor or councillors for the time being representing the parish on the rural district council shall be a body corporate by the name of "the representative body" with the addition of the name of the parish, or, if there is any doubt as to the latter name, of such name as the county council after consultation with the parish meeting of the parish direct, and shall have perpetual succession and power to hold land for the purposes of the parish without licence in mortmain :

Provided that, if the parish is represented on the rural district council by one councillor only, and that councillor is also the chairman of the parish meeting, the rural district council shall appoint a local government elector for the parish to be a member of the representative body of the parish, and the person so appointed shall, unless he resigns or ceases to be qualified or becomes disqualified, hold office as such member until the expiration of a term of four years, or until the offices of rural district councillor representing the parish and chairman of the parish meeting cease to be held by the same person, whichever first occurs.

(4) The representative body of a rural parish shall in all respects act in manner directed by the parish meeting, and any act of that body may be signified by an instrument under the hands, or, if an instrument under seal is required, under the hands and seals, of the members thereof, and any instrument purporting to

have been so executed shall, until the contrary is proved, be deemed to have been so executed.

PART I.
—cont.

48.—(1) A parish council shall consist of the chairman and parish councillors, and shall have all such functions as are vested in the council by this Act or otherwise.

Constitution
and powers
of parish
council.

(2) The parish council shall be a body corporate by the name of the parish council with the addition of the name of the parish or, if there is any doubt as to the latter name, of such name as the county council after consultation with the parish meeting of the parish direct, and shall have perpetual succession and power to hold land for the purposes of their constitution without licence in mortmain.

(3) Any act of a parish council may be signified by an instrument under the hands, or, if an instrument under seal is required, under the hands and seals, of two members of the council, and any instrument purporting to have been so executed shall, until the contrary is proved, be deemed to have been so executed.

*Chairman and Vice-Chairman of Parish Council
or Meeting.*

49.—(1) The chairman of a parish council shall be elected annually by the council from among the councillors or persons qualified to be councillors of the parish.

Chairman
and vice-
chairman
of parish
council or
meeting.

(2) The election of the chairman shall be the first business transacted at the annual meeting of the council.

(3) The chairman shall, unless he resigns or ceases to be qualified or becomes disqualified, continue in office until his successor is elected.

(4) During his term of office the chairman shall continue to be a member of the council, notwithstanding the provisions of this Act relating to the retirement of parish councillors at the end of three years.

(5) The parish council may appoint a member of the council to be vice-chairman of the council.

(6) The vice-chairman shall, unless he resigns or ceases to be qualified or becomes disqualified, hold office until immediately after the election of a chairman at the next annual meeting of the council and during

PART I.
—cont.

that time shall continue to be a member of the council, notwithstanding the provisions of this Act relating to the retirement of parish councillors at the end of three years.

(7) Subject to any standing orders made by the parish council, anything authorised or required to be done by, to or before the chairman may be done by, to or before the vice-chairman.

(8) In a rural parish not having a separate parish council, the parish meeting shall, subject to any provisions of a grouping order, at their annual assembly choose a chairman for the year who shall continue in office until his successor is elected.

Parish Councillors.

Number
and term of
office of
parish coun-
cillors.

50.—(1) The number of parish councillors for each parish, or group of parishes, shall be such number, not being less than five nor more than fifteen, as may be fixed from time to time by the county council.

(2) The term of office of parish councillors shall be three years, and they shall retire together on the fifteenth day of April in the year nineteen hundred and thirty-seven, and on the fifteenth day of April in every third year thereafter, and their places shall be filled by the newly elected councillors who shall come into office on that day.

Election of Parish Councillors.

Election of
parish
councillors.

51.—(1) Subject to the provisions of Part II of this Act, parish councillors shall be elected at a parish meeting, or at a poll consequent thereon :

Provided that a county council may, at the request of the parish council or parish meeting of a parish, by order direct that the parish councillors for that parish, or, if the parish is divided into parish wards, for the wards of that parish, shall cease to be elected at a parish meeting and shall be elected by means of nomination and, if necessary, a poll.

(2) An order made under this section may be revoked by the county council on application made by the parish council or parish meeting of the parish.

52.—(1) If a county council, on receipt of proposals made by the parish council of, or by not less than one-tenth of the local government electors for, a parish, are satisfied—

PART I.
—cont.
Wards for
election of
parish
councillors.

- (a) that the area or population of the parish is so large, or different parts of the population are so situate, as to make a single election of parish councillors impracticable or inconvenient; or
- (b) that it is desirable for any reason that certain parts of the parish should be separately represented on the parish council,

the county council may by order divide the parish for the purpose of the election of parish councillors into wards, to be called parish wards, and fix the boundaries of, and the number of parish councillors to be elected for, each parish ward.

(2) In the division of a parish into parish wards regard shall be had to—

- (a) the population of the parish according to the last published census for the time being;
- (b) the evidence of any considerable change of population since that census;
- (c) the area of the parish;
- (d) the distribution and pursuits of the population; and
- (e) all the other circumstances of the case.

(3) An order made under this section may be revoked or varied by the county council on application made by the parish council of, or by not less than one-tenth of the local government electors for, the parish.

(4) Where a parish is not divided into parish wards, there shall be one election of parish councillors for the whole parish.

(5) Where a parish is divided into parish wards, there shall be a separate election of parish councillors for each ward.

53.—(1) The persons entitled to vote at an election of parish councillors shall be the persons entitled by virtue of the Representation of the People Acts to vote at that election. Persons entitled to vote.

PART I.
—cont.

(2) Every elector may give one vote and no more for each candidate :

Provided that the total number of votes which he may give shall not exceed the number of councillors to be elected.

Parish
election
rules.

54.—(1) An election of parish councillors shall, subject to the provisions of this Part of this Act, be conducted in accordance with rules (in this Part of this Act referred to as “parish election rules”) made by the Secretary of State, which shall provide among other things—

- (a) for the appointment of a returning officer for the election ;
- (b) for fixing, or enabling the county council to fix, the day of election and the day of the poll and the hours during which the poll is to be kept open, so, however, that the poll shall always be open between the hours of six and eight in the evening ;
- (c) for the polls at elections of rural district councillors and of parish councillors being, so far as practicable, taken together where the elections are held on the same date and for the same area.

(2) At every election regulated by parish election rules the poll shall be taken by ballot, and Part IV of the Municipal Corporations Act, 1882, the Municipal Elections (Corrupt and Illegal Practices) Act, 1884 (other than the provisions referred to in section thirty-seven of that Act), the Municipal Corporations (Corrupt and Illegal Practices) Act, 1911, and the provisions of the Second Schedule to this Act shall, subject to such adaptations, alterations and exceptions as may be made by the parish election rules, apply in like manner as in the case of an election of councillors of a borough.

(3) Except in so far as provision is otherwise made by the parish election rules in cases where the polls at elections of rural district councillors and of parish councillors are taken together, the parish council shall pay all expenses properly incurred in relation to the holding of an election of parish councillors, not exceeding such scale as may be fixed by the county council so far as the scale is applicable.

(4) Rules made under this section shall be laid before each House of Parliament as soon as may be after they are made.

PART I.
—cont.

55.—(1) If any difficulty arises with respect to an election of parish councillors or of an individual parish councillor, or to the first meeting of a parish council after an ordinary election of such councillors, or if, from an election not being held, or being defective, or otherwise, a parish council have not been properly constituted, the county council may by order make any appointment or do anything which appears to them necessary or expedient for the proper holding of such election or meeting, and properly constituting the council, and may, if it appears to them necessary, direct the holding of an election or meeting, and fix the dates for any such election or meeting.

Omission
to hold
election, &c.

(2) If a parish council become unable to act, whether from failure to elect or otherwise, the county council may order a new election to be held, and may by order make such provision as seems expedient for authorizing any person to act temporarily in the place of the parish council and of the chairman thereof.

(3) An order made under this section may modify the provisions of this Act, and the enactments applied by, or parish election rules made under, this Act, so far as may appear to the county council necessary or expedient for carrying the order into effect.

ORDERS UNDER PART I.

56. A copy of every order made under this Part of this Act by a county council shall be sent to the Secretary of State and to the Minister.

Orders
under
Part I.

PART II.

GENERAL PROVISIONS AS TO MEMBERS AND MEETINGS OF LOCAL AUTHORITIES AND ELECTIONS.

Qualifications for Office.

57. A person shall, unless disqualified by virtue of this Act or any other enactment, be qualified to be elected and to be a member of a local authority if he is of full age and a British subject, and—

Qualifica-
tions for
election and
holding
office as
member
of local
authority.

(a) he is a local government elector for the area of the local authority; or

PART II.
—cont.

- (b) he owns freehold or leasehold land within the area of the local authority; or
- (c) he has during the whole of the twelve months preceding the day of election resided in the area of the local authority; or,
- (d) in the case of a member of a parish council, he has either during the whole of the twelve months preceding the day of election or since the twenty-fifth day of March in the year preceding the year of election resided either in the parish or within three miles thereof.

Re-election.

58. A person ceasing to hold any office to which he is elected under this Act, shall, unless he is not qualified or is disqualified, be eligible for re-election.

*Disqualifications for Office.*Disquali-
fications for
office as
member of
local autho-
rity.

59.—(1) Subject to the provisions of this section, a person shall be disqualified for being elected or being a member of a local authority if he—

- (a) holds any paid office or other place of profit (other than that of mayor, chairman or sheriff) in the gift or disposal of the local authority or of any committee thereof; or
- (b) is a person who has been adjudged bankrupt, or made a composition or arrangement with his creditors; or
- (c) has within twelve months before the day of election or since his election received poor relief; or
- (d) has within five years before the day of election or since his election been surcharged to an amount exceeding five hundred pounds by a district auditor; or
- (e) has within five years before the day of election or since his election been convicted in the United Kingdom, the Channel Islands or the Isle of Man of any offence and ordered to be imprisoned for a period of not less than three months without the option of a fine; or

- (f) is disqualified for being elected or for being a member of that authority under any enactment relating to corrupt or illegal practices; or
- (g) in the case of the council of a borough, is an elective auditor of the borough; or
- (h) in the case of the council of a county or county borough, is a paid officer engaged in the administration of the laws relating to the relief of the poor or, having been such a paid officer, has been dismissed from his office within five years before the day of election under the provisions of any enactment relating to the relief of the poor:

Provided that—

- (i) a person shall not be disqualified for being elected or being a member of a county council by reason only of his holding the office of county returning officer for that county, unless he has, directly or indirectly, by himself or his partner, received any profit or remuneration in respect of that office;
- (ii) the disqualification attaching to a person by reason of his having been adjudged bankrupt shall cease,—
- (a) if the bankruptcy is annulled either on the ground that he ought not to have been adjudged bankrupt, or that his debts have been paid in full, on the date of the annulment; or
- (b) if he is discharged with a certificate that the bankruptcy was caused by misfortune without any misconduct on his part, on the date of his discharge; or
- (c) in any other case, on the expiration of five years from the date of his discharge;
- (iii) the disqualification attaching to a person by reason of his having made a composition or arrangement with his creditors shall cease,—
- (a) if he pays his debts in full, on the date on which the payment is completed; or

PART II.
—cont.

(b) in any other case, on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled;

(iv) a person shall not be deemed to have received poor relief within the meaning of paragraph (c) of this subsection by reason only that he, or a member of his family, has received medical or surgical treatment, or been an inmate of an institution for the purpose of receiving such treatment, or received relief which could have been granted under the Blind Persons Act, 1920;

(v) for the purposes of paragraphs (d) and (e) of this subsection, the ordinary date on which the period allowed for making an appeal or application with respect to the surcharge or conviction expires or, if such an appeal or application is made, the date on which the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof, shall be deemed to be the date of the surcharge or conviction, as the case may be.

(2) A paid officer of a local authority who is employed under the direction of a committee or sub-committee of the authority, any member of which is appointed on the nomination of some other local authority, shall be disqualified for being elected or being a member of that other local authority.

(3) The recorder of a borough shall be disqualified for being elected or being a member of the council of the borough.

(4) A coroner for a county or a borough, or the deputy of such a coroner, shall be disqualified for being elected or being a member of the council of that county or borough.

(5) Teachers in a school maintained but not provided by a local education authority shall be in the same position as respects disqualification for office as members of the authority as teachers in a school provided by the authority.

60. The acts and proceedings of any person elected to an office under this Act and acting in that office, shall, notwithstanding his disqualification or want of qualification, be as valid and effectual as if he had been qualified.

PART II.
—cont.
Validity of
acts done
by unquali-
fied person.

Acceptance of Office.

61.—(1) A person elected after the commencement of this Act to any of the following offices, that is to say, the office of—

Declaration
of accept-
ance of
office.

- (a) chairman of a county council, county alderman, or county councillor; or
- (b) mayor, alderman, or councillor of a borough; or
- (c) chairman of a district council or district councillor,

shall not, unless he has made a declaration of acceptance of office in a form prescribed by the Secretary of State, and the declaration has within two months from the day of the election been delivered to the clerk of the authority, act in the office except for the purpose of taking such a declaration.

(2) If such declaration is not made and delivered to the clerk of the authority within the appointed time, the office of the person elected shall at the expiration of that time become vacant.

(3) The declaration shall be made before either—

- (a) two members of the council to which the declarant is elected; or
- (b) the clerk of the authority; or
- (c) a justice of the peace or magistrate at any place within His Majesty's dominions; or
- (d) a commissioner appointed to administer oaths in the Supreme Court; or
- (e) a British consular officer.

(4) A person elected after the commencement of this Act to the office of chairman of a parish council or parish councillor shall, in the case of the chairman, at the meeting at which he is elected and, in the case of a councillor, at the first meeting of the parish council after his election, or in either case if the council at that meeting so permit at a later meeting fixed by the council, make in the presence of a member of the council

PART II.
—cont.

and deliver to the council a declaration of acceptance of office in a form prescribed by the Secretary of State, and if he fails so to do his office shall thereupon become vacant.

(5) Any person before whom a declaration is authorised to be made under this section may take the declaration.

Vacation of Office.

Resignation.

62. A person elected to any office under this Act may at any time resign his office by writing signed by him (in this Act referred to as the "notice of resignation") and delivered—

- (a) in the case of a member of a county council, to the clerk of the county council;
- (b) in the case of a person elected to a corporate office in a borough, to the town clerk;
- (c) in the case of a member of a district council, to the clerk of the council;
- (d) in the case of a parish councillor, to the chairman of the parish council; and
- (e) in the case of a chairman of a parish council or of a parish meeting, to the parish council or parish meeting, as the case may be,

and his resignation shall take effect upon the receipt of the notice of resignation by the person or body to whom it is required to be delivered.

Vacation of office by failure to attend meetings, &c.

63.—(1) If a member of a local authority fails throughout a period of six consecutive months to attend any meeting of the local authority, he shall, unless the failure was due to some reason approved by the local authority, cease to be a member of the authority:

Provided that—

- (a) attendance as a member at a meeting of any committee or sub-committee of the local authority, or at a meeting of any joint committee, joint board or other body to which any of the functions of the local authority have been delegated or transferred, shall be deemed for the purposes of this subsection to be attendance at a meeting of the local authority;

- (b) a member of any branch of His Majesty's naval, military or air forces when employed during war or any emergency on any naval, military or air force service, and a person whose employment in the service of His Majesty in connection with war or any emergency is such as, in the opinion of the Minister, to entitle him to relief from disqualification on account of absence, shall not cease to be a member of a local authority by reason only of failure to attend meetings of the local authority if the failure is due to that employment;
- (c) in relation to a member of a county council or of the council of a borough, the said period of six consecutive months must be a period of six consecutive months commencing on or after the date of the commencement of this Act.

(2) If the mayor of a borough is continuously absent from the borough, except in case of illness, for a period exceeding two months, he shall as from the expiration of that period cease to hold that office.

64. Where a member of a local authority—

- (a) ceases to be qualified to be a member of the authority; or
- (b) becomes disqualified for being a member of the authority for any reason other than by reason of a surcharge, or of a conviction, or of a breach of any enactment relating to corrupt or illegal practices; or
- (c) ceases to be a member of the authority or to hold the office of mayor of a borough by reason of failure to attend meetings of the local authority or by reason of absence from the borough, as the case may be,

Declaration
by local
authority
of vacancy
in office in
certain
cases.

the local authority shall, except in any case in which a declaration has been made by the High Court under this Part of this Act, forthwith declare his office to be vacant and signify the vacancy by notice signed by the clerk of the authority and affixed to the offices of the authority.

PART II.
—cont.*Casual Vacancies.*Date of
casual
vacancies.

65. For the purpose of filling a casual vacancy in any office for which an election is held under this Act, the date on which the vacancy shall be deemed to have occurred shall be—

- (a) in the case of non-acceptance of office by any person who is required to make and deliver a declaration of acceptance of office, upon the expiration of the period appointed under this Part of this Act for the delivery of the declaration;
- (b) in the case of resignation, upon the receipt of the notice of resignation by the person or body to whom the notice is required to be delivered;
- (c) in the case of death, upon the date of death;
- (d) in the case of a disqualification by reason of a surcharge or conviction, upon the expiration of the ordinary period allowed for making an appeal or application with respect to the surcharge or conviction or, if an appeal or application is made, upon the date on which that appeal or application is finally disposed of or abandoned or fails by reason of non-prosecution thereof;
- (e) in the case of an election being declared void on an election petition, upon the date of the report or certificate of the election court;
- (f) in the case of a person ceasing to be qualified to be a member of a local authority, or becoming disqualified for any reason other than those mentioned in the foregoing paragraphs of this section, or ceasing to be a member of a local authority by reason of failure to attend meetings, or ceasing to hold the office of mayor of a borough by reason of absence from the borough, upon the date on which his office is declared to have been vacated either by the High Court or by the council, as the case may be; and
- (g) in the case of a county councillor accepting the office of county alderman or of a councillor of a borough accepting the office of alderman of the borough, upon the date on which he accepts that office.

66.—(1) On a casual vacancy occurring in the office of chairman of a county council or county alderman, or of mayor or alderman of a borough, or of chairman of a district council or parish council, an election to fill the vacancy shall be held not later than the next ordinary meeting of the council held after the date on which the vacancy occurs, or if that meeting is held within fourteen days after that date, then not later than the next following ordinary meeting of the council, and shall be conducted in the same manner as an ordinary election.

PART II.
—cont.

Filling of casual vacancy in case of chairman, mayor or alderman.

(2) Where the office vacant is that of chairman of a county council, or of mayor, or of chairman of a district council or parish council, a meeting of the council for the election may be convened by the clerk of the authority.

(3) In a rural parish not having a separate parish council, a casual vacancy in the office of chairman of the parish meeting shall be filled by the parish meeting, and a parish meeting shall forthwith be convened for the purpose of filling the vacancy.

67.—(1) Subject to the provisions of this section, on a casual vacancy occurring in the office of county councillor, councillor of a borough, or district councillor, an election to fill the vacancy shall be held—

Filling of casual vacancies in case of councillors.

(a) in a case in which the High Court or the council have declared the office to be vacant, within thirty days from the date of the declaration; and

(b) in any other case within thirty days after notice in writing of the vacancy has been given to the clerk of the authority by two local government electors for the county, borough, or district;

and shall be conducted in the same manner as an ordinary election, or, in the case of an election of a district councillor, in the manner prescribed by the district election rules.

(2) The day of election to fill a casual vacancy shall be fixed, in the case of an election of a county councillor by the county returning officer, in the case of an election of a councillor of a borough by the mayor, and in the case of an election of a district councillor by the clerk of the district council.

PART II.
—cont.

(3) Where a casual vacancy occurs within six months before the ordinary day of retirement from the office in which the vacancy occurs, an election under this section shall not be held to fill the vacancy, but the vacancy shall be filled at the next ordinary election :

Provided that if upon a vacancy, or a number of simultaneous vacancies, so occurring the total number of unfilled vacancies in the membership of the council exceeds one third of the whole number of members, this subsection shall not apply to that vacancy or to those vacancies.

(4) Where more than one casual vacancy in the office of councillor of a borough, or of an urban or rural district in which the council retire by thirds, is filled at the same election, the person elected by the smallest number of votes shall be deemed to be elected in place of the councillor who would regularly have first retired, and the person elected by the next smallest number of votes shall be deemed to be elected in place of the councillor who would regularly have next retired, and so with respect to the others ; and if there has not been a contested election, or if any doubt arises, the order of retirement shall be determined by lot.

(5) Where an election to fill one or more casual vacancies in the office of councillor of a borough, or of an urban or rural district in which the council retire by thirds, is combined with an ordinary election of councillors, the following provisions shall apply—

(a) where the election is contested—

(i) the persons who are elected by the smallest number of votes shall be deemed elected to fill the casual vacancies ;

(ii) in the case of an equality of votes between the persons who are elected by the smallest number of votes, the persons who shall be deemed elected to fill the casual vacancies shall be determined by lot ;

(iii) if the persons elected to fill the casual vacancies will hold office for different periods, the person elected by the smallest number of votes, or, if the votes are equal, such person as is determined by lot, shall hold office for the shorter period ;

- (b) where the election is not contested, the persons who shall be deemed to be elected to fill the casual vacancies shall be determined by lot.

PART II.
—cont.

(6) A casual vacancy among parish councillors shall be filled by the parish council, and the council shall forthwith be convened for the purpose of filling the vacancy.

(7) Where under this section any question is required to be determined by lot, the lots shall be drawn at the next practicable meeting of the council after the question has arisen, and the drawing shall be conducted under the direction of the person presiding at the meeting.

68. A person elected under this Act to fill a casual vacancy shall hold office until the date upon which the person in whose place he is elected would regularly have retired, and he shall then retire.

Term of office of persons filling casual vacancies.

Miscellaneous Provisions as to Elections.

69.—(1) A candidate at an election of a county councillor, councillor of a borough, district councillor, or parish councillor shall be entitled, for the purpose of holding public meetings in furtherance of his candidature, to the use, without payment and at all reasonable times during the period commencing on the day on which notice of the election is given and ending on the day preceding the day of election, and after reasonable notice, of a suitable room in the schoolhouse of any public elementary school situate in a parish wholly or in part comprised in the electoral area in which he is a candidate:

Right of certain candidates to the use of schoolrooms at elections.

Provided that nothing in this section shall authorise the use of a room used as part of a private dwelling-house, nor authorise any interference with the hours during which the schoolhouse is used for educational purposes.

(2) If by reason of the use of a room under this section any expense is incurred by the persons having control over the room, or any damage is done to the schoolhouse, or to the furniture, fittings or apparatus therein, the expense or cost of making good such damage shall be defrayed by the person by whom, or on whose behalf, the meeting was convened.

PART II.
—cont.

(3) Any question arising under this section as to what is reasonable or suitable shall be determined by the Board of Education.

Non-compliance with provisions as to nomination, &c.

70.—(1) An election held under this Act shall not be invalidated by non-compliance with the provisions of the Second Schedule to this Act, or mistake in the use of the prescribed forms, if it appears to the court having cognizance of the question that the election was conducted in accordance with the principles laid down in this Act and that the non-compliance or mistake did not affect the result of the election.

(2) No misnomer or inaccurate description of any person or place named in any register of electors, electors list, nomination paper, ballot paper, voting paper, or notice, shall affect the full operation of that document with respect to that person or place, in any case where the description of the person or place is such as to be commonly understood.

Election valid unless questioned by election petition, &c.

71.—(1) An election held under this Act or under any enactment repealed by this Act, unless questioned by election petition within the period fixed by law for those proceedings, shall be deemed to have been to all intents a good and valid election.

(2) An election held under this Act or under any enactment repealed by this Act, shall not be liable to be questioned by reason of a defect in the title, or want of title, of the person presiding at, or conducting, the election, if that person was then in actual possession of, or acting in, the office giving the right to preside at, or conduct, the election.

Omission to hold election, or election void.

72.—(1) If at an election of a county councillor or of councillors of a borough or of district councillors—

- (a) the poll is countermanded by reason of the death of a candidate before the commencement of the poll; or
- (b) no person is or remains, or an insufficient number of persons are or remain, validly nominated to fill the vacancy or vacancies in respect of which the election is held and, in the case of an ordinary election, there is no retiring councillor or an insufficient number of retiring councillors to fill the vacancy or vacancies,

the county returning officer in the case of an election of a county councillor, or the mayor in the case of an election of councillors of a borough, or the returning officer in the case of an election of district councillors, shall order an election to be held on such day as he may appoint to fill any vacancy which remains unfilled.

PART II.
—cont.

(2) If for any other reason an election is not held on the appointed day or within the appointed time, or fails either wholly or in part or becomes void, then—

(a) in the case of an election of the chairman of a county council or of a county alderman or county councillor, or of the mayor or an alderman or councillor of a borough, the High Court may order an election to be held on a day appointed by the court; and

(b) in the case of an election of the chairman of a district council or of a district councillor, the county council shall order an election to be held on a day appointed by them.

(3) If a district council become unable to act, whether from there being a failure to elect or otherwise, the county council may appoint persons to form the district council until the newly-elected members come into office.

(4) Where an election is ordered under this section, notice of the election shall be given, and the election shall be conducted, in the same manner as is directed by this Act for the conduct of the election in the place of which the new election is ordered :

Provided that no fresh nomination shall be necessary in the case of a candidate who remained validly nominated for the election which has not been duly held or has failed or become void.

(5) The High Court may order that the costs of any person of proceedings under paragraph (a) of subsection (2) of this section shall be paid by the council of the county or borough concerned.

(6) If a municipal election is not held on the appointed day or within the appointed time, or becomes void, the municipal corporation shall not thereby be dissolved, or be disabled from acting.

PART II.

—cont.

Notices as to
elections.

73. Any notice required to be given in connection with an election held under this Act may relate to more than one electoral area, and, in cases where the polls at elections of rural district councillors and parish councillors are held together, to both elections.

Provisions
as to ballot
boxes, &c.

74.—(1) Any ballot boxes, fittings and compartments provided for parliamentary elections out of moneys provided by Parliament may, on request, be lent to the returning officer at an election under this Act or at a poll consequent on a parish meeting upon such terms and conditions as the Treasury may determine.

(2) Any ballot boxes, fittings and compartments provided by or belonging to a local authority shall, on request, and if not required for immediate use by that authority, be lent to the returning officer at an election held under this Act or at a poll consequent on a parish meeting upon such terms and conditions as may be agreed.

*Meetings and Proceedings.*Meetings
and pro-
ceedings of
local
authorities.

75. The provisions of Parts I to V of the Third Schedule to this Act shall have effect as respects the meetings and proceedings of local authorities and of committees thereof:

Provided that a county councillor elected for an electoral division consisting wholly of a county district or of some part of a county district shall not vote on any matter involving only expenditure on account of which the county district is not, for the time being, liable to be charged.

Disability
of members
of authori-
ties for
voting on
account of
interest in
contracts,
&c.

76.—(1) If a member of a local authority has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of the local authority at which the contract or other matter is the subject of consideration, he shall at the meeting, as soon as practicable after the commencement thereof, disclose the fact, and shall not take part in the consideration or discussion of, or vote on any question with respect to, the contract or other matter:

Provided that this section shall not apply to an interest in a contract or other matter which a member may have as a ratepayer or inhabitant of the area, or as an ordinary consumer of gas, electricity or water, or

to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

PART II.
—cont.

(2) For the purposes of this section a person shall (subject as hereafter in this subsection provided) be treated as having indirectly a pecuniary interest in a contract or other matter, if—

- (a) he or any nominee of his is a member of a company or other body with which the contract is made or is proposed to be made or which has a direct pecuniary interest in the other matter under consideration; or
- (b) he is a partner, or is in the employment, of a person with whom the contract is made or is proposed to be made or who has a direct pecuniary interest in the other matter under consideration:

Provided that—

(i) this subsection shall not apply to membership of, or employment under, any public body;

(ii) a member of a company or other body shall not, by reason only of his membership, be treated as being so interested if he has no beneficial interest in any shares or stock of that company or other body.

(3) In the case of married persons living together the interest of one spouse shall, if known to the other, be deemed for the purposes of this section to be also an interest of that other spouse.

(4) A general notice given in writing to the clerk of the authority by a member thereof to the effect that he or his spouse is a member or in the employment of a specified company or other body, or that he or his spouse is a partner or in the employment of a specified person, shall, unless and until the notice is withdrawn, be deemed to be a sufficient disclosure of his interest in any contract, proposed contract or other matter relating to that company or other body or to that person which may be the subject of consideration after the date of the notice.

(5) The clerk of the authority shall record in a book to be kept for the purpose particulars of any disclosure made under subsection (1) of this section, and of any

PART II.
—cont.

notice given under subsection (4) thereof, and the book shall be open at all reasonable hours to the inspection of any member of the local authority.

(6) If any person fails to comply with the provisions of subsection (1) of this section, he shall for each offence be liable on summary conviction to a fine not exceeding fifty pounds, unless he proves that he did not know that a contract, proposed contract, or other matter in which he had a pecuniary interest was the subject of consideration at the meeting.

(7) A prosecution for an offence under this section shall not be instituted except by or on behalf of the Director of Public Prosecutions.

(8) The county council, as respects a member of a parish council, and the Minister, as respects a member of any other local authority, may, subject to such conditions as the county council or the Minister, as the case may be, may think fit to impose, remove any disability imposed by this section in any case in which the number of members of the local authority so disabled at any one time would be so great a proportion of the whole as to impede the transaction of business, or in any other case in which it appears to the county council or the Minister, as the case may be, that it is in the interests of the inhabitants of the area that the disability should be removed.

(9) A local authority may by standing orders provide for the exclusion of a member of the authority from a meeting of the authority whilst any contract, proposed contract or other matter in which he has such an interest as aforesaid is under consideration.

Parish
meetings.

77.—(1) Parish meetings shall be held, and the proceedings thereat shall be conducted, in accordance with the provisions of Part VI of the Third Schedule to this Act.

(2) The chairman of a parish council shall be entitled to attend a parish meeting for the parish whether he is or is not a local government elector for the parish, but, if not such an elector, he shall not be entitled to give any vote at the meeting except a casting vote.

78. Where a parish meeting is required or authorised to be held for a parish ward or other part of a parish, then—

- (a) the persons entitled to attend and vote at the meeting, or to vote at any poll consequent thereon, shall be the local government electors registered in respect of qualifications in that parish ward or part of the parish; and
- (b) the provisions of this Act with respect to parish meetings for the whole of a parish, including the provisions with respect to the convening of a parish meeting by local government electors, shall apply as if the parish ward or part of the parish were the whole parish.

PART II.
—cont.
Parish
meeting
for parish
wards, &c.

Offences.

79. If a person whose duty it is to act as returning officer at, or to take part in the conduct of, an election under this Act neglects or refuses to conduct the election, or to declare the result of, or to take part in the conduct of, the election, as required by this Act or by any rules made thereunder, or if a person whose duty it is to convene a parish meeting for the purpose of the election of parish councillors neglects or refuses to convene the meeting, he shall for every such offence be liable on summary conviction to a fine not exceeding one hundred pounds:

Failure of
returning
officers, &c.
to conduct
election.

Provided that a person shall not be liable to conviction under this section, unless the information has been laid within three months from the date of the commission of the offence.

80. If any person fraudulently defaces or so attempts to deface, or fraudulently destroys or so attempts to destroy, any nomination paper, he shall be liable, on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

Offences in
relation to
nomination
papers.

81. If any person—

- (a) fraudulently defaces or fraudulently destroys any ballot paper or the official mark on any ballot paper; or
- (b) without due authority supplies a ballot paper to any person; or

Offences in
relation to
ballot
papers and
ballot boxes.

PART II.
—cont.

- (c) fraudulently puts into a ballot box any paper other than the ballot paper which he is authorised by law to put in; or
- (d) fraudulently takes out of the polling station any ballot paper; or
- (e) without due authority destroys, takes, opens or otherwise interferes with any ballot box or packet of ballot papers then in use for the purposes of an election; or
- (f) fraudulently or without due authority, as the case may be, attempts to do any of the foregoing acts;

he shall—

- (i) if he is a returning officer, or an officer appointed to assist in taking the poll or counting the votes, be liable, on conviction on indictment, to imprisonment for a term not exceeding two years; and
- (ii) in any other case be liable, on conviction on indictment or on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

Offence of
personation.

82.—(1) If any person—

- (a) applies for a ballot paper in the name of some other person, whether that name be that of a person living or dead or of a fictitious person; or
- (b) having voted once at an election applies at the same election for a ballot paper in his own name;

he shall be guilty of the offence of personation, and shall be liable—

- (i) on conviction on indictment, to imprisonment for a term not exceeding two years; or
- (ii) on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(2) It shall be the duty of a returning officer to institute proceedings against any person whom he may

have reasonable cause to believe to have been guilty of the offence of personation under this section at the election for which he is returning officer.

PART II.
—cont.

(3) A person charged with the offence of personation under this section shall not be convicted or committed for trial except upon the evidence of not less than two credible witnesses.

83. All costs properly incurred by a returning officer in the institution of legal proceedings arising out of an election held under this Act shall be deemed to form part of the expenses properly incurred by him in relation to the holding of the election.

Costs of
returning
officer in
legal pro-
ceedings.

84.—(1) Proceedings may be instituted, either in the High Court or in a court of summary jurisdiction, against any person acting as a member of a local authority, or as mayor of a borough, on the ground of his being disqualified within the meaning of this section for so acting, and proceedings may be instituted in the High Court on the like ground against any person claiming to be entitled so to act :

Proceedings
in respect
of qualifica-
tion.

Provided that proceedings under this section on the ground of a person acting as aforesaid shall not be instituted after the expiration of six months from the date on which he so acted.

(2) Where in proceedings instituted under this section it is proved that the defendant has acted as a member of a local authority, or as mayor of a borough, while disqualified for so acting, then—

(a) in proceedings in the High Court, the court shall have power—

(i) to make a declaration to that effect and to declare that the office in which the defendant has acted is vacant;

(ii) to grant an injunction restraining the defendant from so acting;

(iii) to order that the defendant shall forfeit to His Majesty such sum as the court think fit, not exceeding fifty pounds for each occasion on which he so acted while disqualified;

PART II.
—cont.

- (b) in proceedings in a court of summary jurisdiction, the court shall, subject to the provisions of this section, have power on conviction to impose on the defendant a fine not exceeding fifty pounds for each occasion on which he so acted while disqualified.
- (3) Where proceedings are instituted under this section in a court of summary jurisdiction, then—
- (a) if the court is satisfied that the matter in question would be more properly dealt with in the High Court, the court shall order the discontinuance of proceedings in the court of summary jurisdiction;
- (b) if, on application made to the High Court by the defendant within fourteen days after service of the summons upon him, the High Court is satisfied as aforesaid, the High Court may make an order, which shall not be subject to any appeal, requiring the court of summary jurisdiction to order the discontinuance of proceedings in the court of summary jurisdiction.
- (4) Where in proceedings instituted under this section in the High Court it is proved that the defendant claims to act as a member of a local authority, or as mayor of a borough, and is disqualified for so acting, the court shall have power to make a declaration to that effect and to declare that the office in which the defendant claims to be entitled to act is vacant, and to grant an injunction restraining him from so acting.
- (5) No proceedings shall be instituted under this section by any person other than a local government elector for the area of the local authority concerned.
- (6) Sections four and five of the Municipal Offices Act, 1710, are hereby repealed, and, except as provided by this section, no proceedings, whether by way of an information in the nature of a quo warranto or otherwise, shall be instituted against a person on the ground that at any time after the commencement of this Act he has, while disqualified for acting as a member of a local authority or as mayor of a borough, so acted or claimed to be entitled so to act.

(7) For the purposes of this section a person shall be deemed to be disqualified for acting as a member of a local authority, or as mayor of a borough,—

PART II.
—cont.

- (a) if he is not qualified to be, or is disqualified for being, a member of the authority, or for holding that office; or
- (b) if by reason of failure to make and deliver the declaration of acceptance of office within the period required, resignation, failure to attend meetings of the local authority, or in the case of a mayor absence from the borough, as the case may be, he has ceased to be a member of the authority, or to hold that office.

(8) This section applies to a person acting, or claiming to be entitled to act, as an elective auditor of a borough as it applies to a person acting or claiming to be entitled to act as a member of a local authority.

PART III.

COMMITTEES AND JOINT COMMITTEES.

General Power of Local Authorities to Appoint Committees.

85.—(1) A local authority may appoint a committee Appoint-
ment of
committees. for any such general or special purpose as in the opinion of the local authority would be better regulated and managed by means of a committee, and may delegate to a committee so appointed, with or without restrictions or conditions, as they think fit, any functions exercisable by the local authority either with respect to the whole or a part of the area of the local authority, except the power of levying, or issuing a precept for, a rate, or of borrowing money.

(2) The number of members of a committee appointed under this section, their term of office, and the area, if any, within which the committee is to exercise its authority, shall be fixed by the local authority.

(3) A committee appointed under this section (other than a committee for regulating and controlling the finance of the local authority or of their area) may include persons who are not members of the local authority:

PART III.
—cont.

Provided that at least two-thirds of the members of every committee shall be members of the local authority.

(4) Every member of a committee appointed under this section who at the time of his appointment was a member of the local authority by whom he was appointed shall, upon ceasing to be a member of the authority, also cease to be a member of the committee :

Provided that for the purposes of this section a member of a local authority shall not be deemed to have ceased by reason of retirement to be a member of the authority, if he has been re-elected a member thereof not later than the day of his retirement.

(5) Nothing in this section shall authorise the appointment of a committee for any purpose for which the local authority are authorised or required to appoint a committee by any other enactment (including any enactment in this Act) for the time being in force.

*Finance Committees of County Councils,
Parochial Committees, &c.*

Finance committees of county councils.

86.—(1) A county council shall appoint a finance committee consisting of such number of members of the council as they think fit for regulating and controlling the finance of the county, and shall fix the term of office of the members of the committee.

(2) Subject to the provisions of any enactment relating to the standing joint committee or to any other statutory committee, no costs, debt or liability exceeding fifty pounds shall be incurred by a county council except upon a resolution of the council passed on an estimate submitted by the finance committee.

Parochial committees.

87.—(1) A rural district council may, at a meeting specially convened for the purpose, appoint for any one or more contributory places within their district a parochial committee consisting either wholly of members of the district council or partly of such members and partly of local government electors for such contributory place or places, as the council may determine :

Provided that, where a parochial committee is appointed consisting partly of members of the district council and partly of other persons, those other persons

shall, as respects any contributory place which consists of a parish having a separate parish council, be, or be selected from, the members of the parish council. PART III.
—cont.

(2) A rural district council may delegate to a parochial committee, with or without restrictions or conditions, as they think fit, any functions exercisable by them within the contributory place or places for which the committee is formed, except the power of levying a rate or borrowing money.

(3) If a rural district council refuse to appoint a parochial committee for a contributory place after receiving a request to that effect from the parish council or parish meeting of a parish which is wholly or in part comprised in the contributory place, the parish council or parish meeting may petition the Minister and the Minister may by order direct the rural district council to appoint a parochial committee for that contributory place.

88.—(1) A rural district council may delegate to a parish council any functions which, under the preceding section, may be delegated to a parochial committee, and thereupon that section shall apply as if the parish council were a parochial committee. Delegation
of powers
to parish
council.

(2) Where functions are delegated to a parish council under this section, the parish council, in the discharge of those functions, shall act as agents for the rural district council.

89. Where a parish council have any functions which are to be discharged in a part only of the parish, or in relation to a recreation ground, building or property held for the benefit of a part only of the parish, and that part of the parish has a defined boundary, the council shall, if required by a parish meeting held for that part of the parish, appoint annually a committee, consisting partly of members of the council and partly of other persons representing the said part of the parish, to discharge such functions. Committees
for parts
of rural
parishes.

90.—(1) In a rural parish not having a separate parish council the parish meeting may, subject to any provisions made by a grouping order, appoint a committee from amongst the local government electors for the parish for any purpose which, in the opinion of the parish meeting, Committees
of parish
meetings.

PART III.
—cont.

would be better regulated and managed by means of such a committee.

(2) All acts of a committee appointed under this section shall be submitted to the parish meeting for approval.

Joint Committees.

Appoint-
ment of
joint com-
mittees.

91.—(1) A local authority may concur with any one or more other local authorities in appointing from amongst their respective members a joint committee of those authorities for any purpose in which they are jointly interested, and may delegate to the committee, with or without restrictions or conditions, as they think fit, any functions of the local authority relating to the purpose for which the joint committee is formed, except the power of levying, or issuing a precept for, a rate, or of borrowing money :

Provided that, where a local authority concur in appointing a joint committee for the discharge of any functions which under any enactment the authority are authorised or required to discharge through a committee appointed under that enactment, and that enactment contains any special provisions with respect to the constitution and functions of that committee (including any provisions with respect to the appointment of persons who are not members of the local authority), those provisions shall apply to the constitution and functions of the joint committee with such modifications, if any, as the case may require.

(2) Subject to the provisions of this section, the number of members of a joint committee appointed under this section, the term of office of the members thereof, and the area, if any, within which the joint committee is to exercise its authority, shall be fixed by the appointing authorities.

(3) Every member of a joint committee appointed under this section who at the time of his appointment was a member of the local authority by whom he was appointed, shall, upon ceasing to be a member of that authority, also cease to be a member of the joint committee :

Provided that for the purposes of this subsection a member of a local authority shall not be deemed to have ceased by reason of retirement to be a member of the

authority, if he has been re-elected a member thereof not later than the day of his retirement. PART III.
—cont.

(4) Nothing in this section shall authorise the appointment of a joint committee for any purpose for which the appointing local authorities are authorised or required to appoint a joint committee by any other enactment for the time being in force.

92. Where a parish council can be required under this Part of this Act to appoint a committee consisting partly of members of the council and partly of other persons, that requirement may also be made in the case of a joint committee, and shall be duly complied with by the parish councils concerned at the time of the appointment of such committee. Joint committees for parts of parishes.

93.—(1) The expenses incurred by a joint committee appointed under this Part of this Act shall be defrayed by the local authorities by whom the committee is appointed in such proportions as they may agree upon, or in case of disagreement as may be determined— Expenses and accounts of joint committees.

(a) in any case in which a county council or the council of a county borough are an appointing authority, and in any case in which the appointing authorities include the councils of county districts situate in different counties, by the Minister; and

(b) in any other case, by the county council.

(2) The accounts of a joint committee appointed under this Part of this Act shall be made up yearly to the thirty-first day of March, and where the appointing authorities consist only of the councils of boroughs, and the accounts of the joint committee are not subject to audit by a district auditor under the provisions of Part X of this Act, they shall be audited by the auditor or auditors of the accounts of such one of the appointing authorities as may be agreed upon.

*General Provisions relating to Committees and
Joint Committees.*

94. A person who is disqualified under Part II of this Act for being elected or being a member of a local authority shall be disqualified for being a member of a committee or sub-committee of that authority, or for Disqualification for membership of committees and

PART III.
—*cont.*
joint committees.

being a representative of that authority on a joint committee appointed by agreement between the authority and other local authorities, whether the committee, sub-committee or joint committee are appointed under this Part of this Act or under any other enactment, and the provisions of section eighty-four of this Act shall apply as respects any such person with the substitution therein, for references to membership of a local authority, of references to membership of the committee, or sub-committee, or joint committee :

55 & 56 Vict
c. 53.

Provided that a person shall not be disqualified for being a member of an education committee, or of a committee appointed for the care of the mentally defective, or of a committee appointed under section fifteen of the Public Libraries Act, 1892, by reason only of his being a teacher or holding any other office in a school or college which is aided, provided or maintained by the local authority appointing the committee.

Disability
for voting
on account
of interest
in contracts,
&c.

95. Section seventy-six of this Act shall apply in respect of members of a committee or sub-committee of a local authority or of any joint committee appointed by agreement between local authorities, whether the committee, sub-committee or joint committee are appointed under this Part of this Act or under any other enactment, as that section applies in respect of members of local authorities, subject to the following modifications :—

- (a) as respects members of a committee or sub-committee, references to meetings of the committee or sub-committee shall be substituted for references to meetings of the local authority, and the right of persons who are members of the committee or sub-committee but not members of the local authority to inspect the book to be kept under subsection (5) of the said section shall be limited to an inspection of the entries in the book relating to members of the committee or sub-committee; and
- (b) as respects members of any such joint committee as aforesaid, references to meetings of the joint committee shall be substituted for references to meetings of the local authority, and references to the clerk to the joint committee for references to the clerk of the authority.

96.—(1) A local authority appointing a committee, and local authorities who concur in appointing a joint committee, either under this Part of this Act or under any other enactment, may make, vary and revoke standing orders respecting the quorum, proceedings and place of meeting of the committee or joint committee, but subject to any such standing orders the quorum, proceedings and place of meeting shall be such as the committee or joint committee may determine.

PART III.
—cont.
Standing
orders, &c.

(2) The person presiding at a meeting of a committee or joint committee appointed either under this Part of this Act or under any other enactment shall have a second or a casting vote.

97. The provisions of this Part of this Act relating to joint committees shall apply to the London County Council and to any metropolitan borough council as if that council were for the purposes of those provisions a local authority within the meaning of this Act, subject to the following modifications:—

Application
to London
of provisions
relating to
joint com-
mittees.

- (a) a reference to disqualification under Part II of this Act shall be construed as a reference to disqualification under the provisions of any enactment for the time being in force relating to disqualification for membership of the council in question; and
- (b) any dispute as to the proportion in which the expenses of a joint committee of which one or more of the constituent authorities is a metropolitan borough council shall be defrayed shall be determined by the Minister.

PART IV.

OFFICERS.

County Officers.

98. Every county council shall appoint a fit person to be clerk of the county council, but before appointing a person to fill that office the council shall ascertain whether he would be willing to accept the office of clerk of the peace of the county, and shall have regard to his fitness to perform the duties of that office, and shall for that purpose consult the chairman, or, in his absence, the deputy chairman, of quarter sessions for the county.

Clerk of
county
council.

PART IV.
—cont.
Salary of
clerk of
county
council.

99.—(1) Every county council shall pay to the clerk of the council such reasonable salary as may be determined by the council, subject to the approval of the Minister.

(2) The salary paid to the clerk of a county council shall be deemed to be remuneration for all business which he may, by reason of his office as clerk of the county council, be called on to perform, and all fees and costs payable to the clerk of a county council, except such fees and costs as are expressly excluded when his salary is determined, shall, in accordance with such directions as may be given by the council, be accounted for and paid to the county fund.

7 & 8 Geo. 5.
c. 64.

(3) In this section the expression “fees and costs” includes such sums as are payable to the clerk of a county council for his personal remuneration under section fifteen of the Representation of the People Act, 1918, as registration expenses, or under section twenty-nine of that Act, but save as aforesaid does not include sums payable to the clerk of a county council in respect of the registration of electors or as charges or fees in respect of services and expenses in connection with the conduct of parliamentary elections.

Tenure of
office of
clerk of
county
council.

100.—(1) The clerk of a county council shall, subject to the provisions of this section, hold office during the pleasure of the council, so, however, that he shall not be dismissed from his office without the consent of the Minister.

(2) If a person holding office both as clerk of the county council and as clerk of the peace of the county voluntarily resigns the office of clerk of the peace, he shall be deemed thereby to vacate the office of clerk of the county council, but shall be eligible for reappointment to that office.

(3) The office of clerk of a county council shall be vacated—

(a) upon the holder of the office becoming incapable, by reason of permanent ill-health or infirmity of mind or body, of discharging with efficiency the duties of that office, or, if he holds office both as clerk of the county council and as clerk of the peace of the county, of either office; or

- (b) upon the holder of the office attaining the age of sixty-five years,

PART IV.
—cont.

whichever event first occurs :

Provided that the office of clerk of a county council shall not, by reason of the foregoing provisions of this section, be vacated upon the holder of the office attaining the age of sixty-five years—

- (i) in the case of a clerk of a county council who is also clerk of the peace of the county, if and so long as the period of his tenure of each of those offices is, with his consent, extended by resolutions passed for the purpose by the authorities having power to fill vacancies in those offices ;
- (ii) in the case of a clerk of a county council who is not also the holder of the office of clerk of the peace of the county, if and so long as the period of his tenure of the office is, with his consent, extended by a resolution passed for the purpose by the county council ;

but no such resolution shall extend the tenure of office of a clerk of a county council for more than one year at a time.

(4) If any dispute arises as to whether the clerk of a county council has become incapable by reason of permanent ill-health or infirmity of mind or body of discharging with efficiency the duties of his office or, where he is also clerk of the peace of the county, of either of those offices, the dispute shall be referred to the Minister, and the decision of the Minister shall be final.

101. The clerk of a county council, when acting in relation to any business of the county council, and when acting under any enactment (including any enactment in this Act) or statutory order relating to the deposit of plans or documents, shall act under the direction of the council, and all enactments and statutory orders relating to such business or to the deposit of plans or documents, other than those relating to judicial business, shall be construed as if the clerk of the county council were therein substituted for the clerk of the peace.

Duties, &c.
of clerk of
county
council.

102.—(1) Every county council shall appoint a fit person to be the county treasurer, and may pay to the person so appointed such reasonable remuneration as they may determine.

County
treasurer.

PART IV.
—cont.

(2) The county treasurer shall hold office during the pleasure of the county council.

(3) A vacancy in the office of county treasurer shall be filled within four months after its occurrence.

(4) The offices of clerk of the county council and county treasurer shall not be held by the same person or by persons who stand in relation to one another as partners or as employer and employee.

County
medical
officer of
health.

103.—(1) Every county council shall appoint one or more fit persons to be county medical officer or officers of health, and may pay to every person so appointed such reasonable salary as they may determine.

(2) A person shall not be appointed a county medical officer of health, unless he is a duly qualified medical practitioner and is registered in the medical register as the holder of a diploma in sanitary science, public health, or state medicine.

(3) A county medical officer of health shall not be appointed for a limited period only but shall hold office during the pleasure of the county council, so, however, that he shall not be dismissed from his office without the consent of the Minister.

(4) A county medical officer of health shall perform such duties as may be prescribed, and such other duties as may be assigned to him by the county council.

(5) A county medical officer of health shall, for the purposes of his duties, have the same powers of entry on premises as are conferred on a medical officer of health of a county district.

(6) A county medical officer of health shall not engage in private practice, and shall not hold any other public appointment without the consent of the Minister.

(7) Regulations made under this section shall be laid before Parliament as soon as may be after they are made.

County
surveyor.

104.—(1) Every county council shall appoint a fit person to be county surveyor, and may pay to the person so appointed such reasonable remuneration as they may determine.

(2) A county surveyor shall hold office during the pleasure of the county council.

(3) A county surveyor shall perform such duties as may be determined by the county council. PART IV.
—cont.

105.—(1) Every county council shall appoint such other officers as the council think necessary for the efficient discharge of the functions of the council. Appoint-
ment of
staff.

(2) A county council may pay to an officer appointed under this section such reasonable remuneration as they may determine, and every such officer shall hold office during the pleasure of the council.

(3) A county council may assign officers to assist the clerk of the county council in carrying out any of his duties in relation to the registration of electors and the conduct of parliamentary elections upon such terms as may be agreed between the council and the clerk.

Municipal Officers.

106.—(1) The council of every borough shall appoint fit persons to be town clerk, treasurer, surveyor, medical officer of health and sanitary inspector or inspectors, and shall also appoint such other officers as the council think necessary for the efficient discharge of the functions of the council. Town clerk,
borough
treasurer
and other
officers.

(2) Subject, as respects the offices of medical officer of health and sanitary inspector, to the provisions of this Part of this Act, the council may pay to an officer appointed under this section such reasonable remuneration as they may determine, and, subject as aforesaid, every such officer shall hold office during the pleasure of the council.

(3) A vacancy in the office of town clerk or of treasurer shall be filled within twenty-one days after its occurrence.

(4) A vacancy in the office of medical officer of health or sanitary inspector shall be filled within six months, or such longer period as the Minister may in any particular case permit, after its occurrence.

(5) The offices of town clerk and treasurer shall not be held by the same person or by persons who stand in relation to one another as partners or as employer and employee.

(6) The council of a borough may assign officers to assist the town clerk in carrying out any of his duties

PART IV.
—cont.

in relation to the registration of electors and the conduct of parliamentary elections upon such terms as may be agreed between the council and the town clerk.

Officers of Urban and Rural District Councils.

Officers of urban and rural district councils.

107.—(1) Every district council shall appoint fit persons to be clerk of the council, treasurer, surveyor, medical officer of health and sanitary inspector or inspectors, and shall also appoint such other officers as the council think necessary for the efficient discharge of the functions of the council:

Provided that a rural district council need not appoint a surveyor and may, if they think fit, appoint more than one medical officer of health.

(2) Subject, as respects the offices of medical officer of health and sanitary inspector, to the provisions of this Part of this Act, the council may pay to an officer appointed under this section such reasonable remuneration as they may determine, and, subject as aforesaid, every such officer shall hold office during the pleasure of the council.

(3) A vacancy in the office of medical officer of health or sanitary inspector shall be filled within six months, or such longer period as the Minister may in any particular case permit, after its occurrence.

(4) The offices of clerk of the council and treasurer shall not be held by the same person or by persons who stand in relation to one another as partners or as employer and employee.

Borough and District Medical Officers of Health and Sanitary Inspectors.

Qualifications, duties, &c. of medical officers of health and sanitary inspectors.

108.—(1) The Minister may by regulations prescribe—

- (a) the qualifications to be held and the duties to be performed by medical officers of health of boroughs and urban and rural districts;
- (b) the mode of appointment and terms as to salary and tenure of office of medical officers of health and sanitary inspectors of boroughs and urban and rural districts, and the qualifications and duties of such sanitary inspectors.

PART IV.
—cont.

(2) Compliance with the regulations made under paragraph (a) of the preceding subsection shall be obligatory on the council of every borough and of every urban and rural district; compliance with the regulations made under paragraph (b) thereof shall not be obligatory on any such council, but compliance therewith shall be a condition of the right of the council of any county district to receive from the county council any such payment as is mentioned in the next succeeding section of this Act.

(3) A person shall not be appointed a medical officer of health of a borough or urban or rural district unless, in addition to holding the qualifications prescribed under this section—

- (a) he is a duly qualified medical practitioner; and,
- (b) in the case of a borough or urban or rural district having a population of fifty thousand or more, he is also registered in the medical register as the holder of a diploma in sanitary science, public health or state medicine.

(4) A medical officer of health of a borough or urban or rural district shall perform such duties as may be prescribed under this section, and may exercise any of the powers with which a sanitary inspector is invested.

(5) Regulations made under this section shall be laid before each House of Parliament as soon as may be after they are made.

109. Where in the case of a medical officer of health or sanitary inspector of a county district the regulations made under subsection (1) of the last preceding section are complied with, the council of the county in which the district, or any part thereof, is situate shall, during the tenure of office of that officer, pay to the council by whom he is paid a sum equal to one-half of his salary :

Payments by county council towards salary of medical officers of health and sanitary inspectors of county districts.

Provided that—

- (i) if the Minister certifies to the county council—

- (a) that the medical officer of health has failed to send to the Minister such reports and returns as are for the time being required by the regulations made under the last preceding section to be so sent; or

PART IV.
—cont.

(b) that the medical officer of health has not given to the county medical officer of health such information as he is required to give under section one hundred and thirteen of this Act; or

(c) that the provisions of the next succeeding section of this Act relating to a medical officer of health or sanitary inspector have not been complied with;

the said sum equal to one-half of the salary of the medical officer of health or, if the non-compliance relates to the sanitary inspector, of the sanitary inspector, shall be forfeited to the Crown and shall be paid to the Exchequer and not to the council by whom the officer is paid; and

- (ii) where a county district is not wholly situate in one county, such proportionate part only of the sum otherwise payable as may be certified by the Minister shall be paid by the council of each county in which a part of the district is situate.

Tenure of
office of
medical
officer of
health and
senior
sanitary
inspector.

110.—(1) The following officers, that is to say—

- (a) a medical officer of health of a county borough or county district to whom this section applies, and who is restricted by the terms of his appointment from engaging in private practice as a medical practitioner; and
- (b) a sanitary inspector of a county borough or county district to whom this section applies, and who is required by the terms of his appointment to devote the whole of his time to the duties of his office, or to the duties of that office and of any other office or offices held by him under a local authority or a public body,

shall not be appointed for a limited time only, and shall not be dismissed except by the council of the borough or district with the consent of the Minister, or by the Minister.

(2) This section applies—

- (a) to a medical officer of health or a sanitary inspector of a county borough to the council of which before it was constituted a county borough there was paid, either out of moneys voted by Parliament or by the county council, a portion of the salary of the medical officer of health, or, as the case may be, of the sanitary inspector, of the borough; and
- (b) to a medical officer of health or a sanitary inspector of a county district, in respect of whose salary a payment is made by the county council under the last foregoing section :

PART IV.

—cont.

Provided that, where more than one sanitary inspector is appointed for such a borough or district as aforesaid, the foregoing provisions of this section shall apply only to such one of the sanitary inspectors of the borough or district as the council may determine to be the senior sanitary inspector.

111.—(1) Whereas respects any county such arrangements as are mentioned in section fifty-eight of the Local Government Act, 1929, have not been formulated before the commencement of this Act, the county council shall, after consultation with the councils of the county districts situate wholly or in part within the county, formulate arrangements for securing, whether by means of a combination of districts or otherwise, that every medical officer of health subsequently appointed for a county district shall be restricted by the terms of his employment from engaging in private practice as a medical practitioner.

Arrange-
ments for
securing
that medical
officers of
health shall
not engage
in private
practice.
19 & 20
Geo. 5. c. 17.

(2) The county council shall, as soon as may be, send a copy of the instrument embodying the arrangements to the Minister and to the council of every such district, and every such council shall be at liberty to make representations thereon to the Minister.

(3) If a county council within six months after being required to do so by the Minister fail to formulate such arrangements as aforesaid, the Minister, after consulting the county council and the councils of all such districts, may formulate any such arrangements as the county council might have formulated.

PART IV.
—cont.

(4) Where such arrangements as aforesaid have been formulated either under section fifty-eight of the Local Government Act, 1929, or under this section, then, on a vacancy occurring in the office of medical officer of health for any such district, it shall be a term of the appointment of a person to fill the vacancy that he shall not engage in private practice as a medical practitioner :

Provided that, if upon application made to him by the council of that county district in connection with any such proposed appointment, the Minister, after considering the arrangements formulated and any representations which may be made to him by the county council or by the councils of other county districts concerned, is satisfied that such a term cannot conveniently form part of the terms of the proposed appointment, he may dispense with the foregoing requirement as respects that appointment on such conditions as he may think fit.

(5) A county council may, after consultation with the councils of county districts situate wholly or in part within the county, vary any such arrangements as aforesaid and shall, as soon as may be, send a copy of the instrument embodying the variation to the Minister and to the council of every such district, and every such council shall be at liberty to make representations thereon to the Minister.

Union of
districts for
appoint-
ment of
medical
officer of
health.

112.—(1) Subject to the provisions of this section, the Minister may, in any case in which upon representations being made to him he is satisfied that the appointment of a medical officer of health for two or more districts would diminish expense, or otherwise be for the advantage of the districts, by order unite the districts for the purpose of appointing a medical officer of health, and the order may contain provisions with respect to—

- (a) the mode of appointment and removal of the officer by representatives of the councils of the districts; and
- (b) the meetings of the representatives; and
- (c) the proportion in which the expenses of the appointment and of the salary and expenses of the officer are to be borne by the councils of the districts; and

- (d) any other matters (including the necessary expenses of the representatives) which, in the opinion of the Minister, require regulation for the purposes of this section:

PART IV.
—cont.

Provided that no borough or urban district having a population of twenty thousand or more, and no borough having a separate court of quarter sessions, shall be included in any union of districts formed under this section without the consent of the council of the borough or district.

(2) Whilst an order made under this section is in force, no medical officer of health shall be appointed for any of the districts included in the union, except as an assistant to the officer appointed for the union.

(3) Not less than twenty-eight days' notice that it is proposed to make an order under this section shall be given by the Minister to the council of every district proposed to be included in the union, and, if within twenty-one days after such notice has been given to any such council, they give notice to the Minister that they object to the proposal, any order made by the Minister including that district in a union shall be provisional only, and shall not have effect unless and until it is confirmed by Parliament.

(4) An order made under this section may be altered or revoked by an order made in like manner and subject to the like provisions as the original order.

(5) In this section the expression "district" means a county borough or county district.

113.—(1) The medical officer of health of a county district shall give to the county medical officer of health any information which it is in his power to give and which the county medical officer of health may reasonably require from him for the purpose of his duties prescribed by the Minister.

Relations
between
medical
officers of
health of
county and
county
districts.

(2) If any dispute or difference arises between the medical officer of health of a county district and the county medical officer of health under this section, it shall be referred to the Minister, whose decision shall be final.

PART IV.
—cont.Clerk and
treasurer
of parish
council.*Parish Officers.*

114.—(1) A parish council may appoint one of their number to be clerk of the council without remuneration.

(2) If no member of the council is so appointed, the council may appoint some other fit person to be their clerk with such reasonable remuneration as they may determine.

(3) Where a parish council act as a parochial committee by delegation from the rural district council, they shall be entitled whilst so acting to the services of the clerk of the rural district council, unless the district council otherwise direct.

(4) A parish council may appoint one of their own number or some other fit person to be treasurer, without remuneration.

*General.*Appoint-
ment of
standing
deputies.

115.—(1) A local authority who under this Part of this Act appoint a clerk, treasurer, surveyor, medical officer of health, or sanitary inspector, shall have power to appoint a deputy of that officer for the purpose of acting in the place of the officer whenever the office is vacant or the holder thereof is for any reason unable to act, and any person appointed as a deputy under this section shall, when acting as such and subject to the terms of his appointment, have all the functions of the holder of the office:

Provided that—

- (i) a person shall not be appointed a deputy medical officer of health without the consent of the Minister and a person to be so appointed must be a duly qualified medical practitioner;
- (ii) a person shall not be appointed a deputy sanitary inspector without the consent of the Minister.

(2) A local authority may pay to a person appointed as a deputy under this section, other than a deputy clerk of a parish council who is a member of the council, or a deputy treasurer of a parish council, such reasonable remuneration as they may determine.

(3) A person appointed as a deputy under this section shall hold office during the pleasure of the local authority.

PART IV.
—cont.

116.—(1) If the office of clerk of the authority, treasurer, surveyor, medical officer of health, or sanitary inspector, is vacant, or the holder of the office is for any reason unable to act, and no deputy has been appointed under the provisions of the last preceding section, or the deputy so appointed is unable to act, the local authority may appoint a person to act temporarily in that office, and any person so appointed shall, subject to the terms of his appointment, have all the functions of the holder of the office:

Appoint-
ment of
temporary
deputies.

Provided that—

- (i) a person shall not be appointed to act in place of a medical officer of health without the consent of the Minister and a person to be so appointed must be a duly qualified medical practitioner;
- (ii) a person shall not be appointed to act in place of a sanitary inspector without the consent of the Minister.

(2) The local authority may pay to a person appointed under this section, other than a member of a parish council who is appointed to act for the clerk of the council or a person appointed to act for the treasurer of a parish council, such reasonable remuneration as they may determine.

117. Where a vacancy occurs in the office of a medical officer of health or of a sanitary inspector of a county district in respect of whose salary a payment is made by the county council under this Part of this Act, the county council shall, during any period in which a person appointed under either of the two last preceding sections to act as medical officer of health or sanitary inspector of the district so acts, pay to the council of the county district a sum equal to one-half of the salary of that person:

Payments
by county
council
towards re-
muneration
of person
acting as
medical
officer of
health or
sanitary
inspector.

Provided that—

- (i) if the Minister certifies to the county council that the person so appointed to act as medical officer of health has failed to send to the

PART IV.
—cont.

Minister such reports and returns as are for the time being required by the regulations made under this Part of this Act respecting the duties of medical officers of health to be so sent, or that he has failed to give to the county medical officer of health such information as he is required to give under section one hundred and thirteen of this Act, the said sum equal to one-half of the salary of that person shall be forfeited to the Crown, and shall be paid to the Exchequer and not to the council of the county district; and

- (ii) where a county district is not wholly situate in one county, such proportionate part only of the sum otherwise payable as may be certified by the Minister shall be paid by the council of each county in which a part of the district is situate.

Saving for
other enact-
ments.
20 & 21
Geo. 5. c. 17.
11 & 12
Geo. 5. c. 51.

118. Nothing in the foregoing provisions of this Part of this Act shall affect the appointment or tenure of office of officers appointed under the Poor Law Act, 1930, or the Education Act, 1921, or of registrars, inspectors, analysts or other specially designated officers appointed under any enactment other than this Act, and no specially designated officer who could be appointed under any such enactment shall be appointed under this Act.

Security to
be given
by officers.

119.—(1) A local authority, other than a parish council, shall, in the case of an officer employed by them, whether under this or any other enactment, who by reason of his office or employment is likely to be entrusted with the custody or control of money, and may in the case of any other officer employed by them, either require him to give, or themselves take, such security for the faithful execution of his office and for his duly accounting for all money or property which may be entrusted to him, as the local authority think sufficient.

(2) A local authority, other than a parish council, may, in the case of a person not employed by them but who is likely to be entrusted with the custody or control of money or property belonging to the local authority, take such security as they think sufficient for

the person duly accounting for all such money or property.

PART IV.
—cont.

(3) In the case of the treasurer of a parish council, the parish council shall either require the officer to give, or may themselves take, such security for the faithful execution of his office as may be directed by the county council.

(4) A local authority shall, in the case of persons not employed by them, and may in any other case, defray the cost of any security given or taken under this section, and every such security shall be produced to the auditor or auditors at the audit of the accounts of the local authority.

120.—(1) Every officer employed by a local authority, whether under this Act or any other enactment, shall at such times during the continuance of his office, or within three months after his ceasing to hold it, and in such manner, as the local authority direct, make out and deliver to the authority, or as they direct, a true account in writing of all money and property committed to his charge, and of his receipts and payments, with vouchers and other documents and records supporting the entries therein, and a list of persons from whom or to whom money is due in connection with his office, showing the amount due from or to each.

Account-
ability of
officers.

(2) Every such officer shall pay all money due from him to the treasurer of the county, borough, district or parish, as the case may be, or otherwise as the local authority may direct.

(3) If any such officer—

(a) refuses or wilfully neglects to make any payment which he is required by this section to make; or

(b) after three days' notice in writing, signed by the clerk of the authority or by three members thereof, and given or left at his usual or last known place of residence, refuses or wilfully neglects to make out or deliver to the authority, or as they direct, any account or list which he is required by this section to make out and

PART IV.
—cont.

deliver, or any voucher or other document or record relating thereto, or to give satisfaction respecting it to the authority or as they direct;

a court of summary jurisdiction having jurisdiction where the officer is or resides may, on complaint, by order require him to make such payment or delivery or to give such satisfaction.

(4) Nothing in this section shall affect any remedy by action against any such officer or his surety, except that the officer shall not be both sued by action and proceeded against summarily for the same cause.

Notice of
termination
of and
retirement
from
appoint-
ments held
during
pleasure.

121.—(1) Notwithstanding any provision in this Act or any other enactment that a person holding any office shall hold the office during the pleasure of a local authority, there may be included in the terms on which he holds the office a provision that the appointment shall not be terminated by either party without giving to the other party such reasonable notice as may be agreed, and where, at the commencement of this Act, an officer of a local authority holds office upon terms which purport to include such a provision, that provision shall, as from the commencement of this Act, be deemed to be valid.

(2) A provision in this Act or any other enactment that a person holding any office shall hold the office during the pleasure of a local authority shall not affect any right or obligation of the officer to retire on attaining any specified age or on the happening of any specified event in pursuance of any enactment or scheme relating to superannuation allowances which is applicable to the officer.

Members
of local
authorities
not to be
appointed
as officers.

122. A person shall, so long as he is, and for twelve months after he ceases to be, a member of a local authority, be disqualified for being appointed by that authority to any paid office, other than to the office of chairman, mayor or sheriff.

Disclosure
by officers
of interest
in contracts.

123.—(1) If it comes to the knowledge of an officer employed, whether under this Act or any other enactment, by a local authority, that a contract in which he has any pecuniary interest, whether direct or indirect (not being a

contract to which he is himself a party), has been, or is proposed to be, entered into by the authority or any committee thereof, he shall, as soon as practicable, give notice in writing to the authority of the fact that he is interested therein.

PART IV.
—cont.

For the purposes of this section an officer shall be treated as having indirectly a pecuniary interest in a contract or proposed contract if he would have been so treated by virtue of subsection (2) or subsection (3) of section seventy-six of this Act had he been a member of the authority.

(2) An officer of a local authority shall not, under colour of his office or employment, exact or accept any fee or reward whatsoever other than his proper remuneration.

(3) If any person fails to comply with the provisions of subsection (1) or contravenes any of the provisions of subsection (2) of this section, he shall for each offence be liable on summary conviction to a fine not exceeding fifty pounds.

(4) References in this section to a local authority shall include a reference to a joint committee appointed under Part III of this Act.

124.—(1) Subject to the provisions of section one hundred and twenty-one of this Act, nothing in this Part of this Act shall affect the salary or tenure of office of any officer of a local authority holding office at the commencement of this Act.

Saving for
existing
officers, &c.

(2) Nothing in this Part of this Act requiring vacancies to be filled within a specified period shall be construed as preventing a local authority deciding not to make an appointment to any office in respect of which the authority have a discretion whether or not an appointment is to be made.

(3) Nothing in this Part of this Act shall affect the terms of any agreement made between a local authority and the Minister of Transport under subsection (2) of section seventeen of the Ministry of Transport Act, 1919, with respect to the appointment, retention or dismissal of any engineer or surveyor of the local authority responsible for the maintenance of roads.

9 & 10
Geo. 5. c. 50.

PART V.

OFFICES AND BUILDINGS.

Provision of offices, &c. by local authorities other than parish councils.

125.—(1) A local authority, other than a parish council, may acquire or provide and furnish halls, offices and other buildings, whether within or without the area of the local authority, to be used for the purpose of transacting the business of the local authority and for public meetings and assemblies.

(2) Any such local authority may be authorised to purchase land compulsorily for the purpose of providing any such halls, offices or buildings.

Use by rural district council of former offices, &c. of boards of guardians.

126.—(1) Where immediately before the commencement of this Act a rural district council, by virtue of the provisions of subsection (3) of section fifty-nine of the Local Government Act, 1894, used for the purpose of their meetings and proceedings any board room and offices belonging to a county council which, before the first day of April, nineteen hundred and thirty, belonged to a board of guardians, the rural district council shall continue to be entitled to use the said board room and offices at all reasonable hours:

Provided that the county council, on giving not less than three months' notice to the rural district council, may terminate the use of the premises by the district council, but in such case the county council shall, if the district council so require, provide other suitable accommodation for the purposes aforesaid.

(2) If any difference arises between a county council and a district council under this section, the difference may, on the application of either party, be determined by the Minister.

Provision of offices, &c. by parish council.

127. A parish council may—

- (a) acquire or provide and furnish buildings to be used for the purpose of transacting the business of the parish council or of the parish meeting or any other parish business, and for public meetings and assemblies; or
- (b) combine with any other parish council for the purpose of acquiring or providing and furnishing any such buildings; or

- (c) contribute towards the expense incurred by any other parish council or by any other person in acquiring or providing and furnishing a building suitable for use for any of the aforesaid purposes.

PART V.
—cont.

128.—(1) If in a rural parish there is no suitable public room vested in the parish council or in the representative body of the parish, as the case may be, which can be used free of charge, a suitable room in the schoolhouse of a public elementary school, or a suitable room the expense of maintaining which is payable out of any rate, may be used, free of charge, at all reasonable times and after reasonable notice, for any of the following purposes, that is to say, for the purpose of—

Use of
schoolroom,
&c. in rural
parish.

- (a) the parish meeting or any meetings of the parish council; or
- (b) an inquiry held in pursuance of a direction given by the Minister or by any other Government department or by a local authority; or
- (c) meetings convened by the chairman of the parish meeting or by the parish council; or
- (d) the administration of public funds within or for the purposes of the parish where such funds are administered by any committee or officer appointed either by the parish meeting or parish council or by a county or district council:

Provided that nothing in this subsection shall—

- (i) authorise the use of a room used as part of a private dwelling-house; or
- (ii) authorise any interference with the hours during which a room in a schoolhouse is used for educational purposes; or
- (iii) authorise any interference with the hours during which a room used for the purposes of the administration of justice, or for the purposes of the police, is used for those purposes.

(2) If, by reason of the use of a room for any of the purposes mentioned in the last foregoing subsection, any expense is incurred by the persons having control over the room, or any damage is done to the room or to the

PART V.
—cont.

building of which the room is part or to its appurtenances, or to the furniture of the room or the apparatus for instruction, the expense or the cost of making good the damage shall be defrayed, in the case of an inquiry as part of the expenses of the inquiry, and in any other case as expenses of the parish meeting or parish council.

(3) If any question arises under this section as to what is reasonable or suitable, it may be determined—

- (a) in the case of a room in a schoolhouse, by the Board of Education;
- (b) in the case of a room used for the purposes of the administration of justice or for the purposes of the police, by the Secretary of State;
- (c) in any other case, by the Minister.

PART VI.

ALTERATION OF AREAS.

Creation of Municipal Boroughs.

Power of
His Majesty
on creation
of new
municipal
borough.

129.—(1) If, on a petition presented to His Majesty by the council of an urban or rural district praying for the grant of a charter of incorporation, His Majesty, by the advice of His Privy Council, thinks fit by charter to create the district or any part thereof with or without any adjoining area a borough, and to incorporate the inhabitants thereof, it shall be lawful for His Majesty by the charter to extend to that borough and the inhabitants thereof so incorporated the provisions of this Act relating to boroughs.

(2) A petition for a charter of incorporation shall not be presented except upon a resolution passed by a majority of the whole number of members of the council of the district at a meeting specially convened for that purpose, and confirmed by a like majority at a second meeting of the council specially convened for that purpose not earlier than one month after the passing of the resolution.

Reference to
Committee
of Council,
and notice
of petition
of petition
for charter.

130.—(1) Every such petition, and every petition for the amendment under this Part of this Act of a charter of incorporation, whether the charter was granted before or after the commencement of this Act,

shall stand referred to a Committee of the Privy Council (in this Part of this Act referred to as "the Committee of Council").

PART VI.
—cont.

(2) The council by whom the petition is presented (in this Part of this Act referred to as "the promoters") shall, upon presenting the petition, give notice of the petition to the Minister and to the council of the county in which the district or, in the case of a petition for an amending charter, the borough is situate, and the Minister may, if so requested by the Committee of Council, direct a local inquiry to be held in the area to which the petition relates.

(3) One month at least before the petition is taken into consideration by the Committee of Council, the Committee shall cause notice of the petition and of the time when it will be so taken into consideration to be published in the London Gazette and otherwise in such manner as they think fit for the purpose of making the petition known to all persons interested.

(4) The Committee of Council shall take into consideration with the petition any representations thereon made by the Minister or the county council.

131.—(1) Where a borough is created it shall be lawful for His Majesty, by the charter, to do all or any of the following things—

Power by
charter to
settle wards,
&c.

- (a) to fix the number of councillors of the borough, the number and boundaries of the wards (if any), and the number of councillors for each ward; and
- (b) to fix the dates on which the first aldermen and councillors shall retire from office; and
- (c) to fix such dates, times and places, and nominate such persons to perform such duties, and make such other temporary modifications of any enactment in this or any other public general Act applying to boroughs, as may appear to His Majesty to be necessary or proper for making the enactment applicable to the first constitution of the borough.

(2) The dates, times and places fixed by the charter, and the persons nominated therein to perform any duties, shall, as regards the borough named in the

PART VI.
—cont.

charter, be respectively substituted in any enactment (including any enactment in this Act) applied by the charter for the dates, times, places, officers, and persons therein mentioned, and the persons so nominated shall have the like functions, and be subject to the like penalties, as the officers and persons mentioned in the enactment.

(3) Subject to the provisions of the charter and of any scheme made under this Part of this Act, all public general Acts applying to boroughs shall, on the charter coming into effect, apply to the borough created by the charter, and, where the first mayor, aldermen and councillors or any of them are named in the charter, shall apply as if they were elected under this Act, and, where they are not so named, shall apply to their first election.

Scheme of
adjustment
of rights of
existing
authorities
and officers.

132.—(1) Where a petition for a charter is referred to the Committee of Council, the Committee may require the promoters to submit, or may themselves prepare, a draft scheme making provision for the transfer or adjustment of the whole or part of the functions, franchises, property, income, debts, liabilities and expenses of any public body whose district is comprised either wholly or in part within the area proposed to be included in the borough and also of any officer of that body.

(2) As soon as the draft scheme has been submitted or prepared, the Committee of Council shall cause to be published in the London Gazette and in one or more local newspapers circulating in the area to which the draft scheme relates a notice stating that the draft scheme has been submitted or prepared, naming a place within the area where a copy of the draft scheme may be inspected, and stating that representations with respect to the scheme may be made to the Committee of Council within one month after the publication of the notice.

(3) As soon as may be after the expiration of the said period of one month and after consideration of any representations which may have been made within that period, the Committee of Council may settle the scheme, with or without modifications, and shall cause to be published in the London Gazette and in one or more local newspapers circulating in the area to which the scheme relates a further notice stating that the

scheme has been settled and naming a place within the area where the scheme may be inspected.

PART VI.
—cont.

(4) If within one month after the publication in the London Gazette of the notice under the last preceding subsection a petition against the scheme is presented to the Committee of Council by any public body affected thereby, or by not less than one-twentieth of the local government electors for the area to which the scheme relates, and is not withdrawn, the scheme shall not take effect unless and until it is confirmed by Parliament.

(5) If within the said period of one month no petition is presented under this section, or if all petitions so presented are withdrawn, the scheme shall be treated as unopposed and the Committee of Council may submit it for confirmation either to Parliament or to His Majesty in Council, and in the latter case it shall be lawful for His Majesty to confirm the scheme by Order in Council.

133.—(1) A draft scheme shall, before being settled by the Committee of Council, be referred by the Committee for consideration to the Secretary of State and to the Minister, and if and as far as it is intended to affect any harbour authority to the Minister of Transport, and if and as far as it is intended to affect any local education authority to the Board of Education.

Supple-
mental pro-
visions as to
schemes.

(2) If the Committee of Council are satisfied that a public body or other persons have properly opposed a scheme, and that for special reasons it is right that the reasonable costs incurred by the public body or other persons in such opposition should be paid by the promoters, the Committee of Council may order those costs to be so paid, and they shall be paid as expenses incurred by the promoters.

134. Where the Committee of Council submit a scheme for confirmation to Parliament, the following provisions shall have effect—

Procedure
on confirma-
tion of
schemes.

- (a) the Committee of Council may introduce a Bill for the confirmation of the scheme;
- (b) before the Bill is introduced into Parliament, the Committee of Council may alter the scheme in such manner as may seem proper;
- (c) if while the Bill confirming the scheme is pending in either House of Parliament a petition is

PART VI.
—cont.

presented against the scheme, the petitioner shall be allowed to appear before the Select Committee to which the Bill is referred, and oppose the Bill, as in the case of a private Bill.

Power to
amend
scheme.

135.—(1) Where a scheme has been confirmed under this Part of this Act, or under any enactment repealed by this or any former Act, and the council of the borough, or not less than one-twentieth of the local government electors for the borough, or a public body affected by the scheme, petition His Majesty for an amending scheme, the petition shall stand referred to a Committee of the Privy Council, and the procedure for dealing with the petition shall be the same, as near as may be, as if it were a petition for the grant of a charter creating a borough, and this Part of this Act shall apply accordingly.

(2) The Committee, if they think fit to submit the amending scheme for confirmation, shall submit it to Parliament, or if the amending scheme is unopposed they may submit it to His Majesty in Council; and in the latter case it shall be lawful for His Majesty to confirm the amending scheme by Order in Council notwithstanding that the original scheme may have been confirmed by Parliament.

Provision as
to police
force in
new
borough.

136. Nothing in this or any other public general Act or in any scheme made under this Part of this Act shall authorise the establishment in a borough of a new separate police force not consolidated with the county police force, unless the population of the area which is created a borough, according to the census last published before the date of the petition for the charter, was twenty thousand or upwards.

Validity of
charters and
schemes.

137.—(1) A charter creating a borough which purports to be granted in pursuance of the royal prerogative and in pursuance of or in accordance with this Part of this Act shall after acceptance be deemed to be valid and within the powers of this Act and His Majesty's prerogative and the validity thereof shall not be questioned in any legal proceeding whatever.

(2) Every such charter shall be laid before Parliament as soon as may be after it is granted.

(3) A scheme made under this Part of this Act shall, when confirmed by Order in Council, come into operation on such date as may be specified in the Order in Council, and the confirmation of the scheme shall be conclusive evidence that the requirements of this Part of this Act have been complied with and that the scheme has been duly made and is within the powers of this Act.

PART VI:
—cont.

138. All expenses relating to elections, acts and proceedings under a charter of incorporation, shall be paid by the council of the borough.

Expenses of
charter, &c.

Creation of County Boroughs.

139. The council of a borough shall not promote a Bill for the purpose of constituting the borough a county borough, unless the population of the borough is seventy-five thousand or upwards.

Restriction on
promotion of
Bills for crea-
tion of county
boroughs.

Alteration of Boundaries, Districts, Parishes, &c.

140.—(1) Whenever proposals are made to the Minister by a county council for the purpose of effecting any of the following changes, namely—

Alteration
of bound-
aries of
counties,
boroughs,
&c.

- (a) the alteration or definition of the boundaries of the county; or
- (b) the union of the county with any other county or with any county borough; or
- (c) the division of the county; or
- (d) the alteration of any area of local government partly situate in the county;

or whenever proposals are made to the Minister by the council of a borough for the purpose of effecting any of the following changes, namely—

- (i) the alteration or definition of the boundaries of the borough; or
- (ii) the union of the borough with any other borough, or the inclusion in the borough of an urban or rural district; or
- (iii) in the case of a county borough, the union of the borough with a county,

the Minister shall, unless for special reasons he thinks that the proposals ought not to be entertained, cause a

PART VI.
—cont.

local inquiry to be held, and may make an order for giving effect to the proposals or for such other alteration as he may deem expedient, or may refuse to make the order :

Provided that, except in the case of an order made for giving effect to a proposal under paragraph (d) of this subsection, the order shall be provisional only, and shall not have effect unless and until it is confirmed by Parliament.

(2) A proposal by a county council under subsection (1) of this section may include provisions for the alteration of the boundaries of a borough, and a proposal by a borough council thereunder may include provisions for the alteration of the boundaries of a county, where such alteration is consequent on or incidental to the principal object of the proposal.

(3) Where proposals are made under this section to the Minister by the council of a county borough for a purpose involving the extension of the area of the borough, the Minister shall satisfy himself that the council of the county borough have sent to the councils of the counties and county districts affected notice of the proposals, together with a draft of the order which they desire to have made to give effect thereto, and shall not entertain the proposals if any notice of objection to procedure by provisional order has been sent to him by any such council within four weeks after the receipt of the notice from the council of the county borough, and has not been withdrawn.

(4) Where in consequence of any such notice of objection or on any other ground the Minister declines to entertain proposals involving the extension of the area of a county borough, the application for the provisional order shall be deemed to be a petition for leave to bring in a private Bill, and the notices published and served and the deposits made for the purposes of the proposed provisional order shall, so far as they comply with the requirements of the standing orders of the House of Lords and of the House of Commons respectively in the case of a private Bill, be held to have been published and served and made for a private Bill applying for similar powers.

In any such case the council of the county borough shall forthwith inform all persons who have objected

to the provisional order and other interested persons of their intention to proceed by way of private Bill.

PART VI.
—cont.

(5) Where a provisional order under this section uniting boroughs is confirmed, it shall be lawful for His Majesty to grant a commission of the peace and a court of quarter sessions to the combined borough in like manner as to any other borough.

141.—(1) Where a county council consider, either on the receipt of proposals from a local authority or otherwise, that a prima facie case exists for any of the following changes; namely—

Alteration
of urban
or rural
districts
and
parishes,
&c.

- (a) an alteration or definition of the boundaries of an urban or rural district or of a parish; or
- (b) the division of an urban or rural district or of a parish; or
- (c) the transfer of any part of an urban or rural district to another such district, whether urban or rural, or the transfer of any part of a parish to another parish; or
- (d) the union of an urban or rural district with any other such district, whether urban or rural, or the union of a parish with another parish; or
- (e) the conversion of a rural district or any part of a rural district into an urban district, or of an urban district or any part of an urban district into a rural district; or
- (f) the formation of a new urban or rural district or parish;

the county council shall cause a local inquiry to be held.

(2) The county council shall cause such notice as may be prescribed of the local inquiry and of the matters to be considered thereat to be given both in the locality and to the local authorities appearing to the county council to be concerned, and to the Minister and to such other Government departments as may be prescribed, and any local authority or person appearing to the county council to be concerned shall be entitled to appear at the local inquiry.

(3) If the county council are satisfied, after holding the local inquiry, that any such change as aforesaid is desirable, they may make an order giving effect to the

PART VI.
—cont.

change and shall submit the order to the Minister for confirmation :

Provided that, before making an order giving effect to a change not considered at the local inquiry, the county council shall cause such notice as may be prescribed of the proposed change to be given both in the locality and to all local authorities appearing to the county council to be concerned, and those authorities shall be given an opportunity of making representations thereon.

(4) The county council shall send copies of the order to the Minister and to any other Government department to which notice of the local inquiry was required to be sent, and shall publish in one or more local newspapers circulating in the locality affected a notice stating that the order has been made, that a copy thereof is open to inspection at a specified place in the locality, and that petitions with respect thereto may be made to the Minister within six weeks after the publication of the notice.

(5) If within six weeks after publication of the notice referred to in the last preceding subsection any local authority, or any number of local government electors for a county district or for any ward of a county district or for any parish affected by the order, not being less than one hundred or one-third of the total number of those electors, whichever is the less, petition the Minister to disallow or modify the order, and the petition is not withdrawn, or if either the county council or any local authority by whom the proposals were originally made, on being informed by the Minister that he intends to refuse to confirm the order, request him to hold a local inquiry, the Minister shall, before taking further action, cause a local inquiry to be held.

(6) If proposals under subsection (1) of this section have been made by a local authority, and the county council refuses or neglects to hold a local inquiry or to make an order under this section, the authority who made the proposals may apply to the Minister, and the Minister may, after giving the county council and all local authorities and persons appearing to him to be concerned an opportunity of making representations, make any such order as the county council might have made.

(7) This section, so far as it relates to the alteration, division, transfer or union of parishes, or of any parts thereof, shall apply to county boroughs with the substitution of the council of the county borough for the county council.

PART VI.
—cont.

(8) Where a rural district is not wholly situate in one county, a joint committee appointed by the councils of the counties concerned shall, subject to the terms of delegation, have power to make orders under this section.

(9) In this section the expression "local authority" includes the parish meeting of a rural parish not having a separate parish council.

142.—(1) Subject as aforesaid, the Minister may confirm an order made under the last preceding section with or without modifications, or may refuse to confirm the order, whether or not a petition against it has been presented to him, but before making any modification in an order the Minister shall give notice of the proposed modification to all local authorities concerned, and those authorities shall be given an opportunity of making representations thereon, and if in any case in which the Minister has not already caused a local inquiry to be held the county council or any local authority by whom the proposals were originally made request the Minister to hold a local inquiry, the Minister shall cause a local inquiry to be held.

Confirmation
of order by
Minister.

"(2) In this section the expression "local authority" includes the parish meeting of a rural parish not having a separate parish council.

143.—(1) If at any time after the commencement of this Act a county district or parish is not wholly situate within one county, or a part of a county is wholly detached from the remainder of the county, the county councils concerned shall take the case into consideration, and if as a result of such consideration a joint representation is made to the Minister by those councils, the Minister may, after holding a local inquiry, except in cases where he is satisfied that an inquiry is unnecessary, by order make such alteration of the counties as may be necessary to secure that the whole of the county district or parish shall be within a single

Adjustment
of boundaries of
counties and
county
boroughs.

PART VI.
—*cont.*

county, or to provide that such detached part of a county shall be included in or divided amongst the county or counties surrounding it.

(2) The Minister may, on a joint representation being made by a county council and the council of a county borough, after holding a local inquiry, except in cases where he is satisfied that an inquiry is unnecessary, by order, alter or define the boundary between the county and the county borough.

Accretions
from the
sea, &c.

144. Every accretion from the sea, whether natural or artificial, and any part of the sea-shore to the low-water mark, which does not at the commencement of this Act form part of a parish, shall for all purposes of local government be annexed to, and incorporated with, the parish or parishes which such accretion or part of the sea-shore adjoins, in proportion to the extent of the common boundary, and every such accretion or part of the sea-shore annexed to and incorporated with a parish under this section shall be annexed to and incorporated with the county district and county, or the county borough, as the case may be, in which that parish is situate.

Alteration
of local
boundaries
consequent
on alteration
of water-
course.
20 & 21
Geo. 5. c. 44.

145.—(1) Where, in the exercise of any powers conferred by the Land Drainage Act, 1930, a watercourse forming a boundary line between two or more areas of local government is straightened, widened or otherwise altered so as to affect its character as a boundary line, the drainage board or other persons under whose authority the alteration is made shall forthwith send notice of the alteration to the Minister, and the Minister, if satisfied that a new boundary line may conveniently be adopted; shall, by notice published in such manner as he thinks fit, declare that the watercourse as altered shall be substituted either wholly or in part for the former boundary line, and thereupon the limits of the areas of which the watercourse, when unaltered, was the boundary shall be deemed to be varied accordingly.

(2) If in any such case the Minister is of opinion that a new boundary cannot conveniently be adopted, either wholly or in part, he shall require the drainage board or other persons aforesaid to set out a boundary either on the line of the watercourse as it existed before

its alteration, or on a new line in lieu thereof, in such manner as he thinks fit. PART VI.
—cont.

(3) Where the Minister incurs any expenses in or in connection with the exercise of the powers conferred on him by this section, he may make such orders as he thinks fit with respect to the parties by whom or the funds or rates out of which those expenses or any part thereof are to be borne, and any sum payable to the Minister by virtue of any such order may be recovered as a debt due to the Crown.

Review of Areas by County Councils.

146.—(1) At any time after the expiration of ten years from the completion by a county council of the first review of their county under section forty-six of the Local Government Act, 1929, the county council may, whenever they think it desirable, and shall, if so required by the Minister, within such time as the Minister may allow, after conferences with representatives of the councils of the several county districts wholly or in part situate within the county, review the circumstances of all such county districts and consider whether it is desirable to effect any of the following changes:—

Review of
county
districts
by county
councils.

- (a) any alteration or definition of the boundaries of an urban or rural district or of a parish;
- (b) the division of an urban or rural district or parish;
- (c) the transfer of any part of an urban or rural district to another such district, whether urban or rural, or the transfer of any part of a parish to another parish;
- (d) the transfer of a part of a non-county borough to an urban or rural district, or of the whole or part of an urban or rural district to a non-county borough;
- (e) the union of an urban or rural district with another such district, whether urban or rural, or the union of any parish with another parish;
- (f) the conversion of any rural district or any part of a rural district into an urban district, or of

PART VI.
—cont.

any urban district or any part of an urban district into a rural district;

(g) the formation of any new urban or rural district or parish;

and shall forthwith after the review is completed as respects the whole or any part of the county send to the Minister a report of the review, together with proposals as to the changes, if any, which they consider desirable:

Provided that, before making any such proposals the county council shall consult with the councils of the county boroughs adjoining the county, and the Minister shall give those councils an opportunity of laying before him their views on the proposals made by the county council.

(2) The proposals may, if the council of the county borough concerned agree, include proposals for an alteration of boundaries between a county borough and the county and any county district therein.

(3) As soon as any such proposals are made to the Minister, the council making the proposals shall send copies thereof to the councils of the several county districts appearing to the county council to be concerned, and shall publish in one or more local newspapers circulating in those county districts a notice stating that proposals have been made and that a copy thereof is open to inspection at a specified place within the county, and that representations with respect thereto may be made to the Minister within six weeks after the publication of the notice.

(4) The Minister shall consider the proposals and any representations with respect to the proposals, or any of them, which may have been made by any local authorities or parish meetings or local government electors affected thereby, and either may make an order giving effect to the proposals, or any of them, with or without modifications, or may refuse to make such an order:

Provided that, if an objection with respect to any proposal is made by a local authority affected thereby, and is not withdrawn, the Minister shall not make an order giving effect to the proposal without first holding a local inquiry into the objection.

(5) If either on representations made by the council of a county district or otherwise it appears to the

Minister, after consultation with such authorities as appear to him to be concerned, that there is a prima facie case for making any such change as aforesaid, and that the county council have failed to make a proposal for the purpose within the time allowed, the Minister shall publish in one or more local newspapers circulating in the county districts affected, a notice stating—

PART VI.
—cont.

- (a) that he proposes to make the change; and
- (b) that a copy of his proposals is open to inspection at a specified place within the county; and
- (c) that representations with respect thereto may be made to him within six weeks after the publication of the notice;

and the Minister, after considering any representations duly made, and, if any objections are made by a local authority and are not withdrawn, after holding a local inquiry with respect to the proposals to which the objections relate, may make an order effecting the change or such modified change as appears to him to be expedient.

(6) If within four weeks after the making by the Minister of an order under this section objection thereto is made by the council of a borough to which the order relates and is not withdrawn, the order of the Minister shall be provisional only and shall not have effect unless and until it is confirmed by Parliament.

(7) An order made under this section, other than an order which is provisional only, shall be laid before Parliament as soon as may be after it is made.

(8) The interval between any two reviews under this section shall in no case be less than ten years.

Change of Name of District or Parish.

147.—(1) The council of an urban or rural district may, with the consent of the county council, change the name of the district.

Power to
change
name of
district or
parish.

(2) The council of a county borough may change the name of any urban parish situate in the county borough.

(3) In the case of an urban parish not so situate, the county council may, at the request of the council of the borough or urban district in which the parish is situate, change the name of that parish.

PART VI.
—cont.

(4) In the case of a rural parish, the county council may, at the request of the parish council or of the parish meeting of the parish, change the name of that parish.

(5) Every change of name made in pursuance of this section shall be published in such manner as the council of the county or county borough, as the case may be, may direct, and shall be notified to the Secretary of State, the Minister, and to the Minister of Agriculture and Fisheries.

(6) A change of name made under this section shall not affect any rights or obligations of any parish, district, council, authority, or person, or render defective any legal proceedings, and any legal proceedings may be commenced or continued as if there had been no change of name.

Supplemental Provisions.

Supple-
mental
provisions
as to
alterations
of areas.

148.—(1) A scheme or order made under this Part of this Act may contain such incidental, consequential or supplemental provisions with respect to administrative and judicial arrangements as may appear to be necessary or proper for the purposes of the scheme or order and for giving full effect thereto, and without prejudice to the generality of the foregoing provision may provide for all or any of the following matters, that is to say, the scheme or order—

- (a) may provide for the abolition or establishment, or the restriction or extension of the jurisdiction, of any public body in or over any part of the area affected by the scheme or order;
- (b) may provide for the name of any altered area;
- (c) may provide for the adjustment or alteration of the boundaries of any area affected by the scheme or order, or of any parishes or districts wholly or in part situate within any such area, or for the union of any such parishes or parts thereof, and for the constitution and election of the public bodies in any such area;
- (d) may deal with the functions or area of jurisdiction of any public body, court of quarter sessions, justices of the peace, stipendiary magistrate, coroner, sheriff, lieutenant, custos rotulorum, clerk of the peace, and other officers (including

police officers) within the area affected by the scheme or order, and with the costs and expenses of any such public bodies, sessions, persons, or officers as aforesaid;

PART VI.
—cont.

- (e) may determine the status of any area affected by the scheme or order as a component part of any larger area, and may extend to any altered area the provisions of any local Act or statutory order which were previously in force in a portion of the area, or exclude from the application of any local Act or statutory order any part of the altered area to which it previously applied, so, however, that such extension or exclusion shall not, without their consent, affect the powers or duties of any statutory undertakers;
- (f) may make temporary provision for meeting the debts and liabilities of the various public bodies affected by the scheme or order, for the management of their property, and for regulating the duties, position, and remuneration of officers affected by the scheme or order;
- (g) may provide for the transfer of any writs, process, records, and documents relating to or to be executed in any part of the area affected by the scheme or order, and for determining questions arising from such transfer;
- (h) may provide for the adjustment of any property, debts, and liabilities affected by the scheme or order and for the continuance in office of any public body for the purposes of such adjustment:

Provided that a scheme or order which provides for the extension of any provision relating to a gas or electricity undertaking and contained in a local Act or statutory order, or for the exclusion of any part of an area from the application of any such provision, shall not be made or confirmed by the Committee of Council or the Minister except with the consent of the Board of Trade or the Minister of Transport, as the case may require.

(2) An order made under this Part of this Act may, as respects any area affected by the order, contain

PART VI.
—cont.

such incidental, consequential or supplemental provisions as may be necessary for—

- (a) the division or redivision of the area into electoral divisions or wards, the constitution of new electoral divisions or wards, and the alteration of the boundaries of electoral divisions or wards; and
- (b) the total number of councillors and aldermen (if any), the apportionment of councillors amongst electoral divisions or wards or parishes, the assignment of existing councillors to altered electoral divisions or wards or parishes, and the first election of councillors for any new or altered area, electoral division, ward or parish and for the first election of aldermen (if any).

(3) An order made under this Part of this Act uniting boroughs may contain such provisions as may appear to be necessary or proper for regulating all matters incidental to the grant of a commission of the peace and a court of quarter sessions, and to the changes caused by the union of the boroughs in matters connected with the commission or court or otherwise with the administration of justice.

Miscellaneous provisions relating to orders.

149.—(1) An order may be made for amending any order previously made in pursuance of this Part of this Act, or of any corresponding enactment repealed by this Act, and may be made by the same authority and after the same procedure and subject to compliance with the like conditions as the original order.

(2) An order made under this Part of this Act may amend any local Act or statutory order:

Provided that an order which provides for the amendment of any provision relating to a gas or electricity undertaking and contained in a local Act or statutory order shall not be made or confirmed by the Minister except with the consent of the Board of Trade or the Minister of Transport, as the case may require.

Transfer and compensation of officers.

150.—(1) A scheme or order made under this Part of this Act may contain provisions as to the transfer of existing officers affected by the scheme or order, and shall contain provisions for—

- (a) the protection of the interests of any such existing officers; and

(b) the payment, by such local authority as may be determined by or under the scheme or order, of compensation to any existing officer who by virtue of the scheme or order, or of anything done in pursuance of or in consequence of its provisions, suffers any direct pecuniary loss by reason of the determination of his appointment or the diminution of his emoluments, and for whose compensation for that loss no other provision is made by any enactment or statutory order for the time being in force.

(2) An existing officer who, at any time within five years after the date on which the scheme or order comes into operation, relinquishes office by reason of his having been required to perform duties which are not analogous to, or which are an unreasonable addition to, those which he was required to perform immediately before that date shall be deemed for the purposes of the scheme or order to have had his office determined in consequence of the scheme or order, and, unless the contrary is shown, to have suffered direct pecuniary loss in consequence of the scheme or order by reason of such determination.

(3) An existing officer whose appointment is determined or whose emoluments are reduced within five years after the date on which the scheme or order comes into operation, because his services are not required or his duties are diminished (no misconduct being established), shall be deemed, unless the contrary is shown, to have suffered direct pecuniary loss in consequence of the scheme or order.

(4) A scheme or order made under this Part of this Act and providing for the payment of compensation to existing officers shall incorporate the provisions set out in the Fourth Schedule to this Act.

(5) For the purposes of this section—

(a) the expression "office" means any place, situation or employment and includes the office of superintendent registrar, registrar of births and deaths, registrar of marriages, and the office of teacher in a public elementary school maintained but not provided by a local education authority, and the expression "officer" has a corresponding meaning; and

PART VI.
—cont.

(b) the expression "existing officer" means an officer who holds office on the date on which the scheme or order is made, or on such other date or dates as may be specified in the scheme or order.

(6) The payment of a lump sum by a local authority by way of compensation to an existing officer under a scheme or order made under this Part of this Act shall be a purpose for which the local authority may borrow.

Financial
adjust-
ments.

151.—(1) Any public bodies affected by any alteration of areas or authorities made by an order under this Part of this Act may from time to time make agreements for the purpose of adjusting any property, income, debts, liabilities and expenses (so far as affected by the alteration) of, and any financial relations between, the parties to the agreement.

(2) The agreement may provide for the transfer or retention of any property, debts, and liabilities, with or without any conditions, and for the joint use of any property, and for the transfer of any functions, and for payment by either party to the agreement in respect of property, debts, functions, and liabilities so transferred or retained, or of such joint user, and in respect of the remuneration or compensation payable to any officer or person, and that either by way of a capital sum or of a terminable annuity for a period not exceeding that allowed by the Minister.

(3) In default of an agreement as to any matter requiring adjustment, such adjustment shall be referred to the arbitration of a single arbitrator agreed upon by the parties, or in default of agreement appointed by the Minister, and the award of the arbitrator may provide for any matter for which an agreement might have provided.

(4) Any sum required to be paid by a public body for the purpose of an adjustment under this section, may be paid out of such fund or rate as may be specified in the agreement or award, or if no fund or rate is so specified, either out of the fund or rate from which the general expenses of the public body are defrayed, or out of such other fund or rate as the public body, with the approval of the Minister, may direct.

(5) For the purpose of paying any capital sum required to be paid by a public body for the purposes of an adjustment under this section—

PART VI.
—cont.

- (a) a local authority may borrow without the consent of any sanctioning authority, but so that the sum borrowed shall be repaid within such period as the authority, with the consent of the Minister, may determine;
- (b) any other public body having power under any enactment or statutory order to borrow may borrow under that enactment; and
- (c) a public body having no power under any enactment or statutory order to borrow may be empowered by the order to borrow in such manner and in accordance with such conditions as may be therein provided and may borrow accordingly.

(6) Capital money received by a public body in respect of an adjustment under this section shall be applied in such manner as the Minister may approve towards the discharge of any debt of the public body or otherwise for any purpose for which capital money may be applied.

152.—(1) On an adjustment under the last preceding section the following provisions shall have effect:—

Special
provisions
as to ad-
justments.

- (a) Any adjustment of the proceeds of local taxation licences or of the grants payable under Part VI of the Local Government Act, 1929, shall be carried out in accordance with the regulations made under paragraph (b) of subsection (1) of section one hundred and eight of that Act, and for this purpose regulations made under the said paragraph may extend to the proceeds of such licences:
- (b) Provision shall, unless otherwise agreed, be made for the payment to a local authority of such sum as seems equitable, in accordance with the rules contained in the Fifth Schedule to this Act, in respect of any increase of burden which, as a consequence of any alteration of boundaries

PART VI.
—cont.

or other change in relation to which the adjustment takes place, will properly be thrown on the ratepayers of the area of that local authority in meeting the cost incurred by that local authority in the discharge of any of their functions.

(2) This section shall also extend to an adjustment made under section thirty-two or section sixty-two of the Local Government Act, 1888, whether as originally enacted or as applied in England or Wales by any other enactment or statutory order, and consequent on an alteration of boundaries or other change effected after the thirty-first day of March, nineteen hundred and thirty.

51 & 52 Vict.
c. 41.Intersection
of local
government
areas.

153. In every alteration of boundaries effected under this Part of this Act, care shall be taken that, so far as practicable, the boundaries of an area of local government shall not intersect the boundaries of any other area of local government.

Saving for
parliamentary
areas.

154. An alteration of areas or authorities made under this Part of this Act shall not affect the limits of any parliamentary county or parliamentary borough or any division of any such county or borough.

Saving for
royal pre-
rogative.

155. The enabling provisions of this Part of this Act shall be deemed to be in addition to, and not in derogation of, the powers exercisable by His Majesty by virtue of his royal prerogative.

PART VII.

ACQUISITION OF, AND DEALINGS IN, LAND.

Provisions appli-
cable to local
authorities other
than parish
councils.

156. The provisions contained in the ten sections of this Act next following shall apply to all local authorities other than parish councils.

*Acquisition of Land by Agreement by Local Authorities
other than Parish Councils.*Power of
local
authorities
to acquire
land by
agreement.

157.—(1) A local authority may, for the purpose of any of their functions under this or any other public general Act, by agreement acquire, whether by way of purchase, lease, or exchange, any land, whether situate within or without the area of the local authority.

(2) In the case of a county council the reference in this section to the functions of a local authority shall

be construed as including any such functions as are exercised through the standing joint committee. PART VII.
—cont.

158.—(1) A local authority may, with the consent of and subject to any conditions imposed by the appropriate Minister, acquire by agreement, whether by way of purchase, lease, or exchange, any land, whether situate within or without the area of the local authority, for any purpose for which the local authority are authorised by this or any other public general Act to acquire land, notwithstanding that the land is not immediately required for that purpose. Acquisition
of land in
advance of
require-
ments.

(2) Any land acquired under this section may, until it is required for the purpose for which it was acquired, be held and used for the purpose of any of the functions of the local authority.

(3) In this section the expression “appropriate Minister” means, in relation to land to be acquired for any purpose, the Minister, Board, Commissioners, or other department concerned with that purpose.

Compulsory Acquisition of Land by Local Authorities other than Parish Councils.

159.—(1) A county council may be authorised to purchase compulsorily any land, whether situate within or without the county, for the purpose of any of their functions under this or any other public general Act, including any such functions as are exercised through the standing joint committee. Power of
local autho-
rities to
purchase
land com-
pulsorily.

(2) The council of a borough or urban or rural district may be authorised to purchase compulsorily any land, whether situate within or without the area of the local authority, for any of the purposes of the Public Health Acts, 1875 to 1932.

160.—(1) The following provisions of this section shall have effect with respect to the compulsory purchase of land by a local authority in cases where power to authorise the local authority to purchase land compulsorily is conferred— Compulsory
purchase of
land by
means of a
provisional
order.

(a) by this Act; or

(b) by any enactment or statutory order in force immediately before the commencement of this

PART VII.

—cont.

38 & 39 Vict.
c. 55.

Act and incorporating or applying section one hundred and seventy-six of the Public Health Act, 1875; or

(c) by any enactment passed or statutory order made after the commencement of this Act empowering the Minister to authorise the local authority to purchase land compulsorily by means of a provisional order made by him and confirmed by Parliament.

(2) The local authority shall publish in one or more local newspapers circulating in the locality in which the land proposed to be purchased is situate a notice describing the land and stating the purpose for which the land is required.

(3) The local authority shall serve in the prescribed manner on every owner, lessee and occupier (except tenants for a month or any period less than a month) of the land proposed to be purchased, a notice in the prescribed form indicating in each case the particular land intended to be purchased and the purpose for which the land is required, and stating that the authority propose to request the Minister to make a provisional order empowering them to purchase the land compulsorily, and specifying the time within which and the manner in which objections can be made to the proposed order.

(4) On compliance with the foregoing provisions of this section, the local authority may request the Minister to make a provisional order empowering them to purchase the land compulsorily.

(5) If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Minister, upon being satisfied that the proper notices have been published and served, may, if he thinks fit, make a provisional order authorising the local authority to purchase compulsorily the land comprised in the order, but in any other case he shall, before making the provisional order, cause a local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry :

Provided that the Minister may require any person who has made an objection to state in writing the grounds thereof, and may make a provisional order without

causing a local inquiry to be held, if satisfied that every objection duly made and not withdrawn relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed. PART VII.
—cont.

(6) A provisional order made under this section shall incorporate such of the provisions of the Lands Clauses Acts and the Railways Clauses Consolidation Act, 1845, as are specified in the Sixth Schedule to this Act, subject as regards the Lands Clauses Acts to the modifications set out in that Schedule. 8 & 9 Vict.
c. 20

(7) Where a provisional order has been made by the Minister, the local authority shall serve in the prescribed manner a copy of the order on the persons on whom notices with respect to the land to be purchased are required to be served under this section.

(8) In construing for the purposes of this section or any provisional order made thereunder any enactment incorporated in the order, the enactment or statutory order by virtue of which the order is made, together with the order, shall be deemed to be the special Act, and the local authority to be the promoters of the undertaking or the company, as the case may require, and the word "land" shall have the meaning assigned to it in this Act.

161.—(1) The following provisions of this section shall have effect with respect to the compulsory purchase of land by a local authority in cases where the local authority are authorised by any public general Act passed after the commencement of this Act to purchase land compulsorily by means of an order made by the authority and confirmed by the Minister (in this Part of this Act referred to as "a compulsory purchase order.") Compulsory purchase of land by means of an order confirmed by the Minister.

(2) A compulsory purchase order shall be in the prescribed form and shall describe by reference to a map the land to which it applies, and shall incorporate such of the provisions of the Lands Clauses Acts and the Railways Clauses Consolidation Act, 1845, as are specified in the Sixth Schedule to this Act, subject as regards the Lands Clauses Acts to the modifications set out in that Schedule.

(3) Before submitting the order to the Minister the local authority shall—

(a) publish in one or more local newspapers circulating in the locality in which the land comprised

PART VII.

—cont.

in the order is situate a notice stating that the order has been made and the purpose for which the land is required, describing the land, and naming a place within the locality where a copy of the order and of the map referred to therein may be inspected; and

- (b) serve in the prescribed manner on every owner, lessee and occupier (except tenants for a month or any period less than a month) of any land comprised in the order a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Minister for confirmation, and specifying the time within which and the manner in which objections thereto can be made.

(4) If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Minister, upon being satisfied that the proper notices have been published and served, may, if he thinks fit, confirm the order with or without modifications, but in any other case he shall, before confirming the order, cause a local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modifications:

Provided that—

- (a) the Minister may require any person who has made an objection to state in writing the grounds thereof, and may confirm the order without causing a local inquiry to be held, if satisfied that every objection duly made and not withdrawn relates exclusively to matters which can be dealt with by the tribunal by whom the compensation is to be assessed;
- (b) the order as confirmed by the Minister shall not authorise the local authority to purchase compulsorily any land which the order would not have authorised them so to purchase, if it had been confirmed without modification.

(5) In construing for the purposes of this section or any order made thereunder any enactment incorporated in the order, the enactment by virtue of which the order is made, together with the order, shall

be deemed to be the special Act, and the local authority to be the promoters of the undertaking or the company, as the case may require, and the word "land" shall have the meaning assigned to it in this Act.

PART VII.
—cont.

(6) As soon as may be after the compulsory purchase order has been confirmed by the Minister, the local authority shall publish in one or more local newspapers circulating in the locality in which the land comprised in the order is situate a notice in the prescribed form stating that the order has been confirmed, and naming a place within the locality where a copy of the order as confirmed and of the map referred to therein may be inspected, and shall serve in the prescribed manner a like notice and a copy of the order as confirmed on the persons on whom notices with respect to the land comprised in the order are required to be served under this section.

(7) A compulsory purchase order shall become operative at the date on which notice of its confirmation is published in accordance with the provisions of the last preceding subsection.

162.—(1) If any person aggrieved by a compulsory purchase order (other than a compulsory purchase order which is provisional only unless and until it is confirmed by Parliament) desires to question its validity, he may, within two months after the publication of the notice of confirmation in accordance with the provisions of the last preceding section, make an application for the purpose to the High Court, and if upon any such application the court are satisfied that the order is invalid, and, where the invalidity of the order arises from a failure to comply with any provision governing the procedure for the making or confirmation thereof, are further satisfied that the interests of the applicant have been substantially prejudiced by that failure, the court may quash the order either generally or in so far as it affects any property of the applicant.

Validity of
compulsory
purchase
orders.

(2) Subject to the provisions of the last preceding subsection a compulsory purchase order shall not, either before or after its confirmation, be questioned by prohibition or certiorari or in any legal proceedings.

(3) Except by leave of the Court of Appeal, no appeal shall lie to the House of Lords from a decision of the Court of Appeal in proceedings under this section.

PART VII.
—cont.*Appropriation of Land by Local Authorities
other than Parish Councils.*Power to
appropriate
land.

163.—(1) Any land belonging to a local authority and not required for the purposes for which it was acquired or has since been appropriated may be appropriated for any other purpose approved by the Minister for which the local authority are authorised to acquire land:

Provided that—

(i) the local authority shall not on any land so appropriated—

(a) create or permit any nuisance; or

(b) sink any well for the public supply of water, or construct any cemetery, burial ground, destructor, sewage farm, or hospital for infectious diseases, unless, after local inquiry and consideration of any objections made by persons affected, the Minister, subject to such conditions as he thinks fit, authorises the work or construction;

(ii) the appropriation of land by a local authority shall be subject to any covenant or restriction affecting the use of the land in their hands.

(2) In the case of an appropriation under this section of land acquired under any enactment (including any enactment in this Act) or statutory order incorporating the Lands Clauses Acts, any work executed on the land after the appropriation has been effected shall, for the purposes of section sixty-eight of the Lands Clauses Consolidation Act, 1845, be deemed to have been authorised by the enactment or statutory order under which the land was acquired.

(3) On an appropriation of land under this section such adjustment shall be made in the accounts of the local authority as the Minister may direct.

*Disposal of Land by Local Authorities other than
Parish Councils.*Power to
let land.

164. A local authority may let any land which they may possess—

(a) with the consent of the Minister, for any term;

(b) without the consent of the Minister, for a term not exceeding seven years.

165. A local authority may, with the consent of the Minister,—

- (a) sell any land which they may possess and which is not required for the purpose for which it was acquired or is being used; or
- (b) exchange any land which they may possess for other land, either with or without paying or receiving any money for equality of exchange.

PART VII.
—cont.
* Power to sell or exchange land.

166.—(1) Capital money received by a local authority in respect of a transaction under either of the two last preceding sections shall be applied in such manner as the Minister may approve towards the discharge of any debt of the local authority or otherwise for any purpose for which capital money may properly be applied:

Application of capital money.

Provided that, where any land to which the transaction relates is parish property vested in the council of a borough or urban or rural district on behalf of a parish situate in the borough or district, any capital money received by the council in respect of the transaction shall be applied in such manner as the Minister may approve towards the discharge of any debt of the parish or otherwise for the permanent advantage of the parish.

(2) Where capital money is applied under this section for a purpose other than that for which the land which was the subject of the transaction was held, such adjustment shall be made in the accounts of the local authority as the Minister may direct.

Acquisition and Disposal of Land by Parish Councils.

167. A parish council may, for the purpose of any of their functions under this or any other public general Act, by agreement acquire, whether by way of purchase, lease, or exchange, any land whether situate within or without the parish.

Power of parish council to acquire land.

168.—(1) If a parish council are unable to purchase by agreement and on reasonable terms suitable land for any purpose for which they are authorised to acquire land, they may represent the case to the council of the county in which the parish is situate, and if on any such representation the county council are satisfied that suitable land for the said purpose cannot

Compulsory purchase of land on behalf of parish council.

PART VII.
—cont.

be purchased on reasonable terms by agreement and that the circumstances are such as to justify the county council in proceeding under this section, the county council shall cause a local inquiry to be held in the parish by such one or more members, or such officer, of the council as the council may appoint for the purpose.

(2) The county council shall publish in the parish in the prescribed manner a notice of the proposed inquiry, and shall serve on the owners, lessees, and occupiers (except tenants for a month or any period less than a month), of the land proposed to be taken notice thereof in the prescribed form.

(3) After the inquiry has been completed, and all objections made by persons interested have been considered, the county council may make and submit to the Minister an order for the compulsory purchase of the land, or any part thereof, and the provisions of this Part of this Act relating to compulsory purchase orders shall apply to an order made under this section, subject to the following modifications :—

(a) if no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, it shall be obligatory on the Minister, if he is satisfied that the proper notices have been published and served, to confirm the order with or without modification ;

(b) the order shall be carried into effect by the county council, but the land, when acquired, shall be conveyed to the parish council, and accordingly in construing for the purposes of this section and of the order any enactment incorporated in the order the parish council in whom the land is to be vested and the county council by whom the land is to be acquired shall, as the case may require, be deemed to be the promoters of the undertaking or the company ;

(c) it shall not be necessary for the county council to publish any notice stating that the order has been made and the purpose for which the land is required.

(4) The county council in making and the Minister in confirming an order under this section shall have regard to the extent of land held in the neighbourhood by any owner, and to the convenience of other property belonging to the same owner, and shall, so far as is practicable, avoid taking an undue or inconvenient quantity of land from any one owner.

PART VII.
—cont.

(5) At an inquiry held under this section the person holding the inquiry shall not, unless the Minister so directs, hear counsel or expert witnesses.

(6) The person holding an inquiry under this section on behalf of a county council shall have the same powers as a person appointed by the Minister under this Act to hold an inquiry.

(7) If a county council refuse to make an order under this section, the parish council may petition the Minister, and the Minister, after holding a local inquiry, may, if he thinks proper, make the order, and this section shall apply as if the order had been made by the county council and confirmed by the Minister.

169. A parish council, or in the case of a rural parish not having a separate parish council the representative body of the parish with the consent of the parish meeting, may let any land vested in them which is held for charitable purposes with such consent or approval as is required under the Charitable Trusts Acts, 1853 to 1925, as amended by the Board of Education Act, 1899, for the sale of charity estates, and may let any other land vested in them with the consent of the Minister :

Power of
parish
council
to let land.

62 & 63 Vict.
c. 33.

Provided that no consent or approval shall be required where the term for which the land is let does not exceed one year, and in the case of land held for charitable purposes, no consent or approval shall be required if the letting is for the purpose of allotments under the Allotments Acts, 1908 to 1931.

170.—(1) A parish council, or in the case of a rural parish not having a separate parish council the representative body of the parish, may, with the consent of the parish meeting—

Power of
parish
council
to sell or
exchange
land.

(a) sell any land which they may possess and which is not required for the purposes for which it was acquired or is being used ; or

PART VII.
—cont.

- (b) exchange any land which they may possess for other land, either with or without paying or receiving any money for equality of exchange :

Provided that no land held for charitable purposes shall be sold or exchanged without such consent or approval as is required under the Charitable Trusts Acts, 1853 to 1925, as amended by the Board of Education Act, 1899, and no other land shall be sold or exchanged without the consent of the Minister.

(2) Capital money received in respect of a transaction under this section shall be applied—

- (i) in the case of a sale or exchange of land held for charitable purposes, in accordance with any directions given under the Charitable Trusts Acts, 1853 to 1925, as amended by the Board of Education Act, 1899; and
- (ii) in any other case, in such manner as the Minister may approve towards the discharge of any debt of the parish council or parish meeting, or otherwise for any purpose for which capital money may be applied.

Corporate Land.

Power to acquire corporate land.

171. Where a municipal corporation have no power under their charter to acquire land, or where the power conferred by their charter is exhausted, the council of the borough may, with the approval of the Minister, by agreement acquire land as corporate land in such manner, and on such terms and conditions, as the Minister may approve.

Power to dispose of corporate land.

172.—(1) The council of a borough may let any corporate land for a term not exceeding—

- (a) in the case of a building lease, ninety-nine years;
- (b) in the case of a mining lease, sixty years;
- (c) in the case of any other lease, twenty-one years.

(2) Where a municipal corporation had power immediately before the commencement of this Act to renew any lease of corporate land for any term or number of years, either certain or determinable after a death, or

at any rent, or on the payment of any fine or premium, either certain or arbitrary, or with or without any covenant for the future renewal thereof, the council of the borough may renew the lease for that term or in that manner.

PART VII.
—cont.

(3) Where the council of a borough desire to dispose of corporate land otherwise than as aforesaid, they may, with the consent of the Minister, dispose of the land either by way of sale, exchange, mortgage, charge, demise, lease or otherwise, in such manner and on such terms and subject to such conditions, including conditions as to the investment of capital money arising from the transaction, as the Minister may approve.

(4) In this section, the expression—

“ Building lease ” means a lease for any building purposes (that is to say, for the purposes of erecting, improving, adding to, or repairing buildings) or purposes connected therewith;

“ Mining lease ” means a lease for any mining purposes (that is to say, for the purposes of sinking and searching for, winning, working, getting, making merchantable, smelting or otherwise converting or working for the purposes of any manufacture, carrying away, and disposing of mines and minerals, in or under land, and the erection of buildings and the execution of engineering and other works suitable for these purposes) or purposes connected therewith, and includes a grant or licence for any mining purposes.

General.

173. The Chancellor and Council of the Duchy of Lancaster may sell to a local authority any land belonging to His Majesty in right of the said duchy which the local authority think fit to purchase, and the land may be assured to the local authority and the proceeds of the sale shall be paid and dealt with as if the land had been sold under the authority of the Duchy of Lancaster Lands Act, 1855.

Lands
belonging to
Duchy of
Lancaster.

18 & 19 Vict.
c. 58.

PART VII.
—cont.
Provisions
as to
commons
and open
spaces.

174.—(1) Where a compulsory purchase order made under this Part of this Act authorises the acquisition of any land forming part of a common, open space or allotment, the order shall be provisional only, and shall not have effect unless and until it is confirmed by Parliament.

(2) This section shall not apply where the order provides for giving in exchange for such land other land, not being less in area, certified by the Minister, after consultation with the Minister of Agriculture and Fisheries, to be equally advantageous to the persons, if any, entitled to commonable or other rights and to the public:

Provided that—

- (a) before giving any such certificate the Minister shall give public notice of the proposed exchange, and shall afford opportunities to all persons interested to make representations and objections in relation thereto, and shall, if necessary, hold a local inquiry; and
 - (b) the order shall provide for vesting the land given in exchange in the persons in whom the common, open space or allotment was vested, subject to the same rights, trusts and incidents as attached to the common, open space or allotment, and for discharging the part of the common, open space or allotment acquired from all rights, trusts and incidents to which it was previously subject.
- (3) In this section the expression—
- “Allotment” means an allotment set out as a fuel allotment or a field garden allotment under an Inclosure Act;
 - “Common” includes land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green;
 - “Open space” means any land laid out as a public garden or used for the purposes of public recreation, and any disused burial ground.

175.—(1) Where any land proposed to be acquired by means of a compulsory purchase order under this Part of this Act is situate within the prescribed distance from any of the royal palaces or parks, the local authority shall communicate with the Commissioners of Works, and the Minister shall, before confirming the order or authorising the raising of any loan for the purpose of the acquisition of the land, take into consideration any recommendation received from the Commissioners of Works with reference to the proposal.

PART VII.
—cont.

Provisions
as to land
in neigh-
bourhood of
royal
palaces or
parks.

(2) Before making any regulations under this section, the Minister shall consult the Commissioners of Works.

176. Where under this Part of this Act a local authority are authorised to acquire land by agreement, the Lands Clauses Acts, except the provisions relating to the acquisition of land otherwise than by agreement and the provisions relating to access to the special Act, and except sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845, shall be incorporated with this Act, and in construing those Acts for the purposes of this section this Act shall be deemed to be the special Act, and the local authority to be the promoters of the undertaking, and the word "land" shall have the meaning assigned to it in this Act.

Application
of Lands
Clauses
Acts to
purchases
by agree-
ment.

177.—(1) Any purchase money or compensation payable in pursuance of this Part of this Act by a local authority in respect of any land acquired from another local authority which would, but for this section, be required to be paid into court in manner provided by the Lands Clauses Acts may, if the Minister consents, instead of being paid into court, be paid and applied as the Minister may determine.

Payment of
purchase or
compensa-
tion money
by one local
authority to
another.

(2) A decision of the Minister under this section shall be final.

178. Where property representing the proceeds of sale of parish property is held at the commencement of this Act for the benefit of a parish, the property and the income thereof shall continue to be applied to the purposes to which they were applied immediately before the commencement of this Act, until the Minister otherwise directs.

Application
of proceeds
of sale of
parish
property.

PART VII.
—cont.
Savings.

179. Nothing in this Part of this Act shall—

- (a) authorise the compulsory acquisition by means of a compulsory purchase order of land which is the site of an ancient monument or other object of archaeological interest; or
- (b) affect the provisions of the Ancient Monuments Acts, 1913 and 1930, or empower a local authority to acquire or to dispose of, whether by sale, lease or exchange, or to appropriate, any ancient monument within the meaning of those Acts; or
- (c) authorise the compulsory acquisition by means of a compulsory purchase order of land which is the property of a local authority, or which has been acquired by statutory undertakers for the purposes of their undertaking; or
- (d) authorise the disposal of land by a local authority, whether by sale, lease, or exchange, in breach of any trust, covenant or agreement binding upon the authority; or
- (e) affect any power to sell, mortgage, alienate or lease corporate land in pursuance of an agreement made on or before the fifth day of June, eighteen hundred and thirty-five, or of a resolution entered in the books of a body corporate on or before that date; or
- (f) where under any enactment or statutory order conferring on a local authority a power to acquire land the power is expressly limited to acquisition by agreement, confer on the local authority power to acquire land compulsorily for the purposes of that enactment or statutory order; or
- (g) affect any provisions relating to the acquisition, appropriation or disposal of land by a local authority contained in any of the enactments set out in the Seventh Schedule to this Act or in any statutory order made thereunder, or the application of any capital money arising from such disposal, or, in so far as any of those enactments or orders contains provisions relating to the acquisition, appropriation, or disposal

of land, or the application of capital money arising from land, empower a local authority to effect any transaction which might be effected under those provisions otherwise than under those provisions and in accordance therewith; or

PART VII.
—cont.

- (h) affect the provisions of the Unemployment (Relief Works) Act, 1920, or the Public Works Facilities Act, 1930.

10 & 11 Geo.
5. c. 57.
20 & 21 Geo.
5. c. 58.

PART VIII.

EXPENSES.

County Councils.

180.—(1) In this Part of this Act and in every other enactment relating to the expenses of county councils, unless the context otherwise requires—

General
and special
county
purposes.

- (a) The expression “general county purposes” means all purposes declared by this Act or any other enactment or by any statutory order to be general county purposes, and all purposes for expenditure on which the whole of the county is chargeable, and all purposes which are not made special county purposes by or under any enactment or statutory order; and
- (b) The expression “special county purposes” means any purposes for expenditure on which part only of the county is chargeable, whether by reason of any part of the county being exempt therefrom or otherwise.

(2) All expenses incurred by a county council under any enactment passed after the commencement of this Act shall, unless the enactment otherwise provides, be deemed to be expenses for general county purposes.

(3) In determining the amount of expenses for any particular county purpose, general or special, a proper proportion of the cost of the officers and buildings and establishment of the county council may be added to the expenses directly incurred for that purpose.

181.—(1) All receipts of a county council, whether for general or special county purposes, shall be carried to the county fund, and all liabilities falling to be discharged by the council, whether for general or special county purposes, shall be discharged out of that fund.

County
fund.

PART VIII.

—cont.

(2) Separate accounts shall be kept of receipts carried to, and payments made out of, the county fund—

(a) for general county purposes;

(b) for each special county purpose, except that, where as respects any two or more special county purposes the part of the county chargeable is the same, one separate account may be kept as respects both or all of those purposes;

and the account for general county purposes shall be called the general county account, and an account for any special county purpose shall be called a special county account.

Annual
budget of
county
councils.

182.—(1) Before the commencement of every financial year a county council shall cause to be submitted to them an estimate of the income and expenditure of the council during that financial year, whether on account of property, contributions, rates, loans, or otherwise.

(2) The council shall estimate the amounts which will be required to be raised in the first six months and in the second six months of the financial year by means of precepts.

(3) If before the expiration of the first six months of the financial year it appears to the council that the amounts estimated at the commencement of the year will be larger than is necessary or will be insufficient, the council may revise the estimate and alter the said amounts accordingly.

Power of
county
council to
issue
precepts.

183.—(1) A county council shall have power to issue precepts for the levying of rates to meet all liabilities falling to be discharged by the council, for which provision is not otherwise made.

(2) A precept issued by a county council shall be so issued as to secure that the rate is levied—

(a) in the case of a rate to meet liabilities in respect of expenditure for general county purposes, on the whole of the county; and

(b) in the case of a rate to meet liabilities in respect of expenditure for a special county purpose, on the part of the county chargeable therewith.

(3) A precept issued by a county council may include as separate items a contribution for general county purposes and a contribution for special county purposes.

PART VIII.
—cont.

184.—(1) All payments to and out of the county fund shall be made to and by the county treasurer.

Payments
to and out
of county
fund.

(2) All payments out of the county fund shall, unless made in pursuance of the specific requirement of any enactment, or of an order of a competent court, or of a justice of the peace acting in discharge of his judicial functions, be made in pursuance of an order of the county council signed by three members of the finance committee thereof present at the meeting of the council at which the order is made, and countersigned by the clerk of the council, and the same order may include several payments.

(3) An order for the payment of a sum out of the county fund shall not be made by a county council except in pursuance of a resolution of the council passed on the recommendation of the finance committee.

(4) All cheques for payment of moneys issued in pursuance of an order of a county council made under this section shall be countersigned by the clerk of the county council or by some other person approved by the council.

(5) Any person aggrieved by an order of a county council made under this section may appeal to the High Court, and on any such appeal the High Court may give such directions in the matter as they think proper, and the order of the High Court shall be final.

Borough Councils.

185.—(1) All receipts of the council of a borough, including the rents and profits of all corporate land, shall be carried to the general rate fund of the borough, and all liabilities falling to be discharged by the council shall be discharged out of that fund.

General rate
fund of
borough.

(2) An account, called the "general rate fund account," shall be kept of all receipts carried to, and payments made out of, the general rate fund:

Provided that, where any such receipts are receipts for the benefit of a part only of the borough, or any such payments are payments in respect of expenditure

PART VIII.
—cont.

with which a part only of the borough is chargeable, a separate account shall be kept of receipts and payments in respect of that part of the borough.

(3) If the general rate fund is more than sufficient for the purposes to which it is applicable, the surplus thereof may be applied under the direction of the council for the public benefit of the inhabitants and improvement of the borough.

Power of
borough
council to
levy rates.

186. The council of a borough shall have power to levy rates to meet all liabilities falling to be discharged by the council for which provision is not otherwise made.

Payments
to and out
of general
rate fund
of borough.

187.—(1) All payments to and out of the general rate fund of a borough shall be made to and by the treasurer.

(2) Except as otherwise expressly provided in this section, all payments out of the general rate fund shall be made in pursuance of an order of the council signed by three members thereof and countersigned by the town clerk, and the same order may include several payments :

Provided that the following payments may be made out of the general rate fund without an order of the council, that is to say, payments made—

- (a) in pursuance of the specific requirement of any enactment;
- (b) in pursuance of an order of a competent court or of a justice of the peace acting in discharge of his judicial functions;
- (c) in respect of any remuneration of—
 - (i) the mayor;
 - (ii) the recorder in his capacity either of recorder or of judge of the borough civil court;
 - (iii) the stipendiary magistrate;
 - (iv) the clerk of the peace, when paid by salary;
 - (v) the clerk of the borough justices;
 - (vi) any other officer or person whose remuneration is payable by the council;

- (d) in respect of the remuneration and allowances certified by the Treasury to be payable to the Treasury in relation to an election petition; PART VIII.
—cont.
- (e) in respect of the remuneration certified by the recorder to be due to an assistant recorder, assistant clerk of the peace, or additional crier.

(3) Any person aggrieved by an order of the council made under this section may appeal to the High Court, and on any such appeal the High Court may give such directions in the matter as they think proper, and the order of the High Court shall be final.

Urban District Councils.

188.—(1) All receipts of the council of an urban district shall be carried to the general rate fund of the district, and all liabilities falling to be discharged by the council shall be discharged out of that fund. General
rate fund
of urban
authority.

(2) An account, called the "general rate fund account," shall be kept of all receipts carried to, and payments made out of, the general rate fund:

Provided that, where any such receipts are receipts for the benefit of a part only of the district, or any such payments are payments in respect of expenditure with which a part only of the district is chargeable, a separate account shall be kept of receipts and payments in respect of that part of the district.

189. The council of an urban district shall have power to levy rates to meet all liabilities falling to be discharged by the council for which provision is not otherwise made. Power of
urban district
council to
levy rates.

Rural District Councils.

190.—(1) The expenses incurred by a rural district council in the discharge of their functions shall be divided into general expenses and special expenses. General and
special ex-
penses of
rural
authority.

(2) All expenses incurred by a rural district council not declared by or under this Act or any other enactment or statutory order to be special expenses shall be general expenses.

PART VIII.
—cont.

(3) The Minister may, by order, on the application of a rural district council, declare any expenses incurred by that council, whether before or after the commencement of this Act, to be special expenses separately chargeable on such contributory place or places in the district as may be specified in the order, and, if the said expenses are declared to be chargeable on more than one contributory place, the order may apportion the expenses amongst the contributory places :

Provided that, where any expenses are declared under this subsection to be special expenses separately chargeable on any part of a rural district, the Minister may nevertheless direct that those expenses shall be levied in that part of the district together with, and as an additional item of, the general rate and not by a special rate.

(4) Where any expenses of a rural district council, whether incurred before or after the commencement of this Act, are payable as special expenses, the council may determine to contribute as part of their general expenses such sums as appear to them to be reasonable in or towards defraying such expenses, and to treat the remainder, if any, as special expenses.

(5) Where any special expenses have been incurred, whether before or after the commencement of this Act, for the common benefit of any two or more contributory places, the rural district council may, subject to the apportionment, if any, contained in an order made under subsection (3) of this section, apportion the expenses in such proportions as they think just between those contributory places, and any expenses so apportioned to any contributory place shall be a separate charge on that contributory place.

General
rate fund
of rural
authority.

191.—(1) All receipts of the council of a rural district, whether in respect of general or special expenses, shall be carried to the general rate fund of the district, and all liabilities falling to be discharged by the council, whether in respect of general or special expenses, shall be discharged out of that fund.

(2) Separate accounts shall be kept of receipts carried to, and payments made out of, the general rate fund of the district—

(a) in respect of general expenses ;

- (b) in respect of each class of special expenses, except that where, as respects any two or more classes of special expenses, the part of the district chargeable is the same, one separate account may be kept as respects all expenses of both or all those classes;

PART VIII.
—cont.

and the account kept in respect of general expenses shall be called the general district account and an account kept in respect of any class of special expenses shall be called a special district account.

192.—(1) The council of a rural district shall have power to levy rates to meet all liabilities falling to be discharged by the council for which provision is not otherwise made.

Power of
rural
district
council to
levy rates.

(2) Amounts leviable by a rural district council by means of a rate shall be chargeable—

- (a) in the case of amounts leviable to meet liabilities in respect of general expenses, on the whole of the district; and
- (b) in the case of amounts leviable to meet liabilities in respect of special expenses, on the part of the district chargeable separately therewith.

Parish Councils and Parish Meetings.

193.—(1) The sums required to be raised to meet the expenses of a parish council or of a parish meeting (including the expenses of a poll consequent on a parish meeting) shall be chargeable separately on the parish.

Expenses of
parish
councils, &c.

(2) In a parish having a separate parish council the expenses of the parish meeting (including the expenses of any poll consequent on a parish meeting) shall be paid by the parish council.

(3) The sums required to be raised in any financial year to meet the expenses of a parish council (other than expenses under the adoptive Acts) shall not, without the consent of the parish meeting, exceed an amount equal to a rate of fourpence in the pound, calculated on the total rateable value as set out in the valuation list in force at the commencement of the financial year, or such higher rate as the Minister may by order as respects any

PART VIII. particular parish allow, and shall in no case exceed an amount equal to a rate of eightpence in the pound, calculated as aforesaid, or such higher rate as the Minister may by order as respects any particular parish allow.
—cont.

(4) A parish council shall not, without the consent of the parish meeting and the approval of the county council, incur any expense or liability which will involve a loan.

(5) In a parish not having a parish council, the sums required to be raised in any financial year to meet the expenses of the parish meeting when added to the expenses of any authority under any of the adoptive Acts shall not exceed an amount equal to a rate of eightpence in the pound, calculated as aforesaid, or such higher rate as the Minister may by order as respects any particular parish allow.

(6) For the purpose of obtaining sums necessary to meet the expenses of a parish council or of a parish meeting, the parish council, or the chairman of the parish meeting of a parish not having a separate parish council, shall issue precepts to the council of the rural district in which the parish is situate.

2 & 3 Vict.
c. 84.
15 & 16
Geo. 5. c. 90.

(7) Any such precept may be enforced under and in accordance with the provisions of the Poor Rate Act, 1839, or of section thirteen of the Rating and Valuation Act, 1925.

(8) Every cheque or other order for the payment of money by a parish council shall be signed by two members of the council.

(9) Every parish council and the chairman of the parish meeting for a rural parish not having a separate parish council shall keep such accounts as may be prescribed of the receipts and payments of the council or parish meeting, as the case may be.

(10) An order made by the Minister under this section may be altered or revoked by an order made in like manner as the original order.

(11) Nothing in this section shall alter the incidence of charge of any rate levied to defray expenses incurred under any of the adoptive Acts.

General.

PART VIII.
—cont.

194. Nothing in this Part of this Act shall—

- (a) be deemed to require or authorise a local authority to apply or dispose of the surplus revenue arising from any undertaking carried on by them otherwise than in accordance with the provisions of any enactment or statutory order relating to the undertaking; or

- (b) affect the operation of section one of the Roads Act, 1920, or of any Order in Council made thereunder.

Savings for revenues from undertakings, &c.

10 & 11
Geo. 5. c. 72.

PART IX.

BORROWING.

Purposes for which and Mode in which Money may be Borrowed and Security for Borrowing.

195. A local authority may, with the consent of the sanctioning authority, or in the case of a parish council with the consent of the Minister and of the county council, borrow such sums as may be required for any of the following purposes, that is to say:—

Purposes for which money may be borrowed.

- (a) for acquiring any land which the local authority have power to acquire:
- (b) for erecting any building which the local authority have power to erect:
- (c) for the execution of any permanent work, the provision of any plant, or the doing of any other thing which the local authority have power to execute, provide, or do, if, in the opinion of the sanctioning authority or, in the case of a parish council, in the opinion of the Minister and of the county council, the cost of carrying out that purpose ought to be spread over a term of years:
- (d) in the case of a local authority being a county council, for the purpose of lending to a parish council any money which the parish council are authorised to borrow:

PART IX.
—cont.

- (e) for any other purpose for which the local authority are authorised under any enactment, including any enactment in this Act, or under any statutory order, to borrow :

Provided that the consent of the sanctioning authority shall not be required to a borrowing by a county council for the purposes of paragraph (d) of this section.

Modes of
borrowing.

196.—(1) Where a local authority are authorised to borrow money, they may, subject to the provisions of this Part of this Act, raise the money either—

- (a) by mortgage; or
 (b) with the consent of the Minister, by stock issued under this Part of this Act; or
 (c) by debentures or annuity certificates issued under the Local Loans Act, 1875, as amended by any subsequent enactment :

38 & 39 Vict.
c. 83.

Provided that a parish council shall not borrow otherwise than by way of mortgage.

(2) A debenture issued by a county council may be for any amount not less than five pounds.

Security for
borrowing
and priority
of securities.

197.—(1) All moneys borrowed by a local authority, whether before or after the commencement of this Act, shall be charged indifferently on all the revenues of the authority.

(2) Subject to the provisions of this section, all securities created by a local authority, whether under this Act or under any other enactment or statutory order, shall rank equally without any priority.

(3) Nothing in this section shall—

- (a) apply to any money borrowed by way of temporary loan or overdraft without security; or

(b) affect any priority existing at, or any right to priority conferred by a security created before, the commencement of this Act.

(4) The provisions of the first two paragraphs of section eight of the Local Loans Act, 1875 (that is to say, the words from the beginning of the said section to the

words "date of such loan") shall cease to have effect in relation to borrowing by a local authority. PART IX.
—cont.

General Provisions as to Borrowing.

198.—(1) Every sum borrowed under this Part of this Act shall be repaid within such period as the local authority, with the consent of the sanctioning authority, may determine : Period for repayment of moneys borrowed.

Provided that the period for the repayment of a sum so borrowed shall not exceed, in the case of a sum borrowed for any of the purposes specified in the second column of the Eighth Schedule to this Act, the period specified in relation thereto in the third column of that Schedule, or, in any other case, the period of sixty years.

(2) Where any sum is borrowed by a local authority for the purpose of meeting expenditure on the construction of new, or the extension or alteration of existing, works forming or to form part of an undertaking of a revenue-producing character, it shall be lawful for any annual provision required to be made by the local authority for the repayment of the sum so borrowed to be suspended for such period (not being a period longer than the period during which the expenditure remains unremunerative, or the period of five years from the commencement of the financial year next after that in which the expenditure commences to be incurred, whichever is the shorter) and subject to such conditions as the sanctioning authority may determine.

199.—(1) The clerk of a local authority shall, within one month after being requested so to do by the Minister, transmit to the Minister a return showing the provision made by the local authority for the repayment of moneys borrowed by the authority. Return to Minister.

(2) The return shall show such particulars, shall be made up to such date and shall be in such form, as the Minister may require, shall be certified by the treasurer or other person whose duty it is to keep the accounts of the authority, and shall, if so required by the Minister, be verified by a statutory declaration made by that person.

PART IX.
—cont.

(3) If it appears to the Minister from any return made under this section or otherwise that a local authority—

- (a) have failed to pay any instalment or annual payment required to be paid: or
- (b) have failed to appropriate to the discharge of any loan any sum required to be so appropriated: or
- (c) have failed to set apart any sum required for a sinking fund: or
- (d) have applied any portion of a sinking fund to a purpose other than those authorised;

the Minister may by order direct that such sum as is specified in the order, not exceeding the amount in respect of which default has been made, shall be paid or applied in the manner and by the date set out in the order, and the authority shall notify the Minister as soon as the order has been complied with.

(4) An order made under the last preceding subsection may be enforced, at the instance of the Minister, by mandamus.

(5) If a return required to be made under this section is not made, the person in default shall be liable, on summary conviction, to a fine not exceeding twenty pounds, and notwithstanding the recovery of any such fine the making of the return may be enforced, at the instance of the Minister, by mandamus.

(6) The provisions of this section shall be in substitution for, and not in addition to, any requirement under any other enactment or statutory order to make a return as to the provision made by a local authority for the repayment of borrowed moneys.

Charge of
service of
loan to
particular
account.

200. Where a loan is raised to meet any expenditure of a local authority which is chargeable to a particular account, there shall be debited to that account all sums required for repayment of the principal of the loan, or for payment of interest thereon, or for making payments to any sinking fund established for the purposes thereof.

Conditions of
borrowing by
county
council for
loan to parish
council.

201.—(1) In relation to borrowing by a county council for the purpose of lending to a parish council, the Minister may by order impose conditions to be observed either generally or in any particular case in addition to

the conditions to be observed in relation to borrowing for other purposes.

PART IX.
—cont.

(2) An order made under this section may be altered or revoked by an order made in like manner as the original order.

202. The balance of any money borrowed by a local authority and not required for the purposes for which the money was borrowed may, with the consent of the Minister, and subject to any conditions which he may impose, be applied to any other purpose for which capital money may be applied :

Balance of unexpended moneys.

Provided that nothing in this section shall dispense with the necessity of the consent of the Public Works Loan Commissioners in any case in which such consent is required under section nine of the Public Works Loans Act, 1881.

44 & 45 Vict.
c. 38.

203. A person lending money to a local authority shall not be bound to inquire whether the borrowing of the money is or was legal or regular or whether the money raised was properly applied, and shall not be prejudiced by any illegality or irregularity in the matters aforesaid or by the misapplication or non-application of any such money.

Lenders relieved from certain inquiries.

Provisions relating to Stock.

204.—(1) For the purposes of any borrowing by a local authority by means of an issue of stock under this Part of this Act, stock may be created, issued, transferred, dealt with, and redeemed in such manner as may be prescribed.

Stock regulations

(2) Without prejudice to the generality of the above power, the regulations made under this section may provide for the discharge of any loan so raised and, in the case of consolidation of debt, for extending or varying the times within which loans may be discharged, and may provide for the consent of owners under disability and for the application of the enactments relating to stamp duties and to cheques, and for the disposal of unclaimed dividends.

(3) Before any regulations are made under this section, a draft thereof shall be laid before both Houses of Parliament, and the regulations shall not be made

PART IX.
—cont.

unless both Houses by resolution approve the draft either without modification or addition or with modifications or additions to which both Houses agree, but upon such approval being given the regulations may be made in the form in which they have been approved and on being so made shall be deemed to be valid and within the powers of this Act and the validity thereof shall not be questioned in any legal proceeding whatever.

Provisions relating to Mortgages.

Form of
mortgage.

205. A mortgage created under this Part of this Act shall be by deed made in the prescribed form or in a form to the like effect :

Provided that in the case of a loan made by the Public Works Loan Commissioners the mortgage shall be in such form as may be prescribed under the Public Works Loans Acts, 1875 to 1882.

Transfer of
mortgage.

206. The person entitled to a mortgage created by a local authority, may transfer it by deed made in the prescribed form or in a form to the like effect.

Register of
mortgages.

207.—(1) The clerk of a local authority shall keep at the office of the authority a register of mortgages created by the authority under this Part of this Act (in this Part of this Act referred to as “the register”).

(2) Within fourteen days after the date of a mortgage the clerk of the authority shall cause an entry to be made in the register of the number and date thereof, of the names and descriptions of the parties thereto, and of the amount borrowed, as stated in the deed.

(3) On production to the clerk of the authority of the deed of mortgage, and—

(a) in the case of a transfer of a mortgage, of a duly executed deed of transfer :

(b) in the case of a transmission of a mortgage by the death of a person solely entitled thereto or of the survivor of persons jointly entitled thereto, of probate of the will or letters of administration of the estate of the deceased :

(c) in the case of a transmission of a mortgage otherwise than as aforesaid, of satisfactory evidence of the transmission,

and on payment of such sum, if any, not exceeding five shillings, as the authority may determine, the clerk of the authority shall cause an entry to be made in the register of the date of the transfer or transmission, and of the name and description of the person becoming entitled thereunder to the mortgage.

PART IX.
—cont.

(4) Any change of name or address on the part of a person entitled to a mortgage shall forthwith be notified to the clerk of the authority, who, on being satisfied thereof, shall alter the register accordingly.

(5) The Minister may make regulations for enabling entries relating to mortgages, or to transfers and transmissions of mortgages, contained in any register kept by or on behalf of a local authority under any enactment in force at the commencement of this Act to be transferred to the register kept under this section, and for applying to the mortgages to which the entries relate the provisions of this section with any necessary modifications in place of the corresponding provisions of that enactment, and for terminating the obligation of the local authority or of any officer of the local authority to make entries in the register kept under that enactment.

(6) The register shall be open at all reasonable hours to public inspection without payment.

(7) If any person,—

- (a) having the custody of the register, refuses inspection of the register to any person; or
- (b) being required under this section to make an entry in the register, refuses or wilfully neglects so to do,

he shall be liable, on summary conviction, to a fine not exceeding, in the case of an offence under paragraph (a) of this subsection, five pounds, or, in the case of an offence under paragraph (b) of this subsection, twenty pounds.

208.—(1) A local authority shall be entitled to treat as exclusively entitled to a mortgage, in relation to which entries have been duly made in the register, the person appearing by the latest of those entries to be entitled thereto.

Title to mortgage, and rectification of register.

(2) If the name of any person is, without sufficient cause, entered in or omitted from the register, or default

PART IX.
—cont.

is made or unnecessary delay takes place in making any entry required to be made in the register, the High Court or, where the sum involved does not exceed five hundred pounds, the county court may, on application by the person aggrieved or by the local authority, make an order for the rectification of the register.

(3) On any proceedings under this section the court may decide any question relating to the title of any party thereto to have his name entered in or omitted from the register and generally any question which it may be necessary or expedient to decide for the purpose of the rectification of the register.

Notice of
trusts.

209. No notice of any trust, expressed, implied or constructive, affecting a mortgage created by a local authority shall be entered in the register or be receivable by the authority or by any officer of the authority.

Receipts
on behalf
of joint
holders and
infants.

210.—(1) Where two or more persons are jointly entitled to a mortgage created by a local authority any one of those persons may give an effectual receipt for any interest thereon, unless notice in writing to the contrary has been given to the local authority by any other of those persons.

(2) The receipt of the guardian of an infant shall be a sufficient discharge to a local authority for any money payable to the infant in respect of a mortgage created by the local authority.

Appoint-
ment of
receiver.

211.—(1) If at any time any principal money or interest due under a mortgage created by a local authority remains unpaid for a period of two months after demand in writing, the person entitled thereto may, without prejudice to any other remedy, apply to the High Court for the appointment of a receiver, and the Court may, if they think fit, appoint a receiver on such terms and with such powers as the Court think fit:

Provided that no such application shall be entertained unless the sums due to the applicant, or in the case of a joint application by two or more persons the aggregate sums due to them, amount to not less than five hundred pounds.

(2) The Court may confer upon the receiver any such powers of collecting, receiving and recovering the revenues of the local authority, and of making, collecting

and recovering rates, and of issuing and enforcing precepts, as are possessed by the local authority or their officers.

PART IX.
—cont.

212.—(1) Every sum borrowed by a local authority by way of mortgage shall be paid off either by equal yearly or half-yearly instalments of principal, or of principal and interest combined, or by means of a sinking fund, or partly by one of those methods and partly by another or others of them.

Repayment
of moneys
borrowed on
mortgage.

(2) Subject to the provisions of subsection (2) of section one hundred and ninety-eight of this Act, the payment of the first instalment or the first payment to the sinking fund shall be made within twelve months or, where the moneys are repayable by half-yearly instalments, within six months from the date of borrowing.

213.—(1) If a local authority determine to repay by means of a sinking fund any sums borrowed under this Part of this Act by way of mortgage, the sinking fund shall be formed and maintained either—

Sinking
fund.

(a) by payment to the fund throughout the fixed period of such equal annual sums as will be sufficient to pay off within that period the moneys for the repayment of which the sinking fund is formed; or

(b) by payment to the fund throughout the fixed period of such equal annual sums as, with accumulations at a rate not exceeding the prescribed rate, or such other rate as the Minister may in any particular case approve, will be sufficient to pay off within that period the moneys for the repayment of which the sinking fund is formed.

In this Part of this Act a sinking fund formed under paragraph (a) of this subsection is referred to as “a non-accumulating sinking fund,” and a sinking fund formed under paragraph (b) thereof as “an accumulating sinking fund.”

(2) Every sum paid to a sinking fund shall, unless applied in repayment of the moneys for the repayment of which the sinking fund is formed, or in such other manner as may be authorised by any enactment, be

PART IX.
—cont.

immediately invested in statutory securities (other than securities created by the local authority), and the local authority may from time to time vary and transpose the investments.

(3) In the case of an accumulating sinking fund, the interest received in any year from the investment of the sums set apart for the purposes of the sinking fund shall form part of the revenue for that year of the county fund or general rate fund, as the case may be, but the contribution to be made to the sinking fund out of the county fund or general rate fund, as the case may be, shall in that year be increased by a sum equal to the interest that would have accrued to the sinking fund during that year if interest had been accumulated therein at the rate per cent. per annum on which the annual payments to the sinking fund are based.

(4) A local authority may at any time apply the whole or any part of a sinking fund in or towards the discharge of the moneys for the repayment of which the sinking fund was formed :

Provided that, in the case of an accumulating sinking fund, the local authority shall pay into the fund each year and accumulate during the residue of the fixed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per cent. per annum on which the annual payments to the sinking fund are based.

(5) Any surplus of a sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such capital purpose as the local authority, with the consent of the Minister, may determine.

(6) Subsection (2) of this section shall apply to a sinking fund established by a local authority under any enactment for the repayment of moneys borrowed by way of mortgage, and subsections (3), (4) and (5) of this section shall apply to an accumulating sinking fund so established, in like manner as they respectively apply to a sinking fund or an accumulating sinking fund established under this Part of this Act.

(7) In the application of this section to a sinking fund formed by a parish council, references to the county fund or general rate fund shall be read as references to the fund out of which the expenses of the council are defrayed.

PART IX.
—cont.

214.—(1) If at any time it appears to the local authority that the amount in a sinking fund, together with the sums which will be payable thereto in accordance with the provisions of this Part of this Act, and, in the case of an accumulating sinking fund, with the accumulations thereon, will not be sufficient to repay within the fixed period the moneys for the repayment of which the sinking fund is formed, the local authority shall, either temporarily or permanently, make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose, and if it appears to the Minister that any such increase is necessary, the local authority shall increase the payments to such extent as the Minister may direct.

Adjust-
ments of
sinking
fund.

(2) If the local authority desire to accelerate the repayment of any moneys borrowed by way of mortgage, they may increase the amounts payable to the sinking fund.

(3) If the amount in a sinking fund, together with the sums which will be payable thereto in accordance with the provisions of this Part of this Act, and also, in the case of an accumulating sinking fund, together with the accumulations thereon, will in the opinion of the Minister be more than sufficient to repay within the fixed period the moneys for the repayment of which the sinking fund is formed, the local authority may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Minister be sufficient to repay within the fixed period the moneys for the repayment of which the sinking fund is formed.

(4) If at any time the amount in a sinking fund, together with the accumulations thereon in the case of an accumulating sinking fund, will in the opinion of the Minister be sufficient to repay the moneys for the repayment of which the sinking fund is formed within the fixed period, the Minister may authorise the local

PART IX.
—cont.

authority to suspend the annual payments to the sinking fund until the Minister otherwise directs.

(5) This section shall apply to a sinking fund established by a local authority under any other enactment for the repayment of moneys borrowed by way of mortgage in like manner as it applies to a sinking fund established under this Part of this Act.

Supplementary Borrowing Powers.

Temporary
loans, &c.

215.—(1) A local authority may, without the consent of any sanctioning authority, borrow by way of temporary loan or overdraft from a bank or otherwise, any sums which they may temporarily require—

- (a) for the purpose of defraying expenses (including the payment of sums due by them to meet the expenses of other authorities) pending the receipt of revenues receivable by them in respect of the period of account in which those expenses are chargeable and taken into account in the estimates made by the local authority for that period;
- (b) for the purpose of defraying, pending the raising of a loan which the authority have been authorised to raise, expenses intended to be defrayed by means of the loan.

(2) Where money is borrowed in pursuance of paragraph (b) of the preceding subsection and subsequently such a loan as is mentioned in that paragraph is raised, then for the purposes of the provisions of this Part of this Act regulating the repayment of that loan, the loan shall, to the extent of the sum borrowed under the said paragraph, be deemed to have been raised at the time when the borrowing under the said paragraph took place.

Power to
re-borrow.

216.—(1) A local authority may, without the consent of any sanctioning authority, borrow for the purpose of—

- (a) paying off any moneys previously borrowed by the local authority which are intended to be repaid forthwith; or
- (b) replacing moneys which, during the preceding twelve months, have been temporarily applied

from other moneys of the local authority in repaying moneys previously borrowed, and which at the time of such repayment it was intended to replace by borrowed moneys: PART IX.
—cont.

Provided that a local authority shall not have power to borrow under this section—

- (a) for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys; or
- (b) for the purpose of replacing any moneys previously borrowed which have been repaid—
 - (i) by instalments or annual payments; or
 - (ii) by means of a sinking fund; or
 - (iii) out of moneys derived from the sale of land; or
 - (iv) out of any capital moneys properly applicable to the purpose of the repayment, other than moneys borrowed for that purpose.

(2) Any moneys borrowed under this section shall, for the purposes of repayment, be deemed to form part of the original loan, and shall be repaid within that portion of the fixed period which remains unexpired, and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section :

Provided that the authority who sanctioned the original loan may, upon application made to them for that purpose, extend the period for repayment of the moneys borrowed under this section so as to expire on such date as they think fit, not being later than the expiration of the maximum period which might have been permitted for the repayment of the original loan.

Savings.

217. Nothing in this Part of this Act, except the Savings provisions relating to the making of returns to the Minister, shall apply to—

- (a) any mortgage or charge of corporate land, or the power conferred on the council of a borough

PART IX.
—*cont.*15 & 16
Geo. 5. c. 14.

- by section one hundred and seventy-two of this Act to effect such a mortgage or charge; or
- (b) any mortgage of property effected under section two hundred and thirty-five of the Public Health Act, 1875, or the power conferred on a local authority by that section to effect such a mortgage; or
- (c) any local bonds issued under the provisions of section eighty-seven of the Housing Act, 1925, or under any enactment repealed by that Act, or the power conferred on a local authority by that section to issue such bonds.

Definitions.

Definitions.

218. In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them—

“fixed period” means the period originally fixed as the period within which the moneys borrowed are to be repaid;

“revenues” in relation to a local authority includes the county fund or general rate fund, as the case may be, and all rates, Exchequer contributions and other revenues, whether arising from land or undertakings or from any other source, receivable by the local authority;

“sanctioning authority” means—

(a) in the case of moneys borrowed for the purposes of the Electricity (Supply) Acts, 1882 to 1933, or of any other enactment or statutory order relating to the supply of electricity, the Electricity Commissioners;

(b) in the case of moneys borrowed for the purposes of tramways or light railways, or for the purposes of Part V of the Road Traffic Act, 1930, the Minister of Transport; and

(c) in any other case, the Minister;

“statutory securities” means any security in which trustees are for the time being authorised by law to invest trust moneys, and any mortgage,

20 & 21
Geo. 5. c. 43.

bond, debenture, debenture stock, stock or other security created by a local authority, other than annuities, rentcharges, or securities transferable by delivery.

PART IX.
—cont.

PART X.

ACCOUNTS AND AUDIT.

Accounts subject to District Audit and Appointment and Expenses of District Auditors.

219. The following accounts shall be subject to audit by a district auditor under this Part of this Act, that is to say,—

Authorities and officers whose accounts are subject to district audit.

- (a) the accounts of every county council, metropolitan borough council, urban district council, rural district council and parish council, and of every parish meeting for a rural parish not having a parish council;
- (b) the accounts of any committee appointed by any such council or parish meeting;
- (c) the accounts of any joint committee constituted under Part III of this Act or under any enactment repealed by this Act, of which one or more of the constituent authorities are a county or metropolitan borough or district or parish council or the council of a borough all of whose accounts are subject to audit by a district auditor;
- (d) any other accounts which are made subject to audit by a district auditor by virtue of any enactment or statutory order or, in the case of the accounts of the council of a borough, by virtue of a resolution adopting the system of district audit passed by the council in accordance with the provisions of this Part of this Act:

Provided that in relation to any audit of accounts under paragraph (d) of this section this Part of this Act shall have effect subject to the provisions of the relevant enactment or statutory order.

PART X.
—cont.
Appointment of district auditors.

220.—(1) The Minister may, with the consent of the Treasury, appoint such number of district auditors as he thinks necessary for the performance of the duty of auditing the accounts which are for the time being by law subject to audit by district auditors, and may remove any auditor.

(2) The Minister may assign to district auditors their duties, and the districts in which they are respectively to act, and may change wholly or in part such duties or districts, and every district so assigned to a district auditor, whether originally or upon any change, shall be deemed to be an audit district, and the auditor to whom any district is assigned shall be deemed to be the district auditor for that district.

(3) The Minister may, with the consent of the Treasury, appoint, either temporarily or otherwise, assistant district auditors and other persons to assist district auditors in the performance of their duties, and any person so appointed shall have such of the functions of a district auditor as by the terms of his appointment the Minister may confer on him, and in the discharge of any functions so conferred shall be subject to the same obligations as the district auditor whom he is appointed to assist, and accordingly a reference in this Act to a district auditor shall, in relation to functions discharged by a person appointed under this subsection, include a reference to that person:

Provided that the powers of allowance, disallowance and surcharge shall not be conferred on any person appointed under this subsection not being an assistant district auditor.

(4) The Minister may, with the consent of the Treasury, assign to a person appointed to assist a district auditor such remuneration and such sum for his expenses as may seem fit.

Other Financial Provisions.

Liability for payment of remuneration, &c. of district auditors.

221.—(1) The remuneration and expenses of district auditors, including the remuneration and expenses of persons appointed to assist district auditors, to such amount as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament.

(2) For the purpose of contributing to the amount required for the payment of the remuneration and expenses aforesaid and the superannuation allowances of district auditors and of persons appointed to assist district auditors, there shall be charged on every authority whose accounts are subject to audit by a district auditor a stamp duty according to such scale as may be fixed from time to time by the Treasury, after consultation with the Minister and with such associations of local authorities as appear to the Minister to be concerned, and the scale so fixed shall be such as to secure that the duties levied under this section shall be sufficient to meet the costs incurred in respect of the remuneration, expenses and superannuation allowances aforesaid :

Provided that the Treasury may, on the application of any authority, and after consultation with the Minister, direct that the stamp duty charged under this section in the case of that authority, shall, instead of being an amount calculated according to the scale to be fixed under this section, be such an amount, not exceeding the amount chargeable under the scale, as the Treasury think fit having regard to the cost of the audit of the accounts of that authority.

(3) The duties charged under this Part of this Act may, if the Commissioners of Inland Revenue so direct, be denoted by adhesive stamps.

222.—(1) Where any accounts of an authority are audited by a district auditor, the authority shall prepare and submit to the district auditor at every audit a financial statement of those accounts, in duplicate, in the prescribed form and containing the prescribed particulars.

Financial statement and certificate of expenditure.

(2) The district auditor, at the conclusion of the audit, shall certify on each copy of the financial statement, in the prescribed form, the amount of the expenditure so audited and allowed, and further, that the regulations with respect to the statement have been duly complied with, and that he has ascertained by the audit the correctness of the statement.

(3) One copy of the financial statement shall have the stamp charged under this Part of this Act affixed thereon, and at the conclusion of the audit the district auditor shall cancel the stamp.

PART X.
—cont.

(4) The district auditor shall, immediately after the conclusion of the audit, send the stamped copy of the financial statement to the Minister.

(5) If an authority fail to comply with the provisions of this section with respect to a financial statement, the authority, and, if a clerk of the authority is appointed, the clerk, or if no clerk is appointed but there is a treasurer or other officer whose duty it is to keep the accounts which ought to be comprised in the financial statement, the treasurer or other officer, shall be liable, on summary conviction, to a fine not exceeding twenty pounds, and notwithstanding the recovery of any such fine, compliance with the provisions of this section may be enforced, at the instance of the Minister, by mandamus.

Procedure as to District Audit.

Accounts to
be made up
and audited
yearly.

223. All accounts which are subject to audit by a district auditor shall be made up yearly to the thirty-first day of March, or to such other date as the Minister may either generally or in any special case direct, and shall be audited as soon as may be thereafter.

Deposit of
accounts.

224.—(1) A copy of every account which is subject to audit by a district auditor, duly made up and balanced, and all rate books, account books, deeds, contracts, accounts, vouchers and receipts relating to the accounts, shall be deposited in the appropriate office of the authority, and shall for seven clear days before the audit be open at all reasonable hours to the inspection of all persons interested, and any such person shall be at liberty to make copies of or extracts from the deposited documents, without payment.

(2) If any officer of the authority duly appointed in that behalf neglects to make up the aforesaid accounts and books, or, except with the consent of, or in accordance with directions given by, the district auditor, alters, or allows to be altered, the aforesaid accounts and books when so made up and deposited, or having the custody of such accounts and books refuses to allow inspection thereof, he shall be liable on summary conviction to a fine not exceeding five pounds.

(3) Before each audit the authority, on receiving from the auditor the requisite appointment, shall, by advertisement in one or more local newspapers circulating in

the district, give at least fourteen days' notice of the deposit of accounts required by this section, and the production of the newspaper containing such notice shall be sufficient proof of such notice in any legal proceeding:

PART X.
—cont.

Provided that in the case of the audit of the accounts of a parish council or of a parish meeting or of a joint committee of parish councils, the authority shall, in lieu of giving notice by advertisement, give at least fourteen days public notice of the deposit of the accounts.

225.—(1) A district auditor may by writing under his hand require the production before him of all books, deeds, contracts, accounts, vouchers, receipts and other documents which he may deem necessary for the purpose of the audit, and may require any person holding or accountable for any such document to appear before him at the audit or any adjournment thereof, and may require any such person to make and sign a declaration as to the correctness of the document.

Production
of and
declarations
as to docu-
ments.

(2) If any person neglects or refuses to comply with any such requirement, he shall be liable on summary conviction to a fine not exceeding forty shillings, and if any person knowingly and wilfully makes or signs any such declaration which is untrue in any material particular, he shall be deemed to be guilty of an offence under section five of the Perjury Act, 1911.

1 & 2 Geo. 5.
c. 6.

226.—(1) A local government elector for the area to the accounts of which the audit relates may be present or may be represented at the audit and may make any objection to the accounts before the auditor.

Right of
objection.

(2) The district auditor shall, on the application of any person who is aggrieved by his decision on any matter with respect to which that person has made an objection, or of any person aggrieved by a disallowance or surcharge made by the auditor, state in writing the reasons for his decision.

227. Within fourteen days after the completion of the audit of the accounts of an authority the auditor shall report on the accounts audited and examined, and shall send the report to the authority, and the authority

Report to
local
authority.

PART X.
—cont.

shall take the report into consideration at their next ordinary meeting or as soon as practicable thereafter:

Provided that in the case of a parish council or parish meeting or of any joint committee appointed by parish councils or parish meetings the report shall, in lieu of being sent to the authority, be sent to the Minister.

Surcharge, Appeals and Recovery of Sums surcharged.

Power and
duties of
auditor.

228.—(1) It shall be the duty of the district auditor at every audit held by him—

- (a) to disallow every item of account which is contrary to law;
- (b) to surcharge the amount of any expenditure disallowed upon the person responsible for incurring or authorising the expenditure;
- (c) to surcharge any sum which has not been duly brought into account upon the person by whom that sum ought to have been brought into account;
- (d) to surcharge the amount of any loss or deficiency upon any person by whose negligence or misconduct the loss or deficiency has been incurred;
- (e) to certify the amount due from any person upon whom he has made a surcharge;
- (f) to certify at the conclusion of the audit his allowance of the accounts, subject to any disallowances or surcharges which he may have made:

Provided that no expenses paid by an authority shall be disallowed by the auditor, if they have been sanctioned by the Minister.

(2) Any loss represented by a charge for interest or any loss of interest shall be deemed to be a loss within the meaning of this section, if it arises from failure through wilful neglect or wilful default to make or collect such rates or to issue such precepts as are necessary to cover the expenditure of the authority for any financial year (including any expenditure incurred in any previous year and not covered by rates previously levied or precepts previously issued), or to collect other revenues.

229.—(1) Any person who is aggrieved by a decision of a district auditor on any matter with respect to which he made an objection at the audit, and any person aggrieved by a disallowance or surcharge made by a district auditor may, where the disallowance or surcharge or other decision relates to an amount exceeding five hundred pounds, appeal to the High Court, and may in any other case appeal either to the High Court or to the Minister.

PART X.
—cont.
Appeals
against
decisions of
auditors.

(2) The Court or Minister on such an appeal shall have power to confirm, vary or quash the decision of the auditor, and to remit the case to the auditor with such directions as the Court or Minister thinks fit for giving effect to the decision on appeal, and if the decision of the auditor is quashed, or is varied so as to reduce the amount of the surcharge to five hundred pounds or less, the appellant shall not be subject to the disqualification by reason of the surcharge imposed by Part II of this Act, or by the corresponding provision of any enactment relating to London.

(3) Where an appeal is made to the Minister under this section, he may at any stage of the proceedings, and shall, if so directed by the High Court, state in the form of a special case for the opinion of the Court any question of law arising in the course of the appeal, but save as aforesaid the decision of the Minister shall be final.

230.—(1) In the case of a surcharge, the person surcharged may, whether or not he appeals under the preceding section, apply to the tribunal (whether the High Court or the Minister) to whom he appeals or, if he does not appeal, to the tribunal (whether the High Court or the Minister) to whom he might have appealed, for a declaration that in relation to the subject matter of the surcharge he acted reasonably or in the belief that his action was authorised by law, and the Court or Minister, if satisfied that there is proper ground for doing so, may make a declaration to that effect.

Applica-
tions for
relief.

(2) Where such a declaration is made the person surcharged, if by reason of the surcharge he is subject to the disqualification imposed by Part II of this Act, or by the corresponding provision of any enactment

PART X.
—cont.

relating to London, shall not be subject to that disqualification, and the Court or Minister may, if satisfied that the person surcharged ought fairly to be excused, relieve him either wholly or in part from personal liability in respect of the surcharge, and the decision of the Court or Minister under this section shall be final.

Supplemental provisions as to appeals and applications.

231.—(1) Provision shall be made by rules of court for limiting the time within which appeals and applications may be made to the High Court under this Part of this Act, and for securing that where an application is made public notice of the hearing shall be given, and for enabling any local government elector for the area of the authority whose accounts were subject to the audit to appear at the hearing and object.

(2) Where under this Part of this Act an appeal or application is made to the Minister, the appellant or applicant shall be entitled, if he so desires, to a personal hearing by a person appointed for the purpose by the Minister.

Payment of sums certified to be due.

232. Every sum certified by a district auditor to be due from any person shall be paid by that person to the treasurer of the authority within fourteen days after it has been so certified, or, if an appeal or application with respect to that sum has been made, within fourteen days after the appeal or application is finally disposed of or abandoned or fails by reason of the non-prosecution thereof.

Recovery of sums certified to be due.

233.—(1) Any sum which is certified by a district auditor to be due and has become payable shall, on complaint made or action taken by or under the direction of the district auditor, be recoverable either summarily or otherwise as a civil debt.

(2) In any proceedings for the recovery of such a sum, a certificate signed by a district auditor shall be conclusive evidence of the facts certified, and a certificate signed by the treasurer of the authority concerned or other officer whose duty it is to keep the accounts that the sum certified to be due has not been paid to him shall be conclusive evidence of non-payment, unless it is proved that the sum certified to be due has been paid since the date of the certificate.

Unless the contrary is proved, a certificate purporting to be signed by a district auditor, or by the treasurer of the authority or other officer whose duty it is to keep the accounts, shall be deemed to have been signed by such auditor, treasurer or other officer, as the case may be.

PART X.
—cont.

(3) Notwithstanding anything in the Summary Jurisdiction Acts, proceedings before a court of summary jurisdiction to recover sums certified by a district auditor to be due may be commenced at any time before the expiration of nine months from the date of the disallowance or surcharge, or, in the event of an appeal or application being made to the High Court or to the Minister, before the expiration of nine months from the date on which the appeal or application is finally disposed of or abandoned or fails by reason of non-prosecution thereof.

234.—(1) Any expenses incurred by a district auditor in the defence of any allowance, disallowance or surcharge made by him shall, so far as not recovered from any other party and except as may otherwise be ordered by the Court or the Minister, as the case may be, be reimbursed to him out of the fund to which the accounts subject to the audit relate, and the Court or Minister may make such order as may seem fit in regard to the payment out of that fund of the expenses incurred by the appellant or applicant or any other party to the proceedings.

Expenses
of district
auditor.

(2) Subject to the approval of the Minister, the expenses incurred by a district auditor in any legal proceedings taken by him or under his direction shall, so far as not recovered from any other source, be paid out of the fund to which the accounts subject to the audit relate, and any expenses so payable shall include reasonable compensation for loss of time incurred by the district auditor in the proceedings.

Powers of the Minister as to District Audit.

235.—(1) The Minister may make regulations generally with respect to the preparation and audit of accounts which are subject to audit by a district auditor, including—

Power to
regulate
audit.

- (a) the financial transactions which are to be recorded in the accounts;

PART X.
—cont.

- (b) the mode of keeping the accounts of the authority and their officers, and the form of those accounts;
- (c) the mode in which, if it is so prescribed, the accounts are to be certified by the authority or any officer of the authority;
- (d) the publication of the time and place of holding the audit;
- (e) the persons by whom the accounts are to be produced for audit;
- (f) the mode of conducting the audit;
- (g) the form of certificates to be given by district auditors;
- (h) the deposit and inspection of the accounts as audited, and the publication of information with respect thereto;
- (i) the making of an abstract of the accounts as audited.

(2) If any person wilfully neglects or disobeys any regulation made under this section, he shall be liable, on summary conviction, for a first offence to a fine not exceeding five pounds, and for a second or subsequent offence to a fine not exceeding twenty pounds.

(3) Regulations made under this section shall be laid before each House of Parliament as soon as may be after they are made.

Extra-
ordinary
audits.

236.—(1) The Minister may at any time direct a district auditor to hold an extraordinary audit of any accounts which are subject to audit by a district auditor.

(2) An extraordinary audit held under this section shall be deemed to be an audit for the purposes of this Part of this Act, and the provisions of this Part of this Act, other than those requiring the authority to prepare and submit a financial statement of the accounts, to deposit copies of the accounts and documents relating thereto for public inspection and to give notice thereof by advertisement, shall apply accordingly.

(3) An extraordinary audit may be held after three days' notice in writing given to the authority or persons whose accounts are to be audited.

Municipal Audit.

PART X.

—*cont.*

237.—(1) In every borough there shall, unless and until any such alternative method of audit as hereinafter mentioned is in force at the commencement of this Act or is adopted by the council, be three borough auditors, two elected by the local government electors for the borough, called elective auditors, and one appointed by the mayor, called mayor's auditor.

Number and
term of
office of
borough
auditors.

(2) An elective auditor shall be a person qualified to be a councillor of the borough, but he may not be a member or officer of the council.

(3) The mayor's auditor shall be appointed from among the members of the council.

(4) The term of office of each auditor shall be one year.

(5) The appointment of the mayor's auditor shall be made on the ordinary day of election of elective auditors, and on a casual vacancy occurring the vacancy shall be filled within ten days thereof.

238.—(1) The ordinary day of election of elective auditors shall be the first day of March or such other day as the council of the borough, with the approval of the Minister, may appoint.

Time and
mode of
election of
elective
auditors.

(2) An election of elective auditors shall be held at the town hall or some one other convenient place appointed by the mayor.

(3) An elector shall not vote for more than one person to be elective auditor.

(4) Save as in this section provided, all the provisions of this Act with respect to the nomination and election of councillors of a borough not divided into wards shall apply to the nomination and election of elective auditors, and the provisions of this Act with respect to acceptance of office, resignation, filling of casual vacancies and re-election, except the provision with respect to a casual vacancy occurring within six months before the ordinary day of retirement, shall apply to elective auditors as they apply to councillors of a borough.

PART X.
—cont.

(5) All expenses properly incurred by the mayor or town clerk in relation to the holding of an election of elective auditors shall be paid by the council of the borough.

Power of borough council to adopt district or professional audit.

239.—(1) The council of a borough may, by means of a resolution passed and confirmed in accordance with the provisions of this section, adopt either—

- (a) the system of district audit; or
- (b) the system of professional audit.

(2) Where the system of district audit is adopted, then as from such date, not being a date earlier than the commencement of the financial year in which the resolution was confirmed, as the Minister may direct, the provisions of sections two hundred and thirty-seven and two hundred and thirty-eight of this Act shall cease to apply in the borough, and the accounts of the council of the borough shall be subject to audit by a district auditor.

(3) Where the system of professional audit is adopted, then as from such date as may be specified in the resolution, the following provisions shall have effect—

- (a) an auditor or auditors shall be appointed in writing under the seal of the corporation for such period and on such terms as to remuneration or otherwise as the council of the borough think fit;
- (b) no person shall be qualified to be so appointed unless he is a member of one or more of the following bodies (namely)—

The Institute of Chartered Accountants in England and Wales;

The Society of Incorporated Accountants and Auditors;

The Society of Accountants in Edinburgh;

The Institute of Accountants and Actuaries in Glasgow;

The Society of Accountants in Aberdeen;

The London Association of Certified Accountants Limited;

The Corporation of Accountants Limited;

- (c) any auditor so appointed shall be entitled to require from any officer of the borough such books, deeds, contracts, accounts, vouchers, receipts, and other documents, and such information and explanations, as may be necessary for the performance of his duties;
- (d) any auditor so appointed shall include in or annex to any certificate given by him with respect to the accounts audited by him such observations and recommendations (if any) as he thinks necessary or expedient to make with respect to the accounts or any matter arising thereout or in connection therewith;
- (e) sections two hundred and thirty-seven and two hundred and thirty-eight of this Act shall cease to apply in the borough.
- (4) A resolution under this section must be—
- (a) passed by not less than two-thirds of the members of the council voting thereon at a meeting of the council specially convened for the purpose with notice of the object of the meeting, of which not less than one month's previous notice must be given to every member of the council; and
- (b) confirmed by the council at an ordinary meeting held not less than one month after the passing of the resolution.

PART X.
—cont.

240. The following provisions shall have effect as respects the accounts of the council of a borough, other than such accounts as are subject to audit by a district auditor :—

Audit of
accounts
not subject
to district
audit.

- (a) the accounts shall be made up yearly to the thirty-first day of March, or to such other date as the council, with the consent of the Minister, may determine;
- (b) as soon as may be after the date to which the accounts are required to be made up, they shall be submitted with the necessary vouchers and papers to, and audited by, the auditor or auditors of those accounts;
- (c) after the audit of the accounts for each financial year the treasurer of the borough shall print an abstract of the accounts for that year;

PART X.
—cont.

(d) in the case of an audit by borough auditors, each of the borough auditors shall, in respect of each audit of accounts under the Public Health Acts, 1875 to 1932, be paid such reasonable remuneration, not being less than two guineas for every day in which he is employed on the audit, as the council of the borough may determine.

General.

Audit of accounts of officers.

241. Where an officer of an authority receives any money or property on behalf of the authority, or receives any money or property for which he ought to account to the authority, the accounts of the officer shall be audited by the auditor of the accounts of the authority, with the same powers, incidents and consequences as in the case of those accounts.

Examination of costs by clerk of the peace.

242.—(1) On an application made by the council of a county district to the clerk of the peace of the county in which the county district is wholly or in part situate, the clerk of the peace or his deputy shall examine any bill of costs incurred by the council in respect of legal business performed on their behalf, and the allowance of any sum on such examination shall be prima facie evidence of the reasonableness of the amount, but not of the legality of the charge.

(2) The clerk of the peace shall be allowed for every such examination such fees as may be fixed by the master of the Crown Office.

Application to London.

243. This Part of this Act shall extend to London.

PART XI.

LOCAL FINANCIAL RETURNS.

Returns of local finance to be made to Minister.

244.—(1) Subject to the provisions of this section, a return shall be made to the Minister for each year ending on the thirty-first day of March, or on such other day as may be prescribed, of the income and expenditure of every local authority, and of the parish meeting for every rural parish not having a separate parish council.

PART XI.
—cont.

(2) Subject to the provisions of this section, a return shall be made to the Minister for each year ending on the thirty-first day of March, or on such other day as may be prescribed, of all sums levied or received in respect of the general rate or of any special rate or of any of the following rates, taxes, tolls or dues, and of the expenditure of any such sums, that is to say—

(a) any church rate, whether leviable under the common law or the Church Building Acts, 1881 to 1884, or any other enactment;

(b) any drainage rate or other rate, scot or tax in connection with land drainage, whether leviable under the Land Drainage Act, 1930, or any other enactment or statutory order, or by charter, usage or custom;

20 & 21
Geo. 5. c. 44.

(c) any rate leviable under the Lighting and Watching Act, 1833;

3 & 4 Will. 4.
c. 90.

(d) any tolls or dues leviable under any enactment relating to markets, bridges or harbours;

(e) any other compulsory rates, taxes, tolls or dues:

Provided that nothing in this subsection shall extend to—

(i) rates, taxes, tolls or dues levied for the public revenue of the United Kingdom; or

(ii) tolls or dues taken by any statutory undertakers carrying on business for profit, or by any company within the meaning of the Companies Act, 1929, as revenues of their undertaking; or

19 & 20
Geo. 5. c. 23.

(iii) tolls or dues taken by prescription or otherwise as private property.

(3) The returns required to be made under this section shall—

(a) be in such form, and contain such particulars, as the Minister may direct;

(b) be sent to the Minister—

(i) within one month after the completion of the audit of the accounts of the local authority, parish meeting, or other authority or person, as the case may be, for the year in respect of which the return is required to be made; or

PART XI.
—cont.

(ii) if the audit of those accounts is not completed within six months after the end of the said year, at the expiration of those six months; or

(iii) if the accounts are not required to be audited, within six months after the end of the said year;

(c) be made—

(i) in the case of a return relating to the income and expenditure of a local authority, by the clerk of the authority;

(ii) in the case of a return relating to the income and expenditure of a parish meeting, by the chairman of the parish meeting;

(iii) in the case of a return under subsection (2) of this section, where the power to levy, or to precept for the levying of, the rate, tax, toll, or due, is vested in a corporate body, by their clerk, or if there is no clerk by the treasurer or other person whose duty it is to keep the accounts of that body, and in any other case by the person or body of persons in whom that power is vested.

(4) Where under the preceding subsection a return is required to be made by the clerk of an authority or by the clerk to a corporate body, the return shall be certified by the treasurer or other person whose duty it is to keep the accounts of the authority or corporate body.

(5) Where any accounts are subject to audit by a district auditor and a copy of the financial statement relating to those accounts is sent to the Minister under Part X of this Act, a return of the income and expenditure comprised in such statement need not, unless the Minister so requires, be sent to the Minister under this Part of this Act, and the copy shall, for the purposes of this Part of this Act, be deemed to be a return made under this Part of this Act.

Returns to
be sum-
marised.

245. The Minister shall every year cause to be made a summary of the returns sent to him under this Part of this Act, and shall lay it before both Houses of Parliament.

246.—(1) If any person fails to make a return which he is required to make under this Part of this Act, he shall be liable, on summary conviction, to a fine not exceeding twenty pounds, and notwithstanding the recovery of any such fine the making of the return may be enforced, at the instance of the Minister, by mandamus.

PART XI.
—cont.
Penalties.

(2) Where a return is required to be made under this Part of this Act by a body of persons unincorporate, they shall severally be liable in respect of any failure to make such return.

247. Where under any enactment, whether passed before or after the commencement of this Act, any return relative to any rate, tax, toll or due (other than such as are levied for the public revenue of the United Kingdom) is required to be sent to a Secretary of State or to any other Government department, a duplicate thereof shall in like manner be sent to the Minister, and any person failing to send such duplicate shall be subject to the like penalties as a person failing to make a return under this Part of this Act.

Returns required to be made under other enactments.

248. This Part of this Act shall extend to London, and accordingly in this Part of this Act the expression "local authority" includes a metropolitan borough council, and the Common Council of the City of London.

Application to London.

PART XII.

BYELAWS.

Power of County Councils and Borough Councils to make Byelaws.

249.—(1) A county council and the council of a borough may make byelaws for the good rule and government of the whole or any part of the county or borough, as the case may be, and for the prevention and suppression of nuisances therein :

Byelaws for good rule and government and suppression of nuisances.

Provided that byelaws made under this section by a county council shall not have effect in any borough.

(2) The confirming authority in relation to byelaws made under this section shall be the Secretary of State, except that as respects byelaws relating to public health or to any other matter which, in the opinion of the

PART XII.
—cont.

Secretary of State and of the Minister, concerns the functions of the Minister rather than those of the Secretary of State the confirming authority shall be the Minister.

(3) The validity of a byelaw made under this section and confirmed by the Secretary of State or by the Minister shall not be questioned in any legal proceedings on the ground that the Secretary of State or the Minister, as the case may be, is not the confirming authority in relation to that byelaw.

(4) Where by or under any enactment in force in any area provision is made for the prevention and suppression in a summary manner of any nuisance, power to make byelaws under this section for that purpose shall not be exercisable as respects that area.

(5) The council of an urban or rural district shall have power to enforce byelaws made by a county council under this section which are for the time being in force in the district or any part thereof.

Procedure, Penalties, &c.

Procedure,
&c. for
making
byelaws.

250.—(1) The following provisions of this section shall apply to byelaws to be made by a local authority by virtue of—

- (a) this Act; or
- (b) the Public Health Acts, 1875 to 1932 (not being byelaws made under section thirteen of the Public Health Acts Amendment Act, 1890); or
- (c) any enactment in force at the date of the commencement of this Act and incorporating or applying sections one hundred and eighty-two to one hundred and eighty-six of the Public Health Act, 1875, or any of those sections, or section twenty-three of the Municipal Corporations Act, 1882, or section sixteen of the Local Government Act, 1888; or
- (d) any local Act passed before the eleventh day of August, eighteen hundred and seventy-five, being byelaws made for any purpose for which, or for a purpose similar to which, byelaws may be made under the Public Health Acts, 1875 to 1932; or
- (e) any enactment passed after the commencement of this Act and conferring on any local authority a power to make byelaws.

53 & 54 Vict.
c. 59.

(2) The byelaws shall be made under the common seal of the authority, or, in the case of byelaws made by a parish council, under the hands and seals of two members of the council, and shall not have effect until they are confirmed by the confirming authority. PART XII.
—cont.

(3) At least one month before application for confirmation of the byelaws is made, notice of the intention to apply for confirmation shall be given in one or more local newspapers circulating in the area to which the byelaws apply.

(4) For at least one month before application for confirmation is made, a copy of the byelaws shall be deposited at the offices of the authority by whom the byelaws are made, and shall at all reasonable hours be open to public inspection without payment.

(5) The authority by whom the byelaws are made shall, on application, furnish to any person a copy of the byelaws, or of any part thereof, on payment of such sum, not exceeding sixpence for every hundred words contained in the copy, as the authority may determine.

(6) The confirming authority may confirm, or refuse to confirm, any byelaw submitted under this section for confirmation, and may fix the date on which the byelaw is to come into operation, and if no date is so fixed the byelaw shall come into operation at the expiration of one month from the date of its confirmation.

(7) A copy of the byelaws, when confirmed, shall be printed and deposited at the offices of the authority by whom the byelaws are made, and shall at all reasonable hours be open to public inspection without payment, and a copy thereof shall, on application, be furnished to any person on payment of such sum, not exceeding one shilling for every copy, as the authority may determine.

(8) The clerk of a rural district council shall send a copy of every byelaw made by the council, and confirmed, to the clerk of the parish council of every parish to which they apply, or in the case of a parish not having a separate parish council to the chairman of the parish meeting of the parish, and the clerk of the parish council or chairman of the parish meeting, as the case may be, shall cause the copy to be deposited with the public documents of the parish.

PART XII.
—cont.

The copy so deposited shall at all reasonable hours be open to public inspection without payment.

(9) The clerk of a county council shall send a copy of every byelaw made by the council, and confirmed, to the council of every county district situate wholly or in part in the county, and the clerk of the council of a county district shall send a copy of every byelaw made by the council, and confirmed, to the council of the county in which the district is wholly or in part situate.

(10) In this section the expression "the confirming authority" means the authority or person, if any, specified in the enactment (including any enactment in this Act) under which the byelaws are made, or in any enactment incorporated therein or applied thereby, as the authority or person by whom the byelaws are to be confirmed, and in the case of byelaws made under any enactment incorporating or applying section twenty-three of the Municipal Corporations Act, 1882, or section sixteen of the Local Government Act, 1888, means the Secretary of State or, if the subject-matter of the byelaws is such that the Minister would have been the confirming authority had they been made under the last preceding section, the Minister:

Provided that, where under or by virtue of any enactment the power of an authority or person specified as aforesaid to confirm byelaws has been transferred, the authority or person to whom that power has been transferred shall be deemed to be the authority or person specified as aforesaid.

Fines for
offences
against
byelaws.

251. Byelaws to which the last preceding section applies may contain provisions for imposing on persons offending against the byelaws reasonable fines, recoverable on summary conviction, not exceeding such sum as may be fixed by the enactment conferring the power to make the byelaws, or, if no sum is so fixed, the sum of five pounds, and in the case of a continuing offence a further fine not exceeding such sum as may be fixed as aforesaid, or, if no sum is so fixed, the sum of forty shillings for each day during which the offence continues after conviction therefor.

252. The production of a printed copy of a byelaw purporting to be made by a local authority, upon which is endorsed a certificate purporting to be signed by the clerk of the authority stating—

PART XII.
—cont.
Evidence of
byelaws.

- (a) that the byelaw was made by the authority;
- (b) that the copy is a true copy of the byelaw;
- (c) that on a specified date the byelaw was confirmed by the authority named in the certificate or, as the case may require, was sent to the Secretary of State and has not been disallowed;
- (d) the date, if any, fixed by the confirming authority for the coming into operation of the byelaw;

shall be prima facie evidence of the facts stated in the certificate, and without proof of the handwriting or official position of any person purporting to sign a certificate in pursuance of this section.

PART XIII.

PROMOTION OF, AND OPPOSITION TO, LOCAL OR PERSONAL BILLS BY LOCAL AUTHORITIES.

253. Subject to the provisions of this Act, where a local authority, other than a parish council, are satisfied that it is expedient to promote or oppose any local or personal Bill in Parliament, the local authority may promote or oppose the Bill accordingly, and may defray the expenses incurred in relation thereto :

Power to
promote or
oppose local
or personal
Bills.

Provided that nothing in this Part of this Act shall authorise the promotion of a Bill for the establishment of any gas or water works to compete with any existing gas or water company established under an Act of Parliament.

254.—(1) A resolution to promote or oppose a Bill under the powers conferred by this Part of this Act shall not be effective unless passed by a majority of the whole number of the members of the authority at a meeting thereof held after ten clear days' notice of the meeting and of the purpose thereof has been given by advertisement in one or more local newspapers circulating in the area of the authority, such notice being given in addition to the ordinary notice required to be given for the convening of a meeting of the authority.

Sanction of
local autho-
rity to
promotion
of, or
opposition
to, Bills.

PART XIII.
—cont.

(2) In the case of the promotion of a Bill, the resolution shall be published in one or more local newspapers circulating in the area of the local authority and shall be submitted to the Minister for his approval, and the local authority shall not proceed with the promotion of the Bill if the Minister notifies the authority that he disapproves the resolution.

The approval of the Minister shall not be given until the expiration of seven days after the publication of the resolution, and in the meantime any local government elector for the area of the local authority may give notice in writing to the Minister of his objection thereto.

(3) In the case of the promotion of a Bill, a further meeting of the local authority shall be held as soon as may be after the expiration of fourteen days after the Bill has been deposited in Parliament, and, unless the propriety of the promotion is confirmed by a majority of the whole number of the members of the local authority at that meeting, the local authority shall take all necessary steps to withdraw the Bill.

Not less than ten clear days before the date of a meeting to be held under this subsection, the like notice shall be given in relation thereto as is required to be given in relation to a meeting held under subsection (1) of this section.

Promotion
of Bills by
borough and
urban
district
councils.

255.—(1) The promotion of a Bill by the council of a borough or urban district shall be subject to the approval of the local government electors of the borough or district, and for this purpose the provisions contained in the Ninth Schedule to this Act with respect to meetings and polls of local government electors shall have effect :

Provided that this section shall not apply to a Bill promoted by the council of a borough if its sole purposes are to constitute the borough a county borough, or to extend the area of a county borough, and purposes incidental thereto.

(2) If the result of a poll under the provisions of the said Schedule, or the decision of a meeting when final thereunder, is against the promotion of a Bill, or of any provision of a Bill, the council shall take all necessary steps to withdraw the Bill or the provision,

as the case may be, against which the poll has resulted or the decision of the meeting has been given. PART XIII.
—cont.

(3) The failure to comply with any of the requirements of the Ninth Schedule to this Act as to notices, or the time within which anything is to be done, or the procedure at a meeting or the mode of taking a poll, shall not render unauthorised the promotion of a Bill under this Part of this Act, if the provisions of that Schedule have been substantially complied with and the failure has not affected the result of the proceedings thereunder.

256.—(1) No expenses incurred in the promotion of, or opposition to, a Bill under this Part of this Act, being expenses which are liable to be taxed under the Parliamentary Costs Acts, 1847 to 1879, shall be charged to the funds of a local authority, unless they have been so taxed and allowed. Expenses of
local
authorities
under
Part XIII
to be taxed,
&c.

(2) No payment shall be made by a local authority to a member of the authority for acting as counsel or agent in promoting or opposing a Bill under this Part of this Act.

257.—(1) A county council may determine that any expenses incurred by the council in the promotion of or opposition to a Bill under this Part of this Act shall be treated as expenses incurred for special county purposes. Expenses of
county and
rural district
councils.

(2) A rural district council may determine that any expenses incurred by the council in the promotion of or opposition to a Bill under this Part of this Act shall be raised as special expenses.

258.—(1) Nothing in this Part of this Act shall take away or diminish any right of a local authority to oppose a local or personal Bill which apart from this Act would be exercisable by the authority. Saving for
existing
powers, &c.

(2) Nothing in this Part of this Act shall affect any power which a local authority may have under a local Act to promote bills in accordance with the procedure thereby provided, but the local authority may, if they think fit, adopt with respect to the promotion of any Bill the procedure provided by this Part of this Act instead of that provided by the local Act.

PART XIV.

FREEMEN.

Freedom
not by
gift or
purchase.

259.—(1) No person shall be admitted a freeman of a borough by gift or by purchase.

(2) The council of a borough may, by a resolution passed by not less than two-thirds of the members voting thereon at a meeting of the council specially convened for the purpose with notice of the object, admit to be honorary freemen of the borough persons of distinction and any persons who have rendered eminent services to the borough :

Provided that the admission of a person to be an honorary freeman of a borough shall not confer the right of sharing in the benefit of any hereditaments, common lands or public stock of the borough or the council thereof, or of any property held in whole or in part for any charitable use or trust.

The free-
men's roll.

260. The town clerk of every borough for which there was a freemen's roll immediately before the commencement of this Act shall continue to keep a list, called the freemen's roll.

Admission
to freedom.

261. Where a person is entitled to be admitted a freeman of a borough in respect of birth, servitude, or marriage, and claims accordingly, the mayor shall examine into the claim, and on its being established the claimant shall be admitted and enrolled by the town clerk on the freemen's roll.

Reserva-
tion of
rights of
property.
5 & 6 Will. 4.
c. 78.

262. Every person who, if the Municipal Corporations Act, 1835, had not been passed, might have been admitted a freeman of a borough otherwise than by gift or purchase, and every person who for the time being is—

- (a) an inhabitant of the borough; or
- (b) the wife, widow, son, or daughter of a freeman of the borough; or
- (c) the husband of a daughter or of a widow of a freeman of the borough; or
- (d) bound an apprentice to a freeman of the borough,

shall, subject to the provisions of this Part of this Act, have and enjoy and be entitled to acquire and enjoy the same share and benefit of the hereditaments, and of the rents and profits thereof, and of the common lands and public stock of the borough or body corporate, and of any property held in whole or in part for any charitable use or trust, as if the Municipal Corporations Act, 1835, the Municipal Corporations Act, 1882, and this Act had not been passed.

PART XIV.
—cont.

263.—(1) The total amount to be divided among the persons whose rights are reserved by the last preceding section shall not exceed the surplus remaining after payment of the interest of all lawful debts chargeable on the property out of which the sums so to be divided have arisen, together with the salaries of municipal officers and all other lawful expenses which, on the fifth of June, eighteen hundred and thirty-five, were defrayed out of or chargeable on the same.

Limit of
value and
saving as to
conditions
precedent.

(2) Where, if the Municipal Corporations Act, 1835, the Municipal Corporations Act, 1882, or this Act, had not been passed, any such person would have been liable by statute, byelaw, charter or custom, to pay any fine, fee or sum of money to any body corporate, or to any member or officer thereof, in consideration of his freedom, or of his title to those reserved rights, or there was any condition precedent to any person being entitled to those rights, he shall not have any benefit in respect of those rights until he has paid that fine, fee or sum to the treasurer of the borough on account of the general rate fund, or has fulfilled that condition as far as it is capable of being fulfilled according to the provisions of this Act.

264. Nothing in this Part of this Act shall strengthen or confirm any claim, right or title of a freeman or of any person to the benefit of any right in this Part of this Act reserved, but the claim, right or title may in every case be brought in question, impeached, and set aside, as if this Act had not been passed.

Saving for
power to
question
right.

265. No stamp duty shall be chargeable on the admission of a person as a freeman in respect of birth or servitude in a parliamentary borough.

Stamp duty.

PART XV.

GENERAL PROVISIONS.

*Contracts.*Contracts
of local
authorities.

266.—(1) A local authority may enter into contracts necessary for the discharge of any of their functions.

(2) All contracts made by a local authority or by a committee thereof shall be made in accordance with the standing orders of the local authority, and in the case of contracts for the supply of goods or materials or for the execution of works, the standing orders shall—

(a) require that, except as otherwise provided by or under the standing orders, notice of the intention of the authority or committee, as the case may be, to enter into the contract shall be published and tenders invited; and

(b) regulate the manner in which such notice shall be published and tenders invited:

Provided that a person entering into a contract with a local authority shall not be bound to inquire whether the standing orders of the authority which apply to the contract have been complied with, and all contracts entered into by a local authority, if otherwise valid, shall have full force and effect notwithstanding that the standing orders applicable thereto have not been complied with.

*Conferences, &c.*Conferences
of local
authorities.

267. A local authority, other than a parish council, may, in such cases and subject to such conditions as may be prescribed, pay any reasonable expenses incurred by members or officers of the authority or of any committee thereof, in attending a conference or meeting convened by one or more local authorities, or by any association of local authorities, for the purpose of discussing any matter connected with the discharge of the functions of the authority, and any reasonable expenses incurred in purchasing reports of the proceedings of any such conference or meeting:

Provided that nothing in this section shall affect the provisions of any other enactment for the time being in force authorising the payment of expenses incurred

by members or officers of a local authority in attending any conference or meeting, or authorise a local authority to defray any expenses to which such enactment applies except in accordance with the provisions of that enactment.

PART XV.
—*cont.*

Acceptance of Gifts.

268.—(1) Subject to the provisions of this section a local authority may accept, hold and administer any gift of property, whether real or personal, for any local public purpose, or for the benefit of the inhabitants of the area or of some part thereof, and may execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section.

Acceptance
of gifts of
property.

(2) Where the purposes of the gift are purposes for which the local authority are empowered to expend money raised from a rate, they may, subject to any condition or restriction attaching to the exercise of that power, defray expenditure incurred in the exercise of the powers conferred by the last preceding subsection out of money so raised.

(3) This section shall not authorise the acceptance by a local authority of property which, when accepted, would be held in trust for an ecclesiastical charity or for an eleemosynary charity.

(4) Nothing in this section shall affect any powers exercisable by a local authority under or by virtue of the Education Acts, 1921 to 1933.

Transfer of Powers, &c.

269.—(1) There shall be transferred to the council of every borough and urban district such functions and liabilities as are hereinafter mentioned, so far as they are at the commencement of this Act vested in the bodies from whom they are to be transferred,—

Transfer of
powers of
vestries and
church-
wardens,
&c.

- (a) the functions and liabilities of the vestry or of any meeting of inhabitants in the nature of a vestry of every parish or place within the borough or urban district, except so far as they relate to the affairs of the church or to charities;
- (b) the functions and liabilities of the churchwardens of every such parish, except so far as they relate to the affairs of the church or to charities.

PART XV.
—*cont.*
18 & 19 Vict.
c. 128.

(2) Where after the commencement of this Act a certificate is given under the provisions of the Burial Act, 1855, in any parish in a borough or urban district, or in a rural parish having a parish council, in order to obtain repayment from the general rate fund of the expenses of maintaining or repairing a closed churchyard, the functions and liabilities of the parochial church council of the parish with respect to the maintenance and repair of the churchyard shall, by virtue of this Act, be transferred to the council of the borough or urban district, or to the parish council, as the case may be.

(3) Where it appears to the Minister that, by reason of the circumstances connected with a parish in a borough or urban district which is divided into wards, the parish will not, if the majority of the body of trustees administering any charity of the parish are appointed by the council of the borough or district, be properly represented on that body, the Minister may, by order, after consultation with the Charity Commissioners or the Board of Education, as the case may require, provide that such of those trustees as are appointed by the council, or some of them, shall be appointed on the nomination of the councillors elected for the ward or wards of the borough or urban district comprising the parish or any part thereof.

Transfer of
powers of
public
bodies, &c.

270.—(1) The Minister may, by provisional order, transfer to the council of a county or county borough any functions arising within the county or county borough of any conservators or other public body (not being the council of a county district), as are conferred by or in pursuance of any enactment :

Provided that, before an order is made under this subsection, a draft thereof shall be approved by the conservators or other body affected thereby.

(2) If any functions proposed to be transferred under this section arise within two or more counties or county boroughs those functions may be transferred to the councils of such counties or county boroughs jointly, and may be exercised and discharged by a joint committee of such councils.

(3) A provisional order made under this section may contain such incidental, consequential and supplemental provisions as appear necessary or proper for carrying the transfer into effect.

271.—(1) The Minister may, on the application of the council of a borough or urban district, make an order conferring on that council any functions of a parish council, and applying with the necessary modifications the provisions of this or any other public general Act with reference thereto.

PART XV.
—cont.

Power to confer functions of parish councils on boroughs and urban districts.

(2) An order under this section may provide for its operation extending either to the whole or to specified parts of the borough or urban district, and may contain such incidental, consequential and supplemental provisions as appear necessary or proper for bringing the order into operation and giving full effect thereto.

272.—(1) The Minister may by order confer on rural district councils the functions of urban district councils under any public general Act, and apply to rural districts the provisions of any such Act relating to urban districts.

Power to confer functions of urban district councils on rural district councils.

(2) The powers conferred on the Minister by this section shall be in addition to, and not in substitution for, the powers conferred on him by section two hundred and seventy-six of the Public Health Act, 1875, or by any enactment applying that section.

273.—(1) On the application of the parish meeting of a rural parish not having a separate parish council the county council may, subject to the provisions of the grouping order if the parish is grouped with any other parish, by order confer on the parish meeting any functions of a parish council.

Power to confer functions of parish council on parish meeting.

(2) A copy of every order made under this section shall be sent by the county council to the Minister.

274.—(1) A county council may, with the concurrence of the council of the county district, delegate to the council of a county district situate wholly or in part within the county, with or without restrictions or conditions as they think fit, any of their functions, except—

Delegation of functions by county council to council of county district.

(a) functions for the discharge of which the council are required by any enactment for the time being in force to appoint a committee;

PART XV.
—cont.

- (b) functions in respect of which specific powers of delegation to the councils of county districts are conferred by any such enactment; and
- (c) the power of borrowing money or issuing a precept for the levy of a rate.

(2) Where functions are delegated to the council of a county district under this section, the council of the county district, in the discharge of those functions, shall act as agents for the county council.

Transfer of Stock.

Transfer of stock on alteration of area, &c.

275.—(1) Where any stock is standing in the books of a company in the name of a local authority the following provisions shall have effect:—

- (a) if the name of the authority is changed, then on the request of the authority and on production of a statutory declaration by the clerk of the authority specifying the stock and verifying the change of name and identity of the authority, the company shall enter the stock in the new name of the local authority in like manner as if the stock had been transferred to the authority under that name;
- (b) if by virtue of anything done under this Act, or under any enactment repealed by this Act, any other local authority have become entitled to the stock or any dividends thereon, a certificate of the clerk of the council of the county in which the area of that other authority is situate, or the scheme, order or award under which that other authority have become so entitled, shall be a sufficient authority to the company to transfer the stock into the name of the local authority specified in that behalf in the certificate, or in the scheme, order or award, as the case may be, and to pay the dividends to that authority;
- (c) if in any other case any other local authority have become entitled to the stock or any dividends thereon, the court may on application make an order vesting in that other authority the right to transfer the stock or to receive the

dividends, and the Trustee Act, 1925, shall apply in like manner as if the vesting order were made under section fifty-one of that Act.

PART XV.
—cont.
15 & 16
Geo. 5. c. 19.

(2) In this section, the expression—

“Local authority” includes a burial board and the representative body of a rural parish;

“Company” includes the Bank of England and any company or person keeping books in which any stock is registered or inscribed;

“Stock” includes any share, annuity or other security.

(3) The jurisdiction of the court under this section may be exercised by the High Court or, in cases in which a palatine court or county court would have jurisdiction if the application were an application made under the Trustee Act, 1925, by that court.

Legal Proceedings.

276. Where a local authority deem it expedient for the promotion or protection of the interests of the inhabitants of their area, they may prosecute or defend any legal proceedings.

Power of local authorities to prosecute or defend legal proceedings.

277. A local authority may by resolution authorise any member or officer of the authority, either generally or in respect of any particular matter, to institute or defend on their behalf proceedings before any court of summary jurisdiction or to appear on their behalf before a court of summary jurisdiction in any proceedings instituted by them or on their behalf or against them, and any member or officer so authorised shall be entitled to institute or defend any such proceedings and, notwithstanding anything contained in the Solicitors Act, 1932, to conduct any such proceedings although he is not a certificated solicitor.

Appearance of local authorities in legal proceedings.

22 & 23
Geo. 5. c. 37.

278. In any proceedings instituted by or against a local authority it shall not be necessary to prove the corporate name of the local authority or the constitution or limits of their area :

Name of local authority need not be proved.

Provided that nothing in this section shall prejudice the right of a defendant to take or avail himself of any objection which he might have taken or availed himself of if this Act had not been passed.

PART XV.
—cont.Custody of
records, &c.*Deposit, Inspection, &c. of Documents.*

279.—(1) Without prejudice to the power of the *custos rotulorum* to give directions as to records and documents of any county, the records and documents of every county which at the commencement of this Act are in the custody of the clerk of the county council, and all future records and documents relating to the business of the county council, shall be in the custody of the clerk of the county council, and they shall be kept as the county council direct.

(2) Subject to any general directions which the council may give, the town clerk of a borough and the clerk of a district council shall have the charge and custody of, and be responsible for, all charters, deeds, records and other documents belonging to the borough or to the council, as the case may be.

Deposit of
plans, &c.
with clerk
of authority,
&c.

280.—(1) In any case in which a map, plan or other document of any description is deposited with the clerk of a local authority, or with the chairman of a parish council or parish meeting, pursuant to the standing orders of either House of Parliament or to any enactment (including any enactment in this Act) or statutory order, the clerk or chairman, as the case may be, shall receive and retain the document in the manner and for the purposes directed by the standing orders or enactment or statutory order, and shall make such memorials and endorsements on, and give such acknowledgments and receipts in respect of the document, as may be so directed.

(2) Subject to any provisions to the contrary in any other enactment or statutory order, a person interested in any such map, plan or other document deposited as aforesaid may, at all reasonable hours, inspect and make copies thereof or extracts therefrom on payment to the person having custody thereof of the sum of one shilling for every such inspection, and of the further sum of one shilling for every hour during which such inspection continues after the first hour.

(3) If a person having the custody of any map, plan or other document as aforesaid obstructs any person in inspecting the document or making a copy thereof or extract therefrom, he shall be liable, on summary conviction, to a fine not exceeding five pounds.

(4) All documents required by any enactment or statutory order to be deposited with the parish clerk of a rural parish shall, in the case of a parish having a separate parish council be deposited with the clerk or, if there is no clerk, with the chairman of the council, and in the case of a parish not having a separate parish council, be deposited with the chairman of the parish meeting.

PART XV.
—cont.

281.—(1) The custody of registers of baptisms, marriages and burials, and of all other books and documents containing entries wholly or in part relating to the affairs of the church or to ecclesiastical charities, except documents directed by law to be kept with the public books, writings, and papers of a parish, shall remain as provided by the existing law unaffected by this Act.

Custody of
parochial
documents.

(2) All other public books, writings, and papers of a parish, and all documents directed by law to be kept therewith, shall either remain in their existing custody or be deposited in such custody as may be directed—

- (a) in the case of an urban parish, by the council of the borough or urban district in which the parish is situate;
- (b) in the case of a rural parish having a separate parish council, by the parish council;
- (c) in the case of a rural parish not having a separate parish council, by the parish meeting.

(3) The incumbent and churchwardens on the one part, and the council or parish meeting referred to in the preceding subsection on the other, shall have reasonable access to all such books, documents, writings, and papers as are referred to in this section, and any difference as to such custody or access shall be determined in the case of a parish in a county borough, by the Minister, and in any other case, by the county council.

(4) Every county council shall from time to time inquire into the manner in which the public books, writings, papers, and documents under the control of a parish council or parish meeting are kept with a view to the proper preservation thereof, and shall make such orders as they think necessary for such preservation, and those orders shall be complied with by the parish council or parish meeting.

PART XV.

—cont.

Provision of
depository
for parochial
documents.

282.—(1) In the case of an urban parish, the council of the borough or urban district in which the parish is situate, and in the case of a rural parish having a separate parish council the parish council or, if the parish council so request, the council of the rural district in which the parish is situate, shall provide proper depositories for all the public books, writings, papers and documents belonging to the parish for which no provision is otherwise made.

(2) In the case of a rural parish not having a separate parish council, the council of the rural district in which the parish is situate, shall, with the consent of the parish meeting of the parish, provide proper depositories for all the public books, writings, papers and documents under the control of the parish meeting.

Inspection
of docu-
ments.

283.—(1) The minutes of proceedings of a local authority shall be open to the inspection of any local government elector for the area of the authority, on payment of a fee not exceeding one shilling, and any such local government elector may make a copy thereof or an extract therefrom.

(2) A local government elector for the area of a local authority may inspect and make a copy of or extract from an order for the payment of money made by the local authority.

(3) The accounts of a local authority and of the treasurer of a local authority shall be open to the inspection of any member of the authority, and any such member may make a copy thereof or an extract therefrom.

(4) The abstract of the accounts of a local authority and of the treasurer of a local authority, and any report made by an auditor on those accounts, shall be open to the inspection of any local government elector for the area of the authority, and any such local government elector may make a copy thereof or an extract therefrom, and copies thereof shall be delivered to any such local government elector on payment of a reasonable sum for each copy.

(5) The freemen's roll of a borough shall be open to public inspection, and the town clerk of the borough shall deliver copies thereof to any person on payment of a reasonable sum for each copy.

(6) A document directed by this section to be open to inspection shall be so open at all reasonable hours, and, except where otherwise expressly provided, without payment.

PART XV.
—cont.

(7) If a person having the custody of any document in this section mentioned,—

- (a) obstructs any person entitled to inspect the document or to make a copy thereof or extract therefrom in inspecting the document or making a copy or extract; or
- (b) refuses to give copies or extracts to any person entitled to obtain copies or extracts,

he shall be liable, on summary conviction, to a fine not exceeding five pounds.

(8) This section shall apply to the minutes of proceedings and to the accounts of a parish meeting as if that meeting were a local authority within the meaning of this Act.

Reports and Returns.

284. Every local authority and every joint committee or joint board appointed jointly by two or more local authorities shall make to the Secretary of State or to the Minister such reports and returns, and give him such information with respect to their functions, as he may require, or as may be required by either House of Parliament.

Reports and
returns.

Provisional Orders.

285.—(1) Where the Minister is authorised to make a provisional order under this Act, or under any enactment passed after the commencement of this Act, the following provisions shall have effect:—

Procedure
on making
provisional
orders.

- (a) before a provisional order is made, notice of the purport of the application therefor shall be given by the applicants by advertisement in the London Gazette and in one or more local newspapers circulating in the area to which the provisional order will relate;
- (b) the Minister shall consider any objections to the application which may be made by any persons affected thereby, and shall, unless he considers that for special reasons an inquiry

PART XV.
—cont.

is unnecessary, cause a local inquiry to be held, of which notice shall be given in such manner as the Minister may direct and at which all persons interested shall be permitted to attend and make objections;

- (c) the Minister may submit the provisional order to Parliament for confirmation, and the order shall have no effect until it is confirmed by Parliament;
- (d) if while the Bill for the confirmation of the order is pending in either House of Parliament a petition is presented against the order, the petitioner shall be allowed to appear before the Select Committee to which the Bill is referred, and oppose the order, as in the case of a private Bill;
- (e) any Act confirming a provisional order may be repealed, altered or amended by a provisional order made by the Minister and confirmed by Parliament;
- (f) at any time before submitting a provisional order to Parliament the Minister may revoke the order, either wholly or in part;
- (g) the making of a provisional order shall be prima facie evidence that all the requirements of this Act in respect of proceedings required to be taken before the making of the order have been complied with:

Provided that the provisions of paragraphs (a) and (b) of this subsection shall not apply as respects provisional orders made under Part VII of this Act for the compulsory purchase of land.

(2) The reasonable costs incurred by a local authority in promoting or opposing a provisional order, and of the inquiry preliminary thereto, or in supporting or opposing a Bill to confirm a provisional order, as sanctioned by the Minister, shall be deemed to be expenses properly incurred by the local authority interested or affected by the order, and shall be paid accordingly, and a local authority may borrow for the purpose of defraying such costs.

*Notices, &c.*PART XV.
—cont.

286.—(1) Any notice, order or other document required or authorised by this Act, or by any enactment passed or statutory order made after the commencement of this Act, to be sent, delivered or served to or upon a local authority or to or upon the clerk or chairman of a local authority, shall be addressed to the local authority or to the clerk or chairman, as the case may be, and left at, or sent by post in a prepaid letter to, the offices of the local authority.

Service of
notices on
local author-
ities, &c.

(2) In the case of documents required or authorised to be sent or delivered to, or served upon, a parish meeting, the document shall be left with, or sent by post in a prepaid letter to, the chairman of the parish meeting.

287.—(1) Save as otherwise expressly provided, a public notice required to be given by a local authority, shall be given—

Public
notices.

- (a) by affixing the notice to the offices of the local authority or, in the case of a parish council, on or near the principal door of each church or chapel in the parish; and
- (b) by posting the notice in some conspicuous place or places within the area of the local authority; and
- (c) in such other manner, if any, as appears to the local authority to be desirable for giving publicity to the notice.

(2) This section shall apply to a public notice required to be given by the chairman of a parish meeting or by a joint committee of parish councils as it applies to public notices required to be given by a parish council.

288. A notice or other document required to be affixed to the offices of a local authority or to a town hall shall be exhibited in some conspicuous place on or near the outer door of the offices of the authority or of the town hall, or, if the authority have no offices or there is no town hall, in some conspicuous place in the area of the local authority or in the area to which the notice or document relates.

Notices on
offices, &c.

PART XV.
—cont.Penalty for
destroying
notices, &c.

289. Any person who destroys, tampers with, pulls down, injures or defaces—

(a) any board on or to which any byelaw, notice or other matter put up by the authority of the Minister or of a local authority is inscribed or affixed; or

(b) any advertisement, placard, bill or notice put up by or under the direction of a local authority,

shall be liable, on summary conviction, to a fine not exceeding five pounds.

*Inquiries.*Power of
government
departments
to direct
inquiries.

290.—(1) Where any department are authorised by this Act to determine any difference, to make or confirm any order, to frame any scheme, or to give any consent, confirmation, sanction or approval to any matter, or otherwise to act under this Act, and where the Secretary of State or the Minister is authorised to hold an inquiry, either under this Act or under any other enactment relating to the functions of a local authority, they or he may cause a local inquiry to be held.

(2) For the purpose of any such inquiry, the person appointed to hold the inquiry may by summons require any person to attend, at such time and place as is set forth in the summons, to give evidence or to produce any documents in his custody or under his control which relate to any matter in question at the inquiry, and may take evidence on oath, and for that purpose administer oaths, or may, instead of administering an oath, require the person examined to make and subscribe a declaration of the truth of the matter respecting which he is examined :

Provided that—

(a) no person shall be required, in obedience to such a summons, to go more than ten miles from his place of residence, unless the necessary expenses of his attendance are paid or tendered to him; and

- (b) nothing in this section shall empower the person holding the inquiry to require the production of the title, or of any instrument relating to the title, of any land not being the property of a local authority.

PART XV.
—cont.

(3) Every person who refuses or wilfully neglects to attend in obedience to a summons issued under this section, or to give evidence, or who wilfully alters, suppresses, conceals, destroys, or refuses to produce any book or other document which he may be required to produce for the purposes of this section, shall be liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment.

(4) Where a department cause any such inquiry to be held, the costs incurred by them in relation to that inquiry (including such reasonable sum not exceeding five guineas a day as they may determine for the services of any officer engaged in the inquiry) shall be paid by such local authority or party to the inquiry as the department may direct, and the department may certify the amount of the costs so incurred, and any amount so certified and directed by the department to be paid by any authority or person shall be recoverable from that authority or person either as a debt to the Crown or by the department summarily as a civil debt.

(5) The department may make orders as to the costs of the parties at any such inquiry and as to the parties by whom such costs shall be paid, and every such order may be made a rule of the High Court on the application of any party named in the order.

(6) This section shall apply to a commissioner appointed under section twenty-five of this Act and to any inquiries held by him as if he were a person appointed by the Secretary of State to hold an inquiry under this Act.

(7) This section shall extend to local inquiries held by the Minister of Transport under the provisions of the Local Government Act, 1929, or the Ferries (Acquisition by Local Authorities) Act, 1919.

9 & 10
Geo. 5. c. 75.

(8) In this section the expression "department" includes the Secretary of State, the Minister, the Minister of Transport, and any Board or Commissioners.

PART XV.
—cont.
Inquiries by
county
councils.

291.—(1) Where a county council hold a local inquiry under this Act on the application of the council of a county district or parish, or of any local government electors for a county district or parish authorised to make such application, the expenses incurred by the county council in relation to the inquiry (including the expenses of any committee or person authorised by the county council to hold the inquiry) shall, unless the county council otherwise determine, be paid by the council of that county district or parish, or in the case of a parish not having a separate parish council, by the parish meeting of the parish.

(2) Subject as aforesaid, the expenses incurred by a county council in connection with inquiries held by them under this Act shall be paid by the county council.

Miscellaneous Provisions.

Application
of Act to
Isles of
Scilly.

292.—(1) The Minister may, upon the application of the council of the Isles of Scilly, make an order for regulating the application of this Act to the Isles of Scilly and for providing for the exercise and performance in those Islands of any functions which are for the time being conferred or imposed on local authorities.

(2) Any order made under this section may—

(a) apply to the Isles of Scilly any other public general Act relating to local government;

(b) provide for the continuance of the council of the Isles of Scilly and for the establishment of other local authorities in the Islands;

(c) provide for the contribution by the Isles of Scilly to the council of the county of Cornwall in respect of costs incurred by the county council on matters specified in the said order as benefiting the Isles of Scilly; and

(d) provide for all matters which appear to the Minister necessary or proper for carrying the order into effect.

(3) Subject to the provisions of an order made under this section, the council of the county of Cornwall shall have no greater functions in the Isles of Scilly than

the court of quarter sessions of Cornwall in fact exercised or performed therein before the thirteenth day of August, eighteen hundred and eighty-eight, and the Isles of Scilly shall not be included for the purposes of this Act in any electoral division of the county of Cornwall.

PART XV.
—cont.

293.—(1) Where any enactment, whether passed before or after the commencement of this Act, authorises the formation by provisional order or order of a joint board or joint committee, the constituent members of which are local authorities, for the discharge of any of the functions of those authorities, the provisional order or order may apply to the joint board or joint committee, subject to any necessary modifications, any of the provisions of this Act :

Power to
apply pro-
visions of
Act to joint
boards, &c.

Provided that—

- (i) the provisions of this Act enabling land to be acquired compulsorily, otherwise than by means of a provisional order, shall not be so applied;
- (ii) the provisions of this Act relating to the audit of accounts by district auditors shall not be applied to a joint board or joint committee if the whole of the constituent local authorities are councils of boroughs unless—
 - (a) all the accounts of one or more of the councils are subject to audit by district auditors; or
 - (b) the accounts of the joint board or committee would, if they had been accounts of the several councils, have been subject to district audit.

(2) Where by a provisional order in operation at the commencement of this Act any provisions of the Public Health Acts, 1875 to 1932, the Local Government Act, 1894, or the Local Government Act, 1929, have been applied to a joint board or joint committee, the provisional order may be amended by an order made by the authority by whom the provisional order was made (or in the case of an order made by the Local Government Board, by the Minister) applying to the joint board or joint committee, in substitution for any of the provisions of the above named Acts which have been so applied, any

PART XV. of the provisions of this Act which could be applied by
 —cont. virtue of the last preceding subsection :

Provided that, if the order is not made within two years after the commencement of this Act, and on the application of the joint board or joint committee, the order shall be provisional only and shall not have effect unless and until it is confirmed by Parliament.

Travelling expenses of county councillors, &c.

294.—(1) Subject to the provisions of this section, a county council may defray any expenses necessarily incurred by members of the council, or of any committee thereof to which this section applies, in travelling to and from meetings of the council or committee, or in travelling by direction of the council or committee for the purpose of carrying out any inspection necessary for the discharge of the functions of the council or committee.

(2) No expenses which a county council has, apart from this section, power to defray shall be defrayed under this section, and this section shall not affect any such power.

(3) No expenditure by a county council under this section shall be taken into account for the purpose of determining the amount of any sum payable to the council out of moneys provided by Parliament.

(4) This section shall apply to any committee of a county council appointed for the discharge of functions throughout the whole area for which the county council are charged with those functions, and shall also apply to any sub-committee or joint committee so appointed as if it were a committee of the council.

(5) In this section the expression "sub-committee" means a sub-committee of a committee of a county council, and the expression "joint committee" means a joint committee or joint board appointed by a county council jointly with the council of another county or of a borough or with a court of quarter sessions.

Provisions as to Sundays, &c.

295.—(1) Where the day or the last day on which any thing is required or permitted by or in pursuance of this Act to be done is a Sunday, Christmas Day, Good Friday, bank holiday or a day appointed for public thanksgiving or mourning, the requirement or permission shall be deemed to relate to the first day thereafter which is not one of the days before mentioned.

(2). Where under the foregoing provisions of this section an election is postponed, the day on which the election is held shall be treated as the day of election for all purposes of this Act relating to that election:

PART XV.
—cont.

Provided that, where a day is declared to be a bank holiday, or day of public thanksgiving or mourning, nothing in this subsection shall affect the validity of any act done in relation to an election before or on the date of the declaration.

296.—(1) Except where otherwise expressly provided, any reference in this Act to the population of an area shall be construed as a reference to the population of that area according to the last published census for the time being. References to population.

(2) For the purposes of this Act and of any enactment passed after the commencement of this Act relating to local government, references to the last published census shall, as regards any local government area, be construed as references to the last census in respect of which the Registrar-General has, in pursuance of the Act under which the census was taken, published a report giving the population of that area, not being a report which is, or purports to be, of a provisional nature.

297. Any local authority who are, or person who is, required under this Act to have regard to the net annual value of any land in an area may require the surveyor of taxes for that area to furnish to them or him, on payment at a rate not exceeding five shillings for every hundred entries numbered separately, a copy of the annual values for the purposes of income tax under Schedule A of the Income Tax Act, 1918, for all or any of the properties in that area. Power to require copies of values in force under Schedule A of 8 & 9 Geo. 5. c. 40.

298.—(1) The Minister shall, as regards every local authority, exercise— Saving of transfer of certain powers under local Acts from Treasury and Secretary of State to Minister.

(a) any power conferred on the Treasury by any local or private Act passed before the fourth day of August, nineteen hundred and six, with respect to dealings with property, loans and matters connected therewith;

PART XV.
—cont.

- (b) any power of consent, sanction or confirmation conferred on one of His Majesty's principal Secretaries of State by any local Act passed before the eleventh day of August, eighteen hundred and seventy-five, with respect to any loan, the giving effect to any byelaws, or the appointment of any officer for sanitary purposes;
- (c) any power of consenting to, sanctioning, confirming or allowing byelaws for sanitary purposes conferred on a court of quarter sessions by any local Act passed before the commencement of this Act;

and all such enactments, and all enactments referring to the power so conferred, shall be construed accordingly.

(2) If any question arises whether paragraph (a) of the preceding subsection applies to any power conferred by, or referred to in, any enactment, the decision of the Treasury shall be final, and if any question arises as to what are sanitary purposes within the meaning of paragraph (b) or paragraph (c) of the said subsection, the decision of the Minister shall be final.

Power to
annul regu-
lation or
rules.

299. Where any regulation or rule made under this Act is required to be laid before each House of Parliament it shall be so laid for a period of thirty days during the Session of Parliament, and if an Address is presented to His Majesty by either House of Parliament before the expiration of that period praying that the regulation or rule may be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation or rule:

Provided that in reckoning any such period of thirty days as aforesaid no account shall be taken of any time during which both Houses are adjourned for more than four days.

Saving for
existing
members of
local autho-
rities.

300. A person holding office at the commencement of this Act as a member of a local authority, chairman of a parish meeting, or elective auditor of a borough, or as a member of any committee, sub-committee, or joint committee shall be deemed to have been elected or appointed to that office under this Act:

Provided that he shall retire from office on the date on which he would have retired if this Act had not been passed, and until he so retires from that office he shall not be disqualified for holding the office by reason of any circumstance which occurred before the commencement of this Act and which would not have given rise to a disqualification for that office if this Act had not been passed.

PART XV.
—cont.

301. Save in so far as may be necessary to give effect to any alteration or definition of boundaries which is expressly authorised by this Act, nothing in this Act shall prejudicially alter or affect the rights, privileges, and immunities of any municipal corporation, or the operation of any municipal charter.

Saving for
municipal
corporations.

302. Nothing in this Act shall—

Saving for
universities.

- (a) affect the rights, privileges, duties or liabilities of the chancellor, masters and scholars of the Universities of Oxford or Cambridge respectively, as by law possessed under the respective charters of those universities or otherwise; or
- (b) entitle the mayor of the county borough of Oxford or the mayor of the borough of Cambridge to any precedence over the vice-chancellor of the University of Oxford or of the University of Cambridge respectively; or
- (c) authorise the transfer of any rights or liabilities of a public body to the council of the borough of Cambridge without the consent of the chancellor, masters and scholars of the University of Cambridge; or
- (d) affect any rights or liabilities granted to the University of Durham by any Act of Parliament or charter.

303. The functions transferred by section forty-six of the Local Government Act, 1888 (which relates to certain special administrative counties), to a joint committee appointed in pursuance of that section shall, notwithstanding anything in this Act, continue to be exercisable and capable of being discharged by a joint committee so appointed.

Saving for
joint com-
mittees of
certain
counties.

PART XV.
—cont.Cesser of
certain en-
actments.

304. Whereas with a view to the simplification and consolidation of the law relating to local government, it is desirable that the enactments set out in the Tenth Schedule to this Act should cease to have effect to the extent specified in the third column of that Schedule :

• Now Therefore the enactments aforesaid shall cease to have effect to the extent specified as aforesaid.

Definitions.

305. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them—

“ Affairs of the church ” has the same meaning as in the Local Government Act, 1894 ;

“ Clerk of the authority ” includes the town clerk of a borough ;

“ Consular officer ” includes a British consul general, acting consul general, consul, acting consul, vice-consul, acting vice-consul, pro-consul, consular agent, and acting consular agent ;

“ Contributory place ” means—

(a) a rural parish no part of which is included in a special drainage district formed under the Public Health Act, 1875 ;

(b) a special drainage district formed under that Act ; and

(c) in the case of a rural parish part of which forms, or is included in, a special drainage district formed as aforesaid, such part of the parish as is not comprised within that drainage district ;

“ Corporate land ” means land belonging to, or held in trust for, or to be acquired by or held in trust for, a municipal corporation otherwise than for an express statutory purpose ;

“ Corporate office ” means the office of mayor, alderman, councillor, or elective auditor of a borough ;

“ County ” means administrative county ;

- “ County district ” means a non-county borough, urban district or rural district; PART XV.
—cont.
- “ District council ” means an urban district council or a rural district council;
- “ District councillor ” means an urban district councillor or a rural district councillor;
- “ Ecclesiastical charity ” has the same meaning as in the Local Government Act, 1894;
- “ Electoral area ” in relation to an election means the electoral division, borough, ward, district, parish or other area for which the election is held;
- “ Emoluments ”, includes, all salary, wages, fees, poundage and other payments paid or made to an officer as such for his own use, including the money value of any apartments, rations or other allowances in kind appertaining to his office, but does not include payments for overtime, or any sum paid to him to cover travelling expenses, cost of office accommodation, assistance of deputies, or clerical, or other assistance;
- “ Enactment ” includes any enactment in a provisional order confirmed by Parliament;
- “ Financial year ” means the period of twelve months ending on the thirty-first day of March;
- “ Freeman ” includes any person of the class whose rights and interests were reserved by the Municipal Corporations Act, 1835, under the name either of freemen or of burgesses;
- “ Harbour authority ” has the same meaning as in the Merchant Shipping Act, 1894; 57 & 58 Vict,
c. 60.
- “ Land ” includes any interest in land and any easement or right in, to or over land;
- “ Local authority ” means the council of a county, county borough, county district or rural parish;
- “ Local government elector ” or “ elector ” means a person registered as a local government elector
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PART XV.
—cont.

in the register of electors in accordance with the provisions of the Representation of the People Acts;

“ London ” means the administrative county of London;

“ Minister ” means the Minister of Health;

“ Municipal corporation ” means the body corporate constituted by the incorporation of the inhabitants of a borough;

“ Municipal election ” means an election to a corporate office in a borough;

“ Net annual value ” means either the annual value for the time being in force for the purposes of income tax under Schedule A of the Income Tax Act, 1918, as amended by any subsequent enactment, subject to any reduction made for the purpose of collection in accordance with the provision of Rule 7 of No. V of the said Schedule as so amended or, in relation to land which is not assessed under the said Schedule A, the net annual value for rating purposes as shown in the valuation list;

“ Officer ” includes a servant;

“ Parish property ” means—

(a) property, the rents and profits of which are applicable or, if the property were let, would be applicable to the general benefit of one or more parishes, or the ratepayers, parishioners or inhabitants thereof, but does not include—

(i) property given or bequeathed by way of charitable donation or allotted in right of some charitable donation or otherwise for the poor persons of any parish or parishes, if the income of the property is not applicable to the general benefit of the ratepayers or other persons as aforesaid;

(ii) property acquired by a board of guardians before the first day of April, nineteen hundred and thirty, for the purposes of their functions in the relief of the poor; and

- (b) land allotted to, or otherwise acquired by, a parish, whether in the name of the surveyor of highways or other trustees, or generally, for the purpose of the supply of materials for the repair of the public roads and highways in the parish and also for the repair of private roads therein, or for some other purpose, public or private, where the materials in the land are exhausted or are not suitable or required, and the land is not available for that other purpose, if any;

PART XV.
—*cont.*

“Prescribed” means prescribed by regulations and, except where some other prescribing authority is specified, prescribed by regulations made by the Minister;

“Property” includes all property, real and personal, and all estates, interests, easements and rights whether equitable or legal, in, to, and out of property, real and personal;

“Public body” includes a local authority and any trustees, commissioners or other persons who, as a public body and not for their own profit, act under any enactment or statutory order for the improvement of any place or for the supply to any place, of water, gas or electricity, or for providing or maintaining a cemetery or market in any place, and any other authority having powers of levying, or issuing a precept for, any rate for public purposes, and, for the purposes of Part VI of this Act, includes a body which is a compensation authority for the purposes of the Licensing (Consolidation) Act, 1910, and an insurance committee constituted under the National Health Insurance Act, 1924, and the expression “district” means, in relation to a public body other than a local authority, the area for which the public body acts;

10 Edw. 7.
and 1 Geo.
5. c. 24.
14 & 15
Geo. 5. c. 38.

“Rating area” means a county borough or county district; and “rating authority” means the council of a county borough or county district acting as rating authority;

PART XV.
—cont.

“Sale” includes a sale in consideration of a chief rent, rent charge or other similar periodical payment, and the expressions “sell” and “purchase” have corresponding meanings;

“Standing joint committee” means the standing joint committee of the court of quarter sessions and the county council appointed under section thirty of the Local Government Act, 1888;

“Statutory order” means any order, rule or regulation made under any enactment;

“Statutory undertakers” means any persons authorised by an enactment or statutory order to construct, work or carry on any railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water, or other public undertaking;

“The Adoptive Acts” means—

(a) The Lighting and Watching Act, 1833;

(b) The Baths and Washhouses Acts, 1846 to 1925;

(c) The Burial Acts, 1852 to 1906;

(d) The Public Improvements Act, 1860; and

(e) The Public Libraries Acts, 1892 to 1919;

“Undertaking” means, in relation to a local authority, the provision of water, gas, electricity, transport or any other public service which the local authority are authorised to undertake.

Interpretation as respects Crown rights.

306. The mention in this Act in relation to any particular matter of His Majesty’s royal prerogative shall not be held to prejudice or affect, in relation to that or to any other matter, the general application of any rule of law with respect to any estate, right, power, privilege, or exemption of the Crown.

Repeals.

307.—(1) The following Acts are hereby repealed to the following extent—

(a) The Public Health Act, 1875, the Municipal Corporations Act, 1882, and the Local Government Act, 1888, to the extent specified in the

First, Second and Third Parts respectively of the Eleventh Schedule to this Act; PART XV.
—cont.

- (b) The Acts mentioned in the second column of the Fourth Part of that Schedule, to the extent specified in the third column of that Part of that Schedule,

and the said repeal shall, as respects the Acts mentioned in the second column of the Fifth Part of that Schedule to the extent specified in the third column of that Part of that Schedule, extend to London :

Provided that—

- (i) nothing in this repeal shall affect any byelaw in force at the commencement of this Act, and any byelaw for good rule and government and for prevention and suppression of nuisances in force at the commencement of this Act shall have effect as if made under this Act and may be amended or revoked and enforced accordingly;
- (ii) in the case of a byelaw which has been made before the commencement of this Act but which by reason of its not having been confirmed or of the time for disallowance not having expired is not in force at that date, the same proceedings may be taken and with the same effect as if this Act had not been passed;
- (iii) if at the commencement of this Act a casual vacancy has occurred in any office for which an election would be held under this Act, and the vacancy has not been filled, the vacancy shall be filled in the same manner as if this Act had not been passed;
- (iv) nothing in this section shall affect any order, scheme, rule or regulation made under any enactment repealed by this Act, and every such order, scheme, rule or regulation shall continue in force and, if it is of such a nature that it could have been made under this Act,

PART XV.
—cont.

shall have effect as if made under the corresponding provision of this Act, and may be amended, varied, repealed, revoked or enforced accordingly;

(v) nothing in this section shall affect any appointment, agreement or resolution made, direction or notice given, proceedings taken or other thing done under any enactment repealed by this Act, and every such appointment, agreement, resolution, direction, notice, proceedings or other thing shall, so far as it could have been made, given, taken or done under this Act, have effect as if it had been made, given, taken or done under the corresponding provision of this Act;

(vi) nothing in this section shall affect any compensation payable, or any title to compensation, under any enactment repealed by this Act, whether as originally enacted or as applied by any other enactment or statutory order.

(2) Any document referring to any Act or enactment repealed by this Act shall be construed as referring to this Act or to the corresponding enactment, if any, in this Act.

52 & 53 Vict.
c. 63.

(3) The mention of particular matters in this section shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

Short title,
date of
commence-
ment, and
extent.

308.—(1) This Act may be cited as the Local Government Act, 1933, and shall come into operation on the first day of June, nineteen hundred and thirty-four.

(2) This Act shall not extend to Scotland or Northern Ireland nor, except where otherwise expressly provided, to London.

SCHEDULES.

FIRST SCHEDULE.

Section 1.

PART I.

ADMINISTRATIVE COUNTIES.

(a) ENGLAND (EXCLUSIVE OF LONDON).

Name of Administrative County.	Name of Administrative County.	Name of Administrative County.
Bedford.	Kent.	Salop.
Berks.	Lancaster.	Soke of Peterborough.
Buckingham.	Leicester.	Somerset.
Cambridge.	Lincoln, Parts of	Southampton.
Chester.	Holland.	Stafford.
Cornwall.	Lincoln, Parts of	Suffolk, East.
Cumberland.	Kesteven.	Suffolk, West.
Derby.	Lincoln, Parts of	Surrey.
Devon.	Lindsey.	Sussex, East.
Dorset.	Middlesex.	Sussex, West.
Durham.	Monmouth.	Warwick.
Essex.	Norfolk.	Westmorland.
Gloucester.	Northampton.	Wilts.
Hereford.	Northumberland.	Worcester.
Hertford.	Nottingham.	York, East Riding.
Huntingdon.	Oxford.	York, North Riding.
Isle of Ely.	Rutland.	York, West Riding.
Isle of Wight.		

(b) WALES.

Name of Administrative County.	Name of Administrative County.	Name of Administrative County.
Anglesey.	Carmarthen.	Merioneth.
Brecknock.	Denbigh.	Montgomery.
Caernarvon.	Flint.	Pembroke.
Cardigan.	Glamorgan.	Radnor.

1st Sch.
-cont.

PART II.

COUNTY BOROUGHES.

(a) ENGLAND.

Name of County Borough.	Name of County Borough.	Name of County Borough.
Barnsley.	East Ham.	Preston.
Barrow-in-Furness.	Exeter.	Reading.
Bath.	Gateshead.	Rochdale.
Birkenhead.	Gloucester.	Rotherham.
Birmingham.	Great Yarmouth.	Saint Helens.
Blackburn.	Grimsby.	Salford.
Blackpool.	Halifax.	Sheffield.
Bolton.	Hastings.	Smethwick.
Bootle.	Huddersfield.	Southampton.
Bournemouth.	Ipswich.	Southend-on-Sea.
Bradford.	Kingston-upon-Hull.	Southport.
Brighton.	Leeds.	South Shields.
Bristol.	Leicester.	Stockport.
Burnley.	Lincoln.	Stoke-on-Trent.
Burton-upon-Trent.	Liverpool.	Sunderland.
Bury.	Manchester.	Tynemouth.
Canterbury.	Middlesbrough.	Wakefield.
Carlisle.	Newcastle-upon- Tyne.	Wallasey.
Chester.	Newport.	Walsall.
Coventry.	Northampton.	Warrington.
Croydon.	Norwich.	West Bromwich.
Darlington.	Nottingham.	West Ham.
Derby.	Oldham.	West Hartlepool.
Dewsbury.	Oxford.	Wigan.
Doncaster.	Plymouth.	Wolverhampton.
Dudley.	Portsmouth.	Worcester.
Eastbourne.		York.

(b) WALES.

Cardiff.	Merthyr Tydfil.	Swansea.
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PART III.

1st Sch.
—cont.

NON-COUNTY BOROUGHES.

(a) ENGLAND.

Administrative County.	Names of Non-County Boroughs situate in Administrative County.	Administrative County.	Names of Non-County Boroughs situate in Administrative County.
Bedford	Bedford. Dunstable. Luton.	Devon	Barnstaple. Bideford. Clifton Dartmouth Hardness. Great Torrington.
Berks	Abingdon. Maidenhead. Newbury. New Windsor. Wallingford. Wokingham.		Honiton. Okehampton. South Molton. Tiverton. Torquay. Totnes.
Buckingham	Aylesbury. Buckingham. Chepping Wycombe.	Dorset	Blandford Forum. Bridport. Dorchester. Lyne Regis. Poole. Shaftesbury. Wareham. Weymouth and Melcombe Regis.
Cambridge	Cambridge.		Durham
Chester	Congleton. Crewe. Dukinfield. Hyde. Macclesfield. Stalybridge.		Durham. Hartlepool. Jarrow. Stockton-on-Tees.
Cornwall	Bodmin. Dunheved, otherwise Launceston. Falmouth. Fowey. Helston. Liskeard. Lostwithiel. Penryn. Penzance. Saint Ives. Saltash. Truro.	Essex	Barking. Chelmsford. Colchester. Harwich. Ilford. Leyton. Maldon. Saffron Walden. Walthamstow.
Cumberland	Whitehaven. Workington.	Gloucester	Cheltenham. Tewkesbury.
Derby	Buxton. Chesterfield. Glossop. Ilkeston.	Hereford	Hereford. Leominster.

1st Sch.
—cont.

Administrative County.	Names of Non-County Boroughs situate in Administrative County.	Administrative County.	Names of Non-County Boroughs situate in Administrative County.
Hertford	Hemel Hempstead. Hertford. Saint Alban. Watford.	Lancaster	Lancaster. Leigh. Lytham Saint Anne's. Middleton. Morecambe and Heysham. Mossley. Nelson. Rawtenstall. Stretford. Widnes.
Huntingdon	Godmanchester. Huntingdon. Saint Ives.		
Isly of Ely	Wisbech.		
Isle of Wight	Newport. Ryde.	Leicester	Loughborough
Kent	Bromley. Chatham. Dartford. Deal. Dover. Faversham. Folkestone. Gillingham. Gravesend. Hythe. Lydd. Maidstone. Margate. New Romney. Queenborough. Ramsgate. Rochester. Sandwich. Tenterden. Royal Tunbridge Wells.	Lincoln, Parts of Holland. Lincoln, Parts of Kesteven. Lincoln, Parts of Lindsey.	Boston. Grantham. Stamford. Louth.
Lancaster	Accrington. Ashton-under-Lyne. Bacup. Chorley. Clitheroe. Colne. Darwen. Eccles. Fleetwood. Haslingden. Heywood.	Middlesex	Acton. Brentford and Chiswick. Ealing. Finchley. Hendon. Heston and Isleworth. Hornsey. Southgate. Twickenham. Willesden. Wood Green.
		Monmouth	Abergavenny. Monmouth.
		Norfolk	King's Lynn. Thetford.
		Northampton	Brackley. Daventry. Higham Ferrers.

1st Sch.
—cont.

Administrative County.	Names of Non-County Boroughs situate in Administrative County.	Administrative County.	Names of Non-County Boroughs situate in Administrative County.
Northumberland	Berwick - upon Tweed. Blyth. Morpeth. Wallsend.	Stafford	Stafford. Tamworth. Wednesbury.
Nottingham	East Retford. Mansfield. Newark. Worksop.	Suffolk, East	Aldeburgh. Beccles. Eye. Lowestoft. Southwold.
Oxford	Banbury. Chipping Norton. Henley - upon Thames. Woodstock.	Suffolk, West	Bury Saint Edmunds. Sudbury.
Salop	Bishop's Castle. Bridgnorth. Ludlow. Oswestry. Shrewsbury. Wenlock.	Surrey	Barnes. Godalming. Guildford. Kingston-upon-Thames. Reigate. Richmond. Wimbledon.
Soke of Peterborough.	Peterborough.	Sussex, East	Bexhill. Hove. Lewes. Rye.
Somerset	Bridgwater. Chard. Glastonbury. Taunton. Wells. Yeovil.	Sussex, West	Arundel. Chichester. Worthing.
Southampton	Aldershot. Andover. Basingstoke. Christchurch. Gosport. Lymington. Romsey. Winchester.	Warwick	Nuneaton. Royal Leamington Spa. Rugby. Stratford - upon Avon. Sutton Coldfield. Warwick.
Stafford	Bilston. Lichfield. Newcastle-under-Lyme. Rowley Regis.	Westmorland	Appleby. Kendal.
		Wilts	Cerne. Chippenham. Devizes.

1st Sch.
—cont.

Administrative County.	Names of Non-County Boroughs situate in Administrative County.	Administrative County.	Names of Non-County Boroughs situate in Administrative County.
Wilts	Malmesbury. Marlborough. New Sarum. Swindon. Wilton.	York, North Riding.	Redcar. Richmond. Scarborough. Thornaby-on-Tees.
Worcester	Bewdley. Droitwich. Evesham. Kidderminster. Stourbridge.	York, West Riding.	Batley. Brighouse. Goole. Harrogate. Keighley. Morley. Ossett. Pontefract. Pudsey. Ripon. Todmorden.
York, East Riding.	Beverley. Bridlington. Hedon.		

(b) WALES.

Anglesey	Beaumaris.	Denbigh	Denbigh. Ruthin. Wrexham.
Brecknock	Brecknock.		
Caernarvon	Bangor. Caernarvon. Conway. Pwllheli.	Flint	Flint.
		Glamorgan	Cowbridge. Neath. Port Talbot.
Cardigan	Aberystwith. Cardigan. Lampeter.	Montgomery	Llanfyllin. Llanidloes. Montgomery. Welshpool.
Carmarthen	Carmarthen. Kidwelly. Llandovery. Llanelly.	Pembroke	Haverfordwest. Pembroke. Tenby.

SECOND SCHEDULE.

Sections 15,
29, 40, 54
and 70.

PART I.

PROVISIONS RELATING TO THE STAGES OF THE ELECTION
OF A COUNTY COUNCILLOR OR OF COUNCILLORS OF
A BOROUGH PRECEDING THE POLL.*Notice of Election.*

1.—(1) On or before the day appointed for that purpose by Part II of this Schedule a notice of election shall be published in the form prescribed by the Secretary of State.

(2) In the case of an election of a county councillor, the notice of election shall be prepared and signed by the returning officer or, if the electoral division is co-extensive with or wholly comprised in a borough, by the town clerk, and shall be published by him by causing it to be affixed to the offices of the county council and in addition—

(a) in the case of an electoral division which is co-extensive with or wholly comprised in a borough, by causing it to be affixed to the town hall and, if the town hall is not situate within the electoral division, by causing it to be exhibited at such additional place or places within that division as the town clerk may determine; and

(b) in any other case, by causing it to be affixed to the offices of the council of each county district wholly or in part comprised in the electoral division, and, if any of those offices are not situate in the electoral division, by causing it to be exhibited at such additional place or places, being places both within the district and the electoral division, as the returning officer may determine.

(3) In the case of an election of councillors of a borough, the notice of election shall be prepared and signed by the town clerk, and shall be published by him by causing it to be affixed to the town hall, and, in the case of a ward election, by causing it to be exhibited at such additional place or places in that ward as he may determine.

Nomination of Candidates.

2.—(1) Every candidate for the office of county councillor or councillor of a borough must be nominated, in the case of an election of a county councillor, by two local government

2ND SCH.
—cont.

electors for the electoral division, or, in the case of an election of councillors of a borough, by two local government electors for the borough, or, if the borough is divided into wards, for the ward, as his proposer and seconder.

(2) The nomination of each candidate must be made on a separate nomination paper in the form prescribed by the Secretary of State, stating the full name, place of residence and description of the candidate, and must be signed by the proposer and seconder, and by eight other local government electors for the electoral division, borough or ward, as the case may be, as assenting to the nomination.

(3) No person shall at an election of a county councillor sign more than one nomination paper in respect of the same electoral division, and if he does so his signature shall be operative only in the case of the paper which is first delivered.

(4) No person shall at an election of councillors of a borough sign more than one nomination paper in respect of the same candidate, nor, if the borough is divided into wards, shall he sign a nomination paper for more than one ward, nor shall he sign more nomination papers than there are vacancies to be filled in the borough, or, if the borough is divided into wards, in the ward, and if he signs nomination papers otherwise than is permitted under this sub-paragraph, his signature shall be inoperative in all but those papers, up to the permitted number, which are first delivered.

(5) At an election of a county councillor or of councillors of a borough, the proper officer shall provide nomination papers and shall supply any local government elector for the electoral division, borough or ward, as the case may be, with as many nomination papers as may be required and shall, at the request of any such local government elector, prepare for signature a nomination paper.

(6) For the purposes of this paragraph the proper officer shall be—

- (a) In the case of an election of a county councillor for an electoral division which is not co-extensive with or wholly comprised in a borough, the returning officer;
- (b) in the case of an election of a county councillor for an electoral division which is co-extensive with or wholly comprised in a borough, the town clerk;
- (c) in the case of an election of a councillor of a borough, the town clerk.

Candidate's Consent to Nomination.

2ND SECT.

—cont.

3. A person shall not be validly nominated unless his consent to nomination (in this Schedule referred to as "the candidate's consent") given in writing on or within one month before the last day for the delivery of nomination papers, and attested by one witness, is delivered at the place and within the time appointed for the delivery of nomination papers:

Provided that in the case of an election to fill a casual vacancy if the returning officer, in the case of an election of a county councillor, or the mayor, in the case of an election of a councillor of a borough, is satisfied that owing to the absence of a person from the United Kingdom it has not been reasonably practicable for his consent in writing to be given as aforesaid, a telegram consenting to his nomination and purporting to have been sent by him shall be deemed, for the purpose of this paragraph, to be consent in writing given by him on the day on which it purports to have been sent and attestation of his consent shall not be required.

Time and Place for sending in Nomination Papers.

4.—(1) Every nomination paper shall be delivered, in the case of an election of a county councillor, at the place appointed for the purpose by the returning officer, and in the case of an election of councillors of a borough, at the town clerk's office, not later than the time appointed for that purpose by Part II of this Schedule.

(2) For the purposes of this paragraph the place to be appointed by the returning officer shall—

- (a) if the electoral division is co-extensive with or wholly comprised in a borough, be the town clerk's office;
- (b) if the electoral division is co-extensive with or wholly comprised in an urban district, be some place in that district; and
- (c) in any other case, be some place in the electoral division or in an adjoining electoral division.

Decision as to Validity of Nomination.

5.—(1) As soon as may be after the time for the delivery of nomination papers has expired, the returning officer, in the case of an election of a county councillor, or the mayor, in the case of an election of councillors of a borough, shall examine the nomination papers, and decide whether the candidates have been validly nominated in accordance with the provisions of this Schedule.

(2) Where the returning officer or the mayor, as the case may be, decides that a candidate has been so validly nominated, his decision shall be final and shall not be questioned in any proceeding whatsoever.

2ND SCH.
—cont.

(3) Where the returning officer or the mayor, as the case may be, decides that a candidate has not been so validly nominated, he shall endorse and sign on the nomination paper the fact and reasons for his decision.

(4) The decision of the returning officer or the mayor, as the case may be, under the last preceding sub-paragraph shall be subject to review on an election petition questioning the election.

(5) Not later than the time appointed for that purpose by Part II of this Schedule, the returning officer or the mayor, as the case may be, shall send notice of his decision to each candidate at his place of residence as stated on his nomination paper.

Statement as to Persons Nominated.

6. The returning officer or the mayor, as the case may be, shall, not later than the time appointed for that purpose by Part II of this Schedule, prepare a statement in the form prescribed by the Secretary of State containing the full names of all persons nominated and their places of residence and descriptions and his decision whether those persons have been validly nominated, and shall publish the statement by causing it to be affixed to the place appointed for the delivery of nomination papers.

Withdrawal of Candidates.

7. A candidate may withdraw from his candidature by notice of withdrawal signed by him and attested by one witness and delivered at the place appointed for the delivery of nomination papers not later than the time appointed for that purpose by Part II of this Schedule.

Nomination in more than one Electoral Division or Ward.

8. A candidate who is validly nominated for more than one electoral division of a county or for more than one ward of a borough shall, by notice signed, attested, and delivered as aforesaid, withdraw from his candidature in all those electoral divisions or wards, as the case may be, except one, and if he does not so withdraw he shall be deemed to have withdrawn from his candidature in all those electoral divisions or wards, as the case may be.

*Method of Election and Publication of Result of
- Uncontested Election.*

9.—(1) In the case of an election of a county councillor—

(a) if two or more persons remain validly nominated for the electoral division, the county councillor for that division shall be elected in accordance with the provisions of Part III of this Schedule from among those persons;

2ND SCH.
—cont.

(b) if one person only remains validly nominated for the electoral division, that person shall be deemed to be elected;

(c) if at an ordinary election no person is or remains validly nominated for the electoral division, the retiring county councillor, if any, for that division shall be deemed to be elected.

(2) If an election of a county councillor is not contested, the returning officer shall, not later than eleven o'clock in the morning of the day of election, publish the name of the person elected, and shall forthwith return the name of the person elected to the county returning officer, who shall return the name to the clerk of the county council.

(3) In the case of an election of councillors of a borough—

(a) if the number of persons remaining validly nominated exceeds the number of vacancies, the councillors shall be elected in accordance with the provisions of Part III of this Schedule from among those persons;

(b) if the number of persons remaining validly nominated is the same as the number of vacancies, those persons shall be deemed to be elected;

(c) if the number of persons remaining validly nominated is less than the number of vacancies, those persons shall be deemed to be elected, and, if the election is an ordinary election, such of the retiring councillors of the borough or ward, as the case may be, as were highest on the poll at the last ordinary election, or as filled the places of councillors who were highest on the poll at that election, or, if the poll was equal or there was no poll, as may be determined by the drawing of lots conducted under the direction of the mayor, shall be deemed to be elected to make up the required number;

(d) if at an ordinary election no person is or remains validly nominated, the retiring councillors of the borough or ward, as the case may be, shall be deemed to be elected.

(4) If an election of councillors of a borough is not contested, the returning officer shall, not later than eleven o'clock in the morning of the day of election, publish a list of the persons elected, and shall forthwith return the names of the persons elected to the town clerk of the borough.

Supplemental Provisions.

10. Any act or thing required by this Schedule to be done by, to or before the mayor of a borough may, in any case in which the office of mayor is vacant, or the mayor is for any reason

2ND SCH.
—cont.

unable to act, be done by, to or before the deputy mayor of the borough, or if there is no deputy mayor, or the deputy mayor is for any reason unable to act, by, to or before such alderman of the borough as the council of the borough may choose for that purpose.

11. For the purposes of this Part of this Schedule a person shall be deemed to be registered as a local government elector for an electoral division or borough or ward, if he is registered in the register of local government electors for that electoral division or borough or ward, as the case may be, which will be in force on the day of election, or if, pending the coming into force of that register, his name appears in the electors lists for that register as corrected by the registration officer.

12. In computing any period of time for the purposes of this Schedule, a Sunday, Christmas Day, Good Friday, Bank Holiday or day appointed for public thanksgiving or mourning, shall be disregarded, and any such day shall not be treated as a day for the purpose of any proceeding under this Schedule.

PART II.

TIMES FOR THE PROCEEDINGS AT AN ELECTION OF A COUNTY COUNCILLOR OR OF COUNCILLORS OF A BOROUGH.

Proceeding.	Time in case of election of county councillor.	Time in case of election of councillors of a borough.
Notice of election	The twentieth day before the day of election.	The twelfth day be- fore the day of elec- tion.
Delivery of nomina- tion papers.	5 o'clock in the after- noon on the twelfth day before the day of election.	5 o'clock in the after- noon on the eighth day before the day of election.
Despatch of notices of decision on nomina- tions and publica- tion of statement of persons nominated.	5 o'clock in the after- noon on the eleventh day before the day of election.	5 o'clock in the after- noon on the seventh day before the day of election.
Delivery of notices of withdrawals from candidatures.	5 o'clock in the after- noon on the ninth day before the day of election.	2 o'clock in the after- noon on the sixth day before the day of election.
Notice of poll	The fifth day before the day of election.	The fifth day before the day of election.

[Note.—In computing any period of time for the purposes of this Part of this Schedule, a Sunday, Christmas Day, Good Friday, Bank Holiday or day appointed for public thanksgiving or mourning is to be disregarded in accordance with paragraph 12 of Part I of this Schedule.]

PART III.

2ND SCH.
—cont.

PROVISIONS RELATING TO CONTESTED ELECTIONS.

THE POLL.

General conduct of poll.

1. At every contested election of a county councillor or of councillors of a borough the votes shall be given by ballot, and the poll shall be conducted in accordance with the provisions of this Schedule.

Notice of poll.

2.—(1) In the case of a contested election of a county councillor the returning officer, and in the case of a contested election of councillors of a borough the mayor, shall on or before the day appointed for that purpose by Part II of this Schedule, give notice of the poll, specifying—

- (a) the day and hours fixed for the poll;
- (b) the number of councillors to be elected;
- (c) the full name, place of residence, and description of each candidate remaining validly nominated;
- (d) the names of the proposer and seconder who signed the nomination paper of each candidate;
- (e) a description of the polling districts (if any); and
- (f) the situation of each polling station and the description of the persons entitled to vote thereat.

(2) For the purposes of this Part of this Schedule the first valid nomination paper delivered at the place appointed for the delivery of nomination papers in respect of a candidate shall be deemed to be the nomination paper of that candidate.

(3) A notice of poll required to be published under this paragraph shall be published at the places at which the notice of the election is required to be published under Part I of this Schedule.

Hours of poll.

3. The poll shall commence at eight o'clock in the morning and be kept open till eight o'clock in the afternoon of the same day and no longer.

Use of schools, public rooms, or churches.

4.—(1) The returning officer may use, free of charge, for the purpose of taking the poll or of counting the votes—

- (a) a room in a school in receipt of a grant, or in respect of which a grant is made, out of moneys provided by Parliament, from or by the Board of Education; and
- (b) a room the expense of maintaining which is payable out of any rate.

2ND SCH.
—cont.

(2) The returning officer shall make good any damage done to, and defray any expense incurred by the persons having control over, any such room as aforesaid by reason of its being used for the purpose of taking the poll or of counting the votes.

(3) The use of a room in an unoccupied house for the purpose of taking the poll or of counting the votes shall not render a person liable to be rated or to pay any rate for that house.

5. An election shall not be held in a church, chapel or other place of public worship.

Death of candidate after nomination.

6. If after the latest time for delivery of nomination papers and before the commencement of the poll a candidate who remains validly nominated dies, the returning officer shall, upon being satisfied of the fact of death, countermand the poll.

Provision of polling stations, ballot boxes, &c.

7. In the case of an election of a county councillor the returning officer, and in the case of an election of councillors of a borough the mayor, shall—

- (a) provide a sufficient number of polling stations for the electors, and allot the electors to the polling stations in such manner as he thinks most convenient;
- (b) appoint a presiding officer to preside at each polling station, and such other officers (including poll clerks) as may be necessary for taking the poll and counting the votes;
- (c) furnish each polling station with such number of compartments as may be necessary in which the electors can mark their votes screened from observation;
- (d) furnish each presiding officer with such number of ballot boxes and ballot papers as in the opinion of the returning officer or the mayor, as the case may be, may be necessary;
- (e) provide each polling station with materials to enable electors to mark the ballot papers, with instruments for stamping thereon the official mark, and with copies of the register of electors for the electoral division, borough

or ward, as the case may be, or such part thereof as contains the names of the electors allotted to vote at the station; .

2ND SCH.
—cont.

- (f) do such other acts and things as may be necessary for effectually conducting the election in manner provided by this Schedule.

8. One or more polling stations may be provided in the same room.

9. A notice, in the form set forth in Part IV of this Schedule, or as near thereto as circumstances admit, giving directions for the guidance of electors in voting, shall be exhibited outside every polling station, and in every compartment in the polling station.

Ballot boxes, ballot papers, official mark.

10. Every ballot box shall be so constructed that the ballot papers can be put therein, but cannot be withdrawn therefrom, without the box being unlocked.

11. Every ballot paper shall be in the form set forth in Part IV of this Schedule or as near thereto as circumstances admit and—

- (a) shall contain the full names, places of residence and descriptions of the candidates as shown on their respective nomination papers and arranged alphabetically in the order of their surnames and (if there are two or more candidates with the same surname) of their other names; .
- (b) shall be capable of being folded up;
- (c) shall have a number printed on the back; and
- (d) shall have attached a counterfoil with the same number printed on the face.

12. The official mark shall be kept secret, and an interval of not less than seven years shall intervene between the use of the same official mark at elections for the same county or borough, as the case may be.

Appointment of polling agents.

13.—(1) Each candidate may appoint agents (in this Schedule referred to as “polling agents”) to attend at the polling stations for the purpose of detecting personation.

(2) Notice in writing of the appointment, stating the names and addresses of the persons appointed, shall be given by the candidate to the returning officer two clear days at least before the opening of the poll.

2ND SCH.
—cont.

(3) If a polling agent dies, or becomes incapable of acting, the candidate may appoint another polling agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the polling agent so appointed.

(4) A polling agent in respect of whom such notice as aforesaid has been given may, during the hours of the poll, attend at the polling station to which he has been appointed.

Admission to polling station.

14.—(1) No person shall be admitted to vote at any polling station except at the one allotted to him.

(2) The presiding officer shall regulate the number of electors to be admitted to the polling station at the same time, and shall exclude all other persons except the candidates, the polling agents, the officers appointed under this Schedule, the police officers on duty, and any person accompanying a blind elector for the purpose of assisting him to vote.

(3) Nothing in this paragraph shall affect the provisions of the Police Disabilities Removal Act, 1887, as applied to elections of county councillors and of councillors of a borough by the Police Disabilities Removal Act, 1893.

50 & 51 Vict.
c. 9.

56 & 57 Vict.
c. 6.

Ballot boxes to be sealed.

15. Immediately before the commencement of the poll, the presiding officer shall show the ballot box empty to such persons, if any, as may be present in the polling station, so that they may see that it is empty, and shall then lock it up and place his seal upon it in such manner as to prevent it being opened without breaking the seal, and shall place it in his view for the receipt of ballot papers, and keep it so locked and sealed.

Questions to be put to electors.

16.—(1) The presiding officer may, and, if required by two local government electors or by a candidate or his polling agent, shall, put to any person applying for a ballot paper at the time of his application, but not afterwards, the following questions, or either of them, that is to say :—

In the case of an election of a county councillor—

(a) Are you the person registered in the register of local government electors now in force for this electoral division as follows [read the whole entry from the register]?

(b) Have you already voted at the present election of a county councillor for this electoral division [adding in the case of an ordinary election or a first election of an additional councillor, or for any other electoral division of the county]?

In the case of an election of councillors for a borough—

2ND SCH.
—cont.

- (a) Are you the person registered in the register of local government electors now in force for this borough [or ward] as follows [read the whole entry from the register]?
- (b) Have you already voted at the present election [adding in the case of an election for several wards, in this or any other ward]?
- (2) A ballot paper shall not be delivered to any person required to answer the above questions, or either of them, unless he has answered the question or questions satisfactorily.
- (3) Save as by this paragraph authorised, no inquiry shall be permitted as to the right of any person to vote.

Challenge of elector by polling agent.

17.—(1) If at the time a person applies for a ballot paper, or after he has applied for a ballot paper and before he has left the polling station, a polling agent declares to the presiding officer that he has reasonable cause to believe that the applicant has committed an offence of personation under this Act, and undertakes to substantiate the charge in a court of law, the presiding officer may order a police officer to arrest the applicant, and the order of the presiding officer shall be sufficient authority for the police officer so to do.

(2) A person against whom a declaration is made under this paragraph by a polling agent shall not, by reason thereof, be prevented from voting, but the presiding officer shall cause the words "protested against for personation" to be placed against his name in the marked copy of the register of electors.

(3) A person arrested under the provisions of this paragraph shall be dealt with as a person taken into custody by a police officer for an offence without a warrant.

Marking of ballot papers.

18. A ballot paper shall be delivered to an elector who applies therefor, and immediately before delivery—

- (a) the ballot paper shall be marked with the official mark, either embossed or perforated;
- (b) the number, name, and description of the elector as stated in the copy of the register shall be called out;
- (c) the number of the elector shall be marked on the counterfoil together with the distinctive letter of the parliamentary polling district in which the elector is registered; and

2ND SCH.
—cont.

- (d) a mark shall be placed in the register against the number of the elector to denote that he has received a ballot paper, but without showing the particular ballot paper which he has received.

19. The elector, on receiving the ballot paper, shall forthwith proceed into one of the compartments in the polling station and there secretly mark his paper and fold it up so as to conceal his vote, and shall then show to the presiding officer the back of the paper, so as to disclose the official mark, and put the ballot paper, so folded up, into the ballot box in the presence of the presiding officer. The elector shall vote without undue delay, and shall leave the polling station as soon as he has put his ballot paper into the ballot box.

20.—(1) The presiding officer, on the application of—

- (a) an elector who is incapacitated by blindness or other physical cause from voting in manner directed by this Schedule; or
- (b) if the poll is taken on a Saturday, of an elector who declares that he is a Jew, and objects on religious grounds to vote in manner directed by this Schedule; or
- (c) of an elector who makes a declaration that he is unable to read (in this Schedule referred to as “the declaration of inability to read”)

shall, in the presence of the polling agents, cause the vote of the elector to be marked on a ballot paper in manner directed by the elector, and the ballot paper to be placed in the ballot box.

(2) The name and number on the register of electors of every elector whose vote is marked in pursuance of this paragraph, and the reason why it is so marked, shall be entered on a list (in this Schedule called “the list of votes marked by the presiding officer”).

21.—(1) Where an elector who is accompanied by another person makes application to the presiding officer to be allowed on the ground of blindness to vote with the assistance of the person accompanying him (in this Schedule referred to as “the companion”), the presiding officer shall require the elector to declare orally whether he is so incapacitated by his blindness as to be unable to vote without assistance.

(2) If the presiding officer is satisfied that the elector is so incapacitated and is also satisfied by a written declaration made by the companion (in this Schedule referred to as “the declaration made by the companion of a blind elector”) that the companion is a qualified person within the meaning of this paragraph and has not previously assisted more than one blind person to vote at the election then being held, the presiding officer shall grant

the application, and thereupon anything which is by this Schedule required to be done to or by the said elector in connection with the giving of his vote, may be done to, or with the assistance of, the companion, as the case may be.

2ND SCH.
—cont.

(3) For the purposes of this paragraph a person shall be qualified to assist a blind elector to vote, if that person is either—

- (a) a person who is entitled to vote at the election then being held; or
- (b) the father, mother, brother, sister, husband, wife, son or daughter of the blind elector and has attained the age of twenty-one years.

(4) The name and number on the register of electors of every elector whose vote is given in accordance with this paragraph and the name and address of the companion shall be entered on a list (in this Schedule called “the list of blind electors assisted by companions”).

22.—(1) The declaration of inability to read and the declaration made by the companion of a blind elector—

- (a) shall be in the appropriate form set forth in Part IV of this Schedule, or as near thereto as circumstances admit; and
- (b) shall be made before the presiding officer at the time when the elector applies for a ballot paper or applies to vote with the assistance of the companion, as the case may be, and shall forthwith be handed to the presiding officer, who shall attest and retain it.

(2) No fee, stamp or other payment shall be charged in respect of the declaration.

Tendered ballot papers.

23. If a person, representing himself to be a particular elector named on the register, applies for a ballot paper after another person has voted as such elector, the applicant shall, upon satisfactorily answering the questions set out in paragraph 16 of this Part of this Schedule, be entitled to mark a ballot paper in the same manner as any other elector, but the ballot paper (in this Schedule called “a tendered ballot paper”) shall be of a colour differing from the other ballot papers, and instead of being put into the ballot box shall be given to the presiding officer and endorsed by him with the name of the elector and his number in the register of electors, and set aside in a separate packet, and shall not be counted by the returning officer; and the name of the elector and his number on the register together with the distinctive letter of the parliamentary polling district shall be entered on a list (in this Schedule called “the tendered votes list”).

2ND SCH.
—cont.

Spoilt ballot papers.

24. An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on delivering it to the presiding officer and proving the fact of the inadvertence to the satisfaction of the presiding officer, obtain another ballot paper in the place of the ballot paper so delivered up (in this Schedule called "a spoilt ballot paper"), and the spoilt ballot paper shall be immediately cancelled.

Powers of presiding officer in adjourning poll.

25. For the purpose of the adjournment of the poll in the event of riot or open violence and of every other enactment relating to the poll, a presiding officer shall have the power by law belonging to a presiding officer at a parliamentary election.

Packets of ballot papers, &c., to be sealed.

26. As soon as practicable after the close of the poll, the presiding officer shall, in the presence of the polling agents, make up into separate packets, sealed with his own seal and the seals of such polling agents as desire to affix their seals,—

- (a) each ballot box in use at his station, sealed so as to prevent the introduction of additional ballot papers and unopened, but with the key attached;
- (b) the unused and spoilt ballot papers, placed together;
- (c) the tendered ballot papers;
- (d) the marked copies of the register of electors and the counterfoils of the ballot papers;
- (e) the tendered votes list, the list of blind electors assisted by companions, the list of votes marked by the presiding officer, a statement of the number of electors whose votes are so marked by the presiding officer under the heads "physical incapacity," "Jews," and "unable to read," the declarations made by the companions of blind electors, and the declarations of inability to read;

and shall deliver the packets to the returning officer to be taken charge of by him.

27. The packets shall be accompanied by a statement (in this Schedule referred to as "the ballot paper account") made by the presiding officer showing the number of ballot papers entrusted to him, and accounting for them under the heads of—

- (a) ballot papers in the ballot box;
- (b) unused and spoilt ballot papers;
- (c) tendered ballot papers.

COUNTING OF VOTES.

2ND SCH.
—cont.*Appointment of counting agents.*

28.—(1) Each candidate may appoint agents (in this Schedule referred to as “counting agents”) to attend at the counting of the votes.

(2) Notice in writing of every appointment, stating the name and address of the person appointed, shall be given by the candidate to the returning officer two clear days at least before the opening of the poll; and the returning officer may refuse to admit to the place where the votes are counted any counting agent whose name and address has not been so given, notwithstanding that his appointment may be otherwise valid, and any notice required to be given to a counting agent by the returning officer may be delivered at or sent by post to the address stated in the notice.

(3) If a counting agent dies, or becomes incapable of acting, the candidate may appoint another counting agent in his place, and shall forthwith give to the returning officer notice in writing of the name and address of the counting agent so appointed.

29. The returning officer shall make arrangements for counting the votes in the presence of the counting agents as soon as practicable after the close of the poll, and shall give to the agents notice in writing of the time and place at which he will begin to count the votes.

The count.

30. Except with the consent of the returning officer, no person other than the returning officer, the persons appointed to assist him, and the candidates and their counting agents may be present at the counting of the votes.

31. Before the returning officer proceeds to count the votes, he shall, in the presence of the counting agents, open each ballot box and, taking out the ballot papers therein, shall count and record the number thereof, and then mix together the whole of the papers contained in the ballot boxes.

32. The returning officer, while counting and recording the number of ballot papers and counting the votes, shall keep the ballot papers with their faces upwards, and take all proper precautions for preventing any person from seeing the numbers printed on the back of the papers.

33. The returning officer shall, so far as practicable, proceed continuously with counting the votes, allowing only time for refreshment, and excluding (except so far as he may, with the concurrence of the counting agents, if any, otherwise determine) the hours between eight o'clock in the evening and nine o'clock on the succeeding morning. During the excluded time the returning officer shall place the ballot papers and other documents relating to the election under his own seal and the seals of such of the counting agents as desire to affix their seals, and shall otherwise

2ND SCH.
—cont.

take proper precautions for the security of the papers and documents.

Void ballot papers.

34. Any ballot paper—

- (a) which does not bear the official mark; or
- (b) on which votes are given for more candidates than the elector is entitled to vote for; or
- (c) on which anything is written or marked by which the elector can be identified except the printed number on the back; or
- (d) which is unmarked or void for uncertainty;

shall not be counted :

Provided that where the elector is entitled to vote for more than one candidate, the ballot paper shall not be deemed to be void as regards any vote as to which no uncertainty arises, and that vote shall be counted.

35.—(1) The returning officer shall endorse—

- (a) the word “ rejected ” on any ballot paper which under the last preceding paragraph is not to be counted; and
- (b) in the case of a ballot paper on which any vote is counted under the proviso to that paragraph, the words “ rejected in part ” and a memorandum specifying the votes counted.

(2) The returning officer shall in either case add to the endorsement the words “ rejection objected to,” if an objection is made by any counting agent to his decision.

(3) The returning officer shall draw up a statement showing the number of ballot papers rejected, including those rejected in part, under the several heads of—

- (a) want of official mark;
- (b) voting for more candidates than entitled to;
- (c) writing or mark by which elector could be identified;
- (d) unmarked or wholly void for uncertainty;
- (e) rejected in part;

and shall, on request, allow any counting agent to copy the statement.

36. The decision of the returning officer as to any question arising in respect of any ballot paper shall be final, but shall be subject to review on an election petition questioning the election.

Equality of votes.

37. Where an equality of votes is found to exist, and the addition of a vote would entitle any of the candidates to be declared elected, the returning officer, whether or not entitled to vote in the first instance, may give a casting vote by word of mouth or in writing.

*Declaration of result.*2ND SCH.
—cont.

38.—(1) When the result of the poll has been ascertained, the returning officer shall forthwith declare to be elected the candidate or candidates to whom the majority of votes have been given, and shall as soon as possible publish the name or names of the candidate or candidates elected and the total number of votes given for each candidate, whether elected or not.

(2) The returning officer shall forthwith return the names of the persons elected, in the case of an election of a county councillor to the county returning officer, and in the case of an election of councillors of a borough to the town clerk of the borough.

(3) In the case of an election of a county councillor, the county returning officer shall forthwith return the name of the person elected to the clerk of the county council.

Disposal of ballot papers, &c. after poll.

39. Upon the completion of the counting the returning officer shall seal up in separate packets the counted and rejected ballot papers, including ballot papers rejected in part. He shall not open the sealed packet of tendered ballot papers or the sealed packet containing the marked copy of the register of electors and counterfoils, but shall proceed, in the presence of the counting agents, to verify the ballot paper account given by each presiding officer by comparing it with the number of ballot papers recorded by him under paragraph 31 of this Part of this Schedule, and the unused and spoilt ballot papers in his possession and the tendered votes list, and shall reseal each sealed packet after examination. The returning officer shall draw up a statement as to the result of the verification and shall, on request, allow any counting agent to copy the statement.

40. The returning officer shall forward to the clerk of the county council, in the case of an election of a county councillor, or to the town clerk of the borough, in the case of an election of councillors of a borough, all the packets of ballot papers in his possession, together with the said statements, the ballot paper accounts, tendered votes lists, lists of blind electors assisted by companions, lists of votes marked by the presiding officer, statements relating thereto, declarations made by the companions of blind electors, declarations of inability to read, packets of counterfoils, and marked copies of registers, sent by each presiding officer, endorsing on each packet a description of its contents and the date of the election to which they relate, and the name of the electoral division, borough or ward for which the election was held.

41.—(1) A county court having jurisdiction in the county or borough, as the case may be, or any part thereof, or an election court, on being satisfied by evidence on oath—

(a) that the inspection or production of any rejected ballot papers, including ballot papers rejected in part; or

2ND SCH.
—cont.

(b) that the opening of the sealed packet of counterfoils or the inspection of counted ballot papers, is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers, or for the purpose of a petition questioning an election, may make an order for the inspection or production of any such ballot papers or the opening of the sealed packet of counterfoils.

(2) An order made under this paragraph may be made subject to such conditions as to persons, time, place and mode of inspection or production of ballot papers or of opening the sealed packet of counterfoils as the court may think expedient, and may direct the clerk of the county council or the town clerk, as the case may be, having custody of the ballot papers and the sealed packet of counterfoils to retain them intact for such period as may be specified in the order.

(3) Any power given to a county court by this paragraph may be exercised by any judge of the county court otherwise than in open court.

(4) In making and carrying into effect an order under this paragraph, care shall be taken that the way in which any particular elector has voted shall not be disclosed, until it has been proved that he voted and his vote has been declared by a competent court to be invalid.

(5) An appeal shall lie to the High Court from any order of a county court made under this paragraph.

42. Except by order of a court made under the last preceding paragraph, no person shall be allowed to inspect any ballot papers in the custody of the clerk of the county council or the town clerk, as the case may be, or to open the sealed packet of counterfoils.

43. Where an order is made for the production by the clerk of the county council or town clerk of any document in his possession relating to any specified election, the production by that clerk or his agent of the document ordered, in such manner as may be directed by the order, shall be conclusive evidence that the document so produced relates to the specified election; and any endorsement appearing on any packet of ballot papers produced by that clerk or his agent shall be prima facie evidence of those papers being what they are stated to be by the endorsement. The production from proper custody of a ballot paper purporting to have been used at any election, and of a counterfoil marked with the same printed number and having a number marked thereon in writing shall be prima facie evidence that the person who voted by that ballot paper was the person who at the time of that election had affixed to his name in the register of electors at that election the same number as the number written on that counterfoil.

44. The clerk of the county council or the town clerk, as the case may be, shall retain for six months among the records of the county or borough all documents relating to an election forwarded

to him by the returning officer in pursuance of this Schedule, and then, unless otherwise directed by an order made under paragraph 41 of this Part of this Schedule, shall cause them to be destroyed.

2ND SCH.
—cont.

45. All documents forwarded by a returning officer in pursuance of this Schedule to the clerk of the county council or the town clerk, as the case may be, other than ballot papers and counterfoils, shall, during a period of six months from the day of election, be open to public inspection at such time and in such manner as may be determined by the county council or council of the borough, with the consent of the Secretary of State, and the clerk of the county council or town clerk shall supply copies of or extracts from the said documents to any person demanding the same on payment of such fees and subject to such conditions as may be determined by the county council or council of the borough with the consent of the Secretary of State.

46. Subject to the provisions of this Part of this Schedule, the clerk of the county council or the town clerk shall, in respect of the custody and destruction of ballot papers and other documents coming into his possession in pursuance of this Part of this Schedule, be subject to the directions of the county council or the council of the borough, as the case may be.

GENERAL PROVISIONS AS TO CONTESTED ELECTIONS.

47. The returning officer may, if he thinks fit, preside at a polling station, and the provisions of this Part of this Schedule relating to a presiding officer shall apply to a returning officer so presiding with the necessary modifications as to things to be done by the returning officer to the presiding officer, or by the presiding officer to the returning officer.

48.—(1) No returning officer, or officer appointed under this Schedule, or any partner or clerk of any such officer, shall act as a polling or counting agent.

(2) If any returning officer, or officer appointed under this Part of this Schedule, or the partner or clerk of any such officer, acts as a polling or counting agent in contravention of the provisions of this paragraph, he shall be guilty of a misdemeanour.

49. No person shall be appointed to act as an officer under this Part of this Schedule for the purposes of an election who has been employed by or on behalf of a candidate in or about the election.

50. A presiding officer may do, by the officers appointed to assist him, any act which he is required or authorised by this Part of this Schedule to do at a polling station except ordering the arrest, exclusion, or removal of any person from the polling station.

51. A candidate may himself do any act or thing which an agent of his, if appointed, would have been authorised or required to do, or may assist his agent in doing any such act or thing,

2ND SCH.
—cont.

but before acting under this paragraph the candidate shall make the declaration of secrecy required to be made by agents.

52. Where in this Part of this Schedule any act or thing is required or authorised to be done in the presence of the agents of the candidates, the non-attendance of any agents or agent at the time and place appointed for the purpose shall not, if the act or thing is otherwise duly done, invalidate the act or thing done.

Prohibition of disclosure of vote.

53. No person who has voted at an election shall, in any legal proceeding to question the election, be required to state for whom he has voted.

Requirement of Secrecy.

54.—(1) Every returning officer, and every officer, polling agent or counting agent, authorised to attend at a polling station or at the counting of the votes, shall, before the opening of the poll, or in the case of an agent appointed after the opening of the poll, before acting as such agent, make a declaration of secrecy in the form set forth in Part IV of this Schedule, or in a form as near thereto as circumstances admit.

(2) In the case of a returning officer the declaration shall be made in the presence of a justice of the peace, and in the case of any other officer or of an agent, the declaration shall be made either in the presence of a justice of the peace or of the returning officer.

(3) Save as aforesaid, no such returning officer, officer or agent shall be required, as such, to make any declaration or to take any oath on the occasion of an election.

(4) Every returning officer, and every officer, polling agent or counting agent in attendance at a polling station or at the counting of the votes, shall maintain and aid in maintaining secrecy of the voting.

(5) No person, being a returning officer, or officer appointed under this Part of this Schedule, or polling agent or counting agent, shall—

(a) except for some purpose authorised by law, communicate before the poll is closed to any person any information as to—

(i) the name or number on the register of any elector who has or has not applied for a ballot paper or voted at a polling station; or

(ii) the official mark; or

(b) ascertain or attempt to ascertain at the counting of the votes, the number on the back of any ballot paper; or

(c) communicate any information obtained at the counting of the votes, as to the candidate for whom any vote is given on any particular ballot paper.

(6) No person, whether or not such an officer, polling agent or counting agent as aforesaid, shall—

2ND SCH.
—cont.

- (a) interfere with or attempt to interfere with an elector when recording his vote; or
- (b) otherwise obtain or attempt to obtain in a polling station information as to the candidate for whom an elector in that station is about to vote or has voted; or
- (c) communicate at any time to any person any information obtained in a polling station as to the candidate for whom an elector in that station is about to vote or has voted, or as to the number on the back of the ballot paper given to an elector at that station; or
- (d) directly or indirectly induce an elector to display his ballot paper after he has marked it so as to make known to any person the name of the candidate for or against whom he has so marked his vote.

(7) No person having undertaken to assist a blind elector to vote shall communicate at any time to any person any information as to the candidate for whom that elector intends to vote or has voted, or as to the number on the back of the ballot paper given for the use of that elector.

(8) If any person acts in contravention of the provisions of this paragraph, he shall be liable on summary conviction to imprisonment for a term not exceeding six months.

55. Any justice of the peace, any returning officer and any presiding officer may take any declaration authorised by this Part of this Schedule to be made before him.

Keeping of order in station.

56.—(1) It shall be the duty of the presiding officer to keep order at his polling station:

(2) If any person misconducts himself in a polling station, or fails to obey the lawful orders of the presiding officer, he may immediately, by order of the presiding officer, be removed from the polling station by a police officer in or near that station, or by any other person authorised in writing by the returning officer to remove him; and the person so removed shall not, without the permission of the presiding officer, again enter the polling station during the day.

(3) Any person so removed may, if charged with the commission in the polling station of an offence, be dealt with as a person taken into custody by a police officer for an offence without a warrant.

(4) The powers conferred by this paragraph shall not be exercised so as to prevent an elector who is otherwise entitled to vote at a polling station from having an opportunity of voting at that station.

2ND SCH.
—cont.

PART IV.

FORMS FOR USE AT A CONTESTED ELECTION OF A COUNTY COUNCILLOR OR OF COUNCILLORS OF A BOROUGH.

Note.—The forms contained in this Part of this Schedule, or forms as nearly resembling the same as circumstances will admit, shall be used in all cases to which they refer and are applicable, and when so used shall be sufficient in law.

FORM A.

Form of Ballot Paper.

Form of Front of Ballot Paper.

Counterfoil No. NOTE: <i>The counterfoil is to have a number to correspond with that on the back of the Ballot Paper.</i>	1	BROWN (John Brown, of 52, George Street, Bristol, merchant.)
	2	JONES (William David Jones, of High Elms, Wilts, gentleman.)
	3	MERTON (Hon. George Travis, commonly called Viscount Merton, of Swanworth, Berks.)
	4	SMITH (Mary Smith, of 72, High Street, Bath, married woman.)

Form of Back of Ballot Paper.

No. Election for the [] electoral division of the county
 of] [borough of] [ward of the borough
 of] .

Note.—The number on the ballot paper is to correspond with that on the counterfoil.

*Directions as to printing ballot paper.*2ND SCH.
—cont.

Nothing is to be printed on the ballot paper except in accordance with this Schedule.

The surname of each candidate, and if there are two or more candidates of the same surname, also the other names of such candidates, shall be printed in large characters, as shown in the form, and the names, places of residence, and descriptions, and the number on the back of the paper, shall be printed in small characters.

FORM B.

Form of directions for the guidance of the elector in voting, which shall be printed in conspicuous characters, and exhibited outside every polling station and in every compartment of every polling station.

The elector may vote for candidate

The elector will go into one of the compartments, and, with the pencil provided in the compartment, place a cross on the right-hand side of the ballot paper, opposite the name of each candidate for whom he votes, thus **X**.

The elector will then fold up the ballot paper so as to show the official mark on the back, and leaving the compartment will, without showing the front of the paper to any person, show the official mark on the back to the presiding officer, and then, in the presence of the presiding officer, put the paper into the ballot box, and forthwith quit the polling station.

If the elector inadvertently spoils a ballot paper, he can return it to the officer, who will, if satisfied of such inadvertence, give him another paper.

If the elector votes for more than candidate, or places any mark on the paper by which he may be afterwards identified, his ballot paper will be void, and will not be counted.

If the elector fraudulently takes a ballot paper out of the polling station, or deposits in the ballot box any other paper than the one given him by the officer, he will be liable, on summary conviction, to imprisonment for a term not exceeding six months.

FORM C.

Form of declaration of secrecy.

I solemnly promise and declare, That I will not at this election do anything forbidden by sub-paragraphs (4), (5), (6) and (8) of paragraph 54 of Part III of the Second Schedule to the Local Government Act, 1933, which have been read by me.

2ND SCH.
—cont.

FORM D.

Form of declaration of inability to read.

I, *A.B.*, of _____, being numbered _____ on the register of local government electors for the [_____] [borough of _____] [_____] [ward of the borough of _____], do hereby declare that I am unable to read.

A.B., his mark

day of _____ 19 _____ .

I, the undersigned, being the presiding officer for the polling station for the [_____] [borough of _____] [_____] [ward of the borough of _____], do hereby certify that the above declaration, having been first read to the above-named *A.B.*, was signed by him in my presence with his mark.

Signed, *C.D.*,

day of _____ 19 _____ .

FORM E.

Form of declaration to be made by the companion of a blind elector.

I, *A.B.*, of _____, having been requested to assist *C.D.*, who is numbered _____ on the register of local government electors for the [_____] [borough of _____] [_____] [ward of the borough of _____], to record his vote at the election now being held for the said [electoral division] [borough] [ward], do hereby declare that [I am entitled to vote at the said election] [I am the* _____ of the said elector and have attained the age of twenty-one years], and that I have not previously assisted any blind person [except *E.F.* of _____] to vote at the said election.

Signed, *A.B.*,

day of _____, 19 _____ .

I, the undersigned, being the presiding officer for the polling station for the [_____] [borough of _____] [_____] [ward of the borough of _____], do hereby certify that the above declaration, having been first read to the above-named declarant, was signed by the declarant in my presence.

Signed, *G.H.*,

at _____ minutes past _____ o'clock in the _____ noon.

Note.—If the person making the above declaration knowingly and wilfully makes therein a statement false in a material particular, he will be guilty of an offence.

*State the relationship of the companion to the elector.

THIRD SCHEDULE.

Sections 75
and 77.

MEETINGS AND PROCEEDINGS OF LOCAL AUTHORITIES.

PART I.

County Councils.

1.—(1) A county council shall in every year hold an annual meeting and at least three other meetings, which shall be as near as may be at regular intervals, for the transaction of general business. Days and hours of meetings.

(2) The annual meeting shall be held—

(a) in a year which is the year of election of county councillors, on the sixteenth day of March, or such other day within fourteen days after the eighth day of March as the county council may fix; and

(b) in any other year, on such day in the months of March, April or May as the county council may fix;

and the meeting shall be held at such hour as the council may fix, or if no hour is so fixed at twelve noon.

(3) The other meetings shall be held at such hour and on such other days before the eighth day of March next following as the county council at the annual meeting decide, or by standing order determine.

(4) Meetings of a county council shall be held at such place, either within or without the county, as the council may direct.

2.—(1) The chairman of a county council may call a meeting of the council at any time. Convening meetings.

(2) If the chairman refuses to call a meeting of the council after a requisition for that purpose, signed by five members of the council, has been presented to him, or if, without so refusing, the chairman does not call a meeting within seven days after such requisition has been presented to him, any five members of the council, on that refusal or on the expiration of seven days, as the case may be, may forthwith call a meeting of the council.

(3) Three clear days at least before a meeting of a county council—

(a) notice of the time and place of the intended meeting shall be published at the offices of the council, and where the meeting is called by members of the council the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and

3RD SCH.
—cont.

(b) a summons to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the clerk of the county council, shall be left at or sent by post to the usual place of residence of every member of the council :

Provided that want of service of the summons on any member of the council shall not affect the validity of a meeting.

(4) The notice of a meeting of a county council at which a resolution for the payment of a sum out of the county fund (otherwise than for ordinary periodical payments), or a resolution for incurring any costs, debt, or liability exceeding fifty pounds, will be proposed, shall state the amount of the said sum, costs, debt, or liability, and the purposes for which they are to be paid or incurred.

(5) Except in the case of business required by this Act to be transacted at the annual meeting of the council, no business shall be transacted at a meeting of the council other than that specified in the summons relating thereto.

Chairman of
meeting.

3.—(1) At a meeting of a county council the chairman of the council, if present, shall preside.

(2) If the chairman of the council is absent from a meeting of the council, the vice-chairman of the council, if present, shall preside.

(3) If both the chairman and vice-chairman of the council are absent from a meeting of the council, such county alderman, or in the absence of all the county aldermen such county councillor, as the members of the council present shall choose, shall preside.

Quorum.

4. Subject to the provisions of Part V of this Schedule, no business shall be transacted at a meeting of a county council unless at least one-fourth of the whole number of members of the council are present thereat.

PART II.

Borough Councils.

Days and
hours of
meetings.

1.—(1) The council of a borough shall in every year hold an annual meeting and at least three other meetings, which shall be as near as may be at regular intervals, for the transaction of general business.

(2) The annual meeting shall be held at twelve noon, or at such other hour as the council may from time to time determine, on each ninth day of November, and the other meetings shall be held at such hour on such other days before the first day of November next following as the council at the annual meeting decide, or by standing order determine.

2.—(1) The mayor may call a meeting of the council at any time.

3RD SCH.
—cont.
Convening
meetings.

(2) If the mayor refuses to call a meeting after a requisition for that purpose, signed by five members, or by one-fourth of the whole number of members, of the council, whichever is the less, has been presented to him, or if, without so refusing, the mayor does not call a meeting within seven days after such requisition has been presented to him, any five members, or one-fourth of the whole number of members, of the council, whichever is the less, on that refusal or on the expiration of seven days, as the case may be, may forthwith call a meeting of the council.

(3) Three clear days at least before a meeting of the council of a borough—

(a) notice of the time and place of the intended meeting shall be published at the town hall, and where the meeting is called by members of the council the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and

(b) a summons to attend the meeting specifying the business proposed to be transacted thereat, and signed by the town clerk, shall be left at or sent by post to the usual place of residence of every member of the council:

Provided that want of service of the summons on any member of the council shall not affect the validity of a meeting.

(4) Except in the case of business required by this Act to be transacted at the annual meeting of the council, no business shall be transacted at a meeting of the council other than that specified in the summons relating thereto.

3.—(1) At a meeting of the council of a borough the mayor, if present, shall preside. Chairman of meeting.

(2) If the mayor is absent from a meeting of the council, the deputy mayor, if chosen for that purpose by the members of the council then present, shall preside.

(3) If both the mayor and the deputy mayor are absent from a meeting of the council, or the deputy mayor being present is not chosen, such alderman, or in the absence of all the aldermen, such councillor, as the members of the council present shall choose, shall preside.

4. Subject to the provisions of Part V of this Schedule, no business shall be transacted at a meeting of the council of a borough, unless at least one-third of the whole number of members of the council are present thereat. Quorum.

3RD SCH.
—cont.

PART III.

Urban and Rural District Councils.

Days of
meetings.

1.—(1) The council of an urban or rural district (in this Part of this Schedule referred to as “the council”) shall, in every year hold an annual meeting and at least three other meetings for the transaction of general business.

(2) The annual meeting of the council shall be held on or as soon as conveniently may be after the fifteenth day of April in every year.

(3) A meeting of the council shall not be held in premises licensed for the sale of intoxicating liquor, except in cases where no other suitable room is available for such meeting either free of charge or at a reasonable cost.

Convening
meetings.

2.—(1) The chairman of the council may call a meeting of the council at any time.

(2) If the chairman refuses to call a meeting of the council after a requisition for that purpose, signed by five members, or by one-fourth of the whole number of members, of the council, whichever is the less, has been presented to him, or if, without so refusing, the chairman does not call a meeting within seven days after such requisition has been presented to him, any five members, or one-fourth of the whole number of members, of the council, whichever is the less, on that refusal or on the expiration of seven days, as the case may be, may forthwith call a meeting of the council.

(3) Three clear days at least before a meeting of the council—

(a) notice of the time and place of the intended meeting shall be published at the offices of the council, and where the meeting is called by members of the council the notice shall be signed by those members and shall specify the business proposed to be transacted thereat; and

(b) a summons to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the clerk of the council, shall be left at or sent by post to the usual place of residence of every member of the council:

Provided that want of service of the summons on any member of the council shall not affect the validity of a meeting.

Chairman of
meeting.

3.—(1) At a meeting of the council the chairman of the council, if present, shall preside.

(2) If the chairman of the council is absent from a meeting of the council, the vice-chairman of the council, if present, shall preside.

3RD SCH.
—cont.

(3) If both the chairman and vice-chairman of the council are absent from a meeting of the council, such councillor as the members of the council present shall choose shall preside.

4. Subject to the provisions of Part V of this Schedule, no business shall be transacted at a meeting of the council, unless at least one-third of the whole number of members of the council are present thereat : Quorum.

Provided that in no case shall a larger quorum than seven members be required.

5. An inspector appointed by the Minister shall be entitled to attend any meeting of the council as and when directed by the Minister, and to take part in the proceedings thereat but not to vote at the meeting. Inspectors may attend meetings.

6. The mode of voting at meetings of the council shall be by show of hands, and on the requisition of any member of the council the voting on any question shall be recorded so as to show whether each member present and voting gave his vote for or against that question. Mode of voting.

PART IV.

Parish Councils.

1.—(1) A parish council shall in every year hold an annual meeting and at least three other meetings. Days of meetings.

(2) The annual meeting of a parish council shall be held on or within fourteen days after the fifteenth day of April in every year.

(3) The first meeting of a parish council constituted after the commencement of this Act shall be convened by the chairman of the parish meeting at which the first parish councillors are nominated.

(4) A meeting of a parish council shall be open to the public, unless the council otherwise direct.

(5) A meeting of a parish council shall not be held in premises licensed for the sale of intoxicating liquor, except in cases where no other suitable room is available for such meeting, either free of charge or at a reasonable cost.

2.—(1) The chairman of a parish council may call a meeting of the council at any time. Convening meetings.

(2) If the chairman refuses to call a meeting of the council after a requisition for that purpose, signed by two members of the council, has been presented to him, or if, without so refusing, the chairman does not call a meeting within seven days after such requisition has been presented to him, any two members

3RD SCH.
—cont.

of the council, on that refusal or on the expiration of those seven days, as the case may be, may forthwith convene a meeting of the council.

(3) Three clear days at least before a meeting of a parish council—

(a) notice of the time and place of the intended meeting shall be affixed in some conspicuous place in the parish, and where the meeting is called by members of the council the notice shall be signed by those members and shall specify the business proposed to be transacted thereat;

(b) a summons to attend the meeting specifying the business proposed to be transacted thereat and signed by the clerk of the council shall be left at or sent by post to the usual place of residence of every member of the council :

Provided that want of service of the summons on any member of the council shall not affect the validity of a meeting.

Chairman of
meeting.

3.—(1) At a meeting of a parish council the chairman of the council, if present, shall preside.

(2) If the chairman of the council is absent from a meeting of the council, the vice-chairman of the council, if present, shall preside.

(3) If both the chairman and vice-chairman of the council are absent from a meeting of the council, such councillor as the members of the council present shall choose shall preside.

Quorum.

4. Subject to the provisions of Part V of this Schedule, no business shall be transacted at a meeting of a parish council unless at least one-third of the whole number of members of the council are present thereat :

Provided that in no case shall the quorum be less than three members.

Mode of
voting.

5. The mode of voting at meetings of a parish council shall be by show of hands, and on the requisition of any member of the council the voting on any question shall be recorded so as to show whether each member present and voting gave his vote for or against that question.

PART V.

Provisions relating to Local Authorities generally.

Decision on
questions.

1.—(1) Subject to the provisions of any enactment (including any enactment in this Act) all acts of a local authority and all questions coming or arising before a local authority shall be done and decided by a majority of the members of the local authority present and voting thereon at a meeting of the local authority.

(2) In the case of an equality of votes the person presiding at the meeting shall have a second or a casting vote.

3RD SCH.
—cont.

2. The names of the members present at a meeting of a local authority shall be recorded.

Names of mem-
bers present to
be recorded.

3.—(1) Minutes of the proceedings of a meeting of a local authority, or of a committee thereof, shall be drawn up and entered in a book kept for that purpose, and shall be signed at the same or next ensuing meeting of the local authority or committee, as the case may be, by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.

Minutes.

(2) Until the contrary is proved, a meeting of a local authority or of a committee thereof in respect of the proceedings whereof a minute has been so made and signed shall be deemed to have been duly convened and held, and all the members present at the meeting shall be deemed to have been duly qualified, and where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

4. Subject to the provisions of this Act, a local authority may make standing orders for the regulation of their proceedings and business, and may vary or revoke any such orders.

Standing
Orders.

5. The proceedings of a local authority or of a committee thereof shall not be invalidated by any vacancy among their number, or by any defect in the election or qualification of any member thereof.

Vacancies,
&c. not to
invalidate
proceedings.

6. Where more than one-third of the members of a local authority become disqualified at the same time, then, until the number of members in office is increased to not less than two-thirds of the whole number of members of the local authority, the quorum of the local authority shall be determined by reference to the number of members of the local authority remaining qualified instead of by reference to the whole number of members of the local authority.

Quorum in
cases of
disqualifica-
tion.

PART VI.

Parish Meetings.

1.—(1) The parish meeting of a rural parish shall assemble annually on some day between the first day of March and the first day of April, both inclusive, in every year.

Days and
hours, &c.,
of meetings.

(2) Subject as aforesaid, parish meetings shall be held on such days and at such times and places as may be fixed by the parish council, or, if there is no parish council, by the chairman of the parish meeting :

3RD SCH.
—cont.

Provided that in a rural parish not having a separate parish council the parish meeting shall, subject to any provisions made by a grouping order, assemble at least twice in every year.

(3) The proceedings at a parish meeting shall not commence earlier than six o'clock in the evening.

(4) A parish meeting shall not be held in premises licensed for the sale of intoxicating liquor, except in cases where no other suitable room is available for such meeting either free of charge or at a reasonable cost.

Convening
meetings.

2.—(1) A parish meeting may be convened by—

- (a) the chairman of the parish council; or
- (b) any two parish councillors; or
- (c) in the case of a parish not having a parish council, the chairman of the parish meeting, or any person representing the parish on the rural district council; or
- (d) any six local government electors for the parish.

(2) Not less than seven clear days before a parish meeting, public notice thereof shall be given specifying the time and place of the intended meeting and the business to be transacted thereat, and signed by the convener or conveners of the meeting :

Provided that if any business proposed to be transacted at a parish meeting relates to the establishment or dissolution of a parish council, or to the grouping of the parish with another parish, or to the adoption of any of the adoptive Acts, not less than fourteen days notice of the meeting shall be given.

(3) A public notice of a parish meeting shall be given—

- (a) by affixing the same to or near the principal door of each church or chapel in the parish; and
- (b) by posting the same in some conspicuous place or places in the parish; and
- (c) in such other manner, if any, as appears to the persons convening the meeting to be desirable for giving publicity to the notice.

Chairman of
meeting.

3.—(1) If the chairman of a parish council is present at a parish meeting for the parish, and is not a candidate for election thereat, he shall preside at the meeting.

(2) In a rural parish not having a separate parish council the chairman of the parish meeting shall preside over all assemblies of the parish meeting at which he is present.

(3) If the chairman of the parish council or the chairman of the parish meeting, as the case may be, is absent from or unable to take the chair at an assembly of the parish meeting, the parish meeting may appoint a person to take the chair, and that person shall have, for the purpose of that meeting, the powers and authority of the chairman.

4.—(1) A parish meeting may discuss parish affairs and pass resolutions thereon.

3RD SCH.
—cont.

(2) Where a parish meeting is held for the election of parish councillors, opportunity shall be given at the meeting for putting questions to such of the candidates as are present, and receiving explanations from them, and any candidate shall be entitled to attend the meeting and speak thereat, but, unless he is a local government elector for the parish, shall not be entitled to vote.

Business.

5.—(1) Subject to the provisions of this Act, each local government elector may, at a parish meeting or at a poll consequent thereon, give one vote and no more on any question.

Determina-
tion of
questions.

(2) A question to be decided by a parish meeting shall, in the first instance, be decided by the majority of those present at the meeting and voting thereon, and the decision of the person presiding at the meeting as to the result of the voting shall be final unless a poll is demanded thereon.

(3) In the case of an equality of votes the person presiding at the meeting shall have a second or a casting vote.

(4) A poll may be demanded, before the conclusion of a parish meeting, on any question arising thereat :

Provided that a poll shall not be taken unless either the person presiding at the meeting consents, or the poll is demanded by not less than five, or one-third, of the local government electors present at the meeting, whichever is the less.

(5) A poll consequent on a parish meeting shall be taken by ballot in accordance with rules made by the Secretary of State under section fifty-four of this Act, and the provisions of that section shall, subject to any adaptations made by those rules, apply in the case of a poll so taken as if it were a poll for the election of parish councillors.

6.—(1) Minutes of the proceedings of a parish meeting, or of a committee thereof, shall be drawn up and entered in a book provided for that purpose, and shall be signed at the same or the next ensuing assembly of the parish meeting, or meeting of the committee, as the case may be, by the person presiding thereat, and any minute purporting to be so signed shall be received in evidence without further proof.

Minutes.

(2) Until the contrary is proved, a parish meeting, or meeting of a committee thereof, in respect of the proceedings whereof a minute has been so made and signed shall be deemed to have been duly convened and held, and all the persons present at the meeting shall be deemed to have been duly qualified, and where the proceedings are proceedings of a committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

3RD SCH.
—cont.
Standing
orders.

7.—(1) Subject to the provisions of this Act, a parish council may make, vary, and revoke standing orders for the regulation of the proceedings and business at parish meetings for the parish.

(2) In a rural parish not having a separate parish council the parish meeting may, subject to the provisions of this Act, regulate their own proceedings and business.

Section 150.

FOURTH SCHEDULE.

PROVISIONS AS TO THE DETERMINATION AND PAYMENT OF COMPENSATION TO OFFICERS.

Procedure
for claiming
compensation.

1.—(1) For the purpose of enabling a claim for compensation to be assessed the claimant shall deliver to the local authority with the claim a statement containing such particulars as may be prescribed.

(2) The said statement shall be accompanied by a statutory declaration that it is a true statement to the best of the knowledge, information and belief of the claimant.

(3) The authority shall forthwith take the claim into consideration and assess the just amount of compensation, if any, and shall forthwith inform the claimant of their decision.

(4) If a local authority fail to inform any claimant of their decision on his claim within six months after it has been delivered to them, the Minister may, on application made to him by the claimant, direct the authority to do so within such time, not being less than one month, as may be specified in the direction.

(5) A claimant, if so required by any member of the local authority by notice sent through the clerk of the authority, shall attend at a meeting of the authority, or of any committee appointed by the authority for the purpose, and answer on oath, which any justice of the peace present may administer, all questions asked by any member of the authority or committee touching the matters set forth in his claim and in the said statement, and shall further produce all books, papers and documents in his possession or under his control relating to the claim.

General
considerations to be
applied.

2. For the purpose of determining whether compensation is payable to an officer and, if so, the amount of such compensation, regard shall be had to—

- (a) the conditions upon which his appointment was made;
- (b) the nature of his office;
- (c) all the other circumstances of the case.

3. Compensation may be awarded either by way of an annual sum or by way of a lump sum representing the capital value of an annual sum.

4TH SCH.
—cont.

Power to award compensation by way of a lump sum in certain cases.

4.—(1) The annual sum payable as compensation in respect of the determination of a whole-time office shall not exceed the aggregate of the following sums—

Assessment of compensation for determination of whole-time office.

- (i) for every year of the officer's service one-sixtieth of an amount equal to the annual pecuniary loss which he has sustained by reason of the determination of the office;
- (ii) in the case of service for twenty years or upwards, a sum equal to ten-sixtieths of the said amount;
in the case of service for fifteen years and less than twenty years, a sum equal to seven-sixtieths of the said amount;
in the case of service for ten years and less than fifteen years, a sum equal to five-sixtieths of the said amount;
in the case of service for five years and less than ten years, a sum equal to three-sixtieths of the said amount;
in the case of service for less than five years, a sum equal to one-sixtieth of the said amount; and
- (iii) in the case of an officer who was appointed as a specially qualified person or who before his appointment had been employed (otherwise than in an office within the meaning of this Schedule) as a deputy, assistant or clerk by a permanent officer for the purpose of the discharge of the latter's official duties, such additional sum, if any, not exceeding ten-sixtieths of the said amount, as the local authority in their discretion and in consideration of his special qualifications or of his previous employment, as the case may be, may think fit to award:

Provided that the compensation shall not in any event exceed two-thirds of the said amount.

(2) In assessing the amount of any pecuniary loss sustained by an officer by reason of the determination of his office regard shall be had as respects any emoluments either—

- (a) to the amount of those emoluments received by him in respect of that office immediately before the material date; or
- (b) to the average amount of those emoluments received by him in respect of that office during the period of five years next before the material date or such shorter period as may be reasonable in the circumstances.

4TH SCH.
—cont.

(3) In assessing the amount of any pecuniary loss sustained by an officer by reason of the determination of his office regard shall also be had to—

- (a) any increase of the emoluments enjoyed by the officer at the material date which he has obtained by virtue of the scheme or order or of anything done in pursuance of or in consequence of the scheme or order; and
- (b) the emoluments of any office or other public appointment which he would have obtained on or after the material date if he had accepted an offer made to him.

(4) For the purpose of assessing any compensation payable in respect of the loss of a whole-time office or of any two or more offices which in the aggregate involve the whole-time service of the officer, any previous period of part-time service shall be treated as though it were whole-time service for a proportionately reduced period.

(5) Where the material date has occurred at any time other than at the expiration of a complete year of the officer's service, the portion then expired of that year shall, for the purpose of calculating any period of service under this paragraph, be treated as a complete year if it exceeds six months, and if it does not shall be ignored.

Assessment
of compen-
sation for
determina-
tion of
part time
appoint-
ment.

5. In the case of a claim for compensation in respect of the determination of a part-time office, the compensation, if any, which would have been payable if the office had been a whole-time office may be reduced by one quarter or by such other amount, if any, as may in the circumstances be reasonable :

Provided that no reduction shall be made in the case of an officer who immediately before the material date held two or more offices and who devoted the whole of his time to the duties of such offices.

Assessment
of compen-
sation for
diminution
of emolu-
ments.

6. In the case of an officer who suffers any diminution of the emoluments of an office, the compensation shall not exceed a sum bearing the same proportion to the amount of compensation which could have been awarded if his office had been determined, as the amount by which the emoluments of the office are diminished bears to the amount of those emoluments before diminution.

War service
to be
reckoned
in deter-
mining com-
pensation.

7. If an officer was temporarily absent from his office during the late war whilst serving in His Majesty's forces, or the forces of the Allied or Associated Powers, either compulsorily or with the sanction or permission of the authority in whose employment he was immediately before such temporary absence, such period of temporary absence shall be reckoned as service under that authority :

Provided that in the case of an officer who, after the eleventh day of November, nineteen hundred and eighteen, voluntarily extended his term of service in the forces, no period of absence during any such extension shall be reckoned. * 4TH SCH.
—cont.

8. If the claimant is aggrieved by the failure of the local authority to inform him of their decision upon his claim within the time required by any direction of the Minister, or by the refusal of the authority to grant any compensation, or by the amount of compensation assessed, the claimant may, within three months after the failure, or after the date on which he receives notice of the decision of the authority, as the case may be, appeal to the Minister, and the Minister shall consider the case and determine whether any compensation, and if so what amount, ought to be granted to the claimant, and his determination shall be final. Right of
appeal.

9. The sum payable as compensation shall be or commence to be payable at the date fixed by the local authority on granting the compensation, or, in case of appeal, by the Minister, and shall be recoverable as a debt due from the authority. Date on
which com-
pensation
commences.

10.—(1) If a person receiving compensation under the scheme or order— Suspension
of compen-
sation.

- (a) obtains any office or other public appointment; or
- (b) receives, by virtue of the scheme or order, or of anything done in pursuance of or in consequence of the scheme or order, any increase of the emoluments which were enjoyed by him at the date as at which the compensation was assessed,

he shall not, so long as he holds that office or other public appointment or receives those increased emoluments, be entitled to receive any greater sum by way of compensation in respect of the office for which compensation is awarded than would make up the amount, if any, by which the emoluments which he is receiving falls short of the emoluments of the office in respect of which compensation was awarded :

Provided that where a person held two or more offices at the date as at which the compensation was assessed or has been awarded compensation in respect of two or more offices, the Minister may, on the application of that person or of any authority by whom the compensation is payable, modify the operation of the foregoing sub-paragraph in relation to that person so far as is, in the opinion of the Minister, necessary in order equitably to meet the circumstances of the case.

(2) Where an officer to whom compensation has been awarded under any scheme or order subsequently becomes entitled to a superannuation allowance in respect of any office or other public appointment which he has accepted after the material date, and in calculating the amount of such allowance

4TH SCH.
—cont.

account is taken of any period of service in respect of which compensation is payable, then, if the compensation does not exceed such part of the superannuation allowance as is attributable solely to that service, the compensation shall cease to be payable, and if it exceeds such part of the superannuation allowance as aforesaid, it shall be reduced by an amount equal to that part of the allowance.

Forms.

11. The Minister may prescribe the form of any notice, statement, award or other document to be used in connection with a claim for compensation, and the forms so prescribed or forms as near thereto as circumstances admit, shall be used in all cases to which the forms are applicable.

Interpreta-
tion.

12. For the purposes of this Schedule—

“Office” means any place, situation or employment, and includes the office of superintendent registrar, registrar of births and deaths, registrar of marriages, and the office of teacher in a public elementary school maintained but not provided by a local education authority, and “officer” has a corresponding meaning;

“Public appointment” means any employment the emoluments of which are payable out of public funds;

“Scheme or order” means a scheme or order made under Part VI of this Act and incorporating this Schedule;

“Service.” means whole-time or part-time service in any office after the officer has attained the age of eighteen years;

“Material date” means the date on which the determination of office or diminution of emoluments, as the case may be, takes effect. *

Section 152.

FIFTH SCHEDULE.

RULES FOR DETERMINING SUM TO BE PAID IN RESPECT OF INCREASE OF BURDEN ON RATEPAYERS.

1. Regard shall be had to—

(a) the difference between the burden on the ratepayers which will properly be incurred by the local authority in meeting the cost of executing any of their functions and the burden on the ratepayers which would properly have been incurred by the local authority in meeting such cost had no alteration of boundaries or other change taken place;

(b) the length of time during which the increase of burden may be expected to continue:

Provided that no alteration of income in consequence of an apportionment under the regulations made under paragraph (b) of subsection (1) of section one hundred and eight of the Local Government Act, 1929, shall be taken into account.

5TH SCH.
—cont.

2. The sum payable to a local authority in respect of the increase of burden shall not exceed, or, if payable by instalments or by way of annuity, the capitalised value of the instalments or annuity shall not exceed, the average annual increase of burden multiplied—

- (a) so far as that increase of burden is attributable to the cost of maintenance of roads, by twenty-one; and
- (b) in other cases, by fifteen.

3. Any sum payable in respect of the cost of the maintenance of county roads shall, unless otherwise agreed, be payable by way of annuity.

SIXTH SCHEDULE.

Sections 160
and 161.

PROVISIONS TO BE INCORPORATED IN ORDERS FOR THE COMPULSORY PURCHASE OF LAND.

1. The Lands Clauses Acts, except section ninety-two and sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845, and if the Minister so determines, except section one hundred and thirty-three of that Act.

2. Sections seventy-seven to eighty-five of the Railways Clauses Consolidation Act, 1845.

MODIFICATIONS SUBJECT TO WHICH THE LANDS CLAUSES ACTS ARE TO BE INCORPORATED.

1. Section eighty-five of the Lands Clauses Consolidation Act, 1845, shall have effect as if the words "with two sufficient sureties to be approved of by two justices in case the parties differ" were omitted therefrom.

2. In lieu of section ninety-two of the Lands Clauses Consolidation Act, 1845, the following provisions shall have effect:—

"No person shall be required to sell a part only of any house, building or manufactory, or of any land which forms part of a park or garden belonging to a house, if he is willing and able to sell the whole of the house, building, manufactory, park or garden, unless the tribunal by whom compensation is to be assessed determine that,

6TH SCH.
—cont.

in the case of a house, building or manufactory, such part as is proposed to be taken can be taken without material detriment to the house, building or manufactory, or, in the case of a park or garden, that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house, and, if the tribunal so determine, compensation shall be awarded in respect of the severance of the part so proposed to be taken in addition to the value of that part, and thereupon the person interested shall be required to sell to the local authority that part of the house, building, manufactory, park or garden."

3. Where any land to which an order relates is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners, to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

Section 179. *

SEVENTH SCHEDULE.

ENACTMENTS CONTAINING PROVISIONS AS TO THE ACQUISITION OF AND OTHER DEALINGS IN LAND BY LOCAL AUTHORITIES NOT AFFECTED BY THE PROVISIONS OF PART VII OF THIS ACT.

- The Electricity (Supply) Acts, 1882 to 1933.
 The Lunacy and Mental Treatment Acts, 1890 to 1930.
 55 & 56 Vict.
 c. 29. The Technical and Industrial Institutions Act, 1892.
 The Military Lands Acts, 1892 to 1903.
 The Public Libraries Acts, 1892 to 1919.
 The Light Railways Acts, 1896 and 1912.
 The Allotments Acts, 1908 to 1931.
 The Small Holdings and Allotments Acts, 1908 to 1931.
 The Development and Road Improvement Funds Act, 1909.
 9 Edw. 7,
 c. 47.
 10 & 11
 Geo. 5, c. 80. The Air Navigation Act, 1920.
 The Education Acts, 1921 to 1933.
 The Housing Acts, 1925 and 1930.
 22 & 23
 Geo. 5, c. 48. The Town and Country Planning Act, 1932.
 Any local Act.

EIGHTH SCHEDULE.

Section 198.

PURPOSES FOR WHICH MONEYS MAY BE BORROWED BY
LOCAL AUTHORITIES FOR TERMS OTHER THAN
SIXTY YEARS.

Enactment.	Purposes for which money may be borrowed.	Maximum period for repayment of loan.
The Tramways Act, 1870.	Generally for the purposes of the tramway undertaking.	Thirty years.
The Allotments Acts, 1908 to 1931.	Acquisition of land for use as allotments.	Eighty years.
The Small Holdings and Allotments Acts, 1908 to 1931.	Acquisition of land for use as small holdings.	Eighty years.
The Housing Acts, 1925 and 1930.	All borrowings for the purposes of the Acts other than borrowings by a county council for the purpose of making grants or loans to, or subscribing to the capital of, public utility societies.	Eighty years.
The Housing (Rural Workers) Acts, 1926 and 1931.	Generally for the purposes of those Acts.	Eighty years.
The Road Traffic Act, 1930.	For the purposes of Part V of that Act.	Such period as the Minister of Transport may sanction.

NINTH SCHEDULE.

PROVISIONS AS TO MEETINGS AND POLLS OF LOCAL
GOVERNMENT ELECTORS IN CONNECTION WITH THE
PROMOTION OF BILLS BY BOROUGH AND URBAN
DISTRICT COUNCILS.

1. Where the council of a borough or urban district have deposited a bill in Parliament, notice shall be given by placards and by advertisement in one or more local newspapers circulating in the borough or district in two successive weeks stating—

- (a) the title of the bill;
- (b) a brief statement of the objects of the bill;
- (c) that the bill has been deposited;
- (d) that copies of the bill may be inspected and purchased at a specified place within the borough or district, between the hours of ten in the forenoon and five in the afternoon, on any weekday for fourteen days after the date of the first advertisement, and that extracts may be taken free of charge; and
- (e) that a public meeting of local government electors will be held on a day named, not being less than fourteen nor more than twenty-eight days after the first advertisement of the notice, for the purpose of considering the question of the promotion of the bill.

2. The first advertisement under this Schedule shall be made within seven days after the first deposit of the bill in either House, and the placards giving notice under this Schedule shall be posted within the same time.

3. A public meeting of local government electors shall be held in accordance with the notice, and the mayor or chairman of the council or, in the event of his being unable or unwilling to preside, a person appointed by the council to perform that duty, shall preside at the meeting; but, if neither the mayor or chairman, nor the person so appointed, is present within ten minutes after the time appointed for the meeting, the meeting shall choose an elector present at the meeting to preside.

4. The person presiding at the meeting may, with the consent of the majority of the electors present, adjourn the meeting for not more than seven days.

5. On opening any such meeting the person presiding thereat, or a member or officer of the council, shall give such explanation of the bill as he thinks expedient.

6. (a) The question of the promotion of the bill shall be put by the person presiding at the meeting either by a single resolution in favour of the promotion of the whole bill, or by separate resolutions in favour of the promotion of any provision of the bill, but together covering the promotion of the whole bill, and the meeting shall decide for or against any such resolution.

(b) The person presiding at the meeting shall explain to the meeting the resolution or resolutions he proposes to put to the meeting, and the question of the promotion of the bill shall be put in the manner proposed :

Provided that, if, before any such resolution is put, the meeting decide to request the person presiding thereat to put separately any resolution in favour of the promotion of any provision of the bill not proposed by him to be put separately, he shall put such further or other resolution to the meeting as will, consistently with the provisions of this Schedule, give effect to that request.

7. Unless a poll is demanded in manner provided by this Schedule with respect to any resolution put to the meeting, the decision of the meeting on that resolution, as declared by the person presiding thereat, shall be final.

8. A poll may be demanded with respect to any resolution put to the meeting by not less than one hundred electors, or one-twentieth in number of the electors, whichever is the less, or if the decision of the meeting on a resolution is against the resolution, by the council.

9. A requisition for a poll by electors must be in writing, signed by the persons making it, and must be delivered to the mayor or chairman of the council within seven days after the date of the meeting or any adjournment thereof.

10. A requisition for a poll by the council must be authorised by a resolution of the council passed at a meeting of the council held within twenty-one days after the date of the meeting of electors, and a copy of that resolution must be delivered to the mayor or chairman of the council.

11. The mayor or chairman of the council shall proceed by poll to take the opinion of the electors on the resolution to which any requisition relates, unless a poll is rendered unnecessary by the withdrawal of the requisition or by a resolution of the council withdrawing the bill, or the provision to which the resolution with reference to which the poll is demanded relates.

12. The polls on any number of resolutions may be taken at the same time and by means of the same voting paper.

13. The mayor or chairman of the council shall cause the votes given at a poll under this Schedule to be counted and shall as soon as practicable declare the result.

9TH SCH.
—cont.

14. The decision of the mayor or chairman of the council on any question arising in respect of any voting paper shall be final.

15. Where the mayor or chairman of the council is unable or unwilling to perform any duty or do any act or thing with respect to a poll under this Schedule, the council shall appoint some other person to perform the duty or do that act or thing.

16.—(1) Subject to the provisions of this Schedule, the poll shall be taken in accordance with regulations made by the Minister, and the Minister may prescribe forms for requisitions, voting papers, notices, and other documents under this Schedule, and those forms, or forms to the like effect, shall be used.

(2) Regulations made under this paragraph shall be laid before each House of Parliament as soon as may be after they are made.

17. In the case of an equality of votes given at a meeting held or poll taken under this Schedule, the decision of the meeting, or the result of the poll, shall be deemed to be against the resolution voted upon.

18. Any person who at, or for the purposes of, a poll under the provisions of this Schedule—

- (a) fraudulently signs or forges any signature to a requisition of electors; or
- (b) applies for a voting paper in the name of some other person, whether that name be that of a person living or dead, or of a fictitious person; or
- (c) having voted once, applies for a second voting paper in his own name; or
- (d) forges or counterfeits, or fraudulently defaces or fraudulently destroys, any voting paper; or
- (e) without due authority supplies a voting paper to any person; or
- (f) fraudulently puts into any box or other receptacle any paper other than a voting paper supplied to him for the purpose; or
- (g) fraudulently takes out of the polling station any voting paper; or
- (h) without due authority destroys, takes, opens or otherwise interferes with any box or other receptacle for voting papers or any voting papers then in use; or
- (i) causes any disturbance or disorder in or near any polling station;

shall be liable, on summary conviction, to a fine not exceeding twenty pounds.

19. If any person attempts to commit an offence against the last preceding paragraph of this Schedule, he shall be liable, on summary conviction, to the same punishment as if he had committed such an offence.

TENTH SCHEDULE.

Section 304.

ENACTMENTS CEASING TO HAVE EFFECT.

Session and Chapter.	Short Title.	Extent to which enactment shall cease to have effect.
7 Geo. 4, c. 63	The County Buildings Act, 1826.	The whole Act, except so far as it relates to assize courts, sessions houses and judges' lodgings.
3 & 4 Will. 4, c. 90.	The Lighting and Watching Act, 1833.	Section twenty-eight (which provides that officers taking any fee or reward besides the salary or fee appointed shall forfeit fifty pounds).
5 & 6 Will. 4, c. 50.	The Highway Act, 1835	In section forty-six (which relates to contracts for the supply of materials), the words from "and if any surveyor" to the end of the section. Section forty-eight (which relates to the sale of land allotted for the repair of highways).
9 & 10 Vict., c. 74.	The Baths and Wash-houses Act, 1846.	Section thirty-nine (which relates to officers, councillors or commissioners taking fees beyond their salaries or being interested in contracts).
13 & 14 Vict., c. 57.	The Vestries Act, 1850	The whole Act (which relates to the provision of vestry halls) so far as unrepealed.
13 & 14 Vict., c. 101.	The Poor Law Amendment Act, 1850.	Section six (which disqualifies masters of workhouses and relieving officers from holding certain offices).
24 & 25 Vict., c. 125.	The Parochial Offices Act, 1861.	Section one (which authorises the provision of offices for parishes).
33 & 34 Vict., c. 23.	The Forfeiture Act, 1870.	Section two (which provides that conviction for treason or felony is to be a disqualification for certain offices), so far as it relates to members of local authorities.

10TH SCH.
—cont.

Session and Chapter.	Short Title.	Extent to which enactment shall cease to have effect.
36 & 37 Vict., c. 19.	The Poor Allotments Management Act, 1873.	Section fifteen (which relates to the disposal of land acquired by churchwardens and overseers).
37 & 38 Vict., c. 45.	The County of Hertford and Liberty of St. Alban Act, 1874.	Sections twenty-one to twenty-six (which relate to the appointment and duties of a county finance committee and of divisional finance committees). Section forty-one (which relates to the county treasurer and other officers).
38 & 39 Vict., c. 55.	The Public Health Act, 1875.	Section one hundred and seventy-three (which relates to contracts made by urban authorities for the purposes of the Act). Section one hundred and ninety-three (which provides that officers appointed under the Act are not to enter into contracts with the local authority). Section two hundred and three (which relates to casual vacancies in the membership of committees). Section two hundred and eight (which confers power to alter the mode of charging expenses). Sections two hundred and seventy to two hundred and seventy-four (which relate to the alteration of areas), except so far as they relate to the dissolution of special drainage districts. Section two hundred and seventy-eight (which provides for the settlement of disputes as to the boundaries of districts). Section three hundred and ten (which relates to areas becoming boroughs).

Session and Chapter.	Short Title.	Extent to which enactment shall cease to have effect.
38 & 39 Vict., c. 55.— <i>cont.</i>	The Public Health Act, 1875.	Section three hundred and twenty-one (which relates to the validity of certain securities).
39 & 40 Vict., c. 61.	The Divided Parishes and Poor Law Amendment Act, 1876.	Sections one to nine (which relate to divided parishes).
39 & 40 Vict., c. 62.	The Sale of Exhausted Parish Lands Act, 1876.	The whole Act (which relates to the disposal of lands appropriated for the supply of materials for the repair of public and private roads).
42 & 43 Vict., c. 54.	The Poor Law Act, 1879.	Sections four to seven (which relate to the adjustment of parish boundaries).
45 & 46 Vict., c. 50.	The Municipal Corporations Act, 1882.	<p>In section twelve (which relates to disqualification for membership of the councils of boroughs), in subsection (1), paragraph (c), and subsection (2).</p> <p>Section thirty-four (which relates to the obligation to accept office or pay a fine).</p> <p>In section thirty-six (which relates to the payment of a fine on resignation of office) the words from "on payment of a fine" to the end of the section.</p> <p>In section thirty-nine (which relates to the avoidance of office by bankruptcy or absence), in subsection (1), paragraph (b) (except so far as it relates to the mayor) and subsection (4).</p> <p>In section fifty-eight (which relates to the mode of conducting the poll at a contested election), subsections (3) and (4).</p> <p>In section seventy (which relates to omissions to hold elections and void elections), subsection (1).</p>

10TH SCH.
—cont.

Session and Chapter.	Short Title.	Extent to which enactment shall cease to have effect.
45 & 46 Vict., c. 50.—cont.	The Municipal Corporations Act, 1882.	<p>Section one hundred and fourteen (which provides for replacing purchase or compensation money paid to the treasurer).</p> <p>Section one hundred and sixteen (which relates to the application of certain investments for the benefit of the borough).</p> <p>Section one hundred and eighteen (which relates to the transfer of, and other dealings with, corporate stock).</p> <p>Section one hundred and twenty-one (which relates to obligations and powers in respect of advowsons, &c.).</p> <p>Section one hundred and twenty-two (which relates to the sale of ecclesiastical patronage belonging to a municipal corporation).</p> <p>In section one hundred and twenty-four (which relates to the prohibition of expenditure of corporate funds on parliamentary elections), in subsection (6) the words from “and on conviction thereof” to the end of the subsection.</p> <p>Section two hundred and eight (which relates to the reservation of beneficial exemptions to freemen and others).</p> <p>Section two hundred and twenty-four (which relates to the procedure in penal actions against corporate officers).</p> <p>Section two hundred and twenty-five (which relates to informations in the nature of quo warranto, and applications for mandamus).</p>
45 & 46 Vict., c. 58.	The Divided Parishes and Poor Law Amendment Act, 1882.	Sections two to seven (which relate to detached parts of parishes).

10TH SCH.
—cont.

Session and Chapter.	Short Title.	Extent to which enactment shall cease to have effect.
51 & 52 Vict., c. 41.	The Local Government Act, 1888.	<p>Section four (which relates to the transfer of certain powers under local Acts).</p> <p>Section ten (which relates to the transfer to county councils of powers of certain Government Departments and other authorities), so far as it relates to the powers of Government Departments.</p> <p>Section fifty-two (which enables a provisional order to be made as respects boroughs and urban sanitary districts in the same area).</p> <p>In section fifty-four (which relates to alterations of boundaries), subsection (2).</p> <p>In section sixty-nine (which relates to borrowing by county councils), in subsection (1) the words from "and" the Local Government "Board" to the end of the subsection.</p> <p>In section seventy-five (which applies certain provisions of 45 & 46 Vict., c. 50, to county councils), proviso (18), so far as it provides that the costs of an election of county councillors are not to exceed those allowed by Part I of the First Schedule to the Parliamentary Elections (Returning Officers) Act, 1875, as amended by the Parliamentary Elections (Returning Officers) Act, 1885, and proviso (19).</p>
53 & 54 Vict., c. 5.	The Lunacy Act, 1890	<p>Section one hundred and seventy-four (which provides that members of a visiting committee are not to be interested in contracts made by the committee).</p> <p>Section two hundred and fifty-six (which relates to contracts made by a visiting committee).</p>

10th Ser.
—cont.

Session and Chapter.	Short Title.	Extent to which enactment shall cease to have effect.
56 & 57 Vict., c. 9.	The Municipal Corporations Act, 1893.	Section three (which provides that no second petition under section thirty of the Municipal Corporations Act, 1882, shall be presented within seven years).
56 & 57 Vict., c. 73.	The Local Government Act, 1894.	In section forty-six (which relates to disqualifications for parish or district councils), in subsection (1), paragraph (e), and subsections (2) and (3).
9 Edw. 7, c. 44.	The Housing, Town Planning, &c., Act, 1909.	In section sixty-nine (which relates to the duty of medical officers of health of county districts to furnish information to the county medical officer of health), subsection (4).
6 & 7 Geo. 5, c. 69.	The Public Authorities and Bodies (Loans) Act, 1916.	The whole Act (which provides for borrowing by certain authorities by means of the issue of bearer bonds and other securities to bearer).
17 & 18 Geo. 5, c. 14.	The Poor Law Act, 1927.	In section eight (which prohibits paid officers engaged in the administration of the laws for the relief of the poor and other persons from serving as members of county and county borough councils) subsection (2.)

ELEVENTH SCHEDULE.

Section 307.

ENACTMENTS REPEALED.

PART I—REPEALS IN THE PUBLIC HEALTH ACT, 1875
(38 & 39 Vict. c. 55).

Section five.

In section six, the words from the beginning of the section to "district of Oxford."

• Sections seven to nine.

Section twelve.

Sections one hundred and seventy-three and one hundred and seventy-four.

In section one hundred and seventy-five, the words from "purchase or take on lease" to "may also"; and the words from "Any lands acquired" to the end of the section.

Sections one hundred and seventy-six to one hundred and seventy-eight.

Section one hundred and eighty-two.

In section one hundred and eighty-three, the words from "but all such byelaws" to "full amount of the penalty."

In section one hundred and eighty-four, the words from "which Board" to the end of the section.

Sections one hundred and eighty-five to one hundred and eighty-seven.

Sections one hundred and eighty-nine to two hundred.

Sections two hundred and two and two hundred and three.

Section two hundred and five.

Sections two hundred and seven to two hundred and ten.

Sections two hundred and sixteen and two hundred and seventeen.

In section two hundred and twenty-nine, the words from the beginning of the section to the words "to be special expenses" where those words first occur; and the words from "and all other expenses" to "on each contributory place."

In section two hundred and thirty-three, the words "or borrow, and take up at interest;" and the words from "An urban authority" to the end of the section.

In section two hundred and thirty-four, the words from the beginning of the section to "date of the original loan."

Sections two hundred and thirty-six to two hundred and thirty-nine.

11TH SCH.
—cont.

Sections two hundred and forty-five to two hundred and forty-seven.

Sections two hundred and forty-nine and two hundred and fifty.

Sections two hundred and fifty-nine and two hundred and sixty.

In section two hundred and seventy, subsections (1) and (2).

Sections two hundred and seventy-one to two hundred and seventy-four.

In section two hundred and seventy-five, the words from "Provided that" to "district so constituted", and the words from "and where any local government district" to the words "when altered".

Section two hundred and seventy-eight.

Section two hundred and eighty-six.

In section two hundred and ninety-four, the words "inquiries or".

Section two hundred and ninety-six.

In section three hundred and six, the words from "or who destroys" to "is inscribed", and the words from "if the same" to "or of the local authority".

Sections three hundred and ten and three hundred and eleven.

Section three hundred and twenty-one.

Section three hundred and twenty-six.

Section three hundred and thirty-nine.

Section three hundred and forty-two.

In the First Schedule, Part I.

In the Fourth Schedule, forms H, I and N.

In the Fifth Schedule, in so much of Part III as re-enacts 35 & 36 Vict. c. 79, s. 34, the words from "where in any local Acts" to "the Secretary of State", and the words from "If any question arises" to "shall be conclusive".

**PART II—REPEALS IN THE MUNICIPAL CORPORATIONS ACT, 1882
(45 & 46 Vict. c. 50).**

In section six, the words "under this Act".

In section seven, the definitions of "parish" and "overseers".

Section eight.

Sections ten to twenty-eight.

Section thirty.

Sections thirty-four to forty-three.

Sections fifty to sixty-two.

Sections sixty-four to seventy.

Sections seventy-two to seventy-five.

Section eighty-six.

Section one hundred and four.

In section one hundred and five, the words "and hold", the words "town hall, council house", and the words from "or a polling station" to the end of the section.

Sections one hundred and six to one hundred and ten.

Sections one hundred and twelve to one hundred and sixteen.

Section one hundred and eighteen.

In section one hundred and nineteen, subsections (3) and (4).

Sections one hundred and twenty to one hundred and twenty-two.

In section one hundred and twenty-four, in subsection (6) the words from "and, on conviction thereof" to the end of the subsection.

Sections one hundred and twenty-five to one hundred and thirty-two.

In section one hundred and thirty-nine the words from the beginning of the section to the words "capacity and".

In section one hundred and forty, subsections (2), (3) and (4).

Sections one hundred and forty-one to one hundred and forty-four.

Section one hundred and fifty-five.

In section one hundred and sixty-three, in subsection (6), the words "an alderman, councillor, or," and the words "may be appointed revising barrister for the borough, and".

Sections two hundred to two hundred and eighteen.

Sections two hundred and twenty-four and two hundred and twenty-five.

Sections two hundred and twenty-eight and two hundred and twenty-nine.

Sections two hundred and thirty-two and two hundred and thirty-three.

Sections two hundred and forty-five and two hundred and forty-six.

In section two hundred and fifty, subsections (2) and (3).

In section two hundred and fifty-seven, subsections (2), (3), and (6).

The Second Schedule.

The Third Schedule.

In the Fourth Schedule, the words from "1 Commissioner" to "other expenses."

In the Fifth Schedule, Part I; and in Part II, paragraphs (1), (7), (8), (9), (10), (11) and (12).

The Seventh Schedule.

In the Eighth Schedule, forms A, H, I, K; P and Q.

In the Ninth Schedule, in Part II, the words from "33 & 34 Vict. c. 91" to the end of the Schedule.

11TH SCH.

—cont.

11TH SCH.
—cont.

PART III—REPEALS IN THE LOCAL GOVERNMENT ACT, 1888
(51 & 52 Vict. c. 41).

Sections one and two.

In section three, in paragraph (i), the words from “and the making of orders” to the end of the paragraph; paragraphs (ii) and (iii); in paragraph (iv), the words “shire halls, county halls,” and the words “and county buildings, works and property”; paragraphs (vi) and (vii); in paragraph (ix) the word “analyst”; and in paragraph (x) the words “the county treasurer, the county surveyor, the public analysts.”

Section four.

In section five, subsection (7).

Section ten.

In section eleven, in subsection (1), the words from “and the costs thereof” to the end of the subsection.

Sections fifteen to eighteen.

In section twenty-eight, in subsection (2), the words from the beginning of the subsection to “this Act mentioned.”

In section thirty-four, in subsection (3), paragraphs (a) and (b); and subsection (7).

In section thirty-five, subsection (6).

In section thirty-six, subsection (2).

In section thirty-eight, subsection (1); in subsection (2), paragraph (b), in paragraph (c) the words “(i) reformatory and industrial schools, and”.

In section thirty-nine, in subsection (1), paragraph (b); and subsection (2).

Sections forty-nine to fifty-seven.

In section fifty-nine, subsections (1) and (3) to (6).

Sections sixty to sixty-two.

In section sixty-four, in subsection (3) the words from “shall have full power” to “in the council, but”.

Section sixty-five.

Section sixty-eight.

In section sixty-nine, in subsection (1), the words from “on the security” to “term of years, and,” and the words from “and (e) for any purpose” to the end of the subsection; subsections (3) to (8); subsection (10); in subsection (11) the words “except the provisions respecting the total debt,” and subsection (12).

Sections seventy and seventy-one.

Sections seventy-three and seventy-four.

In section seventy-five, the words "Part Two, Part Three"; the words from "the Second Schedule" to "Eighth Schedule"; provisos (2), (3) and (4); in proviso (5), the words from "so far as respects" to "subsequent to the election"; provisos (7), (8), (10), (11), (14) and (15); in proviso (16), in paragraph (b) the words from "any of the provisions" to "borough auditors nor," the words "subsection five of section fifteen, section sixteen"; and paragraphs (c), (e) and (g); provisos (17) to (21).

In section seventy-nine, subsection (1); and in subsection (3), the words "lunatic asylums, or."

Section eighty.

In section eighty-one, in subsection (1), the words "county council or councils and any"; in subsection (2), the words "council or" wherever those words occur; subsection (3); in subsection (4), the words "councils and"; in subsection (5), the words "council or" wherever those words occur, and the words from "so that where" to the end of the subsection; subsection (6); and in subsection (7) the words from the beginning of the subsection to "administrative counties and."

Section eighty-two, except so far as it applies to joint committees appointed under section eighty-one.

In section eighty-three, subsection (4), so far as it relates to the office of deputy clerk of a county council; and subsections (6) and (12).

In section eighty-five, in subsection (1), the words from "section twenty-three" to "hereby repealed and."

In section eighty-seven, in subsection (1), the words from "and in that case" to the end of the subsection; and subsections (3) and (5).

In section ninety-two, subsection (1).

In section one hundred, the definition of the expression "parish," and the words from "In relation to the election" to the end of the section.

Sections one hundred and eighteen to one hundred and twenty.

Section one hundred and twenty-two.

Sections one hundred and twenty-four to one hundred and twenty-six.

The Second Schedule.

11TH SOB.
—cont.

PART IV.—REPEALS (GENERAL).

Session and Chapter.	Title or Short Title.	Extent of Repeal.
22 Hen. 8, c. 5.	An Acte cōfienyng the amendment of Bridge in Highe Wayes.	In section three, the words from “and that the same justices” to the end of the section. Section six.
9 Anne, c. 25	The Municipal Offices Act, 1710.	The whole Act so far as un- repealed.
12 Geo. 2, c. 29.	The County Rates Act, 1738.	In section six, the words from “such person or persons” to “appoint to be,” and the words from “(which treasurer or treasurers” to “reposed in him or them.” Sections seven to nine. Section eleven. In section fourteen, the words from “such contractor or con- tractors” to the end of the section.
17 Geo. 2, c. 38.	The Poor Relief Act, 1743.	Sections one and two.
43 Geo. 3, c. 59.	The Bridges Act, 1803.	In section one, the words from “appointed or to be appointed” to “such county.”
55 Geo. 3, c. 51.	The County Rates Act, 1815.	Section seventeen.
55 Geo. 3, c. 143.	The Bridges Act, 1815.	In section one, the words from “to be appointed” to “for such county.” In section five the words from “Provided nevertheless” to the end of the section.
58 Geo. 3, c. 69.	The Vestries Act, 1818.	Section six.
59 Geo. 3, c. 12.	The Poor Relief Act, 1819.	Section seventeen.
7 Geo. 4, c. 63	The County Buildings Act, 1826.	The whole Act, except so far as relates to assize courts, sessions houses and judges lodgings.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
3 & 4 Will. 4, c. 90.	The Lighting and Watching Act, 1833.	<p>In section five, the words "less than ten days and not," and the words from "and that notification of the time" to the end of the section.</p> <p>In section six, the words from the beginning of the section to "such meetings, and".</p> <p>In section nine, the words from "Provided nevertheless" to the end of the section.</p> <p>Sections ten and eleven.</p> <p>In section twelve, the words from "carefully examine" to "manner hereafter prescribed," and the words from "Provided also" where they secondly occur to the end of the section.</p> <p>Section fourteen.</p> <p>In section seventeen, the words "by any ten persons qualified to vote on behalf of any such candidates," the words from "and in a book" to "the said office," and the words from "and if such poll" to the end of the section.</p> <p>Sections eighteen and nineteen so far as relates to parish councils.</p> <p>Sections twenty-two and twenty-three, so far as relates to parish councils.</p> <p>In section twenty-four, so far as relates to parish councils, the words "treasurer and other" in both places where those words occur, the words from "and to hire" to "transacting their business," the words from "and also to agree" to "house or room," and the words "and such rent."</p> <p>Sections twenty-five to twenty-seven, so far as relates to parish councils.</p> <p>Section twenty-eight.</p>

112H SCH.
—cont.

11TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
3 & 4 Will. 4. c. 90—cont.	The Lighting and Watching Act, 1833.	Sections thirty and thirty-one, so far as relates to parish councils. Sections fifty-seven to fifty-nine, so far as relates to parish councils.
5 & 6 Will. 4, c. 50.	The Highway Act, 1835.	Section six to eighteen. Section forty-six. Section forty-eight.
7 Will. 4 and 1 Vict., c. 24.	The County Buildings Act, 1837.	The whole Act, except so far as relates to assize courts, sessions houses and judges lodgings.
7 Will. 4 and 1 Vict., c. 45.	The Parish Notices Act, 1837.	In section three, the words " or " by an overseer of the poor of " such parish."
7 Will. 4 and 1 Vict., c. 83.	The Parliamentary Documents Deposit Act, 1837.	The whole Act.
2 & 3 Vict., c. 84.	The Poor Rate Act, 1839.	Section three.
2 & 3 Vict., c. 93.	The County Police Act, 1839.	In section twenty-three, the words from " and shall produce the same " to the end of the section.
3 & 4 Vict., c. 88.	The County Police Act, 1840.	In section twelve, the words from " and for that purpose " to the end of the section. Section thirteen.
4 & 5 Vict., c. 38.	The Schools Sites Act, 1841.	In section six, the words from " Provided also, that the justices " to the end of the section.
5 & 6 Vict., c. 109.	The Parish Constables Act, 1842.	In section twenty-two, the words from " and for that purpose " to " such appropriation "; and the words from " and the expense " to " county rates."
7 & 8 Vict., c. 101.	The Poor Law Amendment Act, 1844.	Section sixty-one.
8 & 9 Vict., c. 71.	The Highway Act, 1845.	The whole Act.
9 & 10 Vict., c. 74.	The Baths and Wash-houses Act, 1846.	In section four, the words from " the income arising " to " thereof, and " In section five, the words from " after public notice " to " holding such vestry." Sections nine to eleven, except so far as relates to commissioners appointed under the Act.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
9 & 10 Vict. c. 74— <i>cont.</i>	The Baths and Wash-houses Act, 1846.	<p>In section twelve, the words "a clerk and," the word "other," the word "clerk" where that word secondly occurs, and the words from "and when necessary" to the end of the section, except so far as relates to commissioners appointed under the Act.</p> <p>Section thirteen, except so far as relates to commissioners appointed under the Act.</p> <p>In section fourteen, the words from "and such books" to the end of the section, except so far as relates to commissioners appointed under the Act.</p> <p>Section fifteen, except so far as relates to commissioners appointed under the Act.</p> <p>In section twenty-one, the words from "at interest" to "of the parish," except so far as relates to commissioners appointed under the Act.</p> <p>In section twenty-three, the words from "with respect to the borrowing" to "provisions of the same Act" where those words secondly occur, except so far as relates to commissioners appointed under the Act.</p> <p>Section twenty-four, except so far as relates to commissioners appointed under the Act.</p> <p>Section twenty-six, except so far as relates to commissioners appointed under the Act.</p> <p>Section thirty-one, except so far as relates to commissioners appointed under the Act.</p> <p>Section thirty-nine.</p>
10 & 11 Vict., c. 28.	The County Buildings Act, 1847.	The whole Act, except so far as relates to assize courts, sessions houses and judges lodgings.
10 & 11 Vict., c. 34.	The Towns Improvement Clauses Act, 1847.	Sections seven to twelve.

11TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
10 & 11 Vict., c. 61.	The Baths and Wash-houses Act, 1847.	In section four, the words "council and" and the word "respectively."
13 & 14 Vict., c. 57.	The Vestries Act, 1850.	The whole Act.
13 & 14 Vict., c. 101.	The Poor Law Amendment Act, 1850.	Section six.
15 & 16 Vict., c. 5.	The Municipal Corporations Act, 1852.	The whole Act, so far as unrepealed.
15 & 16 Vict., c. 81.	The County Rates Act, 1852.	In section thirty-three, the words from "and every overseer" to the end of the section.
15 & 16 Vict., c. 85.	The Burial Act, 1852	<p>Sections thirteen and fourteen, except so far as relates to burial boards appointed under the Burial Acts, 1852 to 1906.</p> <p>In section fifteen, the words "a clerk and," the word "other," the word "clerk" where it secondly occurs, and the words from "and, when necessary," to the end of the section, except so far as relates to burial boards appointed under the Burial Acts, 1852 to 1906.</p> <p>In section sixteen, the words from the beginning of the section to "contrary be proved; and," except so far as relates to burial boards appointed under the Burial Acts, 1852 to 1906.</p> <p>Sections seventeen to twenty, except so far as relates to burial boards appointed under the Burial Acts, 1852 to 1906.</p> <p>In section twenty-six, the words from "to contract for and purchase" to "think fit, or," except so far as relates to burial boards appointed under the Burial Acts, 1852 to 1906.</p>

Session and Chapter.	Title or Short Title.	Extent of Repeal.
15 & 16 Vict., c. 85— <i>cont.</i>	The Burial Act, 1852	Section twenty-eight, except so far as relates to burial boards appointed under the Burial Acts, 1852 to 1906. In section thirty-one, the words from "which contracts" to the end of the section, except so far as relates to burial boards appointed under the Burial Acts, 1852 to 1906.
17 & 18 Vict., c. 87.	The Burial Act, 1854	In section three the words from the beginning of the section to "construed accordingly; and," the words "money raised for defraying such expenses aforesaid, and of," and the words from "Provided always" to the end of the section. Sections four and five, except so far as relates to burial boards appointed under the Burial Acts, 1852 to 1906.
17 & 18 Vict., c. 112.	The Literary and Scientific Institutions Act, 1854.	Section six. Section eleven. In section six, the words "justices of the peace" and the word "justices" where that word secondly occurs. In section seven, the words from "and the justices" to the end of the section.
20 & 21 Vict., c. 81.	The Burial Act, 1857	Sections nineteen to twenty-one, except so far as relates to burial boards appointed under the Burial Acts, 1852 to 1906.
21 & 22 Vict. c. 90.	The Medical Act, 1858	In section thirty-six, the words "or as a medical officer of health."
23 & 24 Vict., c. 51.	The Local Taxation Returns Act, 1860.	The whole Act.
23 & 24 Vict., c. 64.	The Burial Act, 1860	Sections one to three.
23 & 24 Vict., c. 68.	The South Wales Highways Act, 1860.	Section three. Sections fourteen to eighteen.
24 & 25 Vict., c. 125.	The Parochial Offices Act, 1861.	Sections twenty-seven to thirty. The whole Act.

11TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
25 & 26 Vict., c. 61.	The Highway Act, 1862.	Sections twelve to fifteen. Section thirty-one.
25 & 26 Vict., c. 100.	The Burial Act, 1862	The whole Act.
26 & 27 Vict., c. 13.	The Town Gardens Protection Act, 1863.	In section three, the words from “ and the expenses ” to the end of the section.
27 & 28 Vict., c. 101.	The Highway Act, 1864.	Section twenty. Section twenty-seven. Sections twenty-nine and thirty. Section thirty-two. Section thirty-six. Section forty-five. In section forty-seven, the words “ with the approval of the “ justices in general or quarter “ sessions assembled ” and the words from “ Previously to applying ” to the end of the section. Section fifty. Section fifty-three. First Schedule. Second Schedule. Section eight.
28 & 29 Vict., c. 126.	The Prison Act, 1865	Section thirteen.
29 & 30 Vict., c. 113.	The Poor Law Amend- ment Act, 1866.	Section ten.
30 & 31 Vict., c. 106.	The Poor Law Amend- ment Act, 1867.	Section twenty-eight.
31 & 32 Vict., c. 22.	The Petty Sessions and Lock-up House Act, 1868.	Section eleven.
31 & 32 Vict., c. 122.	The Poor Law Amend- ment Act, 1868.	Section twenty-seven.
32 & 33 Vict., c. 49.	The Local Stamp Act, 1869.	Section seven.
33 & 34 Vict., c. 23.	The Forfeiture Act, 1870.	Section two, so far as relates to members of local authorities.
33 & 34 Vict., c. 78.	The Tramways Act, 1870.	In section twenty, the words “ and take up at interest on “ the credit of such local “ rate,” and the words from “ and for the purpose of securing ” to “ and the local authority.”

Session and Chapter.	Title or Short Title.	Extent of Repeal.
33 & 34 Vict., c.78.— <i>cont.</i>	The Tramways Act, 1870.	In section forty-three, the words "out of the like rate" and "on the security of the same." In section forty-four, the words from "may pay" to "for such purposes."
33 & 34 Vict., c. 91.	The Clerical Disabilities Act, 1870.	In the First Schedule, paragraph (2).
34 & 35 Vict., c. 70.	The Local Government Board Act, 1871.	Section eight. In the Schedule, in Part I, the words "Returns. Local Taxation" in the first column, and the words "23 & 24 Vict. c. 51" in the second column.
35 & 36 Vict., c. 33.	The Ballot Act, 1872	In section fourteen the words "municipal or." In section twenty-four, the words "and municipal" wherever those words occur, and the words "or at a municipal election." In section twenty-nine, paragraph (a) in the definition of the expression "the Municipal Corporations Acts," and paragraph (a) in the definition of the expression "municipal election." In the First Schedule, in Part II, paragraph 64.
35 & 36 Vict., c. 91.	The Borough Funds Act, 1872.	The whole Act.
36 & 37 Vict., c. 19.	The Poor Allotments Management Act, 1873.	Section fifteen.
37 & 38 Vict., c. 45.	The County of Hertford and Liberty of St. Alban Act, 1874.	Sections twenty-one to twenty-six.
38 & 39 Vict., c. 17.	The Explosives Act, 1875.	Section forty-one. In section seventy-two, the words from "acquire any land" to "to them, and," and the words from "Such sums shall be applied" to "to include any right over land", except so far as relates to harbour authorities.

11TH SCH.
—*cont.*

11TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
38 & 39 Vict., c. 83.	The Local Loans Act, 1875.	In section eight, the words from the beginning of the section to "date of such loan," and the words "the priority of the loan and to", so far as relates to local authorities as defined in this Act. Section sixteen, so far as relates to local authorities as defined in this Act. Section thirty-six.
39 & 40 Vict., c. 36.	The Customs Consolida- tion Act, 1876.	In section nine, the words "mayor or".
39 & 40 Vict., c. 56.	The Commons Act, 1876.	In section eight, the words from "The expenses incurred" to "provided for."
39 & 40 Vict., c. 61.	The Divided Parishes and Poor Law Am- endment Act, 1876.	Sections one to nine. Section thirty-seven.
39 & 40 Vict., c. 62.	The Sale of Exhausted Parish Lands Act, 1876.	The whole Act.
39 & 40 Vict., c. 75.	The Rivers Pollution Prevention Act, 1876.	In section eight, the words from "Any expenses incurred" to "1875". In section fourteen, the words from the beginning of the section to "such order and". Section fifteen.
40 & 41 Vict., c. 21.	The Prisons Act, 1877	Section forty-six.
40 & 41 Vict., c. 60.	The Canal Boats Act, 1877.	In section eight, in subsection (1), the words "an urban sanitary authority, a rural sanitary authority or" and the words from "Provided that" to "general expenses".
40 & 41 Vict., c. 66.	The Local Taxation Returns Act, 1877.	The whole Act.
40 & 41 Vict. c. 68.	The Destructive In- sects Act, 1877.	In section four, the words from "the expenses incurred" to "local rate".
41 & 42 Vict., c. 34.	The South Wales Highway Act Am- endment Act, 1878.	In section two, the words from "with the approval" to "are situate." Sections three to seven. Sections ten and eleven.

11TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
41 & 42 Vict., c. 77.	The Highways and Locomotives (Amendment) Act, 1878.	In section five, subsection (3). Sections six to nine. In section eighteen the words from "and the accounts so kept" to "county authority may direct". Section twenty-five.
42 & 43 Vict., c. 6.	The District Auditors Act, 1879.	The whole Act.
42 & 43 Vict., c. 39.	The Highway Accounts Returns Act, 1879.	The whole Act.
42 & 43 Vict., c. 54.	The Poor Law Act, 1879.	Sections four to seven.
45 & 46 Vict., c. 30.	The Baths and Washhouses Act, 1882.	Section three, except so far as relates to commissioners appointed under the Baths and Washhouses Act, 1846.
45 & 46 Vict., c. 56.	The Electric Lighting Act, 1882.	In section seven the words from "may be defrayed" to "provided that," and the words "such expenses" where they secondly occur. In section eight the words from "on such security" to the end of the section. In the Schedule, the entries in the fourth, fifth, sixth and seventh columns relating to urban sanitary districts and rural sanitary districts.
45 & 46 Vict., c. 58.	The Divided Parishes and Poor Law Amendment Act, 1882.	The whole Act.
45 & 46 Vict., c. 67.	The South Wales Turnpike Roads Amendment Act, 1882.	Section four.
46 & 47 Vict., c. 18.	The Municipal Corporations Act, 1883.	Section seven.
46 & 47 Vict., c. 52.	The Bankruptcy Act, 1883.	In section thirty-two, in subsection (1), paragraph (d), and in paragraph (e) the words from "guardian of the poor" to "sanitary authority, or" and the words "school board, highway board."

11TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
46 & 47 Vict., c.52—cont.	The Bankruptcy Act, 1883.	In section thirty-four, the words from "mayor" to "overseer, or" and the words "sanitary authority, school board, highway board."
47 & 48 Vict., c. 54.	The Yorkshire Registries Act, 1884.	Section thirty-four. In section thirty-seven, subsection (5) and (7). Sections forty-one and forty-two.
47 & 48 Vict., c. 70.	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	In section thirty-six, subsection (1). First Schedule.
47 & 48 Vict., c. 74.	The Public Health (Officers) Act, 1884.	The whole Act.
47 & 48 Vict., c. 75.	The Canal Boats Act, 1884.	In section four, the words from "shall for the purpose" to "purposes of those Acts, and".
48 & 49 Vict., c. 10.	The Election (Hours of Poll) Act, 1885.	The whole Act, except so far as relates to parliamentary elections.
48 & 49 Vict., c. 22.	The Public Health and Local Government Conferences Act, 1885.	The whole Act.
48 & 49 Vict., c. 29.	The Honorary Freedom of Boroughs Act, 1885.	The whole Act.
48 & 49 Vict., c. 38.	The School Boards Act, 1885.	The whole Act.
48 & 49 Vict., c. 53.	The Public Health (Members and Officers) Act, 1885.	The whole Act.
48 & 49 Vict., c. 72.	The Housing of the Working - Classes Act, 1885.	In section ten, in subsection (2), the words from "and sections two hundred and ninety-three" to the end of the subsection.
50 & 51 Vict., c. 72.	The Local Authorities (Expenses) Act, 1887.	The whole Act.
51 & 52 Vict., c. 54.	The Sea Fisheries Regulation Act, 1888.	In section one, in subsection (3), the words from "in like manner" to the end of the subsection.
52 & 53 Vict., c. 32.	The Trust Investment Act, 1889.	The whole Act.

11TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
52 & 53 Vict., c. 72.	The Infectious Disease (Notification) Act, 1889.	Section nine. In section eleven, the words from the beginning of the section to "or parochial office."
53 & 54 Vict., c. 5.	The Lunacy Act, 1890	Sections one hundred and seventy-four and one hundred and seventy-five. In section two hundred and twenty-four, in subsection (3), the words "under the Local Government Act, 1888." In section two hundred and forty, the words "respectively" "constituted under the Local Government Act, 1888." Section two hundred and fifty-six. In section two hundred and seventy-four, in subsection (1), the words from "with the consent of" to "applicable to the local authority," and the words from "on the security" to "part of the revenues."
53 & 54 Vict., c. 21.	The Inland Revenue Regulation Act, 1890.	In section eight, the words "mayor or."
53 & 54 Vict., c. 34.	The Infectious Disease (Prevention) Act, 1890.	Section twenty.
53 & 54 Vict., c. 59.	The Public Health Acts Amendment Act, 1890.	Section four. Sections forty-eight and forty-nine. In section fifty, the words from "Section forty-eight" to the end of the section. Section fifty-two.
53 & 54 Vict., c. 71.	The Bankruptcy Act, 1890.	In section nine, the words from "It is hereby declared" to the end of the section.
54 & 55 Vict., c. 22.	The Museums and Gymnasiums Act, 1891.	In section nine, the words from "appoint and pay" to "and may." In section ten, subsection (2); in subsection (3), the words from "in like manner" to "said general expenses," and the words from "sections two

11TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
54 & 55 Vict., c. 22.—cont.	The Museum and Gymnasiums Act, 1891.	hundred and thirty-three” to “(relating to borrowing) and”; and in subsection (4) the words from “and such accounts” to the end of the subsection. Section eleven.
54 & 55 Vict., c. 63.	The Highways and Bridges Act, 1891.	Section five.
54 & 55 Vict., c. 68.	The County Councils (Elections) Act, 1891.	The whole Act.
55 & 56 Vict., c. 15.	The Charity Inquiries (Expenses) Act, 1892.	In section one, subsection (2).
55 & 56 Vict., c. 18.	The Weights and Measures (Pur- chase) Act, 1892.	In section one, in subsection (3), the words from “may borrow money” where those words first occur, to “1888,” and the words “in accordance with the Public Health Act, 1875”; and subsection (4).
55 & 56 Vict., c. 43.	The Military Lands Act, 1892.	Section four. Section six.
55 & 56 Vict., c. 53.	The Public Libraries Act, 1892.	In section eleven, in subsection (1), paragraphs (b) and (d). Section seven and eight, except so far as relates to commis- sioners appointed under the Act. In section fifteen, in subsection (2), the words “also appoint “salaried officers and servants, “and dismiss them and,” except so far as relates to parish councils and to com- missioners appointed under the Act; and subsection (3). In section eighteen, subsection (1). In section nineteen, in subsection (1) the words “on the security “of any fund or rate appli- “cable for those purposes,” and subsection (2), except so far as relates to commissioners appointed under the Act. In section twenty, in sub- section (1), the words from “and those accounts” to the end of the subsection; in subsection (2), the words

Session and Chapter.	Title or Short Title.	Extent of Repeal.
55 & 56 Vict., c. 53—cont.	The Public Libraries Act, 1892	from "in like manner" to the end of the subsection; and subsection (3), except so far as relates to commissioners appointed under the Act.
55 & 56 Vict., c. 57.	The Private Street Works Act, 1892.	In section fifteen, the words from "and may pay" to the end of the section. In section eighteen, the words from "on the security" to "are payable," and the words from "and the powers" to the end of the section.
56 & 57 Vict., c. 9.	The Municipal Corporations Act, 1893.	Section twenty-three. The whole Act.
56 & 57 Vict., c. 32.	The Barbed Wire Act, 1893.	Section five.
56 & 57 Vict., c. 68.	The Isolation Hospitals Act, 1893.	In section four, in subsection (1), the words from "and any such application" to the end of the subsection. In section twenty-two, the words from "on the security" to "1888." In section twenty-four, the words "and five."
56 & 57 Vict., c. 73.	The Local Government Act, 1894.	Sections one to four. In section five in subsection (2), paragraph (c). In section six, in subsection (1), in paragraph (b), the words from "but inclusive" to the end of the paragraph, and in paragraph (c), the words "vestry room or parochial office, parish chest." In section eight, in subsection (1), paragraph (a), in paragraph (b), the words "for such buildings and"; and paragraph (h); and subsection (2). Section nine. Section eleven. Section twelve. Section fifteen. Sections seventeen and eighteen.

11TH SCH.
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Session and Chapter.	Title or Short Title.	Extent of Repeal.
56 & 57 Vict., c. 73—cont.	The Local Govern- ment Act, 1894.	<p>In section nineteen, subsections (1) to (3), (6), (7), and (9) to (11).</p> <p>In section twenty-one, subsection (2); and in subsection (3), the words "and every other" except so far as they apply to any enactment passed before the commencement of this Act.</p> <p>Sections twenty-two to twenty-four.</p> <p>In section twenty-five, subsections (5) and (6).</p> <p>In section twenty-seven, in subsection (1), paragraphs (d) and (f).</p> <p>Sections twenty-eight and twenty-nine.</p> <p>Section thirty-three.</p> <p>Sections thirty-six to forty-two.</p> <p>Sections forty-five to forty-nine.</p> <p>Section fifty-one.</p> <p>In section fifty-two, subsection (3).</p> <p>Sections fifty-four to fifty-eight.</p> <p>Section fifty-nine.</p> <p>Sections sixty and sixty-one.</p> <p>Section sixty-four.</p> <p>Sections sixty-eight and sixty-nine.</p> <p>Sections seventy-one to seventy-four.</p> <p>Section seventy-eight.</p> <p>Section eighty.</p> <p>In section eighty-one, in subsection (1) the words from "and for the purposes" to the end of the subsection; subsection (2); in subsection (4) the words "vestry clerk and assistant overseer"; subsections (5) and (6); and in subsection (7) the words from "provided that" to the end of the subsection.</p> <p>Section eighty-three.</p>

Session and Chapter.	Title or Short Title.	Extent of Repeal.
56 & 57 Vict., c. 73—cont.	The Local Government Act, 1894.	Sections eighty-five to eighty-nine. First Schedule.
57 & 58 Vict., c. 57.	The Diseases of Animals Act, 1894.	In section thirty-three, subsection (2); and in subsection (3) the words from “provided that” to the end of the subsection. In section forty, subsection (1); and in subsection (2), paragraphs (i) and (iii). In section forty-two, in subsection (1), the words “at interest on the credit of the local rate,” and the words from “and may secure” to the end of the subsection; and subsections (2), (3) and (5).
58 & 59 Vict., c. 32.	The Local Government (Stock Transfer) Act, 1895.	The whole Act.
59 & 60 Vict., c. 1.	The Local Government (Elections) Act, 1896.	The whole Act.
59 & 60 Vict., c. 22.	The Chairmen of District Councils Act, 1896.	The whole Act.
59 & 60 Vict., c. 48.	The Light Railways Act, 1896.	In section sixteen, in subsection (2), the words “in manner authorised by the order”; and subsection (4). Section seventeen. Third Schedule.
60 & 61 Vict., c. 1.	The Local Government Act, 1897.	The whole Act.
60 & 61 Vict., c. 31.	The Cleansing of Persons Act, 1897.	In section one, the words from “and any expenses” to the end of the section.
60 & 61 Vict., c. 40.	The Local Government (Joint Committees) Act, 1897.	In section one, in subsection (1), paragraph (c).
62 & 63 Vict., c. 10.	The Parish Councillors (Tenure of Office) Act, 1899.	The whole Act.
62 & 63 Vict., c. 14.	The London Government Act, 1899.	In section eight, subsection (4). Section fourteen.

11TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
62 & 63 Vict., c. 30.	The Commons Act, 1899.	In section five, the words from "and the provisions" to the end of the section. In section seven, the words from "and the expenses" to the end of the section. In section eleven, subsection (2), and in subsection (3), the words from "in like manner" to the end of the subsection.
62 & 63 Vict., c. 38.	The Telegraph Act, 1899.	In section two, in subsection (1), the words from "defray the expenses" to "and may", and the words from "in accordance with" to "borough rate."
62 & 63 Vict., c. 44.	The Small Dwellings Acquisition Act, 1899.	In section nine, in subsection (3), the words from the beginning of the subsection to "Public Health Acts; but"; and in subsection (5), the words from "in like manner" to the end of the subsection.
63 & 64 Vict., c. 13.	The County Councils (Elections) Amend- ment Act, 1900.	The whole Act.
63 & 64 Vict., c. 16.	The District Coun- cillors and Guard- ians (Term of Office) Act, 1900.	The whole Act.
63 & 64 Vict., c. 46.	The Members of Local Authorities Relief Act, 1900.	The whole Act.
1 Edw. 7, c. 8	The Isolation Hospi- tals Act, 1901.	In section two, in subsection (2), the words "in manner provided" "by section twenty-two of the "principal Act."
1 Edw. 7, c. 22.	The Factory and Workshop Act, 1901.	In section fourteen, in sub- section (8), paragraph (a), and in paragraph (b), the words "incurred in the execution of the Public Health Act, 1875."
2 Edw. 7, c. 17.	The Midwives Act, 1902.	In section eight, the words from "The local supervising autho- rity may delegate," to the end of the section. Section fifteen.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
2 Edw. 7, c. 41.	The Metropolis Water Act, 1902.	In section nineteen, the words from "and that the stamp duty" to the end of the section. In section twenty-one, subsection (2).
3 Edw. 7, c. 9	The County Councils (Bills in Parliament) Act, 1903.	The whole Act.
3 Edw. 7, c. 14.	The Borough Funds Act, 1903.	The whole Act.
3 Edw. 7, c. 15.	The Local Government (Transfer of Powers) Act, 1903.	The whole Act.
6 Edw. 7, c. 12.	The Municipal Corporations Amendment Act, 1906.	The whole Act.
6 Edw. 7, c. 14.	The Alkali, &c., Works Regulation Act, 1906.	Section twenty-four.
6 Edw. 7, c. 25.	The Open Spaces Act, 1906.	In section seventeen, paragraphs (a) and (c); in paragraph (d), the words from "incurred in the execution" to the end of the paragraph; and paragraph (e). In section eighteen, the words "in the case of a county council as for the purposes of the "Local Government Act, 1888"; and the words from "in the case of a municipal borough" to the end of the section.
6 Edw. 7, c. 33.	The Local Authorities (Treasury Powers) Act, 1906.	In section one, in subsection (1), the words "or any local or private Act."
7 Edw. 7, c. 27.	The Advertisements Regulation Act, 1907.	In section three, subsection (6). In section four, the words "in the case of a county out of the county fund," and the words from "in the case of a borough" to "Public Health Acts."
7 Edw. 7, c. 33.	The Qualification of Women (County and Borough Councils) Act, 1907.	The whole Act.
7 Edw. 7, c. 40.	The Notification of Births Act, 1907.	In section one, subsection (6).

11TH SCH.
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Session and Chapter.	Title or Short Title.	Extent of Repeal.
7 Edw. 7, c. 53.	The Public Health Acts Amendment Act, 1907.	Section four. In section five, in subsection (1), the words from "and the inspectors" to the end of the subsection; subsection (2); and in subsection (3), the words from "The person holding" to the end of the subsection. In section ninety-five, the words from "and notwithstanding" to the end of the section.
8 Edw. 7, c. 13.	The Polling Districts (County Councils) Act, 1908.	The whole Act.
8 Edw. 7, c. 36.	The Small Holdings and Allotments Act, 1908.	In section thirty-five, subsection (4). In section fifty-two, in subsection (1), the words from "in accordance with" to the end of the subsection; and subsection (4). In section fifty-three, subsection (1); and in subsection (4), paragraphs (a) and (b).
8 Edw. 7, c. 48.	The Post Office Act, 1908.	In section forty-three, the words "mayor or." In section forty-nine, subsection (4); in subsection (5) the words from "and shall be apportioned" to the end of the subsection; subsection (6); and in subsection (7) the words from "under section one hundred and six" to "amending the same," and the words from "in like manner" to the end of the subsection.
8 Edw. 7, c. 67.	The Children Act, 1908.	In section ten, in subsection (2), paragraph (c).
9 Edw. 7, c. 30.	The Cinematograph Act, 1909.	In section six, the words from "and the expenses" to the end of the section.
9 Edw. 7, c. 34.	The Electric Lighting Act, 1909.	Section twenty-one.
9 Edw. 7, c. 38.	The County Councils Mortgages Act, 1909.	The whole Act.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
9 Edw. 7, c. 44.	The Housing, Town Planning, &c., Act, 1909.	Sections sixty-eight and sixty-nine.
10 Edw. 7 and 1 Geo. 5, c. 19.	The Municipal Corporations Amendment Act, 1910.	The whole Act.
1 & 2 Geo. 5, c. 52.	The Rag Flock Act, 1911.	In section one, in subsection (6), paragraph (c).
2 & 3 Geo. 5, c. 3.	The Shops Act, 1912	In section thirteen, in subsection (3), the words from "in the case of the council of a borough" to "Public Health Acts."
2 & 3 Geo. 5, c. 19.	The Light Railways Act, 1912.	In section five, subsections (5) and (6).
3 & 4 Geo. 5, c. 17.	The Fabrics (Misdescription) Act, 1913.	In section five, in subsection (3), the words from "in the case of the council of a borough" to "Public Health Acts."
3 & 4 Geo. 5, c. 19.	The Local Government (Adjustments) Act, 1913.	The whole Act except so far as relates to alterations of areas or other changes which took effect before the first day of April, 1930.
3 & 4 Geo. 5, c. 23.	The Public Health (Prevention and Treatment of Disease) Act, 1913.	In section four, the words "in the case of a sanitary authority" and the words from "as part of the expenses" to "Acts, and."
3 & 4 Geo. 5, c. 28.	The Mental Deficiency Act, 1913.	In section twenty-eight, subsection (3). In section thirty-three, in subsection (1), the words from the beginning of the subsection to "Provided that"; and in subsection (2), the words from "in the case of a county council" to the end of the subsection. In section thirty-eight, in subsection (3), the words "in the case of the council of a county under and in accordance with the Local Government Act, 1888, and."

11th Sch.
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11TH SCH.
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Session and Chapter.	Title or Short Title.	Extent of Repeal.
3 & 4 Geo. 5, c. 32.	The Ancient Monuments Consolidation and Amendment Act, 1913.	In section twenty-one, in subsection (2), the words from "in the case of any other county council" to "as a borough rate," and the words from "in the case of a county council" to the end of the subsection.
4 & 5 Geo. 5, c. 21.	The County and Borough Councils (Qualification) Act, 1914.	The whole Act.
4 & 5 Geo. 5, c. 31.	The Housing Act, 1914	In section one, in subsection (2), the words from "Any expenses" to "1890;" and the words "the like," and the words "as they have for the purposes of that Part of that Act."
5 & 6 Geo. 5, c. 48.	The Fishery Harbours Act, 1915.	In section three, in subsection (1), in paragraph (a), the words "out of the county fund"; and paragraphs (b) and (c); and in subsection (2), the words from "in the case of a county council" to the end of the subsection.
5 & 6 Geo. 5, c. 64.	The Notification of Births (Extension) Act, 1915.	In section two, subsection (2).
5 & 6 Geo. 5, c. 66.	The Milk and Dairies (Consolidation) Act, 1915.	In section fifteen, subsection (2). In section seventeen, in paragraph (a), the words "out of the county fund," and paragraph (d).
6 & 7 Geo. 5, c. 12.	The Local Government (Emergency Provisions) Act, 1916.	In section thirteen, subsection (1). Section fourteen.
6 & 7 Geo. 5, c. 43.	The War Charities Act, 1916.	In section two, in subsection (1), the words from "Provided that" to the end of the subsection; and subsection (7).
6 & 7 Geo. 5, c. 69.	The Public Authorities and Bodies (Loans) Act, 1916.	The whole Act.

11TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
7 & 8 Geo. 5, c. 64.	The Representation of the People Act, 1918.	Section ten. In section fifteen, in subsection (1), the words "out of the county fund, and," and the words from "and in the case of the council of a borough" to the end of the subsection. In section sixteen, in subsection (1), the words "of the general district rate for the borough fund or borough rate." In section thirty-five, the words "The Local Government (Elections) Act, 1896."
8 & 9 Geo. 5, c. 29.	The Maternity and Child Welfare Act, 1918.	In section two, subsection (3).
9 & 10 Geo. 5, c. 59.	The Land Settlement (Facilities) Act, 1919.	In section fourteen, subsection (4).
9 & 10 Geo. 5, c. 72.	The Rats and Mice (Destruction) Act, 1919.	In section five, subsection (3).
9 & 10 Geo. 5, c. 75.	The Ferries (Acquisition by Local Authorities) Act, 1919.	In section one, subsection (7); and in subsection (8), the words "if a county council," and the words from "under section sixty-nine" to the end of the subsection.
9 & 10 Geo. 5, c. 93.	The Public Libraries Act, 1919.	In section one, in subsection (3), the words from "as for the purposes" to the end of the subsection. In section four, subsection (3). Section eight.
9 & 10 Geo. 5, c. 99.	The Housing (Additional Powers) Act, 1919.	Section eight.
10 & 11 Geo. 5, c. 49.	The Blind Persons Act, 1920.	In section two, subsection (2); and in subsection (3), the words from "in the case of a county council" to the end of the subsection.
10 & 11 Geo. 5, c. 57.	The Unemployment (Relief Works) Act, 1920.	In section three,* in subsection (2), the words from "in the case of the council of a county" to "1888," and the words from "and in the case of any other council" to the end of the subsection.

11TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
10 & 11 Geo. 5, c. 80.	The Air Navigation Act, 1920.	In section eight, in subsection (3), the words from "in the case of a county council" to the end of the subsection; and in subsection (4) the words from "and in the case of a county council" to the end of the subsection.
11 & 12 Geo. 5, c. 12.	The Public Health (Tuberculosis) Act, 1921.	In section eight, subsection (2).
11 & 12 Geo. 5, c. 23.	The Public Health (Officers) Act, 1921.	The whole Act except so far as relates to port sanitary authorities.
11 & 12 Geo. 5, c. 32.	The Finance Act, 1921	Section sixty-one.
11 & 12 Geo. 5, c. 51.	The Education Act, 1921.	<p>In section four, in subsection (3), the words from "and the meetings" to the end of the subsection.</p> <p>In section ten, the words "The minutes of the proceedings of a local education authority, and."</p> <p>In section one hundred and twenty-three, subsection (1).</p> <p>Section one hundred and twenty-four.</p> <p>In section one hundred and thirty-two, the words from "in the case of a county council" to the end of the section.</p> <p>Section one hundred and forty-five.</p> <p>In section one hundred and fifty-seven, the words "and (5)."</p> <p>In the First Schedule, Parts II and III.</p>
11 & 12 Geo. 5, c. 67.	The Local Authorities (Financial Provisions) Act, 1921.	<p>Section three, except the proviso to subsection (3), so far as relates to local authorities as defined in this Act.</p> <p>Section four, so far as relates to local authorities as defined in this Act.</p> <p>Section six, so far as relates to local authorities as defined in this Act.</p>

Session and Chapter.	Title or Short Title.	Extent of Repeal.
12&13Geo.5, c. 12.	The Representation of the People Act, 1922.	Section two.
12&13Geo.5, c. 14.	The Audit (Local Authorities, etc.) Act, 1922.	The whole Act.
12&13Geo.5, c. 35.	The Celluloid and Cinematograph Film Act, 1922.	In section four, subsection (2).
12&13Geo.5, c. 46.	The Electricity (Supply) Act, 1922.	In section two, the words " or by a local authority." In section five, in subsection (2), paragraphs (a) and (c) and the words from "Section twenty-one" to the end of the subsection.
12&13Geo.5, c. 51.	The Allotments Act, 1922.	In section eighteen, in subsection (1) the words from the beginning of the subsection to "eighty years, and," and subsection (2).
13&14Geo.5, c. 6.	The Local Authorities (Emergency Provisions) Act, 1923.	Section two.
13&14Geo.5, c. 13.	The Rent Restrictions (Notices of Increase) Act, 1923.	In section three, subsection (6).
13&14Geo.5, c. 16.	The Salmon and Freshwater Fisheries Act, 1923.	In section forty-one, the words " or county council," and the words from " and (b) " to the end of the section.
13&14Geo.5, c. 24.	The Housing, etc., Act, 1923.	In section two, in subsection (6), the words " under Part III of the principal Act." Section sixteen. In section twenty-two, paragraph (f). Second Schedule.
13&14Geo.5, c. 32.	The Rent and Mortgage Interest Restrictions Act, 1923.	In section eighteen, subsection (4).
14&15Geo.5, c. 29.	The Local Authorities (Emergency Provisions) Act, 1924.	The whole Act.
14&15Geo.5, c. 38.	The National Health Insurance Act, 1924.	In section eighty-five, in subsection (2), the words from " and in the case of the council

11TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
14 & 15 Geo. 5, c. 38—cont.	The National Health Insurance Act, 1924.	of a county” to “as the case may be”; and in subsection (3), the words from “and any sums payable” to the end of the subsection.
15 & 16 Geo. 5, c. 11.	The Borough Councillors (Alteration of Number) Act, 1925.	Section one. In section three, the words from the beginning of the section to “this Act, and,” and the words “or scheme.”
15 & 16 Geo. 5, c. 14.	The Housing Act, 1925.	In section fifty-seven, in subsection (3), the words “whether of contract or otherwise.” In section eighty-one, in subsection (1), the words from “and in any other case” to the end of the subsection; and in subsection (2), the words from “The expenses incurred” to the end of the subsection. In section eighty-four, in subsection (2), paragraph (d) and proviso (i). In section eighty-five, in subsection (1), the words from “under and in accordance with” to the end of the subsection, except so far as relates to mental hospital boards. Section eighty-eight. In section ninety-five, subsection (2). In section one hundred and eleven, subsection (1). In section one hundred and sixteen, in subsection (1) the words from “and the costs” to the end of the subsection; and in subsection (2) the words “or any local inquiry which he may cause to be held.” Section one hundred and twenty-five. In section one hundred and thirty, subsection (2).
15 & 16 Geo. 5, c. 50.	The Theatrical Employers Registration Act, 1925.	In section twelve, in subsection (2), the words from “in the case of the council of a county borough” to the end of the subsection.

11TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
15&16Geo.5, c. 54.	The Ministers of Religion (Removal of Disqualifications) Act, 1925.	The whole Act.
15&16Geo.5, c. 71.	The Public Health Act, 1925.	<p>In section thirty-four, in subsection (3), the words "subject to and in accordance with the provisions of the Local Government Act, 1888."</p> <p>In section fifty-five, the words "subject to the provisions of the Public Health Acts, 1875 to 1907."</p> <p>In section sixty-nine, subsection (4).</p> <p>In section seventy, subsection (2).</p> <p>Section seventy-nine.</p> <p>In the Fourth Schedule, the words "Section 4—Expenses of local authority."</p>
15&16Geo.5, c. 90.	The Rating and Valuation Act, 1925.	<p>In section one, subsection (3), and in subsection (4) the words "in pursuance of this section."</p> <p>In section nine, in subsection (2), in paragraph (e), the words from "and, for the purpose" to the end of the paragraph.</p> <p>In section twelve, subsections (2) and (3).</p> <p>In section fifty-three, subsection (4).</p> <p>In section fifty-four, in subsection (1), the words from "in like manner" to the end of the subsection.</p> <p>In section fifty-five, subsections (2), (3) and (4).</p> <p>Section fifty-six.</p> <p>In section sixty, subsection (3).</p> <p>In section sixty-one, in subsection (1) the words from "and such inspectors" to the end of the subsection, and subsection (2).</p>
16&17Geo.5, c. 10.	The Local Authorities (Emergency Provisions) Act, 1926.	The whole Act.

11TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
16 & 17 Geo. 5, c. 31.	The Home Counties (Music and Dancing) Licensing Act, 1926.	In section four, subsection (1).
16 & 17 Geo. 5, c. 38.	The Local Government (County Boroughs and Adjustments) Act, 1926.	Sections one to four. Section five, except so far as relates to alterations of boundaries and other changes which took effect before the first day of April, 1930.
16 & 17 Geo. 5, c. 43.	The Public Health (Smoke Abatement) Act, 1926.	Section six.
16 & 17 Geo. 5, c. 52.	The Small Holdings and Allotments Act, 1926.	In section fourteen, in subsection (4), the words "under " section fifty-two of the principal Act."
16 & 17 Geo. 5, c. 54.	The Wireless Telegraphy (Blind Persons Facilities) Act, 1926.	In section two, in subsection (1), the words from "The expenses incurred" to "borough rate."
16 & 17 Geo. 5, c. 56.	The Housing (Rural Workers) Act, 1926.	In section five, in subsection (3) the words "by the local authority," and the words from "and in the case of any other council" to "Public Health Acts," in subsection (4), the words from "in the case of the council of a county" to "1925," and subsection (5). Sections six and seven.
16 & 17 Geo. 5, c. 59.	The Coroners (Amendment) Act, 1926.	In section one, subsection (3).
17 & 18 Geo. 5, c. 14.	The Poor Law Act, 1927.	The whole Act, so far as unrepealed, except section two hundred and seven.
17 & 18 Geo. 5, c. 31.	The Audit (Local Authorities) Act, 1927.	The whole Act.
17 & 18 Geo. 5, c. 38.	The Nursing Homes Registration Act, 1927.	In section nine, in subsection (4), the words from the beginning of the subsection to "Provided that," and the words from "and the amount" to the end of the subsection.

11TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
18&19Geo.5, c. 9.	The Local Authorities (Emergency Provisions) Act, 1928.	The whole Act.
19&20Geo.5, c. 17.	The Local Government Act, 1929.	<p>In section nine, paragraph (a).</p> <p>Section ten.</p> <p>In section fourteen, in subsection (3), the words from the beginning of the subsection to "relating to public health."</p> <p>Sections forty-seven to forty-nine.</p> <p>In section fifty-one, in subsection (1), the words from the beginning of the subsection to "of any district, and."</p> <p>Sections fifty-two to fifty-six.</p> <p>Section fifty-eight.</p> <p>In section seventy-four, subsection (2).</p> <p>In section one hundred and eight, subsection (2).</p> <p>In section one hundred and fifteen, subsection (2), and in subsection (6) the words "and the Seventh Schedule to this Act."</p> <p>In section one hundred and seventeen, in subsection (4) the words "under the Public Health Acts, 1875 to 1926."</p> <p>In section one hundred and twenty-eight, in subsection (1) the words "or county borough," the words "(a) in the case of a county council," and the words from "(b) in the case of a county borough council" to the end of the subsection, and in subsection (3), the words from "and in the case of any other county council" to the end of the subsection.</p> <p>In section one hundred and twenty-nine, in subsection (1) the words from "and such inspectors" to the end of the subsection; in subsection (2) the words from "as if those</p>

11TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
19&20Geo.5, c. 17—cont.	The Local Govern- ment Act, 1929.	<p>purposes" to the end of the subsection; in subsection (3) the words from "as if those purposes" to the end of the subsection; and subsection (4). In the First Schedule, in Part I and in Part III the words "S. 176. So far as required for highway purposes and the purposes of S. 154."</p> <p>In the Third Schedule, paragraph 3, except so far as relates to payments to port sanitary authorities.</p> <p>The Seventh Schedule.</p> <p>In the Ninth Schedule, in Part I, paragraph 2.</p> <p>In the Tenth Schedule, paragraphs 8, 9, 14, 21 so far as unrepealed, and 22, and in paragraph 26, sub-paragraph (b).</p>
19&20Geo.5, c. 33.	The Bridges Act, 1929.	In section eight, subsection (1); and in subsection (2), the words from "as a highway authority" where those words first occur to the end of the subsection.
20&21Geo.5, c. 17.	The Poor Law Act, 1930.	<p>Section seven.</p> <p>In section ten, in subsection (3) the words from "and the amount and nature" to "to give security."</p> <p>In section one hundred and ten, paragraph (a).</p> <p>Section one hundred and fourteen.</p> <p>In section one hundred and seventeen the words "or county borough", the words "(a) in the case of a county council," and the words from "and (b)" to the end of the section.</p> <p>In section one hundred and eighteen, the words from "and</p> <p>* "in the case of any other</p>

11TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
20&21Geo.5, c.17—cont.	The Poor Law Act, 1930.	<p>“ county council ” to the end of the section.</p> <p>In section one hundred and thirty-six, in section (1), paragraphs (e) and (f).</p> <p>Section one hundred and forty.</p> <p>Section one hundred and forty-four.</p> <p>Sections one hundred and fifty-five and one hundred and fifty-six.</p>
20&21Geo.5, c. 23.	The Mental Treatment Act, 1930.	<p>In section six, in subsection (3), in paragraph (e), the words “ or joint exercise of ”.</p>
20&21Geo.5, c. 39.	The Housing Act, 1930.	<p>In section fifty-four, in subsection (3), the words from “ in accordance ” to the end of the subsection.</p>
20&21Geo.5, c. 43.	The Road Traffic Act, 1930.	<p>In section twenty-seven, in subsection (5), the words from “ and in the case of a borough ” to “ 1926 ”; and the words from “ in the case of a county council under ” to the end of the subsection.</p> <p>In section ninety, in subsection (10), the words from “ in the case of a county council ” to the end of the subsection.</p> <p>In section one hundred and seven, in subsection (1) paragraph (a), in subsection (2) paragraph (a), and subsection (3) except so far as relates to joint boards or joint committees.</p>
20 & 21Geo. 5, c. 44.	The Land Drainage Act, 1930.	<p>In section thirty-two, in subsection (2), the words from “ under those Acts ” to the end of the subsection.</p> <p>In section forty-nine, in subsection (3), the words from “ in like manner ” to the end of the subsection.</p> <p>In section fifty-three, in subsection (2), paragraphs (a) and (b).</p> <p>Section sixty-nine.</p> <p>In section seventy-three, the words from “ or (b) ” to “ boundary lines are altered ”.</p>

11TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
21 & 22 Geo. 5, c. 45.	The Local Government (Clerks) Act, 1931.	<p>In section two, subsections (1) and (2).</p> <p>In section three, in subsection (1), paragraph (a), and subsection (2).</p> <p>In section four, in subsection (2), the words from “(c) in the case of a clerk” to the end of the subsection; in subsection (3) the words “the office of clerk of the county council or” and the words “to either of those offices”; and subsection (6).</p> <p>In section five, subsection (1); and in subsection (3), the words from “so far as they relate to the administrative business” to “every county shall.”</p> <p>Section six.</p> <p>In section seven, in subsection (1), the words “as respects clerks and deputy clerks of a county council references to the county council, and”; in subsection (2), paragraph (a); and subsection (4).</p> <p>In section eight, in subsection (1), the words from “in carrying out his duties as such” to “parliamentary elections, and”; and subsection (4).</p> <p>In section eleven, in subsection (1), paragraph (b).</p>
22 & 23 Geo. 5, c. 25.	The Finance Act, 1932	Section thirty.
22 & 23 Geo. 5, c. 48.	The Town and Country Planning Act, 1932.	<p>In section thirty-eight, in subsection (1), the words from “and the costs incurred” to the end of the subsection, subsection (2), and in subsection (3) the words from “and may confer” to the end of the subsection.</p> <p>In section forty-nine, in subsection (2), paragraphs (c) and (d).</p>

11TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
23 & 24 Geo. 5, c. 12.	The Children and Young Persons Act, 1933.	In section twenty-seven, subsection (3). In section ninety-six, in subsection (5), paragraph (a); and in subsection (6) the words from "and in the case of any other county council" to the end of the subsection. In section ninety-eight, subsection (2).
23 & 24 Geo. 5, c. 28.	The Municipal Corporations (Audit) Act, 1933.	The whole Act.

PART V.—REPEALS EXTENDING TO LONDON.

17 Geo. 2, c. 38.	The Poor Relief Act, 1743.	Sections one and two.
9 & 10 Vict., c. 74.	The Baths and Wash-houses Act, 1846.	Section fifteen.
15 & 16 Vict., c. 81.	The County Rates Act, 1852.	In section thirty-three, the words from "and every overseer" to the end of the section.
15 & 16 Vict., c. 85.	The Burial Act, 1852.	Section eighteen.
23 & 24 Vict., c. 51.	The Local Taxation Returns Act, 1860.	The whole Act.
29 & 30 Vict., c. 113.	The Poor Law Amendment Act, 1866.	Section thirteen.
30 & 31 Vict., c. 106.	The Poor Law Amendment Act, 1867.	Section twenty-eight.
34 & 35 Vict., c. 70.	The Local Government Board Act, 1871.	Section eight. In the Schedule, in Part I, the words "Returns. Local Taxation" in the first column, and the words "23 & 24 Vict. c. 51" in the second column.
38 & 39 Vict., c. 55.	The Public Health Act, 1875.	Sections two hundred and forty-five to two hundred and forty-seven. Sections two hundred and forty-nine and two hundred and fifty.

11TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
39 & 40 Vict., c. 61.	The Divided Parishes and Poor Law Amendment Act, 1876.	Section thirty-seven.
40 & 41 Vict., c. 66.	The Local Taxation Returns Act, 1877.	The whole Act.
41 & 42 Vict., c. 77.	The Highways and Locomotives (Amendment) Act, 1878.	Section nine. In section eighteen, the words from "and the accounts so kept" to "county authority may direct."
42 & 43 Vict., c. 6.	The District Auditors Act, 1879.	The whole Act.
42 & 43 Vict., c. 39.	The Highways Ac- counts Returns Act, 1879.	The whole Act.
45 & 46 Vict., c. 50.	The Municipal Cor- porations Act, 1882.	Sections twenty-six to twenty- eight.
50 & 51 Vict., c. 72.	The Local Authorities (Expenses) Act, 1887.	The whole Act.
51 & 52 Vict., c. 41.	The Local Govern- ment Act, 1888.	Section seventy-one. Section seventy-three. In section eighty-one, in sub- section (1) the words "county council or councils and any"; in subsection (2) the words "council or" wherever those words occur; subsection (3); in subsection (4) the words "council and"; in subsection (5) the words "council or" wherever those words occur and the words from "so that where" to the end of the subsection; subsection (6); and in subsection (7) the words from the beginning of the sub- section to "administrative counties and." Section eighty-two, except so far as it applies to joint com- mittees appointed under sec- tion eighty-one. Second Schedule.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
55 & 56 Vict., c. 53.	The Public Libraries Act, 1892.	In section twenty, subsection (1), in subsection (2) the words from "in like manner" to the end of the subsection, and subsection (3).
56 & 57 Vict., c. 73.	The Local Government Act, 1894.	Section fifty-seven.
59 & 60 Vict., c. 48.	The Light Railways Act, 1896.	Section seventeen. Third Schedule.
62 & 63 Vict., c. 14.	The London Government Act, 1899.	In section eight, subsection (4). Section fourteen.
2 Edw. 7, c. 41	The Metropolis Water Act, 1902.	In section nineteen, the words from "and that the stamp duty" to the end of the section.
6 & 7 Geo. 5, c. 12.	The Local Government (Emergency Provisions) Act, 1916.	In section thirteen, subsection (1). Section fourteen.
9 & 10 Geo. 5, c. 93.	The Public Libraries Act, 1919.	In section four, subsection (3).
11 & 12 Geo. 5, c. 32.	The Finance Act, 1921.	Section sixty-one.
12 & 13 Geo. 5, c. 14.	The Audit (Local Authorities, &c.) Act, 1922.	The whole Act.
15 & 16 Geo. 5, c. 14.	The Housing Act, 1925.	In section ninety-five, subsection (2).
17 & 18 Geo. 5, c. 14.	The Poor Law Act, 1927.	In section one hundred and fifty-four, subsections (2) and (3), so far as unrepealed. Section one hundred and fifty-five so far as unrepealed.
17 & 18 Geo. 5, c. 31.	The Audit (Local Authorities) Act, 1927.	Sections two and three.
20 & 21 Geo. 5, c. 17.	The Poor Law Act, 1930.	In section one hundred and thirty-six, in subsection (1), paragraph (f). Section one hundred and fifty-six.
20 & 21 Geo. 5, c. 23.	The Mental Treatment Act, 1930.	In section six, in subsection (3), in paragraph (e) the words "or joint exercise of."

11TH SCH.
—cont.

11TH SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
20 & 21 Geo. 5, c. 44.	The Land Drainage Act, 1930.	In section forty-nine, in subsection (3), the words from "in like manner" to the end of the subsection.
22 & 23 Geo. 5, c. 25.	The Finance Act, 1932	Section thirty.
23 & 24 Geo. 5, c. 28.	The Municipal Corporations (Audit) Act, 1933.	The whole Act.

CHAPTER 52.

An Act to provide for the protection of birds of species resident in or visiting Great Britain in a wild state. [17th November 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Restrictions
on the
taking and
sale of wild
birds.

1.—(1) Subject to the provisions of this section any person who—

- (a) takes any wild bird, being a bird to which this Act applies, with the intention that it shall be sold alive; or
- (b) sells, offers for sale or has in his possession for sale any live bird, being a bird to which this Act applies other than close-ringed specimens bred in captivity,

shall be liable on summary conviction to a fine not exceeding two pounds, or in the case of a second or subsequent offence to a fine not exceeding five pounds, and the court before which any person is convicted of

an offence under this section may further order the bird to be dealt with as the court may direct.

(2) The birds to which this Act applies are the birds specified in the Schedule to this Act being birds of a British species, and for the purposes of this Act a species shall be deemed to be British if, and only if, it is a species resident in or visiting Great Britain in a wild state.

2.—(1) This Act may be cited as the Protection of Birds Act, 1933, and does not extend to Northern Ireland.

Short title,
extent and
commence-
ment.

(2) This Act shall come into operation at the expiration of six months from the passing thereof.

SCHEDULE.

Blackbird.	Larks.
Blackcap.	Linnet.
Blue throat.	Magpie.
Brambling.	Martin, House.
Bullfinch.	Martin, Sand.
Buntings.	Nightingale.
Chaffinch.	Nightjar.
Chiffchaff.	Nuthatch.
Chough.	Oriole, Golden.
Crossbill.	Owls (except Little Owl).
Cuckoo.	Pipits.
Dipper.	Raven.
Fieldfare.	Redpoll, Lesser.
Firecrested Wren.	Redpoll, Mealy.
Flycatcher, Pied.	Redstart.
Flycatcher, Spotted.	Redstart, Black.
Goldcrested Wren.	Ring Ouzel.
Goldfinch.	Robin.
Greenfinch.	Shrike, Great Grey.
Hawfinch.	Shrike, Redbacked.
Hoopoe.	Siskin.
Jackdaw.	Sparrow, Hedge.
Jay.	Sparrow, House.
Kingfisher.	Sparrow, Tree.

Starling.	Waxwing.
Stonechat.	Wheatear.
Swallow.	Whinchat.
Thrushes.	Whitethroat.
Tits (including Bearded Tit).	Whitethroat, Lesser.
Treecreeper.	Woodpeckers.
Twite.	Wren, Common.
Wagtails.	Wryneck.
Warblers.	Yellowhammer.

CHAPTER 53.

An Act to make provision for regulating the carriage of goods on roads by motor vehicles and for controlling the use of vehicles on certain roads; to amend certain provisions of the Road Traffic Act, 1930; to amend the law relating to railways and to make provision for constituting a council to advise on questions in connection with the means of, and facilities for, transport; and for purposes connected with the matters aforesaid.

[17th November 1933.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

ROAD TRAFFIC.

Goods Vehicles.

Licensing
of good
vehicles.

1.—(1) Subject to the provisions of this Part of this Act, no person shall use a goods vehicle on a road for the carriage of goods—

(a) for hire or reward; or

(b) for or in connection with any trade or business, carried on by him,

except under a licence.

(2) In this Part of this Act the expression "goods vehicle" means a motor vehicle constructed or adapted for use for the carriage of goods, or a trailer so constructed or adapted, and the expression "licence" means a licence granted under this Part of this Act.

PART I.
—cont:

(3) When a goods vehicle is being used on a road for the carriage of goods, the driver of the vehicle, if it belongs to him or is in his possession under an agreement for hire, hire purchase or loan, and in any other case the person whose agent or servant the driver is, shall, for the purposes of this Part of this Act, be deemed to be the person by whom the vehicle is being used.

(4) Where at any time goods are carried in a goods vehicle, being a vehicle which has been let on hire by the person who at the time of the carriage of the goods is within the meaning of this Part of this Act the user of the vehicle, the goods shall be deemed to be carried by that person for hire or reward.

(5) For the purposes of this Part of this Act—

- (a) the delivery or collection by a person of goods sold, used or let on hire or hire purchase in the course of a trade or business carried on by him;
- (b) the delivery or collection by a person of goods which have been, or are to be, subjected to a process or treatment in the course of a trade or business carried on by him;
- (c) the carriage by a person engaged in agriculture in any locality of goods for or in connection with the business of agriculture carried on by another person in that locality, so long as the goods are carried in a vehicle which the person carrying them is authorised by a licence to use for the carriage of goods for or in connection with his agricultural business;
- (d) the carriage of goods in a vehicle which is being used under, and in accordance with the regulations applicable to, a licence taken out by a manufacturer or dealer under section nine of the Roads Act, 1920, or by a repairer under section fifteen of the Finance Act, 1922;

10 & 11
Geo. 5. c. 72.
12 & 13
Geo. 5. c. 17.

PART I.
—cont.

- (e) the carriage of goods in a vehicle by a manufacturer, agent, or dealer, whilst the vehicle is being used by him for demonstration purposes,

shall not be deemed to constitute a carrying of the goods for hire or reward.

(6) It is hereby declared that, for the purposes of this Part of this Act, the performance by a local or public authority of its functions shall be deemed to be the carrying on of a business.

(7) This section shall not apply—

(a) to the use of a vehicle (including a trailer drawn thereby) in any case where the excise duty in respect of the vehicle under section thirteen of the Finance Act, 1920, is chargeable at one of the rates applicable to vehicles specified in sub-paragraph (a) or sub-paragraph (d) of paragraph 4, or in sub-paragraph (a) of paragraph 5, of the Second Schedule to the Finance Act, 1920, as amended by the Finance Act, 1933, or any subsequent enactment, for any of the agricultural or other ancillary purposes for which exclusively the vehicle must be used if the duty is to remain chargeable at that rate;

(b) to the use for any purpose other than the carriage of goods for hire or reward of a trailer when drawn by a vehicle constructed solely for the carriage of not more than seven passengers, exclusive of the driver, and their effects;

(c) to the use of a tramcar or trolley vehicle in pursuance of the powers of any special Act of Parliament or any order having the force of an Act;

(d) to the use of a public service vehicle as a stage carriage, express carriage, or contract carriage in pursuance of a licence granted under the Road Traffic Act, 1930;

(e) to the use of a hackney carriage as defined in section four of the Customs and Inland Revenue Act, 1888, when being used as such a carriage;

10 & 11
Geo. 5. c. 18.

23 & 24
Geo. 5. c. 19.

20 & 21
Geo. 5. c. 43.

51 & 52
Vict. c. 8.

- (f) to the use of a vehicle for the purposes of funerals; PART I.
—cont.
- (g) to the use by a local authority, or a person acting in pursuance of a contract with a local authority, of a vehicle for road cleansing, road watering or the collection or disposal of refuse, night-soil or the contents of cesspools, or for the purposes of the enactments relating to weights and measures or the sale of food and drugs;
- (h) to the use of a vehicle for police, fire brigade or ambulance purposes;
- (i) to the use of a vehicle for towing a disabled motor vehicle, or for removing goods from a disabled vehicle to a place of safety;
- (j) to the use of a vehicle for miners' rescue purposes under the provisions of section eighty-five of the Coal Mines Act, 1911; 1 & 2 Geo. 5.
c. 50.
- (k) to the use of a vehicle for any purpose specified in regulations, or the use for any purpose of a vehicle of any class or description so specified.

(8) If any person uses a vehicle in contravention of this section, he shall be guilty of an offence under this Part of this Act.

- 2.—(1) Licences shall be of the following classes:— Classes of
licences.
- (a) public carriers' licences;
- (b) limited carriers' licences;
- (c) private carriers' licences.

(2) A public carrier's licence (in this Part of this Act referred to as "an A licence") shall entitle the holder thereof to use the authorised vehicles for the carriage of goods for hire or reward, or for the carriage of goods for or in connection with his business as a carrier of goods, whether by road transport or any other kind of transport, but it shall be a condition of the licence that no vehicle which is for the time being an authorised vehicle shall be used for the carriage of goods for or in connection with any other trade or business carried on by him except such storage or warehousing of goods as may be incidental to his business as a carrier.

PART I.
—*cont.*

In relation to a licence held by a person carrying on a canal, dock or harbour undertaking, the reference in this subsection to the use of vehicles for the carriage of goods for or in connection with the business of the holder of a licence as a carrier of goods shall include a reference to the use of vehicles for the carriage of goods for, or in connection with, that undertaking.

(3) A limited carrier's licence (in this Part of this Act referred to as "a B licence") shall entitle the holder thereof to use the authorised vehicles, as he thinks fit from time to time, either for the carriage of goods for or in connection with any trade or business carried on by him, or, subject to any conditions which the licensing authority, in the exercise of his discretion to attach conditions to a B licence, may attach to the licence, for the carriage of goods for hire or reward.

(4) A private carrier's licence (in this Part of this Act referred to as "a C licence") shall entitle the holder thereof to use the authorised vehicles for the carriage of goods for or in connection with any trade or business carried on by him, subject to the condition that no vehicle which is for the time being an authorised vehicle shall be used for the carriage of goods for hire or reward.

Notwithstanding anything in this Part of this Act, the licensing authority may, in a case of emergency and subject to such conditions as he thinks fit to impose, authorise the holder of a C licence to use an authorised vehicle for the carriage of goods for any person to whom he lets the vehicle, if the authority is satisfied that the needs of that person cannot conveniently be met from other sources.

(5) In this Part of this Act the expression "authorised vehicle" means in relation to any licence a vehicle authorised to be used thereunder.

(6) The vehicles authorised to be used under a licence shall be—

- (a) such motor vehicles, being vehicles belonging to the holder of the licence or in his possession under a hire purchase agreement, as are specified in the licence;
- (b) motor vehicles from time to time in the possession of the holder of the licence under an agreement for hire or loan, not exceeding at any time such maximum number as is specified in the licence;

- (c) trailers from time to time belonging to the holder of the licence or in his possession under an agreement for hire purchase, hire or loan, not exceeding at any time such maximum number as is specified in the licence;
- (d) in the case of a C licence, subject to the provisions of the next succeeding subsection, any motor vehicle belonging to the holder of the licence or in his possession under a hire purchase agreement, but acquired by him, or coming into his possession under such an agreement, only after the grant of the licence.

PART I.
—cont.

For the purposes of paragraph (b) or paragraph (c) of this subsection, different types of motor vehicles or different types of trailers, as the case may be, may be distinguished in a licence and a maximum number may be specified in the licence for vehicles or trailers of each type.

(7) A motor vehicle which is acquired by, or, under a hire purchase agreement comes into the possession of, the holder of a C licence after the grant thereof shall cease to be an authorised vehicle on the expiration of one month from the date on which it was acquired by him or came into his possession, unless before the expiration of that period the holder delivers to the licensing authority a notice in the prescribed form of the vehicle having been acquired by him or having come into his possession.

(8) A motor vehicle specified in a licence shall not, while it remains so specified, be capable of being effectively specified in any other licence.

(9) A person may be the holder of two or more licences whether of the same class or of different classes.

3.—(1) Subject to the provisions of this section, the period for which a licence may be granted (in this section referred to as “the currency period”) shall be—

Duration of
licences.

- (a) in the case of an A licence, two years;
- (b) in the case of a B licence, one year;
- (c) in the case of a C licence, three years,

from the date on which it is expressed to take effect.

(2) The Minister may prescribe the dates in the year on which licences, other than licences hereinafter referred to as short-term licences, shall expire, and a licence

PART I.
—cont.

shall, unless previously revoked, continue in force up to and including that one of the prescribed dates which occurs next before the expiration of the currency period thereof, or up to and including such earlier date, being one of the prescribed dates, as the licensing authority may, at the time of granting the licence, for special reasons, determine.

(3) With a view to enabling goods vehicles to be used temporarily—

- (a) for the purposes of a seasonal business;
- (b) for the purposes of the execution of a particular piece of work; or
- (c) for any other purpose of limited duration,

a licence of any class may be granted for a period less than the currency period, but not exceeding three months, and any licence granted under this or the next following subsection is in this Part of this Act referred to as a "short-term licence."

(4) Where an application has been made for a licence for the currency period, the licensing authority, if for administrative reasons he deems it desirable so to do, may, pending the determination of the application, grant to the applicant a short-term licence for a period not exceeding—

- (a) in the case of a first application for an A licence, twelve months;
- (b) in the case of a first application for a B licence, six months; and
- (c) in any other case, three months,

but any short-term licence so granted shall cease to have effect as from the date on which a licence granted for the currency period is expressed to take effect.

(5) If on the date of the expiration of a licence, other than a short-term licence, proceedings are pending before the licensing authority on an application by the holder of that licence for the grant to him of a new licence in substitution for the existing licence, the existing licence shall continue in force until the application is disposed of, without prejudice, however, to the exercise in the meantime of the powers of suspension and revocation conferred by this Part of this Act.

4.—(1) The person who is the chairman of the traffic commissioners for any traffic area within the meaning of the Road Traffic Act, 1930, including any person for the time being appointed by the Minister to act as deputy to the chairman, shall have the power and be charged with the duty of granting licences under this Part of this Act, and is in this Part of this Act referred to as “the licensing authority.”

PART I.
—cont.
Licensing
authority.

(2) This section shall have effect as respects the Metropolitan traffic area with the substitution of a reference to the traffic commissioner for that area for the reference to the chairman of the traffic commissioners.

5.—(1) A person applying for a licence shall submit to the licensing authority a statement in the prescribed form—

Procedure
on applica-
tions for
licences.

- (a) containing, as respects motor vehicles proposed to be used under the licence which belong to the applicant or are in his possession under a hire purchase agreement or which, if the application is granted, he intends to acquire or to obtain possession of under such an agreement, such particulars as may be prescribed, so, however, that the particulars shall not require vehicles subject to hire purchase agreements to be distinguished from vehicles belonging to the applicant;
- (b) stating the number and type of hired motor vehicles and of trailers proposed to be so used; and
- (c) specifying, in the case of an application for an A licence or a B licence, the facilities for the transport of goods intended to be provided by him under the licence for other persons, including particulars of the district within which, or the places between which, it is intended that the authorised vehicles will normally be used for the purpose of carrying goods for hire or reward.

(2) A person applying for a licence shall give to the licensing authority any information which he may reasonably require for the discharge of his duties in relation to the application and, in particular, an applicant for an A licence or a B licence, shall, if required by the

PART I. licensing authority, submit to the licensing authority in
—*cont.* the prescribed form—

- (a) such particulars as the licensing authority may require with respect to any business as a carrier of goods for hire or reward carried on by the applicant at any time before the making of the application and of the rates charged by the applicant;
- (b) particulars of any agreement or arrangement, affecting in any material respect the provision within the area of the licensing authority of facilities for the transport of goods for hire or reward, entered into by the applicant with any other person by whom such facilities are provided, whether within or without the area;
- (c) particulars of any financial interest (whether as a partner or shareholder or as a result of any loan, guarantee or other financial transaction) which any other person providing facilities for the transport of goods for hire or reward, or controlling (either solely or in conjunction with any other person) the business of any person who provides such facilities, has in the business of the applicant, and in the case of an applicant being a company, of any right which any such person as aforesaid has to nominate any director of the company.

(3) In the case of A licences or B licences, the application must be made to the licensing authority for the area in which the permanent base or centre from which it is intended that the authorised vehicles will normally be used for the purpose of carrying goods for hire or reward is situate, and a separate application must be made in respect of each such base or centre :

Provided that where applications for A licences or B licences are made by a person in respect of two or more bases or centres in the area of the same licensing authority, that authority may, if he thinks fit, grant a single licence in respect of those applications or any of them.

(4) In the case of C licences, the application must be made to the licensing authority either for the area in which the principal place of business of the applicant is

situated, or for the area in which his head office is situated.

PART I.
—cont.

6.—(1) Subject to the provisions of the next succeeding section, the licensing authority—

Discretion
of licensing
authority as
to grant or
refusal of
licences.

- (a) on an application for an A licence or for a B licence, shall have full power in his discretion either to grant or to refuse the application, or to grant a licence in respect of motor vehicles other than those of which particulars were contained in the application, or in respect of motor vehicles or trailers less in number than, or differing in type from, those for the use of which authorisation was applied for; and
- (b) on an application for a C licence, shall grant the application, unless the applicant is the holder of a licence which is suspended, or unless a licence previously held by him has been revoked, in either of which cases the licensing authority shall have full power in his discretion either to grant or to refuse the application.

(2) The licensing authority in exercising his discretion shall have regard primarily to the interests of the public generally, including those of persons requiring, as well as those of persons providing, facilities for transport, and, in particular, shall have regard in the case of an application for an A licence or for a B licence—

- (a) where the applicant is the holder of an existing licence of the same class, to the extent to which he is authorised to use goods vehicles thereunder for the carriage of goods for hire or reward;
- (b) to the previous conduct of the applicant in the capacity of a carrier of goods;
- (c) to the number and type of vehicles proposed to be used under the licence;
- (d) in determining the number of vehicles to be authorised, to the need for providing for occasions when vehicles are withdrawn from service for overhaul or repair;

PART I.
—cont.

(e) to the extent to which the vehicles to be authorised will be in substitution for horse-drawn vehicles previously used by the applicant for the purposes of his business as a carrier,

and, in the case of an application for a B licence, also to the extent to which the applicant intends that the vehicles proposed to be used under the licence shall be used for the carriage of goods for hire or reward.

(3) In any case in which the licensing authority refuses to grant a licence, or grants a licence which differs from the licence applied for, or imposes conditions to which the applicant does not agree, the licensing authority shall, if requested by the applicant, state in writing the reasons for his decision.

Special provisions as to certain applications.

7.—(1) If, on an application for an A licence, the applicant satisfies the licensing authority that any of the authorised vehicles will be used exclusively for the purposes of a contract entered into by the applicant with a person carrying on a trade or business (not being the business of carrying or arranging for the carrying of goods) for the carriage of goods for or in connection with that trade or business during any continuous period of not less than one year, the licensing authority shall, unless he is satisfied that, having regard to the previous conduct of the applicant in the capacity of a carrier of goods, he is not a fit person to receive a licence, grant the application so far as regards those vehicles, subject to conditions for securing that those vehicles shall be used exclusively for the purposes of the contract and shall at the termination of the contract cease to be authorised vehicles unless the licensing authority on an application made to him with respect thereto otherwise directs.

(2) If, on an application for an A licence made not later than the first day of April, nineteen hundred and thirty-four, or such later date as the Minister may appoint, the applicant shows to the satisfaction of the licensing authority that during the year beginning on the first day of April, nineteen hundred and thirty-two, he used any goods vehicles belonging to him, or in his possession under a hire purchase agreement, mainly for the purpose of the carriage of goods for hire or reward, the licensing authority shall grant the application in respect of vehicles having an aggregate

weight unladen not less than the aggregate weight unladen of any such vehicles so used by the applicant at any one time during the said year.

PART I.
—cont.

(3) If, on an application for a B licence made not later than the first day of April, nineteen hundred and thirty-four, or such later date as the Minister may appoint, the applicant shows to the satisfaction of the licensing authority that during the year beginning on the first day of April, nineteen hundred and thirty-two, he used any goods vehicles belonging to him, or in his possession under a hire purchase agreement, partly for the purpose of the carriage of goods for hire or reward, and partly for other purposes, the licensing authority shall grant the application in respect of vehicles having an aggregate weight unladen not less than the aggregate weight unladen of any such vehicles so used by the applicant at any one time during the said year, and shall not, in the exercise of his discretion to attach conditions to a B licence, attach to the licence any conditions which would constitute a substantial interference with the carrying on of any trade or business for the purposes of which the vehicles were used as aforesaid.

(4) A vehicle shall not be included in a computation of aggregate weight for the purposes of more than one application for a licence by the same applicant, but the applicant may elect as to the application for the purposes of which a vehicle is to be included.

8.—(1) It shall be a condition of every licence—

Conditions
of licences.

- (a) that the authorised vehicles are maintained in a fit and serviceable condition;
- (b) that any provisions (whether contained in any statute or in any statutory rules or orders) with respect to limits of speed and weight, laden and unladen, and the loading of goods vehicles, are complied with in relation to the authorised vehicles;
- (c) that in relation to the authorised vehicles the requirements specified in section nineteen of the Road Traffic Act, 1930 (as varied or amended by any order under that section or by this Act or any subsequent enactment), with respect to the time for which drivers of

PART I.
—cont.

certain vehicles may remain continuously on duty and the hours which they are to have for rest, are observed;

- (d) that the provisions of this Part of this Act relating to the keeping of records are complied with.

(2) It shall be a condition of every A licence and of every B licence that the provisions of section ninety-three of the Road Traffic Act, 1930, as amended and applied by this Part of this Act, are complied with in relation to the authorised vehicles.

(3) Subject to the provisions of subsection (3) of the last preceding section, the licensing authority may in his discretion attach to a B licence, as respects the user of the authorised vehicles, or any of them, for the carriage of goods for hire or reward, all or any of the following conditions, that is to say—

- (a) a condition that they shall be so used only in a specified district or between specified places;
- (b) a condition that certain classes or descriptions of goods only shall be so carried;
- (c) a condition that goods shall be so carried only for specified persons;
- (d) such other conditions (not being conditions with respect to the rates to be charged) as the licensing authority may think fit to impose in the public interest and with a view to preventing uneconomic competition.

(4) The licensing authority may, from time to time, on the application of the holder of the licence cancel or vary any conditions attached to a B licence in pursuance of subsection (3) of this section.

Penalty for non-compliance with and exception from, conditions of licences.

9.—(1) Subject to the provisions of this section, any person who fails to comply with any condition of a licence held by him, shall be guilty of an offence under this Part of this Act.

(2) Notwithstanding that a vehicle is an authorised vehicle, the conditions of the licence shall not apply while the vehicle is being used for any purpose for which it might lawfully be used without the authority of a licence.

10.—(1) On the application of the holder of a licence, the licensing authority by whom the licence was granted may at any time during its currency vary the licence by directing that additional vehicles shall be specified therein, or that vehicles specified therein shall be removed therefrom, or that the maximum number of motor vehicles or of trailers specified in the licence in pursuance of paragraphs (b) and (c) respectively of subsection (6) of section two of this Act shall be increased or reduced.

(2) The foregoing provisions of this Part of this Act as to applications for licences of any class (except provisions as to the licensing authority to whom applications are to be made), as to the grant or refusal of licences of any class (except the provisions of subsections (2), (3) and (4) of section seven), and as to the attaching of conditions to B licences, shall apply in relation to the variation of a licence of that class :

Provided that the licensing authority shall be bound to grant an application for a variation consisting only of the removal of a specified vehicle from the licence, or of a reduction in the maximum number specified as aforesaid, or of the specification in the licence in substitution for a specified vehicle of a vehicle of the same or of a less weight unladen.

(3) Where it comes to the knowledge of the licensing authority by whom a licence was granted that a vehicle specified therein has ceased to be used under the licence for any reason other than a fluctuation in business, or is specified in another licence, he may vary the licence by directing that the vehicle shall be removed therefrom.

(4) When the licensing authority by whom a C licence was granted receives notice under subsection (7) of section two of this Act that the holder of the licence has acquired, or come into possession of, a vehicle as therein mentioned, he shall vary the licence by directing that the vehicle shall be specified therein.

11.—(1) The licensing authority shall publish in the prescribed manner notice of an application to which this section applies specifying the time within which, and the manner in which, objections may be made to the grant of the application.

Objections
to certain
applications
for licences,
or varia-
tions of
licences.

PART I.
—cont.

(2) It shall be the duty of the licensing authority, on an application to which this section applies, to take into consideration any objections to the application which may be made by persons who are already providing facilities, whether by means of road transport or any other kind of transport, for the carriage of goods for hire or reward in the district, or between the places, which the applicant intends to serve, on the ground that suitable transport facilities in that district, or between those places, are or, if the application were granted, would be, either generally or in respect of any particular type of vehicles, in excess of requirements, or on the ground that any of the conditions of a licence held by the applicant has not been complied with :

Provided that on an application for the grant or variation of an A licence, the licensing authority shall not be bound to take into consideration objections made by a person who holds a B licence and does not also hold an A licence.

(3) This section shall apply to every application for the grant for the currency period of an A licence or of a B licence, or for the variation of such a licence by a direction that additional vehicles shall be specified therein or that the maximum number of motor vehicles or of trailers specified in the licence in pursuance of paragraphs (b) and (c) respectively of subsection (6) of section two of this Act shall be increased, or, in the case of a B licence, that the district specified in the licence within which, or the places so specified between which, the vehicles can be used for the carriage of goods for hire or reward shall be varied or extended, not being—

- (a) an application which the licensing authority is bound to grant; or
- (b) an application for a licence to expire not later than an existing licence under which the vehicles to which the application relates are authorised to be used for the purposes of a business which the applicant has acquired or intends to acquire; or
- (c) an application as respects which the licensing authority is of opinion that, having regard to its trivial character it is not necessary that any opportunity should be given for objection.

(4) This section shall apply to every application under subsection (3) of section three of this Act for a short-term A licence or short-term B licence, unless the licensing authority is of opinion either—

PART I.
—cont.

- (a) that, having regard to the trivial nature of the application, it is not necessary that any opportunity should be given for objection; or
- (b) that the application has been made with reasonable expedition and that the demand for the use of the vehicles to be authorised under the licence is so urgent as to render compliance with the requirements of this section impracticable.

(5) The licensing authority may hold such inquiries as he thinks necessary for the proper exercise of his functions under this Act.

(6) Where, on an application for the grant of an A licence or a B licence, the licensing authority proposes to grant the application in respect of vehicles other than those of which particulars were contained in the application, he shall publish notice of his proposal as if that proposal were an application to which this section applies, and thereupon the provisions of this section with respect to the making and consideration of objections shall apply accordingly:

Provided that it shall not be necessary for the licensing authority to publish such a notice if he is satisfied that the variation, subject to which he proposes to grant the application, will not materially increase the total carrying capacity of the authorised vehicles.

12.—(1) Where a holding company on an application for a licence signifies to the licensing authority its desire that the provisions of this section should have effect as respects a subsidiary company specified in the application, then, in relation to the application and to any licence granted thereon to the holding company and to the use of the authorised vehicles, this Part of this Act shall have effect—

Provisions
as to hold-
ing and
subsidiary
companies.

- (a) as if goods vehicles belonging to, or in the possession of, the subsidiary company were vehicles belonging to, or in the possession of, the holding company;

PART I.
—cont.

- (b) as if, where a goods vehicle is used in circumstances in which, but for this provision, the subsidiary company would be deemed to be the user thereof, the holding company were the user thereof;
- (c) as if a trade or business carried on by the subsidiary company were a trade or business carried on by the holding company;
- (d) as if a person employed by the subsidiary company as a driver or statutory attendant of an authorised vehicle were a person employed by the holding company;
- (e) as if the subsidiary company were an applicant for the licence.

(2) The provisions of this section shall cease to have effect as respects any subsidiary company—

- (a) if the holding company gives notice to the licensing authority that it desires that this section should, as from any date, cease to apply to that company, as from that date; or
- (b) as from the date on which that company ceases to be a subsidiary company of the holding company.

(3) In this section the expression “holding company” means a company which is the beneficial owner of not less than ninety per cent. of the issued share capital of another company, and the expression “subsidiary company,” in relation to a holding company, means a company not less than ninety per cent. of the issued share capital of which is in the beneficial ownership of the holding company.

Where a subsidiary company (as hereinbefore defined) is the beneficial owner of any shares of another company, those shares shall be treated for the purposes of the foregoing definitions as if they were in the beneficial ownership of the holding company.

Power to
revoke or
suspend
licences.

13.—(1) A licence may be revoked or suspended by the licensing authority by whom the licence was granted on the ground that any of the conditions of the licence have not been complied with:

Provided that the licensing authority shall not revoke or suspend a licence unless he is satisfied, after

holding a public inquiry, if the holder of the licence requests him so to do, that owing to the frequency of the breach of conditions of the licence, or to the breach having been committed wilfully, or to the danger to the public involved in the breach, the licence should be revoked or suspended.

PART I.
—cont.

(2) In any case where a licence is revoked or suspended the licensing authority shall, if requested by the licence holder, state in writing the grounds for the revocation or suspension.

(3) The licensing authority may, in lieu of revoking or suspending a licence, direct that any one or more of the vehicles specified therein shall be removed therefrom, or that the maximum number of motor vehicles or of trailers specified in the licence in pursuance of paragraphs (b) and (c) respectively of subsection (6) of section two of this Act shall be reduced, and references in this or any other section of this Act to the revocation or suspension of a licence shall be construed as including a reference to the giving of a direction under this subsection.

14. Such fees, payable at such times, and whether in one sum or by instalments, as the Minister may prescribe shall be charged by the licensing authority in respect of the grant or variation of licences. Fees in respect of licences.

15.—(1) Any person who,—

- (a) being an applicant for the grant or variation of a licence, is aggrieved by the decision of the licensing authority on the application, or, in the case of a B licence, by any condition attached to the licence by the licensing authority; or
- (b) having duly made an objection to any such application as aforesaid, being an objection which the licensing authority is bound to take into consideration, is aggrieved by the decision of the licensing authority thereon; or
- (c) being the holder of a licence, is aggrieved by the revocation or suspension thereof,

Provisions for appeals in connection with licences and constitution of Appeal Tribunal.

may within the prescribed time and in the prescribed manner appeal to the Appeal Tribunal to be constituted under this Part of this Act (in this Part of this Act referred to as “the Tribunal”).

PART I.
—cont.

(2) The Tribunal shall consist of three members, of whom one (who shall be the chairman of the Tribunal) shall be a person of legal experience.

(3) The members of the Tribunal shall be appointed by the Minister after consultation, so far as relates to the member who is to be chairman, with the Lord Chancellor, and, so far as relates to the other two members, with the President of the Board of Trade and with the Secretary of State for Scotland.

(4) A member of the Tribunal shall hold office for such term, not being less than three years, as may be determined at the time of his appointment, but shall be eligible for reappointment at the expiration of that period.

(5) The Minister may, after such consultation as is hereinbefore required in relation to the appointment of the member in question, appoint deputies to act in the place of members of the Tribunal in the case of illness, incapacity or absence :

Provided that one at least of the persons to be appointed as deputies for the chairman shall be appointed by the Minister after consultation with the Lord President of the Court of Session instead of after consultation with the Lord Chancellor.

(6) A member of the Commons House of Parliament shall be disqualified for being appointed or being a member or deputy member of the Tribunal.

(7) Where the Minister proposes to appoint a person to be a member or deputy member of the Tribunal, he shall, before making the appointment, require the person whom he proposes to appoint to declare whether he has any, and if so what, financial interest in any undertaking which provides facilities for the transport of goods.

If any person being a member or deputy member of the Tribunal acquires any financial interest in any undertaking which provides facilities for the transport of goods, he shall within four weeks after so doing give notice thereof in writing to the Minister specifying the interest so acquired, and the Minister after taking the matter into consideration may, if he thinks fit, declare that such person has vacated his office.

(8) It shall be lawful for the Minister, after such consultation as is hereinbefore required in relation to the appointment of the member in question, to remove from his office a member or deputy member of the Tribunal for inability to perform his duties or for misbehaviour.

(9) The Tribunal may from time to time, with the approval of the Lord Chancellor, the Lord President of the Court of Session and the Minister, make rules governing its proceedings, but no such rule shall authorise the Tribunal to exercise its jurisdiction unless by the full number of its members or their respective deputies. Such rules may provide that an appellant shall be entitled to be heard in person in support of his appeal, or by counsel, solicitor or agent.

(10) An appeal to the Tribunal from a decision of a licensing authority for an area in Scotland shall be heard in Scotland.

(11) The Tribunal may by notice in writing require any person, subject to the payment or tender of the reasonable expenses of his attendance, to attend as a witness and give evidence, or to produce any documents in his possession or power which relate to any matter in question on an appeal under this section, and, if any person fails without reasonable excuse to comply with any of the provisions of any such notice, he shall be guilty of an offence under this Part of this Act.

(12) The Tribunal may—

- (a) examine witnesses on oath and administer oaths for that purpose;
- (b) award to any party to an appeal such costs as the Tribunal considers reasonable, and direct how, and by what parties, they are to be paid, and any such award may be made a rule of court, or in Scotland may be enforced in like manner as a decree of the Court of Session.

(13) Such fees as may from time to time be fixed by the Tribunal with the approval of the Treasury shall be payable in respect of appeals to the Tribunal, but the Tribunal may remit the whole or part of any fee if the applicant satisfies the Tribunal that by reason of his poverty it is proper so to do.

PART I.
—cont.

(14) The Tribunal shall have power to make such order as it thinks fit on an appeal and the decision of the Tribunal on an appeal shall be final and shall be binding on the licensing authority.

(15) Where a person who has applied for a new licence in substitution for a licence, other than a short-term licence, held by him and in force at the date of his application appeals to the Tribunal, the existing licence shall, notwithstanding the provisions of this Part of this Act as to the duration of licences, continue in force until the appeal has been disposed of, without prejudice however to the exercise in the meantime of the powers of suspension and revocation conferred by this Part of this Act.

(16) Where any condition attached to a licence has been varied by the licensing authority, the variation shall not have effect until the expiration of the period within which an appeal may be made to the Tribunal against the variation nor, if such an appeal is made, until the appeal has been disposed of.

Records
as to hours
of work,
journeys,
loads, &c.

16.—(1) Subject to the provisions of regulations made under this section, the holder of a licence shall keep or cause to be kept, in accordance with the regulations, current records showing—

- (a) as respects every person employed by him as a driver or statutory attendant of an authorised vehicle, the times at which that person commenced and ceased work and particulars of his intervals of rest and the like information as respects himself when acting as such a driver or attendant;
- (b) as respects every journey of a vehicle on which goods are carried under the licence, particulars of the journey and of the greatest weight of goods carried by the vehicle at any one time during the period to which the record relates and the description and destination of the goods carried,

and the regulations may make provision for requiring drivers of authorised vehicles to carry the prescribed documents and to make any prescribed entries therein.

(2) The Minister shall consult with the Transport Advisory Council constituted under this Act as to the

form in which records are to be kept under regulations made under this section.

PART I.
—cont.

(3) Subject to the provisions of the regulations made under this section, a licensing authority may dispense with the observance, as respects the carriage of goods under a licence granted by him, of any requirement of those regulations, and may grant such a dispensation either generally, or as respects any particular vehicle, or as respects the use of vehicles for any particular purpose, but he shall not grant such a dispensation unless he is satisfied that it is not reasonably practicable, having regard to the nature of the business concerned, for the requirement dispensed with to be observed :

Provided that, in the case of vehicles used in the business of agriculture, or in the business of a travelling showman, he shall grant a dispensation except in so far as he is satisfied that for special reasons the observance of any requirement of the regulations is desirable as respects particular vehicles, or as respects vehicles used for any particular purpose.

(4) The holder of a licence shall preserve every record kept under regulations made under this section for a period of six months commencing on the date on which the record is made and for such further period, not exceeding six months, as may be required by the licensing authority or a chief officer of police, and during the period for which he is required by or under this subsection to preserve a record shall, if required so to do at any time by the licensing authority, or by any person authorised in that behalf by the licensing authority or by any person authorised in that behalf by a chief officer of police, produce the record for the inspection of the licensing authority or of the person so authorised.

(5) If any person fails to comply with the provisions of this section or of any regulations made thereunder, he shall be guilty of an offence under this Part of this Act.

17.—(1) For the purpose of securing in the case of goods vehicles their maintenance in a fit and serviceable condition and the observance of the provisions of the Road Traffic Act, 1930, and of this Part of this Act, the Minister shall appoint such officers (in this Part of this Act referred to as "examiners") as he considers necessary.

Enforce-
ment of
obligation
to maintain
goods
vehicles in
serviceable
condition.

PART I.
—cont.

(2) An examiner shall at any time, on production if so required of his authority, be entitled to enter and inspect any goods vehicle, and for that purpose to detain the vehicle during such time as is required for the inspection, and may at any time which is reasonable, having regard to the circumstances of the case, enter any premises on which he has reason to believe that a goods vehicle is kept and, if any person obstructs an examiner in the performance of his duty, he shall be guilty of an offence under this Part of this Act.

(3) If on the inspection of a goods vehicle it appears to an examiner that the vehicle, owing to any defects therein, is, or is likely to become, unfit for service until the defects have been remedied, he may prohibit the use of the vehicle on a road for the carriage of goods:

Provided that, where in the opinion of the examiner the defects are such as can be remedied within any period not exceeding ten days and are not defects which involve immediate risk to public safety, the prohibition shall not come into operation before the expiration of that period, and shall not come into operation upon the expiration of that period if any examiner, being satisfied that the defects have been or are in course of being remedied, withdraws the prohibition before the expiration of that period.

(4) Where under this section an examiner prohibits the use of a vehicle as aforesaid, he shall forthwith give notice in the prescribed form of the prohibition to the owner of the vehicle and to the person in charge thereof at the time of the inspection and, in the case of an authorised vehicle, to the licensing authority by whom the licence was granted.

In the case of a prohibition on the ground of such defects as are specified in the proviso to the last foregoing subsection, a notice given under this subsection shall specify the period within which the defects can, in the opinion of the examiner, be remedied.

(5) Subject as provided in subsection (3) of this section, a prohibition under this section shall become operative as soon as notice thereof has been given either to the owner, or to the person in charge, of the vehicle,

and shall thereafter continue in force until it is removed in accordance with the provisions hereinafter contained.

PART I.
—cont.

(6) A prohibition under this section which has become operative may be removed by any examiner if he is satisfied that the vehicle is fit for service.

(7) A person aggrieved by the refusal of an examiner to remove a prohibition may make an application to any licensing authority to have the vehicle inspected by a certifying officer appointed under section sixty-nine of the Road Traffic Act, 1930, and, where any such application is made, the certifying officer, on the matter being referred to him, shall, if he considers that the vehicle is fit for service, remove the prohibition.

(8) A person aggrieved by the refusal of a certifying officer to remove a prohibition may, within the prescribed time and in the prescribed manner, appeal to the Minister, who shall have power to make such order on the appeal as he thinks fit, and any such order shall be binding on the certifying officer.

(9) Where an examiner or a certifying officer withdraws or removes a prohibition, he shall forthwith give notice of the withdrawal or removal to the owner of the vehicle and, in the case of an authorised vehicle, to the licensing authority by whom the licence was granted.

(10) If any person drives a goods vehicle carrying goods, or causes or permits a goods vehicle carrying goods to be driven, on a road, at any time whilst a prohibition under this section is operative in relation to the vehicle, he shall be guilty of an offence under this Part of this Act and be liable to a fine not exceeding twenty pounds, and in the case of a second or subsequent conviction to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

18.—(1) An examiner may at any time, on production if so required of his authority, require the person in charge of any goods vehicle to produce, and permit him to inspect and copy, any document which by or by regulations made under this Part of this Act is required to be carried on, or by the driver of, the vehicle and for that purpose may detain the vehicle for such time as is required for the inspection and copying and, if any person,

Further
powers of
examiners
and powers
of police
constables.

PART I.
—cont.

when required by an examiner so to do, fails to produce to the examiner any such document as aforesaid, or to permit him to inspect or copy any such document, that person shall be guilty of an offence under this Part of this Act.

(2) The provisions of the preceding subsection shall apply in relation to a police constable as they apply in relation to an examiner, except that it shall not be necessary for a police constable wearing uniform to produce any authority.

(3) An examiner may at any time, on production if so required of his authority, exercise, in the case of goods vehicles all such powers as are under the Road Traffic Act, 1930, exercisable by a police constable, with respect to the production of documents and the giving of information by persons driving motor vehicles.

(4) An examiner may at any time, on production of his authority, exercise with respect to the weighing of goods vehicles all such powers as are under section twenty-seven of the Road Traffic Act, 1930, exercisable by a police constable authorised as therein mentioned with respect to the weighing of motor vehicles and trailers, and the provisions of subsections (1) to (3) of the said section shall apply accordingly with the substitution for the reference therein to the highway authority on whose behalf a requirement is made of a reference to the Minister, and for the reference therein to the Minister of a reference to the Lord Chief Justice of England, or, in the application of this subsection to Scotland, to the Lord President of the Court of Session.

**Power and
duties of
certifying
officers.**

19. A certifying officer appointed under section sixty-nine of the Road Traffic Act, 1930, shall have the like powers and duties under sections seventeen and eighteen of this Act with respect to goods vehicles as an examiner has, and accordingly in those sections (except in subsections (7) and (9) of the said section seventeen) any reference to an examiner shall be construed as including a reference to such a certifying officer.

**Protection
of public
interests.**

20. It is hereby declared that nothing in this Part of this Act is to be treated as conferring on the holder of a licence any right to the continuance of any benefits arising from the provisions of this Part of this Act, or

from a licence, or from any conditions attached to a licence.

PART I.
—cont.

21. Subject as hereinafter provided, a licence shall not be capable of being transferred or assigned :

Transfer of
licences
prohibited.

Provided that provision may be made by regulations for enabling a person carrying on the business of the holder of a licence to continue for the time being to use the authorised vehicles in the event of the death, incapacity, bankruptcy, or liquidation of the holder, or of the appointment of a receiver or manager in relation to the business.

22.—(1) Subject to the consent of the Treasury as to number, the Minister may appoint such officers and servants as he considers necessary for the carrying into effect of this Part of this Act, including a clerk and such other officers and servants as he may consider necessary for assisting the Tribunal in the proper discharge of its functions.

Appoint-
ment and
remunera-
tion of
officers and
servants.

(2) There shall be paid to the members and deputy members, and the clerk and other officers and servants of the Tribunal, licensing authorities and persons acting as officers or servants of a licensing authority, examiners, and any other officers or servants appointed for the purposes of this Part of this Act, such remuneration or salaries and such allowances, if any, as the Minister may, with the consent of the Treasury, determine.

(3) In every year such sums as the Minister may, with the consent of the Treasury, direct in respect of such remuneration, salaries and allowances as aforesaid and in respect of the establishment charges, and other expenses of the Tribunal, licensing authorities, examiners and any other officers or servants appointed by the Minister for the purposes of this Part of this Act, and any expenses incurred by the Minister for the purposes of this Part of this Act, shall be paid as part of the expenses of the roads department of the Ministry of Transport.

23.—(1) A licensing authority shall cause proper accounts and other records in relation to his area to be kept, and shall prepare an annual statement of accounts in such form and containing such particulars as may be required by the Minister.

Accounts of
licensing
authorities
and Appeal
Tribunal.

PART I.
—cont.

(2) The Tribunal shall cause proper accounts to be kept of its expenses and of the fees received by it, and shall prepare an annual statement of accounts in such form and containing such particulars as may be required by the Minister.

10 & 11
Geo. 5. c. 72.

(3) All accounts kept under this section shall for the purposes of subsection (5) of section three of the Roads Act, 1920, be deemed to be part of the account of the Road Fund which under that subsection is to be prepared by the Minister.

(4) A licensing authority shall make to the Minister an annual report on his proceedings containing particulars with respect to such matters as the Minister may direct.

Financial
provisions.

24.—(1) All fines imposed in respect of offences under this Part of this Act or the regulations made thereunder shall be dealt with in the manner specified in section one hundred and seventeen of the Road Traffic Act, 1930, in relation to the fines therein mentioned, and the provisions of that section shall apply accordingly.

(2) All fees payable under this Part of this Act shall be paid into the Road Fund in such manner as the Treasury may direct.

(3) Such part of the expenses incurred by or in connection with the roads department of the Ministry of Transport as the Minister may from time to time, with the consent of the Treasury, determine to be expenses incurred in the carrying into effect of this Part of this Act shall be paid out of the Road Fund, and there shall be included in the expenses to be so paid such charges in respect of superannuation and other allowances and gratuities payable on death or retirement as the Minister with the like consent may determine.

General
power of
making
regulations.

25. The Minister may make regulations for any purpose for which regulations may be made under this Part of this Act and for prescribing anything which may be prescribed under this Part of this Act and generally for the purpose of carrying this Part of this Act into effect and, in particular, but without prejudice to the

generality of the foregoing provisions, may make regulations with respect to any of the following matters,—

PART I.
—cont.

- (a) the forms to be used, and the particulars to be furnished, for any of the purposes of this Part of this Act;
- (b) the procedure on applications for, and the determination of questions in connection with, the grant, variation, suspension and revocation of licences, and on appeals to the Minister under this Part of this Act;
- (c) the issue of licences, and the issue of copies of licences in the case of licences lost or destroyed;
- (d) the means by which vehicles are to be identified, whether by plates, marks or otherwise, as being authorised vehicles;
- (e) the custody of licences, the production, return and cancellation of licences on expiration, suspension or revocation, and the custody, production and return of documents and plates; and
- (f) the notification to the licensing authority of vehicles which have ceased to be used under a licence,

and different regulations may be made as respects different classes or descriptions of vehicles and as respects the same class or description of vehicles in different circumstances.

26.—(1) Any regulations made by the Minister under this Act shall be laid before both Houses of Parliament as soon as may be after they are made and, if an Address is presented to His Majesty by either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such regulation is laid before it praying that the regulation shall be annulled, it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation.

Provisions
as to
regulations.

(2) Before making regulations the Minister shall consult with such representative organisations as he thinks fit.

(3) The production of a copy of regulations purporting to be printed by the Government printers shall be evidence that the requirements of this Act as to the

PART I. making of regulations and the laying of regulations
—*cont.* before Parliament have been complied with.

Miscellaneous.

Variation of
traffic
areas.

27.—(1) Whereas it is expedient that the existing traffic areas under the Road Traffic Act, 1930, in England should be varied—

- (a) by the abolition of the Southern Traffic Area and the transfer of the areas constituting it to other traffic areas; and
- (b) by the transfer of part of the East Midland Traffic Area to the Eastern Traffic Area :

Now therefore, as from the first day of January, nineteen hundred and thirty-four (in this section referred to as “the said date”)—

- (i) England shall be divided into the traffic areas specified in the first column of the First Schedule to this Act and those traffic areas shall consist of the several areas respectively specified in the second column of that Schedule;
- (ii) the said First Schedule to this Act shall be substituted for Part I of the Third Schedule to the Road Traffic Act, 1930, and references to that Schedule in any enactment shall be construed accordingly;
- (iii) the offices of the Traffic Commissioners for the Southern Traffic Area shall be abolished.

(2) The Minister may by order make such consequential and incidental provisions as appear to him to be necessary or expedient in consequence of the variations of traffic areas effected by this section and, in particular, but without prejudice to the generality of the foregoing words, provision may be made in the order with respect to—

- (a) the effect, as from the said date, of licences previously issued or backed, and consents previously given, by the Commissioners for any traffic area abolished or otherwise affected;
- (b) the effect of applications for licences or consents made before the said date to the Commissioners for any traffic area abolished or otherwise

PART I.
—cont.

affected, the Commissioners to whom applications relating to any such area may be made between the date of the order and the said date, and the Commissioners by whom and the places at which any such applications as aforesaid may be heard, either before or after the said date;

- (c) the continuance of appeals pending at the said date against decisions of the Commissioners for any traffic area abolished or otherwise affected; and
- (d) the recovery of any sums due at the said date to the Commissioners for any traffic area abolished.

(3) Any order made by the Minister under section sixty-two of the Road Traffic Act, 1930, for varying the number or limits of traffic areas may contain such consequential and incidental provisions, including provisions with respect to any of the matters mentioned in the last preceding subsection, as appear to him to be necessary or expedient in consequence of the variations of areas to be effected by the order.

(4) For subsection (3) of the said section sixty-two, there shall be substituted the following subsection:—

“(3) An order made under this section shall be laid before both Houses of Parliament, and shall be of no effect unless and until it has been approved by a resolution passed by each House of Parliament”.

28.—(1) The power of the Minister under subsection (7) of section sixty-three of the Road Traffic Act, 1930, to appoint a person to act as deputy to the chairman of the traffic commissioners for any traffic area in the case of the illness, incapacity or absence of the chairman may be exercised also if the Minister considers that, owing to the number of applications under Part IV of the Road Traffic Act, 1930, and under this Part of this Act, the duties to be performed by the chairman (or any deputy appointed by reason of the illness, incapacity or absence of the chairman) cannot conveniently or efficiently be performed by one person.

Extension
of s. 63 (7)
of Road
Traffic Act,
1930.

(2) A person appointed under this section shall be appointed upon such terms and conditions, including

PART I.
—*cont.*

conditions as to the time which he is to devote to the duties of his office, as the Minister may determine, and shall act for the chairman in such matters, whether arising under this Act or under the said Act of 1930, as the chairman (or any deputy appointed by reason of the illness, incapacity or absence of the chairman) may from time to time direct, or as the Minister may from time to time by general directions require, and for that purpose shall exercise and perform all the powers and duties of the chairman.

(3) This section shall have effect with respect to the Metropolitan traffic area with the substitution of a reference to the traffic commissioner for that area for any reference to a chairman of traffic commissioners.

Power to
prohibit
or restrict
use of
vehicles on
certain
roads.

29.—(1) The Minister, after consultation with the Transport Advisory Council, may by order prohibit or restrict, subject to such exceptions and conditions as to occasional user or access to premises or otherwise as may be specified in the order, the driving of vehicles on all roads of any such class as may be specified in the order, if he is satisfied that it is desirable that such an order should be made, and may, from time to time, after such consultation as aforesaid, by order revoke, vary, amend, or add to the provisions of such an order.

A prohibition or restriction under this subsection may be imposed either generally, or in relation to any class or description of vehicle, or to the use of vehicles for any purpose, or to the weight of vehicles, whether laden or unladen, and for the purposes of this subsection the Minister may classify roads in any manner he thinks fit, having regard to their character or situation, or the nature of the traffic to which they are suited, and may determine in what class any particular road shall be included.

(2) An order under the last foregoing subsection shall be laid before both Houses of Parliament, and shall be of no effect unless and until it has been approved by a resolution passed by each House of Parliament.

(3) Any person who drives a vehicle, or causes or permits a vehicle to be driven, in contravention of an order under subsection (1) of this section shall be guilty of an offence under this Part of this Act, and shall be

liable to a fine not exceeding five pounds, and in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

PART I.
—*cont.*

(4) The powers of making orders restricting the use of vehicles on specified roads which under subsection (1) and subsection (2) of section forty-six of the Road Traffic Act, 1930, are exercisable by the Minister on the application of a council to which that section applies shall be exercisable by any such council without previous reference to the Minister and the power of making an order for the revocation, variation or amendment of any such order for the time being in force (whether made by the Minister or by the council) shall be exercisable either by the Minister under subsection (3) of the said section or by the council :

Provided that no order made by a council under this subsection shall be of any effect unless and until it is confirmed by the Minister.

Any references in the said section forty-six to an order made thereunder, or to the council on whose application an order was made, shall be construed as respectively including a reference to an order made under this subsection and a reference to the council by which an order was made.

(5) The Minister, if he confirms any such order as aforesaid, may confirm it either without modification or subject to such modifications as he thinks fit, but he shall not confirm an order until twenty-eight days at least have elapsed since the making of the order and, before confirming it, shall consider any objections which may have been made to him against the order and, if he thinks fit, may cause a public inquiry to be held.

(6) Regulations may be made for prescribing the procedure to be followed in connection with the making of orders by a council under this section and the confirmation thereof and the holding of inquiries for the purposes of section forty-six of the Road Traffic Act, 1930, as amended by this section, and subsection (5) of the said section forty-six and the schedule therein referred to shall cease to have effect.

(7) Where, before the coming into operation of this section, an application made by a council to the Minister under subsection (1) or subsection (2) of section

PART I.
—cont.

forty-six of the Road Traffic Act, 1930, has not been dealt with by the Minister, he may, notwithstanding anything in the foregoing provisions of this section, deal with that application and make an order thereon in the like manner and in accordance with the like procedure as if this Act had not passed.

Power to prohibit or restrict use of vehicles on certain bridges.

30.—(1) Where the bridge authority of any bridge over which a road passes is satisfied that the bridge is insufficient to carry vehicles of which the weights or axle weights, as hereinafter defined, exceed certain limits, the authority may by a conspicuous notice in the prescribed form placed in a proper position at each end of the bridge prohibit the use of the bridge either—

- (a) by any vehicle of which the weight exceeds a maximum weight specified in the notice; or
- (b) by any vehicle of which—
 - (i) the weight exceeds a maximum weight so specified, or
 - (ii) any axle weight exceeds a maximum axle weight so specified,

and any such notice may, as regards both weight of vehicle and axle weight, specify different maximum weights in relation to a vehicle travelling at a speed less than a speed specified in the notice, and in relation to a vehicle travelling at that speed or any greater speed :

Provided that the weight specified in any such notice as the maximum weight of a vehicle shall not be less than five tons, and the weight so specified as a maximum axle weight shall not be less than three tons.

(2) The highway authority of any road leading to a bridge shall give to the bridge authority reasonable facilities for placing on the road any such notice as aforesaid and, if the highway authority so require, the bridge authority shall erect warning notices in the prescribed form at the principal junctions of roads leading to the bridge.

(3) Before placing a restriction or prohibition under this section on the use of a bridge, the bridge authority shall give to the Minister twenty-eight days' notice of its intention so to do with particulars of the restriction or prohibition, and the Minister shall cause a list to be kept of all restrictions or prohibitions which

have been placed on the use of bridges under this section and the list shall be open to inspection by any person.

PART I.
—cont.

(4) For the purposes of this section—

- (a) “ weight ” means weight laden ;
- (b) the weight transmitted by a vehicle to any transverse strip of the road surface five feet in breadth shall be taken as being an “ axle weight ” of that vehicle and, for the purposes of this paragraph, a vehicle and any trailer drawn thereby shall be deemed to be a single vehicle ; and
- (c) “ placed in a proper position ” means placed in such a position either on or near the bridge, or on or near the road leading to the bridge, as to be visible at a reasonable distance from the bridge to the drivers of vehicles approaching it.

(5) If, without the consent of the bridge authority, a vehicle is driven across a bridge in contravention of a notice so placed as aforesaid, any person who so drives it, or causes or permits it to be so driven, shall, without prejudice to any civil liability incurred by him in the case of damage being caused to the bridge, be liable to a fine not exceeding twenty pounds and, in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds.

If in any proceedings under this subsection the prosecutor satisfies the court that there are reasonable grounds for believing that the weight of the vehicle exceeded the maximum weight specified in the notice, or that any axle weight of the vehicle exceeded the maximum axle weight so specified, it shall lie on the defendant to prove that the weight of the vehicle or every axle weight of the vehicle, as the case may be, did not exceed such maximum weight or maximum axle weight.

(6) Any person or body of persons aggrieved by a restriction or prohibition placed on the use of a bridge under this section, and any highway authority in whose area the bridge is situate, may at any time apply to the Minister for an order modifying or removing the restriction or prohibition.

PART I.
—cont.

(7) On receiving any such application as aforesaid, the Minister may cause the bridge to be inspected, and may require the bridge authority to give to his inspector such information as to its structure and condition, and such other facilities for his investigation of the circumstances as the bridge authority may be able to give and, after considering the report of his inspector and any representations made to him by the bridge authority, may, if he thinks proper, make an order modifying or removing the restriction or prohibition, or imposing different restrictions, and the bridge authority shall, within such time as may be specified in the order, cause notices to be erected complying with the order and, if the bridge authority fails to do so, the Minister may cause the notice complained of to be removed or varied, or new notices to be erected so as to comply with his order, and may recover summarily as a civil debt from the bridge authority the expenses incurred by him in so doing.

(8) The provisions of this Act as to costs incurred by the Minister in connection with inquiries shall apply in relation to costs incurred by him in connection with inspections and investigations under this section, as if any such inspection or investigation were an inquiry to which the applicants and the bridge authority were parties.

(9) The Minister may at any time on an application made to him by the bridge authority, or on his own initiative, vary or revoke any order made by him under this section, if he is satisfied that it is proper so to do.

Amendment
of s. 19 of
Road Traffic
Act, 1930.

31.—(1) For the purposes of those provisions of subsection (1) of section nineteen of the Road Traffic Act, 1930 (as varied or amended by any order or subsequent enactment) which relate to the number of consecutive hours for rest which a driver is to have in any specified period, time during which the driver is bound by the terms of his employment to obey the directions of his employer, or to remain on or near the vehicle, or during which the vehicle is at a place where no reasonable facilities exist for the driver to rest away from the vehicle, shall be deemed not to be time which the driver has for rest.

(2) Subsection (3) of the said section nineteen shall have effect as if for the words “ or on a joint application “ by such organisations, representative of employers and

“ workpeople in the industry, as the Minister of Labour
 “ may certify to be proper bodies to make such an
 “ application ” there were substituted the words “ or on
 “ an application by any such organisation, representative
 “ of employers or workpeople in the industry, as the
 “ Minister of Labour may certify to be a proper body to
 “ make such an application.”

PART I.
 —cont.

32.—(1) Where any matter is referred to the industrial court under section ninety-three of the Road Traffic Act, 1930 (which relates to wages and conditions of employment), the court, in arriving at its decision, shall have regard to any determination which may be brought to its notice relating to the wages or conditions of service of persons employed in a capacity similar to that of the persons to whom the reference relates and contained in a decision of a joint industrial council, conciliation board or other similar body, or in an agreement between organisations representative of employers and workpeople.

Amendment
 and extension of
 s. 93 of
 Road Traffic
 Act, 1930.

(2) The provisions of the said section ninety-three as amended by this section shall apply in relation to persons employed as drivers or statutory attendants of authorised vehicles by the holder of an A licence or of a B licence, as they apply in relation to persons employed in connection with the operation of a public service vehicle by the holder of a road service licence, with the substitution for references to a road service licence of references to the A licence or to the B licence, as the case may be, and for references to the commissioners of references to the licensing authority.

In the case of an authorised vehicle being a heavy motor-car, this subsection shall apply in relation to an attendant employed to assist the driver in the driving or control of the vehicle as it applies in relation to the driver.

33. Section thirty-six of the Road Traffic Act, 1930 (which relates to requirements in respect of policies of insurance) shall be amended by substituting for subsection (2) thereof the following subsection :—

Amendment
 of s. 36 of
 Road Traffic
 Act, 1930.

“ (2) Where any payment is made (whether or not with an admission of liability) by—

(a) an authorised insurer under or in consequence of a policy issued under this Part of this Act; or

PART I.
—cont.

(b) the owner of a vehicle in relation to the user of which a security under this Part of this Act is in force; or

(c) the owner of a vehicle who has made a deposit under this Part of this Act,

in respect of the death of or bodily injury to any person arising out of the use of a motor vehicle on a road or in a place to which the public have a right of access, and the person who has so died or been bodily injured has to the knowledge of the authorised insurer or such owner as the case may be received treatment at a hospital, whether as an in-patient or as an out-patient, in respect of the injury so arising, there shall also be paid by the authorised insurer or such owner to such hospital the expenses reasonably incurred by the hospital in affording such treatment, after deducting from such expenses any moneys actually received by the hospital in payment of a specific charge for such treatment, not being moneys received under any contributory scheme:

Provided that the amount to be paid by the authorised insurer or such owner shall not exceed fifty pounds for each person so treated as an in-patient, or five pounds for each person so treated as an out-patient.

For the purposes of this subsection the expression 'hospital' means an institution (not being an institution carried on for profit) which provides medical or surgical treatment for in-patients and the expression 'expenses reasonably incurred' means—

(a) in relation to a person who receives treatment at a hospital as an in-patient, an amount for each day such person is maintained in such hospital representing the average daily cost for each in-patient of the maintenance of the hospital and the staff thereof and the maintenance and treatment of the in-patients therein; and

(b) in relation to a person who receives treatment at a hospital as an out-patient, reasonable expenses actually incurred."

34.—(1) If, with intent to deceive, any person—

- (a) forges within the meaning of the Forgery Act, 1913, or alters or uses or lends to or allows to be used by any other person a licence, or any document, plate or mark by which a vehicle is to be identified as being an authorised vehicle; or
- (b) makes or has in his possession any document, plate or mark so closely resembling a licence, or any such document, plate or mark as aforesaid, as to be calculated to deceive; or
- (c) alters an entry made in a record under section sixteen of this Act,

he shall be guilty of a misdemeanour and shall be liable—

- (i) on conviction on indictment, to imprisonment for a term not exceeding two years;
- (ii) on summary conviction, to imprisonment for a term not exceeding four months or to a fine not exceeding one hundred pounds, or to both such imprisonment and fine.

(2) The provisions of the preceding subsection shall apply in relation to a document evidencing the appointment of an examiner or other officer for the purposes of this Part of this Act as they apply in relation to a licence.

(3) If any person for the purpose of obtaining the grant of a licence to himself or any other person, or the variation of a licence, knowingly makes any false statement, he shall be guilty of an offence under this Part of this Act and be liable to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding six months, or to both such imprisonment and fine.

(4) If a police constable, examiner or certifying officer has reasonable cause to believe that a document carried on a motor vehicle or by the driver thereof is a document in relation to which an offence under this section has been committed, he may seize the document and, when any document is seized under this section, either the driver or the owner of the vehicle shall, if the document is still detained and neither of them has previously been charged with an offence under this section, be summoned before a court of summary jurisdiction to account for his possession of, or the

PART I.
—cont.
Forgery, &c.
of licences.
3 & 4 Geo. 5.
c. 27.

PART I.
—cont.

presence on the vehicle of, the said document and the court shall make such order respecting the disposal of the said document and award such costs as the justice of the case may require.

For the purposes of this subsection the expression "document" shall include a plate and the power to seize shall include power to detach from the vehicle.

(5) This section in its application to Scotland shall have effect as if the words "within the meaning of the Forgery Act, 1913" were omitted, and as if for any reference to a court of summary jurisdiction there were substituted a reference to the sheriff.

Prosecu-
tions and
penalties
for offences.

35.—(1) Except as otherwise expressly provided, all offences under this Part of this Act shall be prosecuted under the Summary Jurisdiction Acts.

(2) A person guilty of an offence under this Part of this Act for which no special penalty is provided, shall be liable, in the case of a first offence, to a fine not exceeding twenty pounds, and in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.

(3) If any person acts in contravention of, or fails to comply with, any regulation made under this Part of this Act and contravention of, or failure to comply with, that regulation is not made an offence under any other provision of this Part of this Act, he shall, for each offence, be liable on summary conviction to such maximum penalty not exceeding a fine of twenty pounds as may be prescribed by the regulations.

8 Edw. 7.
c. 65.

(4) Any offence against this Part of this Act committed in Scotland may, if the maximum penalty that may be imposed does not exceed twenty pounds, be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act, 1908, having jurisdiction in the place where such offence was committed.

Interpre-
tation of
Part I.

36.—(1) In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

"Authorised vehicle" has the meaning assigned to it by section two of this Act:

PART I.
—cont.

- “Carriage of goods” includes the haulage of goods :
- “Driver” in relation to a trailer means the driver of the vehicle by which the trailer is drawn, and “drive” shall be construed accordingly :
- “Goods” includes goods or burden of any description :
- “Goods vehicle” has the meaning assigned to it by section one of this Act :
- “Licence” has the meaning assigned to it by section one of this Act :
- “Minister” means the Minister of Transport :
- “Motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads :
- “Prescribed” means prescribed by regulations :
- “Regulations” means regulations made by the Minister under this Part of this Act :
- “Statutory attendant” means a person employed in pursuance of section seventeen of the Road Traffic Act, 1930, in attending a locomotive or attending to a trailer :
- “Trailer” means a vehicle drawn by a motor vehicle,

and the expressions “public service vehicle,” “stage carriage,” “express carriage,” “contract carriage,” “heavy motor-car,” “tramcar,” “trolley vehicle,” “owner,” “driver,” “road,” “highway authority,” “bridge authority” and “chief officer of police” have the same meanings respectively as in the Road Traffic Act, 1930.

(2) Anything required or authorised by this Part of this Act to be done to or by a licensing authority by whom a licence was granted may be done to or by any person for the time being acting as licensing authority for the area for which the first-mentioned authority was acting at the time of the granting of the licence.

PART II.

RAILWAY TRAFFIC.

37.—(1) Notwithstanding anything in the Railways Act, 1921, but subject to the provisions of this Part of this Act, a railway company may, if it thinks fit, make

Right of
railway
company,

PART II.

—cont.

with approval of Rates Tribunal, to make agreed charges for the carriage of merchandise. 11 & 12 Geo. 5. c. 55.

such charge or charges for the carriage of the merchandise of any trader, or for the carriage of any part of his merchandise, as may be agreed between the company and that trader:

Provided that any such agreed charge, including the conditions attaching thereto, shall require the approval of the Tribunal, and the Tribunal shall not approve such a charge if, in its opinion, the object to be secured by the making of the charge could, having regard to all the circumstances, adequately be secured by the grant of appropriate exceptional rates under the Railways Act, 1921.

(2) In this Part of this Act, a charge so agreed as aforesaid, including the conditions attaching thereto, is referred to as "an agreed charge."

(3) Particulars of an agreed charge shall be lodged with the Tribunal within seven days after the date of the agreement, and notice of an application to the Tribunal for its approval of the agreed charge shall be given in such manner as the Tribunal may direct.

(4) The Tribunal may approve an agreed charge either for such period as it thinks fit or without restriction of time, and the date on which the charge shall become operative, or as from which it shall be deemed to have become operative, shall be such date, not being earlier than the date on which application for approval was lodged, as may be fixed by the Tribunal.

(5) On an application to the Tribunal for its approval of an agreed charge—

(i) any trader who considers that his business will be detrimentally affected if the agreed charge is approved and is made by the railway company, or that his business has been detrimentally affected as a result of the making of the charge by virtue of a previous approval; and

(ii) subject to the provisions of the next succeeding section, any representative body of traders,

shall, after giving such notice of objection as may be prescribed by the Tribunal, be entitled to be heard in opposition to the application.

(6) Any trader who considers that his business will be detrimentally affected if an agreed charge is approved

and is made by the railway company, or that his business has been detrimentally affected as a result of the making of an agreed charge, may at any time apply to the Tribunal for a charge to be fixed for the carriage of his merchandise (being the same merchandise as or similar merchandise to any merchandise to which the agreed charge relates) by the railway company with which he contracts for the carriage of that merchandise, whether the same company by which the agreed charge is proposed to be made or is being made, or another company; and, if the Tribunal is satisfied that the business of the trader will be or has been so detrimentally affected, it may fix a charge (including the conditions to be attached thereto) to be made by the railway company with which he contracts for the carriage of such merchandise as the Tribunal may determine.

PART II.
—cont.

The Tribunal, in fixing a charge, may fix it either for such period as it thinks fit or without restriction of time, and may appoint the date on which it is to come into operation, but no such charge shall be fixed for a period in excess of that for which the agreed charge complained of by the trader has been approved.

An application under this subsection may, if it be convenient, be combined with an objection by the trader to the application for the approval of the agreed charge of which he complains.

(7) Where the Tribunal has approved an agreed charge without restriction of time—

(i) any trader who considers that his business has been detrimentally affected as a result of the making of the agreed charge, and

(ii) subject to the provisions of the next succeeding section, any representative body of traders,

may at any time after the expiration of one year from the date of the approval apply to the Tribunal for its approval of the agreed charge to be withdrawn and, upon any such application, the Tribunal may withdraw, or refuse to withdraw, its approval, or may continue its approval subject to such modifications being made in the charge as it thinks proper and as the railway company and the trader to whose merchandise the charge is applicable are prepared to agree to:

Provided that, where under the last preceding subsection the Tribunal has fixed a charge in favour of a

PART II.
—cont.

trader complaining of an agreed charge, the trader shall not be entitled to make an application under this subsection in respect of that agreed charge in so far as it relates to merchandise which is the same as or similar to any merchandise to which the charge so fixed relates.

Where under this subsection the Tribunal withdraws its approval of an agreed charge or continues its approval of an agreed charge subject to modifications, any charges fixed under the last preceding subsection in favour of a trader complaining of that agreed charge shall cease to operate, or shall be subject to such corresponding modifications as the Tribunal may determine.

For the purposes of applications under this subsection a decision of the Tribunal continuing its approval of a charge subject to agreed modifications shall be deemed to be the approval of an agreed charge.

(8) On any application under this section, the Tribunal shall have regard to all considerations which appear to it to be relevant and, in particular, to the effect which the making of the agreed charge or the fixing of a charge is likely to have, or has had, on—

- (a) the net revenue of the railway company; and
- (b) the business of any trader by whom, or in whose interests, objection is made to approval being given to an agreed charge, or application is made for approval to be withdrawn.

(9) A railway company shall, in respect of an agreed charge which is for the time being approved by the Tribunal and in respect of a charge fixed under this section which is for the time being operative, be exempt from the operation of—

- (i) so much of section ninety of the Railways Clauses Consolidation Act, 1845, of section eighty-three of the Railways Clauses Consolidation (Scotland) Act, 1845, and of any section of a local and personal or private Act, as relates to the obligation of a railway company to make equal charges to all persons under like circumstances; and
- (ii) so much of section two of the Railway and Canal Traffic Act, 1854, and of any section of a local and personal or private Act, as relates to the obligation of a railway company to accord no

8 & 9 Vict.
c. 20.

8 & 9 Vict.
c. 33.

17 & 18 Vict.
c. 31.

undue preference to any person, company or description of traffic, and section twenty-seven of the Railway and Canal Traffic Act, 1888, which relates to complaints with respect to undue preference.

PART II.
—cont.
51 & 52 Vict.
c. 25.

(10) Notwithstanding anything in this section, any port or harbour authority, dock company, or authority owning and working docks, which has reason to believe that any railway company is by an agreed charge placing the port, harbour, or dock of the authority or dock company at an undue disadvantage as compared with any other port, harbour, or dock to or from which traffic is or may be carried by means of the lines of the railway company, either alone or in conjunction with those of other railway companies, may make complaint thereof to the Railway and Canal Commissioners, and the Commissioners shall have the like jurisdiction to hear and determine the subject matter of any such complaint as they have to hear and determine a complaint of a contravention of section two of the Railway and Canal Traffic Act, 1854, as amended by subsequent Acts, and section twenty-seven of the Railway and Canal Traffic Act, 1888, shall apply with respect to any such complaint.

(11) The provisions of section fifty-four of the Railways Act, 1921 (which relates to the publication of schedules of standard charges, &c.) and, in the case of a light railway company, the enactments relating to the publication of rates, shall not apply in relation to charges approved or fixed under this section, but where the Tribunal approves or fixes a charge, or continues its approval of a charge, or withdraws an approval previously given to a charge, the decision of the Tribunal, and also where the Tribunal approves or fixes a charge, or continues its approval of a charge subject to modifications, particulars of that charge, including the conditions attaching thereto, or, as the case may be, particulars of the modifications, shall be reported by the railway company concerned to the Minister within fourteen days after the decision of the Tribunal, or such longer period as the Minister may allow, and all such charges and the conditions attaching thereto shall be recorded in such manner, and be open to inspection by any person without payment at such places and times, as the Tribunal may direct.

PART II.
—cont.

(12) An agreed charge which is for the time being approved by the Tribunal and a charge fixed under this section which is for the time being operative shall be deemed to be exceptional rates for the purposes of the following provisions of Part III of the Railways Act, 1921, which relate to the modification, review and revision of charges, that is to say,—section thirty-five, subsection (2) of section thirty-seven, section thirty-nine and section fifty-nine.

(13) The provisions of sections twenty-one to twenty-six of the Railways Act, 1921 (which relate to the procedure of the Tribunal under Part III of that Act, to additional members of the Tribunal, to appeals from its decisions and to its staff and expenses) shall apply in relation to its duties, powers and proceedings under this Part of this Act as they apply in relation to its duties, powers and proceedings under the said Part III.

Provisions
as to appli-
cations and
objections
by repre-
sentative
bodies.

38.—(1) For the purposes of the provisions of the last preceding section which relate to applications and objections to applications, the expression “a representative body of traders” means an association or body of persons which satisfies the Tribunal that it represents a substantial number of traders interested in, or likely to be affected by the decision on, the application.

(2) The Tribunal may, if it thinks fit, require that a representative body making, or objecting to, an application shall give security in such manner and to such amount as the Tribunal thinks necessary for costs which may be incurred.

Review of
agreed
charges and
exceptional
rates com-
peting with
coastwise
shipping.

39.—(1) In this section the expression “charge” (except in the phrase “agreed charge”) includes any charge (whether described as a charge, or as a rate, or otherwise) which is made by any carrier in respect of the carriage of merchandise.

(2) If at any time a representation is made to the Minister by any body which, in the opinion of the Board of Trade, is properly representative of the interests of persons engaged in the coastwise shipping business (in this section referred to as “coastal carriers”) that any agreed charges or exceptional rates which are being

made or charged by a railway company in competition with coastal carriers—

PART II.
—cont.

- (a) place coastal carriers at an undue or unfair disadvantage; or
- (b) are inadequate, having regard to the cost of affording the service or services in respect of which they are made or charged,

the Minister shall consult with the Board of Trade upon the matter and if, after such consultation, it appears to him *prima facie* that the complaint is one which in the national interests should be investigated, he shall refer the matter to the Tribunal for investigation and review.

(3) Upon any reference to the Tribunal under the preceding subsection, the Tribunal shall hold an inquiry and investigate all matters which appear to it to be relevant, including the circumstances in which the agreed charges or exceptional rates complained of are being made or charged by the railway company and their adequacy or inadequacy, having regard to the cost of affording the service or services in respect of which they are made or charged, and shall have regard to the charges for the carriage of merchandise by any route which is in competition with the route to which any agreed charge or exceptional rate complained of applies, whether any such charge is payable in respect of carriage by rail, by sea, or by road, or in respect of carriage partly by one of those forms of transport and partly by another of them, or by all of them.

(4) If, after examining all witnesses whose evidence it considers to be necessary and after giving all parties whom it considers to be concerned an opportunity of calling witnesses and being heard, the Tribunal is of opinion that, having regard to all the circumstances, any agreed charges or exceptional rates made or charged by the railway company in competition with coastal carriers—

- (a) place coastal carriers at an undue or unfair disadvantage in the competition; or
- (b) are inadequate, having regard to the cost of affording the service or services in respect of which they are made or charged,

PART II.
—cont.

and that, in either case, the action of the railway company is by reason of its prejudicial effect upon the interests of coastwise shipping undesirable in the national interests, the Tribunal may by order cancel or vary all or any of those agreed charges or exceptional rates, or may make such other order upon the railway company as in the circumstances of the case it thinks proper, and any order of the Tribunal may be expressed to operate for so long only as any conditions specified therein with respect to charges on competitive routes, or otherwise, are satisfied.

Where under this subsection the Tribunal cancels or varies an agreed charge, any charges fixed under this Part of this Act in favour of a trader complaining of that agreed charge shall cease to operate, or shall be subject to such corresponding modifications as the Tribunal may determine.

(5) The Tribunal, on an application made to it by the railway company, or on a subsequent reference to it under subsection (2) of this section, may cancel or vary any order made under the preceding subsection.

(6) There shall be constituted a panel (hereinafter referred to as the "shipping panel") consisting of six persons nominated by the President of the Board of Trade, after consultation with such persons as he may consider to be properly representative of the interests of coastal carriers, and for the purposes of the powers and duties of the Tribunal under this section there shall be added to the Tribunal one additional member selected by the Minister from the shipping panel, and subsection (4) of section twenty-four of the Railways Act, 1921, shall not apply.

Subsections (2) and (5) of the said section twenty-four shall apply in relation to a member of the shipping panel as they apply in relation to a member of the general panel.

(7) Upon any inquiry under this section the President of the Tribunal shall, notwithstanding anything in section twenty-five of the Railways Act, 1921, have a second or casting vote.

(8) Section thirty-nine of the Railways Act, 1921, shall have effect as if the words "shipping or," and the words "coastwise shipping or," were omitted therefrom.

40.—(1) Notwithstanding anything in sections thirty-seven and forty-seven of the Railways Act, 1921 (which sections relate to new exceptional rates and through rates and fares respectively) it shall not be necessary for a railway company to obtain the consent of the Tribunal to a new exceptional rate which is less than five per cent. below the standard rate chargeable, or to a through rate which is less than five per cent. below the combined standard charges of all the forwarding companies.

PART II.
—cont.
Amendment
of ss. 37,
38, 47 of
Railways
Act, 1921.

(2) The fact that an exceptional rate which a railway company proposes to increase would, when increased, be less than five per cent. below the standard rate chargeable shall not of itself necessitate the approval of the Tribunal being obtained to the increase if, but for that fact, such approval would not be required, and accordingly in subsection (3) of section thirty-eight of the Railways Act, 1921, the words "provided that it is not less than five per cent. below the standard rate chargeable" and the words "or if the rate when increased would be less than five per cent. below the standard rate chargeable" shall cease to have effect.

41.—(1) A railway company which—

- (i) proposes to open any railway, or any portion of a railway, for the public conveyance of passengers; or
- (ii) proposes to open any additional line of railway, deviation line, station, junction or level crossing, which forms a portion of, or is directly connected with, a railway used for the public conveyance of passengers; or
- (iii) having adapted for electric traction any railway so used, proposes to open it for such traction,

Approval of
Minister
required to
opening of
new lines;
conversion
to electric
traction, &c.

shall, before giving effect to its proposals, obtain the approval of the Minister, but the Minister shall not withhold his approval if he is satisfied that the use of the railway or works in question, or of the railway as so adapted, will not be attended with danger to the public using it.

(2) The Minister may direct any such inspection to be made as he considers necessary for enabling him to decide whether his approval ought to be given in any case arising under this section, and sections three and

PART II.
—*cont.*
34 & 35 Vict.
c. 78.

four of the Regulation of Railways Act, 1871 (which sections relate to the appointment and powers of inspectors of railways) shall apply in relation to any such inspection.

(3) If a railway company contravenes any of the provisions of subsection (1) of this section, it shall, in respect of each day during which the contravention continues, forfeit to the Crown twenty pounds to be recovered by action in the High Court or, in the case of Scotland, in the Court of Session.

5 & 6 Vict.
c. 55.

(4) Sections four to six of the Regulation of Railways Act, 1842, and section five of the Regulation of Railways Act, 1871, shall cease to have effect.

Amend-
ments as to
level
crossings.

42.—(1) The Minister, if upon an application made to him by the railway company concerned he is satisfied that it is expedient so to do, may direct that the gates on any level crossing over a public road shall, instead of being kept closed across the road, be kept closed across the railway, either constantly, or on such days, or during such portions of any day, as he thinks fit, and, if he so directs, the gates shall, notwithstanding anything in any Act (whether a public general Act or not) to the contrary, be kept closed in accordance with his direction, except when engines or vehicles passing along the railway have occasion to cross the road, and, if the person entrusted with the care of the gates fails to comply with the direction of the Minister, he shall on summary conviction be liable to a penalty of forty shillings for each offence.

(2) The powers conferred upon the Minister by the preceding subsection shall be deemed to be in addition to, and not in derogation of, any powers conferred upon him by section forty-seven of the Railways Clauses Consolidation Act, 1845, or section forty of the Railways Clauses Consolidation (Scotland) Act, 1845, or by any provision in a local and personal or private Act which relates to the closing of gates on level crossings.

(3) So much of section forty-eight of the Railways Clauses Consolidation Act, 1845, and of section forty-one of the Railways Clauses Consolidation (Scotland) Act, 1845, as requires that, where a railway crosses a road to which the section in question applies on a level adjoining

to a station, all trains shall be made to slacken their speed before arriving at the road, and shall not cross it at a greater rate of speed than four miles an hour, and so much of any section of a local and personal or private Act as contains provisions substantially to the like effect, shall cease to have effect.

PART II.
—cont.

43.—(1) Section six of the Regulation of Railways Act, 1871 (which imposes upon a railway company the duty of notifying to the Minister certain accidents) as extended by subsection (2) of section thirteen of the Railway Employment (Prevention of Accidents) Act, 1900, shall have effect subject to the following modifications:—

Amend-
ment as to
duty of
railway
company to
report
certain
accidents.

- (i) an accident which is attended with personal injury to a person or persons in the employment of the railway company, but which does not disable any such person for more than three days from earning full wages at the work at which he was employed, need not be notified to the Minister if, but for the fact that it was attended with personal injury, notification would not have been required by the said section six as so extended; but if, and so soon as, it is known that any person injured has been so disabled for more than three days, the company shall notify the accident by the earliest practicable post;
- (ii) an accident which occurs to a person not in the employment of the railway company, and which is not connected with the movement of any engine or railway vehicle, need not be notified to the Minister by the earliest practicable post, but all such accidents as are referred to in this paragraph shall be notified to the Minister in such manner and at such times as may be required by directions given by him under the said section six.

63 & 64 Vict.
c. 27.

(2) Nothing in the Notice of Accidents Acts, 1894 and 1906, shall be construed as requiring notice to be given of any accident if, but for the provisions of this section, notification of that accident would have been required by section six of the Regulation of Railways Act, 1871, as so extended as aforesaid.

PART II.
—cont.
Amend-
ments as to
notices in
respect of
road ser-
vices, and
as to
publication
of rates for
the convey-
ance of
merchandise
by such
services.
18 & 19
Geo. 5. c. c,
ci, cii, ciii
and civ.

44. The following provisions of the London Midland and Scottish Railway (Road Transport) Act, 1928, the Great Western Railway (Road Transport) Act, 1928, the London and North Eastern Railway (Road Transport) Act, 1928, and the Southern Railway (Road Transport) Act, 1928, shall cease to have effect, that is to say,—

- (i) section six of each of the said Acts, which requires the railway company to give notice to the Minister of any regular service of road vehicles provided by the company, to give public notice of its intention to withdraw any regular service of road vehicles (other than an experimental service) and to obtain the consent of the Minister if objection is raised to its proposal; and
- (ii) subsection (2) of section eight of each of the said Acts, which requires that where a regular service of road vehicles is provided by the company for the conveyance of merchandise, a record of its current rates and charges for such conveyance shall be kept deposited for public inspection.

Interpreta-
tion of
Part II.

45. In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:—

“Agreed charge” has the meaning assigned to it by section thirty-seven of this Act;

“Merchandise” has the same meaning as in the Railways Act, 1921;

“Minister” means the Minister of Transport;

“Railway” includes a light railway, not being a light railway which is laid wholly or mainly along a public carriage way and is used wholly or mainly for the carriage of passengers;

“Railway company” includes any person or body of persons, whether incorporated or not, being the owner or owners or lessee or lessees of, or working, a railway;

“Trader” means a person sending or receiving, or desiring to send or receive, merchandise by railway;

“Tribunal” means the Railway Rates Tribunal established under the Railways Act, 1921;

PART II.
—cont.

“Undue preference” has the same meaning as in the Railway and Canal Traffic Act, 1888.

PART III.

GENERAL.

46.—(1) For the purpose of giving advice and assistance to the Minister of Transport (in this section referred to as “the Minister”) in connection with the discharge by him of his functions in relation to means of and facilities for transport and their co-ordination, improvement and development, there shall be constituted a council, which shall be called “the Transport Advisory Council” and is in this section referred to as “the Council.”

Transport
Advisory
Council.

(2) The members of the Council shall be appointed by the Minister and shall include representatives of the interests specified in the first column of the Second Schedule to this Act to the number specified in relation to those interests respectively in the second column of the said schedule and such number, not exceeding three, of additional members as the Minister may from time to time think fit to appoint :

Provided that the representatives of the interests of labour shall be appointed after consultation with the Minister of Labour.

(3) Subject to the provisions of this section, a representative member of the Council shall hold office for such period not being less than three nor more than five years from the date of his appointment as may be determined by the Minister at the time of his appointment, but shall be eligible for re-appointment at the expiration of that period.

An additional member shall hold office for such period as may be determined by the Minister at the time of his appointment, but shall be eligible for re-appointment at the expiration of that period.

(4) Before appointing a person to be a representative member of the Council the Minister shall consult with such bodies or associations representative of the interest concerned as he thinks fit.

PART III.
—cont.

(5) The Minister shall appoint one of the members of the Council to be the chairman thereof and shall appoint an officer of the Ministry of Transport to act as the secretary thereof.

(6) The duties of the Council shall not extend to giving advice to the Minister upon any matter which by any enactment in force at the date of the passing of this Act is specifically directed to be referred for consideration to the London and Home Counties Traffic Advisory Committee, and the Council shall consult with that Committee before giving advice to the Minister on any matter, a decision with respect to which may, in the opinion of the Council, affect materially conditions in the London Traffic Area.

(7) The Council, so far as it considers it necessary or desirable so to do for the purpose of the proper discharge of its functions, may by notice in writing require any person to furnish to the Council returns or other information, or, subject to the payment or tender of the reasonable expenses of his attendance, to attend as a witness before the Council and to give evidence or to produce documents, and if a person fails without reasonable excuse to comply with the provisions of any such notice he shall be liable on summary conviction to a fine not exceeding fifty pounds, and in the case of a second or subsequent conviction to a fine not exceeding two hundred pounds.

(8) A committee of the Council may be constituted consisting of such members of the Council as the Council may with the approval of the Minister appoint, together with any members of the advisory panel set up under section twenty-three of the Ministry of Transport Act, 1919, whom the Minister may appoint to be members of the committee, and the Council may, with the consent of the Minister, delegate any of its powers and duties to a committee so constituted.

Where a committee is constituted under this subsection, the Council shall, with the approval of the Minister, appoint a member of the committee to be the chairman thereof.

(9) The Council may make rules for regulating the proceedings, including the quorum, of the Council or of any committee thereof.

(10) The Minister may, out of moneys provided by Parliament, pay such expenses of the Council as he, with the approval of the Treasury, may determine.

PART III.
—cont.

(11) Section twenty-two of the Ministry of Transport Act, 1919 (which provides for the appointment of a Roads Committee), shall cease to have effect.

47.—(1) The Minister of Transport (in this section referred to as “the Minister”) may hold inquiries for the purposes of this Act or of the Road Traffic Act, 1930 (including appeals to him under either of those Acts) as if those purposes were purposes of the Ministry of Transport Act, 1919, and section twenty of that Act shall apply accordingly.

Inquiries by
Minister.

(2) Where any such inquiry is held, the Minister may make such order as to the payment of the costs incurred by him in connection with the inquiry (including such reasonable sum not exceeding five guineas a day as he may determine for the services of any officer engaged in the inquiry) by such party to the inquiry as he thinks fit, and the Minister may certify the amount of the costs so incurred, and any amount so certified and directed by the Minister to be paid by any person shall be recoverable from him either as a debt due to the Crown or by the Minister summarily as a civil debt.

(3) Section one hundred and fourteen of the Road Traffic Act, 1930, shall cease to have effect.

48. The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Repeals.

49.—(1) This Act may be cited as the Road and Rail Traffic Act, 1933.

Short title,
commence-
ment and
extent.

(2) This Act shall come into operation on such day or days as the Minister of Transport may appoint, and the Minister may fix different days for different purposes and different provisions of this Act.

(3) This Act shall not extend to Northern Ireland.

Section 27.

SCHEDULES.**FIRST SCHEDULE.****TRAFFIC AREAS IN ENGLAND.**

1. *Northern Traffic Area.* The administrative counties of Cumberland, Durham, Northumberland and Westmorland.
- So much of the administrative county of Lancaster as comprises the urban districts of Dalton-in-Furness, Grange, and Ulverston, and the rural district of Ulverston.
- So much of the administrative county of York, North Riding, as comprises the boroughs of Redcar, Richmond, and Thornaby-on-Tees, the urban districts of Eston, Guisborough, Loftus, Northallerton, Saltburn, and Skelton and Brotton, and the rural districts of Croft, Northallerton, Reeth, Richmond, Startforth, and Stokesley.
- So much of the administrative county of York, West Riding, as comprises the rural district of Sedburgh.
- The county boroughs of Barrow-in-Furness, Carlisle, Darlington, Gateshead, Middlesbrough, Newcastle-upon-Tyne, South Shields, Sunderland, Tynemouth, and West Hartlepool.
2. *Yorkshire Traffic Area.* The Administrative county of York, East Riding.
- The administrative counties of York, North Riding, and York, West Riding (except the portions of those counties included in the Northern Traffic Area).
- So much of the administrative county of Derby as comprises the borough of Chesterfield, the urban districts of Baslow and Bubnell, Bolsover, Brampton and Walton, Clay Cross and Dronfield, the rural districts of Blackwell (except the parishes of South Normanton and Pinxton), Chesterfield, Clown (except the parish of Whitwell), and Norton, and so much of the rural district of Bakewell as

2. *Yorkshire Traffic
Area—cont.*

lies north of and includes the road between Baslow and Chapel-en-le-Frith, via Calver and Peak Forest.

1st Sch.
—cont.

So much of the administrative county of Nottingham as comprises the parish of Finningley in the rural district of East Retford and the parish of Harworth in the rural district of Worksop.

The county boroughs of Barnsley, Bradford, Dewsbury, Doncaster, Halifax, Huddersfield, Kingston-upon-Hull, Leeds, Rotherham, Sheffield, Wakefield and York.

3. *North - Western
Traffic Area.*

The administrative counties of Anglesey, Caernarvon, Chester, Denbigh, Flint, Merioneth and Montgomery.

The administrative county of Lancaster (except the portion included in the Northern Traffic Area).

So much of the administrative county of Derby as comprises the boroughs of Buxton and Glossop, the urban district of New Mills, and the rural districts of Chapel-en-le-Frith, Glossop Dale and Hayfield.

The county boroughs of Blackburn, Blackpool, Birkenhead, Bolton, Bootle, Burnley, Bury, Chester, Liverpool, Manchester, Oldham, Preston, Rochdale, St. Helens, Salford, Southport, Stockport, Wallasey, Warrington and Wigan.

4. *West Midland
Traffic Area.*

The administrative counties of Hereford, Salop, Stafford, Warwick and Worcester.

The county boroughs of Birmingham, Burton-upon-Trent, Coventry, Dudley, Smethwick, Stoke-on-Trent, Walsall, West Bromwich, Wolverhampton and Worcester.

5. *East Midland
Traffic Area.*

The administrative counties of Leicester, Northampton, Oxford, Rutland, the Parts of Kesteven and the Parts of Lindsey.

The administrative counties of Bucks (except the portion included in the Metropolitan Traffic Area), Derby (except the portions included in the Yorkshire Traffic Area and the North Western Traffic Area), Nottingham (except the portion included in the Yorkshire Traffic Area) and the

1st SCH.
—cont.5. *East Midland
Traffic Area—
cont.*

Parts of Holland (except the portion included in the Eastern Traffic Area).

So much of the administrative county of Bedford as lies outside the Metropolitan Traffic Area and south-west of and includes the road from Dunstable to Penny Stratford (Holyhead Road).

So much of the administrative county of Berks as lies north of and includes the road from Oxford to Gloucester, via Eynsham.

So much of the administrative county of the Soke of Peterborough as lies north-west of and includes the road from Stamford to Kettering, via Duddington.

The county boroughs of Derby, Grimsby, Leicester, Lincoln, Northampton, Nottingham, and Oxford.

6. *Eastern
Traffic
Area.*

The administrative counties of Cambridge, the Isle of Ely, Huntingdon, Norfolk, East Suffolk, and West Suffolk.

The administrative counties of Bedford (except the portions included in the East Midland Traffic Area and the Metropolitan Traffic Area), Essex (except the portion included in the Metropolitan Traffic Area), and the Soke of Peterborough (except the portion included in the East Midland Traffic Area).

So much of the administrative county of the Parts of Holland as lies south-east of the River Glen from the county boundary to its junction with the River Welland and of the River Welland from that point to the sea.

The county boroughs of Great Yarmouth, Ipswich, Norwich, and Southend-on-Sea.

7. *South Wales
Traffic Area.*

The administrative counties of Brecon, Cardigan, Carmarthen, Glamorgan, Monmouth, Pembroke and Radnor.

The county boroughs of Cardiff, Merthyr Tydfil, Newport, and Swansea.

8. *Western Traffic
Area.*

The administrative counties of Cornwall, Devon, Gloucester, Somerset, and Wiltshire.

The administrative county of Dorset (except the portion included in the South-Eastern Traffic Area).

8. *Western Traffic
Area—cont.*

So much of the administrative county of Southampton as lies north-west of and includes the road from Salisbury to Blandford.

The county boroughs of Bath, Bristol, Exeter, Gloucester, and Plymouth.

1st Sch.
—cont.

9. *South-Eastern
Traffic Area.*

The administrative county of the Isle of Wight.

The administrative counties of Kent, Surrey, East Sussex, and West Sussex (except the portions of those counties included in the Metropolitan Traffic Area), Berks (except the portion included in the East Midland Traffic Area), and Southampton (except the portion included in the Western Traffic Area).

So much of the administrative county of Dorset as comprises the borough of Poole and the urban district of Wimborne Minster and so much as lies south of and includes the road from Ringwood to Wimborne Minster, via Ferndown.

The county boroughs of Bournemouth, Brighton, Canterbury, Eastbourne, Hastings, Portsmouth, Reading, and Southampton.

10. *Metropolitan
Traffic Area.*

The London Passenger Transport Area, as constituted by the London Passenger Transport Act, 1933, with the addition of such parts of the London Traffic Area, as constituted by the London Traffic Act, 1924, and of the administrative county of Hertford, of the Borough of Chepping Wycombe in the county of Buckingham, of the boroughs of Dunstable and Luton in the county of Bedford, of the urban district of Wrotham in the county of Kent, of the urban district of East Grinstead in the county of East Sussex, and of the urban district of Horsham in the county of West Sussex, as lie outside the London Passenger Transport Area as so constituted.

Section 46.

SECOND SCHEDULE.

REPRESENTATIVE MEMBERS OF TRANSPORT ADVISORY
COUNCIL.

Interests.	Number of Representatives.
Local authorities in England and Wales - -	4
Local authorities in Scotland - - - -	2
Users of mechanically propelled vehicles - -	5
Users of horses and horse-drawn vehicles - -	1
Users of roads other than as above mentioned—	
Pedestrians - - - - -	1
Pedal cyclists - - - - -	1
Railways - - - - -	3
Canals (other than canals owned or controlled by a railway company) - - - -	1
Coastwise shipping - - - - -	2
Harbours and docks (other than harbours and docks owned or controlled by a railway company) - - - - -	1
Labour - - - - -	3
Trading interests (including agriculture) - -	5

Section 48.

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
5 & 6 Vict. c. 55.	The Regulation of Railways Act, 1842.	Sections four, five and six.
8 & 9 Vict. c. 20.	The Railways Clauses Consolidation Act, 1845.	In section forty-eight, the words from "all trains on the railway" to "four miles an hour and."
8 & 9 Vict. c. 33.	The Railways Clauses Consolidation (Scotland) Act, 1845.	In section forty-one, the words from "all trains on the railway" to "four miles an hour and."
34 & 35 Vict. c. 78.	The Regulation of Railways Act, 1871.	Section five.
9 & 10 Geo. 5 c. 50.	The Ministry of Transport Act, 1919.	Section twenty-two.

3RD SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
11 & 12 Geo. 5 c. 55.	The Railways Act, 1921.	<p>In subsection (1) of section thirty-seven the words "less than five per cent. or."</p> <p>In subsection (3) of section thirty-eight the words "provided that it is not less than five per cent. below the standard rate chargeable," and the words "or if the rate when increased would be less than five per cent. below the standard rate chargeable."</p> <p>In section thirty-nine, the words "shipping or" and the words "coastwise shipping or."</p> <p>In subsection (2) of section forty-seven, the words "less than five per cent. or."</p>
18 & 19 Geo. 5 c. ci.	The London Midland and Scottish Railway (Road Transport) Act, 1928.	Section six and subsection (2) of section eight.
18 & 19 Geo. 5 c. cii.	The Great Western Railway (Road Transport) Act, 1928.	Section six and subsection (2) of section eight.
18 & 19 Geo. 5 c. ciii.	The London and North Eastern Railway (Road Transport) Act, 1928.	Section six and subsection (2) of section eight.
18 & 19 Geo. 5 c. civ.	The Southern Railway (Road Transport) Act, 1928.	Section six and subsection (2) of section eight.
20 & 21 Geo. 5 c. 43.	The Road Traffic Act, 1930.	Section twenty-five, subsection (5) of section forty-six, section one hundred and fourteen, the Second Schedule and Part I. of the Third Schedule.

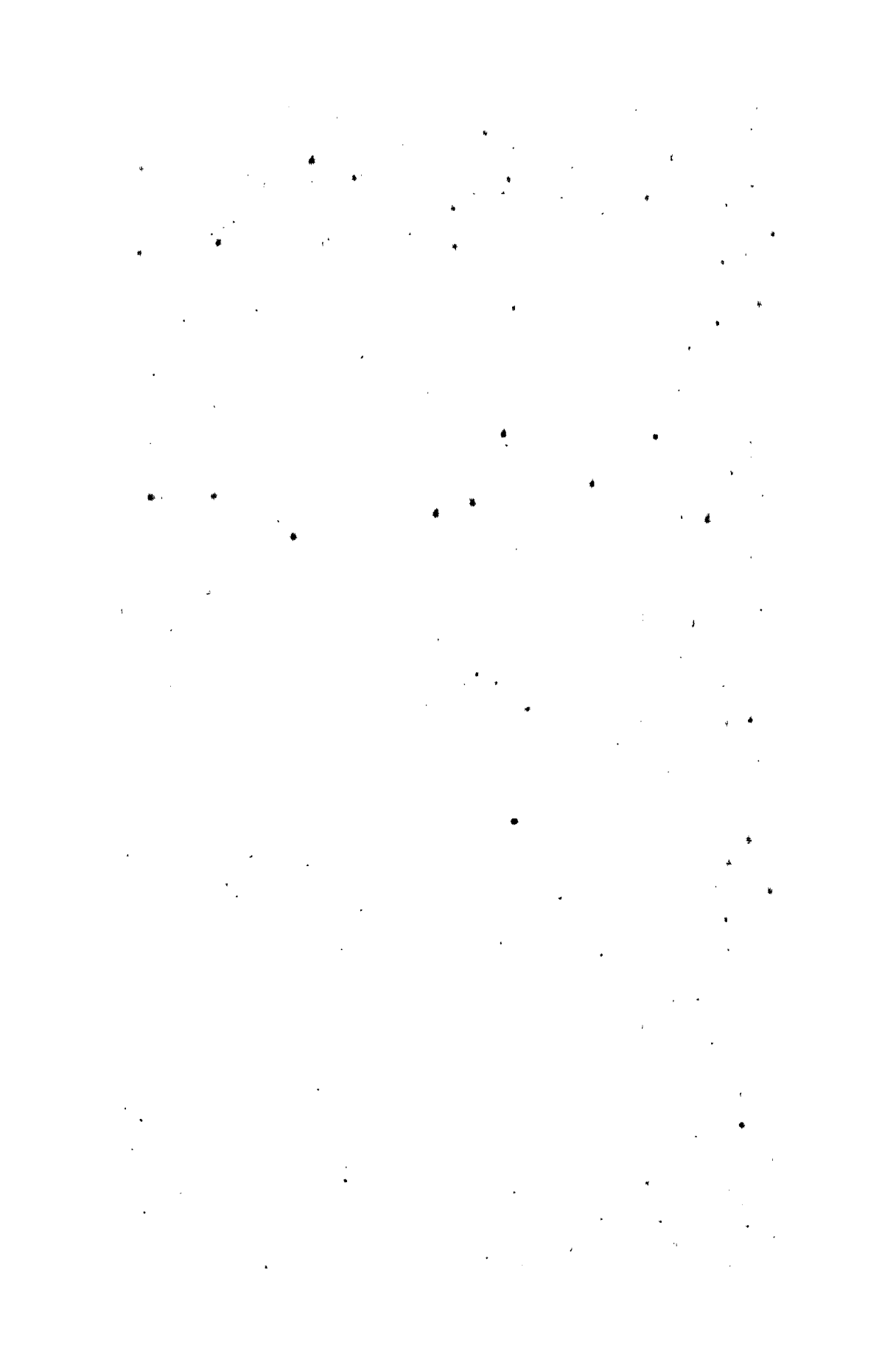


TABLE II.

A.

TABLE

OF

THE TITLES OF THE MEASURES

PASSED BY THE NATIONAL ASSEMBLY OF THE CHURCH
OF ENGLAND WHICH RECEIVED THE ROYAL
ASSENT DURING THE SESSION.

[23 & 24 GEORGE 5.]

ROYAL ASSENT, MARCH 29TH, 1933.

- No. 1. A Measure to enable Parochial Church Councils to purchase rights of patronage in certain cases. (*Benefices (Purchase of Rights of Patronage).*)

ROYAL ASSENT, JUNE 28TH, 1933.

- No. 2. A Measure to transfer the parish of Northenden and parts of the parishes of Baguley and Timperley from the Diocese of Chester to the Diocese of Manchester, and for purposes connected therewith. (*Wythenshawe Parishes (Transfer).*)

ROYAL ASSENT, JULY 28TH, 1933.

- No. 3. A Measure to allocate the Revenues of the Dean and Canons of the Cathedral or Collegiate and Parish Church of Manchester and for purposes connected therewith. (*Parish of Manchester Revenues.*)

ROYAL ASSENT, NOVEMBER 17TH, 1933.

- No. 4. A Measure to make further provision with regard to the administration of the property of vacant benefices and to confer certain powers upon sequestrators appointed under the Benefices (Ecclesiastical Duties) Measure, 1926. (*Benefices (Sequestrations).*)

MEASURES

PASSED BY THE NATIONAL ASSEMBLY OF THE
CHURCH OF ENGLAND WHICH RECEIVED
THE ROYAL ASSENT DURING THE
YEAR 1933.

23 & 24 GEO. 5.

No. 1.

A MEASURE passed by the National Assembly
of the Church of England.

To enable Parochial Church Councils to purchase
rights of patronage in certain cases.

[29th March 1933.]

1. In this Measure—

- | | |
|---|--|
| (i) the expression "right of patronage" means the perpetual right of presentation to a benefice on a vacancy, including an alternate right, and "presentation" includes in the case of a non-presentative benefice nomination; | Interpreta-
tion.
"right of
patronage."
"presenta-
tion." |
| (ii) the expression "the patron" means the person or body of persons or corporation for the time being entitled to a right of patronage, including a trustee, whether for sale or otherwise, and the incumbent of a benefice in whom a right of patronage is vested by virtue of his office; | "the
patron." |
| (iii) the expression "principal benefice" means a benefice in the incumbent of which is vested by virtue of his office a right of patronage of another benefice, and the expression "ancillary benefice" means a benefice the right of patronage of which is so vested in the incumbent of a principal benefice; and the word "ancillary" shall be construed accordingly; | "principal
benefice."
"ancillary
benefice." |
| (iv) the expression "principal patron" means the patron of a principal benefice; | "principal
patron." |

- “transfer.” (v) the expression “transfer” includes any conveyance or assurance passing or creating any legal or equitable interest inter vivos, and any agreement for any such conveyance or assurance, but does not include (a) a transmission on marriage, death or bankruptcy, or otherwise by operation of law, nor (b) a transfer on the appointment of a new trustee where no beneficial interest passes;
- “parish.” (vi) the expression “parish” includes every ecclesiastical area (other than a conventional district) for which there is a parochial church council, and the expression “the council” means the parochial church council of a parish;
- “the council.”
- “the Board.” (vii) the expression “the Board” means the Diocesan Board of Patronage of the diocese in which the benefice concerned is situate;
- “the registrar.” (viii) the expression “the registrar” means the registrar of the diocese concerned;
- “appointed day.” (ix) the expression “the appointed day” means the day appointed for the coming into operation of this Measure.

Power of council to resolve to purchase right of patronage.

2. Where a transfer of a right of patronage of a benefice has been or shall have been registered since the passing of the Benefices Act, 1898 (Amendment) Measure, 1923, and at the date of such registration two vacancies of such benefice subsequent to the passing of that Measure have not occurred, the council of the parish within which such benefice is situate may by a resolution (in this Measure referred to as “the provisional resolution”) resolve to purchase such right of patronage: Provided that—

- (i) the provisional resolution is passed within three years after the appointed day, or within three years after the registration of the transfer, whichever date shall be the later; and
- (ii) the provisional resolution is confirmed, within three calendar months after the passing thereof, by a resolution (in this Measure referred to as “the confirmatory resolution”) passed at a Special or Extraordinary Parochial Church Meeting convened and held in accordance with the Rules for the Representation of the Laity.

(Purchase of Rights of Patronage) Measure, 1933.

3. Upon the passing of the confirmatory resolution, the following provisions shall have effect (that is to say) :—

Provisions
for carrying
out the pur-
chase, &c.

- (i) Within fourteen days from the date of the passing of the confirmatory resolution the council shall give notice to the patron and to the Board that they have resolved to purchase the right of patronage;
- (ii) The notice to the patron shall contain an offer by the council to purchase the right of patronage at the price named in such notice. Such notice (hereinafter called "the original notice") shall be in the form numbered one set out in the First Schedule hereto; and where there is a principal patron the council shall at the same time notify him of the offer so made;
- (iii) In the event of no agreement for the sale and purchase of the right of patronage either at the price named in the original notice or at some other price being come to within three calendar months from the date of the original notice being given, the council may within one calendar month thereafter give notice to the patron that they refer the matter to arbitration. Such notice shall be in the form numbered two set out in the First Schedule hereto; and the council shall at the same time pay to the registrar a sum equal to one-tenth of the price offered by them, or a sum of twenty pounds, whichever shall be the greater, as a deposit on account of the price eventually awarded and (together with any interest thereon) to be dealt with accordingly;
- (iv) The price to be paid on the proposed purchase shall be the price awarded by the arbitrator appointed and proceeding in accordance with the Rules contained in the Second Schedule hereto. The award shall be sent by the arbitrator to the council and a copy thereof to the patron and the principal patron (if any);
- (v) If the price awarded shall be not more than that named in the original notice, then the original notice and the award shall together constitute a binding contract for sale between the patron and

(Purchase of Rights of Patronage) Measure, 1933.

the council as from the date of the original notice and at the price named in the award;

- (vi) If the price awarded shall be more than that named in the original notice, and the council shall within six calendar months from the receipt of the award send to the patron a final notice (in the form numbered three set out in the First Schedule hereto) stating that they desire to proceed with the purchase, then the original notice, the award, and the final notice shall together constitute a binding contract for sale between the council and the patron as from the date of the original notice, and at the price named in the award;
- (vii) A contract for sale under either of the two preceding paragraphs shall not require registration as a transfer under the Benefices Act, 1898, and the patron shall upon the payment to him or the person entitled to give a valid receipt, or as hereinafter otherwise directed, of the purchase money and his costs and expenses of the arbitration, as certified by the arbitrator's award, and his costs of deducing and proving his title so far as the council may require and of and in connection with the conveyance convey the right of patronage of the benefice to the Board;
- (viii) A deed of conveyance under this Measure may be in the appropriate form set out in the Third Schedule hereto, and shall operate to vest the right of patronage of the benefice in the Board in fee simple free from all or any trusts or incumbrances, charges or powers of charging, previously affecting the same but without prejudice to the rights of any person claiming by title paramount at law to that of the patron, and all or any trusts incumbrances, charges or powers of charging superseded by such conveyance shall attach to the purchase money in the hands of the patron, or other person giving a receipt for the same;
- (ix) A right of patronage conveyed to the Board under this Measure shall be deemed to be a right of patronage acquired by the Board within section 2 of the Benefices (Diocesan Boards of

(Purchase of Rights of Patronage) Measure, 1933.

Patronage) Measure, 1932, and exerciseable according to its own discretion, but so that the Board shall not be at liberty to transfer the same save with the consent in writing of the council;

- (x) In the event of the council not giving notice as in paragraph (vi) of this section provided of its desire to proceed with the purchase, they shall pay to the patron his costs and expenses as certified by the arbitrator;
- (xi) A patron shall be at liberty to sell and convey under this Measure notwithstanding any restriction on the sale of the right of patronage statutory or otherwise;
- (xii) The bishop of the diocese in which the benefice is situate may in his discretion, upon the application in writing of the council or the patron, extend the times referred to in paragraph (iii) of this section, and shall give notice of any such extension to the persons concerned;
- (xiii) Costs incurred subsequent to the arbitrator's award, and becoming payable to the patron under paragraph (vii) of this section, shall, in case the parties differ, be taxed by a solicitor to be nominated by the parties or in cases of disagreement be taxed by the registrar, if he has not acted for either party, and, if he has so acted, by a solicitor to be nominated in that behalf by the Chancellor of the diocese.

4. In the event of a vacancy in the benefice occurring after the date when the contract for sale becomes binding, but before the date of the transfer to the Board, the transfer shall not become operative during such vacancy, and the patron may exercise his right of patronage in respect of such vacancy in the same manner as if he had not contracted for the sale of the same: Provided that if the council shall within one calendar month from the date of such vacancy pay or tender to the patron the contract price, he shall present to such benefice the person nominated in that behalf by the Board.

Vacancy in benefice before transfer to the Board.

5.—(1) Where a transfer of the right of patronage of a principal benefice has been or shall have been registered within the period allowed by section 2 of this

Rights of patronage of ancillary benefices.

(Purchase of Rights of Patronage) Measure, 1933.

Measure, the council of a parish within which there is a benefice ancillary to such principal benefice may resolve to purchase the right of patronage of such ancillary benefice, and the consequent provisions of this Measure shall apply accordingly :

Provided that—

- (i) in addition to the consent of the patron of the ancillary benefice the consent of the principal patron shall be necessary to a purchase by agreement; and
- (ii) the notices required by this Measure to be sent to the patron of a benefice which is the subject of a resolution to purchase shall (save as in section 3 (ii) of this Measure provided) be sent to the principal patron as well as to the patron of the benefice to which the resolution relates.

(2) Where the right of patronage of an ancillary benefice has been purchased under the provisions of this Measure, the purchase money shall be paid to the Ecclesiastical Commissioners as part of the endowment of the principal benefice, and where the right of patronage is for the time being vested in the principal patron under or by virtue of section 10 (1) (ii) of the Benefices (Ecclesiastical Duties) Measure, 1926, he shall join in conveying the same to the Board.

(3) In the event of a council resolving to purchase the right of patronage of a principal benefice, the time for giving notice thereof to the principal patron shall be three calendar months from the date of the confirmatory resolution, and the council shall within fourteen days from the date of the confirmatory resolution give notice of such intention to purchase to the council of every parish of which the benefice is ancillary to such principal benefice, and if within two calendar months from the date of such notice the council of any such parish shall give notice in writing to the council of the parish having the principal benefice that in the event of such purchase taking effect they desire the patronage of the ancillary benefice to be vested in the principal patron, such right of patronage shall, in the event of the purchase being completed and the right of patronage of the principal benefice being vested in the Board, forthwith vest in the principal patron for his own use and benefit and as if the

(Purchase of Rights of Patronage) Measure, 1933.

same had always been a right of patronage independent of the principal benefice.

(4) No notice given as last aforesaid to the council of the parish having the principal benefice shall be so given unless the giving thereof has been directed by a resolution in that behalf passed at a special or extraordinary parochial church meeting of the ancillary parish convened and held in accordance with the Rules for the Representation of the Laity.

6.—(1) The register of transfers for the purposes of the Benefices Act, 1898, shall as from the coming into operation of this Measure include in every case a note of the price (if any) paid for the interest transferred, and the application for registration shall state the price (if any) accordingly.

Amend-
ment of the
Benefices
Act, 1898.

(2) A duplicate of the entry in the register relating to every such transfer shall be sent by the registrar to the council concerned within fourteen days from the date thereof.

7. All notices shall be in writing and may be by registered letter, and as to the patron or principal patron (if his address is unknown) shall be deemed to have been duly given if sent by registered letter to the address (if any) contained in the Register of Transfers under the Benefices Act, 1898, or in the absence of such address if given by advertisement in a newspaper circulating in the neighbourhood of the benefice concerned.

Notices.

8.—(1) The Rule Committee as defined by section 9 of the Clergy Discipline Act, 1892; may from time to time make vary or add to any rules or forms relating to matters of procedure or to costs, expenses or fees arising under this Measure.

Rule Com-
mittee.
55 & 56 Vict.
c. 32.

(2) Every rule purporting to be made by the said Rule Committee in pursuance of this Measure shall forthwith be laid before both Houses of Parliament, and if an Address is presented to His Majesty the King by either House within the next twenty days thereafter on which that House has sat praying that any such rule may be annulled, His Majesty in Council may annul the same, without prejudice to the validity of anything done in the meantime in pursuance thereof; but, subject as aforesaid, every such rule shall, while unrevoked, be of the same validity as if contained in this Measure.

Exemptions.

9. Nothing in this Measure shall apply to—

- (i) rights of patronage vested in or exercised by
 - (a) His Majesty, whether in right of his Crown or of his Duchy of Lancaster; or
 - (b) His Majesty or the Duke of Cornwall as the possessor for the time being of the Duchy of Cornwall; or
 - (c) the Admiralty in respect of benefices the patronage of which belongs to Greenwich Hospital; or
 - (d) any archbishop or bishop or dean in respect of his office or the dean and chapter of any cathedral church; or
- (ii) rights of patronage in benefices ancillary to any benefice whereof the right of patronage is vested or exercised as mentioned in this section; or
- (iii) a right of patronage sold, on the occasion of the last transfer in conjunction with any manor or with an estate in land of not less than one hundred acres situate in the parish in which the benefice is situate or in an adjoining parish and belonging to the same owner as the right of patronage.

Commencement.

10.—(1) This Measure shall come into operation on the appointed day save that section eight and rule 1 in the Second Schedule hereto contained, so far as it provides for the appointment of arbitrators, shall come into operation forthwith on the passing hereof.

(2) The appointed day shall be such day not later than twelve months after the passing of this Measure as the Archbishops of Canterbury and York may determine.*

(3) The determination by the Archbishops of Canterbury and York of the appointed day shall be notified by advertisement in the London Gazette.

Short title.

11. This Measure may be cited as the Benefices (Purchase of Rights of Patronage) Measure, 1933.

* The day thus determined was June 1, 1933: see "London Gazette," May 16, 1933, p. 3293.

* 12. This Measure shall apply to the whole of the Extent, Provinces of Canterbury and York except the Channel Islands and the Isle of Man.

SCHEDULES.

Section 3.

THE FIRST SCHEDULE.

FORM 1.—(FIRST NOTICE TO PATRON.)

In the matter of the
BENEFICES (PURCHASE OF RIGHTS OF PATRONAGE)
MEASURE, 1933.

Take notice that by a Resolution confirmed on the
day of 19 the Parochial Church Council of
the Parish of in the Diocese of
have resolved to purchase the right of patronage
of the Benefice of within the said Parish,
and hereby offer you as Patron the sum of
for the same.

(Signed)

Secretary of the Council.

To the Patron of the above-mentioned Benefice.

FORM 2.—(NOTICE AS TO ARBITRATION.)

In the matter of the
BENEFICES (PURCHASE OF RIGHTS OF PATRONAGE)
MEASURE, 1933.

Take notice that the Parochial Church Council of the Parish
of hereby refer the matter
of the sale and purchase of the right of patronage of the Benefice
of to arbitration, and are paying a deposit
of £ to the Registrar of the Diocese.

(Signed)

Secretary of the Council.

To the Patron of the above-mentioned Benefice.

FORM 3.—(FINAL NOTICE TO PATRON.)

In the matter of the
 BENEFICES (PURCHASE OF RIGHTS OF PATRONAGE)
 MEASURE, 1933.

Take notice that the Parochial Church Council of the Parish
 of _____ desire to proceed with the purchase of
 the right of patronage of the Benefice of _____

(Signed)

Secretary of the Council.

To _____
 the Patron of the above-mentioned Benefice.

Sections 3
 and 10.

THE SECOND SCHEDULE.

RULES FOR ARBITRATION.

1. Arbitrations under this Measure shall be referred to a single arbitrator. A panel of three persons to act as arbitrators shall be appointed from time to time by the Ecclesiastical Commissioners for England with the approval of the Lord Chancellor, and in the event of the patron and the council not mutually consenting to a reference to any one of the said panel within 14 days from the date of the notice to refer to arbitration or such longer period as they may agree, the bishop shall, on the application of either party to be made within seven days from the expiration of the said period or such further time as he may allow, refer the matter to such one of the said panel as he may think fit.

2. The arbitrator by his award shall certify the price to be paid for the right of patronage concerned.

3. Such price shall be not less than the price named by the council in their original notice, and shall be such price as the arbitrator shall consider equitable, after taking into consideration all the circumstances of the case, including the price (if any) paid on any transfer of the right of patronage registered since the passing of the Benefices Act, 1898 (Amendment) Measure, 1923.

4. The arbitrator shall also certify by his award at such amount as he shall think proper the costs and expenses of the patron or of the principal patron reasonably incurred in relation to the arbitration. He may also thereby set off against the same any costs and expenses incurred by the council and in his opinion attributable to unreasonable conduct by the patron or principal patron (as the case may be).

(Purchase of Rights of Patronage) Measure, 1933.

5. The arbitrator may if he thinks neither party will be prejudiced thereby make his award notwithstanding any irregularity in the previous proceedings, and may direct the giving of any further notices, or the doing of any further acts in the matter, and may decline to proceed with the arbitration either temporarily or at all if he is not satisfied that the patron or principal patron is or should be taken to be cognisant of the proceeding before him. When no purchase price can be awarded by reason of a person wrongfully claiming to be patron or principal patron, he may award to the council such a sum as will in his opinion meet the costs and expenses reasonably incurred by them in the matter. All sums for costs and expenses awarded by the arbitrator shall be recoverable as a debt due to the person to whom they are so awarded.

6. The patron (including a principal patron) and the council may attend the arbitration by themselves or their agents, and shall (whether they attend or not) give such information and produce such documents in their possession or power as the arbitrator shall reasonably require. In any case of refusal to give such information or to produce such documents the arbitrator may proceed on such materials as are available, and may make such presumptions as he may think reasonable against the person so refusing.

7. The award shall be final and binding on the patron and the council, and where the patron is a trustee on the beneficiaries.

8. A fee of £5 5s. shall be payable by the council to the arbitrator.

THE THIRD SCHEDULE.

Section 3.

FORMS OF CONVEYANCE.

No. 1.

BY A PATRON ABSOLUTELY ENTITLED, OR BY PERSONAL REPRESENTATIVES, OR BY TRUSTEES, WHETHER TRUSTEES OF OR FOR ANY ASSOCIATION, OR STATUTORY OWNERS, OR FOR SALE, OR OTHERWISE.

I [or We] [*add names and addresses*], Patron [or Patrons] of the Benefice of _____ in the Parish of _____ and Diocese of _____ in consideration of the sum of £ _____ now paid to me [us] by the Parochial Church Council of the said parish, the receipt whereof I [we] hereby acknowledge, acting under the authority of the Benefices (Purchase

of Rights of Patronage) Measure, 1933 [*if not absolutely entitled add "and in exercise of all statutory or other powers me [us] hereunto enabling"*] and as beneficial owner(s) [*or trustee(s)*] hereby convey unto the Board of Patronage of the said Diocese the perpetual right of patronage and presentation of and to the said benefice.

[*Add if necessary :—*

- (a) The usual statutory acknowledgment and (in the case of an actual owner) undertaking;
- (b) A statement as to value for the purposes of section 73 of the Finance (1909 to 1910) Act, 1910.]

In Witness, &c.

No. 2.

BY A PATRON WHO IS TENANT FOR LIFE.

I [*name and address*], being under a Principal Vesting Deed of the _____ day of _____ 19____ estate owner of the right of patronage hereby conveyed in consideration of the sum of £ _____ to A, B, and C, D, the trustees of the Settlement referred to in the same Deed now paid by the Parochial Church Council of the Parish of _____ and Diocese of _____ * do hereby acting under the authority of the Benefices (Purchase of Rights of Patronage) Measure, 1933, and in exercise of all statutory or other powers me hereunto enabling, and as trustee convey unto the Board of Patronage of the said Diocese the perpetual right of patronage and presentation of and to the Benefice of _____ in the said Parish of _____

[*Add if necessary :—*

- (a) The usual statutory acknowledgment;
- (b) A statement as to value for the purposes of section 73 of the Finance (1909 to 1910) Act, 1910.]

In Witness, &c.

No. 3.

CONVEYANCE OF AN ANCILLARY BENEFICE.

In consideration of the sum of £ _____ paid by the Parochial Church Council of the Parish of B in the Diocese of _____ to the Ecclesiastical Commissioners for England, I, _____, the Incumbent of the Benefice _____

* The Council should take a receipt from the Trustees.

of A and by virtue of my office patron of the ancillary Benefice of B, acting under the authority of the Benefices (Purchase of Rights of Patronage) Measure, 1933, and as trustee hereby convey unto the Board of Patronage of the said Diocese the perpetual right of patronage and presentation of and to the said Benefice of B.

[Add, if necessary, a statement as to value for the purposes of section 73 of the Finance (1909 to 1910) Act, 1910.]

No. 2.

A MEASURE passed by the National Assembly of the Church of England.

To transfer the parish of Northenden and parts of the parishes of Baguley and Timperley from the Diocese of Chester to the Diocese of Manchester, and for purposes connected therewith.

[28th June 1933.]

1.—(1) As from the passing of this Measure—

Transfer of
Wythen-
shawe
parishes.

(i) the following parish and parts of parishes in the Wythenshawe district, namely:

(a) the parish of Northenden; and

(b) the parish of Baguley, except such part thereof as lies to the west of the Bridgewater Canal; and

(c) such part of the parish of Timperley as is now within the boundaries of the city of Manchester,

shall be transferred from the diocese of Chester to the diocese of Manchester, and shall be in the archdeaconry of Manchester and the rural deanery of Heaton;

(ii) such part of the parish of Baguley as lies to the west of the Bridgewater Canal shall, for all ecclesiastical purposes, be added to and form part of the parish of S. Mary Magdalene, Ashton-upon-Mersey, in the diocese of Chester;

- (iii) the transferred part of the parish of Timperley shall, for all ecclesiastical purposes, be added to and form part of the transferred parish of Northenden.

(2) The endowments and properties of the benefices of the parishes of Baguley and Timperley shall not be affected by the transfers made by this Measure.

Provisions
consequen-
tial on
transfer.

2.—(1) The patronage of the parish of Northenden shall, as from the passing of this Measure, be transferred to and vest in the Bishop of Manchester.

(2) As soon as possible after the passing of this Measure there shall be transferred to the registrar of the diocese of Manchester, or to such other officer of that diocese as the Bishop thereof may appoint, from the registrar of the diocese of Chester, or any other officer of that diocese who may be in possession thereof, all terriers, tithe apportionments, maps, plans, and other documents relating exclusively to the parish of Northenden or the parish of Baguley.

Schemes by
Ecclesiastical
Commissioners.

3. The Ecclesiastical Commissioners may at any time within twelve months after the passing of this Measure lay before His Majesty in Council for confirmation a scheme for all or any of the following matters, namely:—

- (1) For providing for the transfer of any property which, at the passing of this Measure, is held by the Chester Diocesan Board of Finance, or by any body of trustees in that diocese on behalf of the parish of Northenden or the parish of Baguley, to the Manchester Diocesan Board of Finance;
- (2) For making such arrangements as may seem to the Ecclesiastical Commissioners requisite to preclude any officer holding office at the passing of this Measure from being prejudiced by this Measure or any Order in Council or scheme thereunder;
- (3) For making such other provisions and arrangements, whether similar or not to the foregoing, as may be necessary for carrying into complete effect the provisions of this Measure;

and a scheme under this section, when so confirmed, shall have effect as if enacted in this Measure.

4. Nothing in this Measure or in any scheme there-
under shall prejudice or affect any right, interest or
jurisdiction in or over any charitable endowment.

Saving as to
charitable
endow-
ments.

5. This Measure may be cited as the "Wythenshawe
Parishes (Transfer) Measure, 1933."

Short title.

No. 3.

A MEASURE passed by the National Assembly of the Church of England.

To allocate the Revenues of the Dean and Canons
of the Cathedral or Collegiate and Parish
Church of Manchester and for purposes connected
therewith. [28th July 1933.]

1.—(1) As from the passing of this Measure, the
Warden and Fellows of the College of Christ in
Manchester, commonly called the Dean and Canons
of Manchester (hereinafter called "the Chapter"), shall
make provision in manner laid down by this Measure
for the repair and maintenance of the entire fabric
of the Cathedral or Collegiate and Parish Church of
Manchester (hereinafter called "Manchester Cathedral")
and of all buildings which are situate or may hereafter
be erected within the existing limits of the cathedral
churchyard.

Chapter to
provide for
repair of
the whole
cathedral.

(2) The fabric of Manchester Cathedral and the
said buildings are hereinafter referred to collectively
as "the cathedral fabric."

2.—(1) The annual revenues of the Chapter shall,
subject to provision being made thereout for the cost
of management, estate repairs, and other estate out-
goings, but not for income tax, be allocated in manner
following, that is to say:—

Allocation
of Chapter
revenues.

- (i) the annual sum of fifty-five thousand pounds
shall be paid by the Chapter to the Ecclesiastical
Commissioners;

(ii) the annual sum of nine thousand pounds shall be retained by the Chapter;

(iii) subject to the payment and retention of the said annual sums, the sum of six thousand pounds or such less sum as may be available shall in each year be divided into two equal parts, of which—

(a) one part shall be paid by the Chapter to the Ecclesiastical Commissioners; and

(b) the other part shall be retained by the Chapter.

(2) In this Measure the expression “annual revenues of the Chapter” means revenues derived from the capitular property in respect of which the Chapter is accountable to the Ecclesiastical Commissioners under the Parish of Manchester Division Act, 1850 (hereinafter called “the Act of 1850”), but does not include any revenues in respect of which the Chapter has not hitherto been so accountable or which are applicable for specified purposes under any trust or scheme now in force.

13 & 14 Vict.
c. 41.

Disposal
of surplus
revenues.

3.—(1) Subject to the provisions of this section, the Ecclesiastical Commissioners shall have power from time to time to frame and submit to His Majesty in Council for confirmation a scheme for the allocation of any surplus of the annual revenues of the Chapter, remaining in any year after the sum of six thousand pounds mentioned in the last preceding section has been allocated in full, either to the Ecclesiastical Commissioners or to the Chapter, or partly to one and partly to the other of these bodies, by way of addition to the annual sums allocated to them respectively under the same section; and a scheme under this section when so confirmed shall have effect as if enacted in this Measure.

(2) No scheme under this section shall be submitted to His Majesty in Council for confirmation except with the consent of—

(i) the Bishop of Manchester,

(ii) the Chapter,

- (iii) the Cathedral Commissioners for England (except in the case of a scheme submitted after the cesser of their powers), and
- (iv) a majority of the incumbents (hereinafter called the "Manchester incumbents") to whom payments may be made by the Ecclesiastical Commissioners under the Act of 1850 present and voting at a meeting convened and presided over by the Bishop of Manchester, who shall have power conclusively to determine any question which may arise as to the procedure of such meeting.

(3) Any moneys derived from a surplus available for division under a scheme under this section, which has not been so divided within twelve calendar months after the end of the financial year in which such surplus has arisen, shall until a scheme disposing of such surplus shall have been confirmed under this section be paid to the Ecclesiastical Commissioners and applied by them in such manner as the Bishop of Manchester may approve either for the benefit of Manchester Cathedral or, as to the whole of any such moneys or any part thereof, for the benefit of the Manchester incumbents or any of them and for making better provision for the cure of souls in the parish of Manchester.

4. If in any year the annual revenues of the Chapter shall be insufficient to provide the annual sums of fifty-five thousand pounds and nine thousand pounds respectively mentioned in section two of this Measure, the said annual sum shall be proportionately reduced.

Provision for deficiency in annual revenues.

5. The several sums payable to the Ecclesiastical Commissioners under section two of this Measure together with any addition thereto arising under any scheme under this Measure shall be applied as if the same had been respectively paid to the Ecclesiastical Commissioners under the Act of 1850.

Application of income received by Ecclesiastical Commissioners.

6. Notwithstanding anything contained in the Act of 1850 or any enactment varying or amending that Act, the several sums retained by the Chapter under section two of this Measure together with any addition thereto arising under any scheme under this Measure (hereinafter called "the cathedral income") shall respectively be applied until such time as a scheme under

Application of cathedral income.

the Cathedrals Measure, 1931, providing for the allocation of the cathedral income, shall have been confirmed by His Majesty in Council, in manner following (that is to say) :—

- (i) as to such part thereof as the Chapter, with the approval of the Bishop of Manchester, may deem necessary in and for the repair and maintenance of the cathedral fabric; and
- (ii) as to the residue thereof for the general purposes of Manchester Cathedral (including the stipends of the Dean, the Canons and the other ministers and officers of Manchester Cathedral, but not the repair and maintenance of the cathedral fabric) in the same manner as if the same were being applied for those purposes under the Act of 1850 and the enactments varying or amending that Act.

Short title.

7. This Measure may be cited as the Parish of Manchester Revenues Measure, 1933.

No. 4.

A MEASURE passed by the National Assembly
of the Church of England.

To make further provision with regard to the administration of the property of vacant benefices and to confer certain powers upon sequestrators appointed under the Benefices (Ecclesiastical Duties) Measure, 1926.

[17th November 1933.]

Remuneration of occasional ecclesiastical duties performed in vacant benefices.

1.—(1) The bishop of every diocese shall in addition to the power conferred on him by section fourteen of the Benefices (Ecclesiastical Duties) Measure, 1926, of determining the amount of the stipend to be assigned to curates officiating in vacant benefices in his diocese have power also to determine the amount of the remuneration to be paid to clerks in Holy Orders who perform occasional ecclesiastical duties in such benefices.

(2) A determination by the bishop under this section shall be binding on and shall be given effect to by the sequestrators.

(3) The power conferred by this section shall authorise the bishop both to fix a general scale of remuneration to be applied in the absence of any special determination by him of the remuneration to be paid in a particular case and also to make such a special determination if, in his opinion, circumstances so require.

2.—(1) During a vacancy in a benefice the sequestrators may, subject to the provisions of this Measure, from time to time out of the income thereof which shall accrue during the vacancy, make provision for—

Powers of sequestrators during vacancies.

- (i) the proper care and custody of the house of residence of the benefice;
 - (ii) the upkeep of any garden, kitchen garden, orchard or other land belonging to and occupied together with such house of residence;
 - (iii) the remuneration payable in respect of any professional assistance required by them in connection with their duties; and
 - (iv) the payment of interest upon moneys borrowed by them for any purpose for which provision has to be made by them under this Measure or otherwise.
- (2) The powers conferred by this section—
- (i) shall be exerciseable in any benefice only with the approval of the bishop of the diocese in which the benefice is situate, who may, at his discretion, either give a general approval of the said powers or some of them being exercised or sanction only particular items of expenditure; and
 - (ii) shall be exercised in such manner and to such extent as the bishop shall direct in any case where he shall think it desirable to give directions.

(3) The bishop of a diocese may delegate all the powers conferred on him by this section so far as they relate to the benefices within a particular archdeaconry to the archdeacon of that archdeaconry, and may revoke any such delegation.

(4) Subject to the rights of an outgoing incumbent, or the representatives of a deceased incumbent, the produce of any garden, kitchen garden, orchard, or other land belonging to and occupied together with the house of residence of a vacant benefice may be sold by the sequestrators, the proceeds of sale being treated as part of the income of the benefice.

Apportionment of income during vacancies.

3.—(1) In any case where any part of the income of a vacant benefice from whatever source derived is received from or paid through the Ecclesiastical Commissioners or Queen Anne's Bounty, the sequestrators may by a notice in writing addressed to the Ecclesiastical Commissioners or Queen Anne's Bounty, as the case may be, require that any moneys representing income which has accrued partly during the vacancy and partly during the succeeding incumbency shall be apportioned as between the period of the vacancy and that of the succeeding incumbency.

(2) Such notice may be given either during the vacancy or afterwards, but must be given at least seven days before the date on which any moneys, the apportionment of which is required, are payable by the Ecclesiastical Commissioners or Queen Anne's Bounty.

(3) The Ecclesiastical Commissioners or Queen Anne's Bounty shall, on receiving a notice complying with the provisions of this section, effect the apportionment thereby required, and shall pay the moneys apportioned to the period of the vacancy to the sequestrators, whose receipt, whether given in respect of a payment made during the vacancy or afterwards, shall be a valid discharge in respect of the said moneys.

Power of sequestrators under the Benefices (Ecclesiastical Duties) Measure, 1926, to grant tenancies of houses of residence.

4.—(1) In any case where a sequestration of the profits of a benefice has been issued under the provisions of the Benefices (Ecclesiastical Duties) Measure, 1926, the sequestrators shall, but subject to the rights of a curate appointed under the said Measure who is required by the bishop to reside in the house of residence of the benefice, have power with the sanction of the bishop to let such house of residence together with any garden or other land occupied therewith, or any part thereof respectively, for such term not exceeding five years, and at such rent and upon such terms and conditions as the bishop may approve.

(2) Any tenancy of a house of residence granted by sequestrators under this section shall contain a condition providing that at the expiration of a period of six weeks after the determination of the sequestration during which the tenancy was granted such tenancy shall determine.

(3) The net income derived from any tenancy created under this section shall be held and applied by the sequestrators as part of the profits of the benefice concerned.

5. The powers conferred on sequestrators by this Measure shall be in addition to the powers already vested in them under the existing law. Existing powers of sequestrators.

6. In this Measure the expression "sequestrators" shall mean the persons who shall for the time being be appointed for the sequestration of the income of a benefice, and for the purposes of the provisions of this Measure relating to the apportionment of income shall include the persons who were the sequestrators immediately before the filling of the vacancy. Definition.

7. This Measure may be cited as the *Benefices (Sequestrations) Measure, 1933.* Short title.

8. This Measure shall extend to the whole of the provinces of Canterbury and York except the Channel Islands and the Isle of Man. Extent.

TABLE III.

Showing the EFFECT of the LEGISLATION of the SECOND
SESSION of the THIRTY-SIXTH PARLIAMENT of the
UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND.

(NOVEMBER 22, 1932—NOVEMBER 17, 1933)

**FORMER ACTS
(IN CHRONOLOGICAL ORDER) REPEALED
OR AMENDED BY ENACTMENTS OF
23 & 24 GEO. 5.**

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
22 Hen. 8 : c. 5	An Act concerning the amendment of Bridges in High Ways.	Ss. 3 in part and 6 repealed	51, ss. 307-8, sch. 11.
33 Hen. 8 : c. 39	The Byll for the stablishment of the Courte of Surveyors.	In s. 36 "costs" repealed	36, s. 10, sch. 3.
35 Hen. 8 : c. 2	An Acte concerning the triall of Treasons comytted out of the Kings Majesties Domyinions.	Saved - - -	36, s. 1 (4), sch. 1.
11 Will. 3 : c. 12	An Act to punish Governors of Plantations in this Kingdom for Crimes by them committed in the Plantations.	Saved - - -	36, s. 1 (4), sch. 1.
9 Anne : c. 25	Municipal Offices Act, 1710.	Repealed so far as unrepealed.	51, ss. 84 (6), 307-8, sch. 11.
10 Geo. 1 : c. 19	Court of Session Act, 1723.	S. 1 from "and the qualifications" repealed.	41, ss. 1, 39, sch.
12 Geo. 2 : c. 29	County Rates Act, 1738.	Ss. 7-9, 11 repealed, ss. 6, 14 repealed in part.	51, ss. 307-8, sch. 11.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
17 Geo. 2 : c. 38	Poor Relief Act, 1743.	Ss. 1, 2 repealed (repeal extends to London).	51, ss. 307-8, sch. 11, Parts IV and V.
2 Geo. 3 : c. 27	Court of Session Adjournment Act, 1762.	Repealed	41, ss. 4 (1), 39, 41 (2), sch.
38 Geo. 3 : c. 52	Counties of Cities Act, 1798.	S. 5 in part repealed, Act adapted.	36, ss. 2 (8), 10, schs. 2, 3.
42 Geo. 3 : c. 85	Criminal Jurisdiction Act, 1802.	Saved	36, s. 1 (4), sch. 1.
c. 116	Land Tax Redemption Act, 1802.	S. 193 repealed	20, s. 8, sch.
43 Geo. 3 : c. 59	Bridges Act, 1803 .	S. 1 repealed in part	51, ss. 307-8, sch. 11.
48 Geo. 3 : c. 110	Herring Fishery (Scotland) Act, 1808.	S. 49 in part repealed	20, s. 8, sch.
c. 151	Court of Session Act, 1808.	Ss. 9, 11-2, 14, 16 repealed	41, ss. 5, 39, 41 (2), sch.
50 Geo. 3 : c. 112	Court of Session Act, 1810.	Ss. 1-10, 16-7, 30 from "but shall not extend," 40-3, schedules A-I repealed, in s. 32, etc. references to division of Inner House to include reference to additional division.	41, ss. 2, 15, 39, 41 (2), sch.
53 Geo. 3 : c. 64	Court of Session Act, 1813.	Ss. 2-6, 10-2 repealed, references to Lords Ordinary adapted.	41, ss. 3 (1), 39, 41 (2), sch.
c. 89	Parliamentary Writs Act, 1813.	S. 6 saved	36, s. 1 (4), sch. 1.
54 Geo. 3 : c. 159	Harbours Act, 1814	S. 25 repealed as to Scotland.	20, s. 8, sch.
55 Geo. 3 : c. 42	Jury Trials (Scotland) Act, 1815.	Ss. 35, 40 repealed, procedure under s. 6 to be prescribed.	41, ss. 11, 16 (c), 39, sch.
c. 51	County Rates Act, 1815.	S. 17 repealed	51, ss. 307-8, sch. 11.
c. 143	Bridges Act, 1815 .	Ss. 1, 5 repealed in part	51, ss. 307-8, sch. 11.
58 Geo. 3 : c. 69	Vestries Act, 1818 .	S. 6 repealed	51, ss. 307-8, sch. 11.
59 Geo. 3 : c. 12	Poor Relief Act, 1819.	S. 17 repealed	51, ss. 307-8, sch. 11.
1 & 2 Geo. 4 : c. 38	Court of Session Act, 1821.	Ss. 4, 8, 10, 16, 22-3, 25, 28 repealed, in ss. 1, 3, etc. references to Lord Ordinary on the Bills adapted.	41, ss. 3 (1), 24 (7), 27 (1), 39, 41 (2), sch.
3 Geo. 4 : c. 46	Levy of Fines Act, 1822.	S. 2 amended	38, s. 6 (2) (6).

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
5 Geo. 4 : c. 83	Vagrancy Act, 1824	Punishments increased (possession of firearms) (E.).	50, ss. 2, 5 (2) (3), sch.
c. 90	An Act to amend an Act for building additional Places of Worship in the Highlands and Islands of Scotland.	S. 12 excluded - - -	44, s. 5.
6 Geo. 4 : c. 22	Jurors (Scotland) Act, 1825.	S. 20, effect of juror's death or illness and majority verdict in criminal trial.	41, ss. 19, 22.
c. 50	Juries Act, 1825	Ss. 1, 41-2, 46—grand juries abolished save as specified.	36, ss. 1, 10 (4).
c. 120	Court of Session Act, 1825.	Ss. 18, 27, 50, 58 repealed	41, ss. 9, 39, 41 (2), sch.
7 Geo. 4 : c. 63	County Buildings Act, 1826.	Act repealed except so far as relating to assize courts, sessions houses and judges lodgings.	51, ss. 304, 307-8, schs. 10, 11.
7 & 8 Geo. 4 : c. 53	Excise Management Act, 1827.	S. 31 repealed as to Scotland	20, s. 8, sch.
9 Geo. 4 : c. 29	Circuit Courts (Scotland) Act, 1828.	S. 13 in part repealed	20, s. 8, sch.
11 Geo. 4 & 1 Will. 4 : c. 54	Fisheries (Scotland) Act, 1830.	S. 3 in part repealed - -	20, s. 8, sch.
c. 69	Court of Session Act, 1830.	Ss. 5-7, 9 from "and all causes," 10, 13-4, 16 from "and the said Court of Session," 18 from "and the appointment" repealed.	41, ss. 4 (6), 24 (7), 39, 41 (2), sch.
2 & 3 Will. 4 : c. 53	Army Prize Money Act, 1832.	Ss. 45 and in part 49 repealed as to Scotland.	20, s. 8, sch.
3 & 4 Will. 4 : c. 49	Quakers and Moravians Act, 1833.	S. 1 in part repealed as to Scotland.	20, s. 8, sch.
c. 90	Lighting and Watching Act, 1833.	Ss. 10-1, 14, 28 repealed, 5, 6, 9, 12, 17 repealed in part, 18-9, 22-3, 24 in part, 25-7, 30-1, 57-9 repealed so far as relates to parish councils.	51, ss. 304, 307-8, schs. 10, 11. And see s. 244 (2) (c).
5 & 6 Will. 4 : c. 50	Highway Act, 1835	Ss. 6-18, 46, 48 repealed -	51, ss. 304, 307-8, schs. 10, 11.
c. 62	Statutory Declarations Act, 1835.	Ss. 5, 21, and in part ss. 12, 18, repealed as to Scotland.	20, s. 8, sch.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
7 Will. 4 & 1 Vict. : c. 24	County Buildings Act, 1837.	Act repealed except so far as relates to assize courts, sessions houses and judges' lodgings.	51, ss. 307-8, sch. 11.
c. 45	Parish Notices Act, 1837.	S. 3 repealed in part	51, ss. 307-8, sch. 11.
c. 83	Parliamentary Documents Deposit Act, 1837.	Repealed as to England (except London).	51, ss. 307-8, sch. 11.
1 & 2 Vict. : c. 77	Quakers and Moravians Act, 1833.	S. 1 in part repealed as to Scotland.	20, s. 8, sch.
c. 86	Court of Session (No. 1) Act, 1833.	S. 9 repealed	41, ss. 39, 41 (2), sch.
c. 105	Oaths Act, 1833	S. 1 in part repealed as to Scotland.	20, s. 8, sch.
c. 114	Debtors (Scotland) Act, 1833.	S. 1 repealed	41, ss. 39, 41 (2), sch.
c. 118	Court of Session (No. 2) Act, 1833.	Ss. 5, 9, 11-2, 19, 30, 33 repealed, 1, 4, 18 repealed in part.	41, ss. 39, 41 (2), sch.
2 & 3 Vict. : c. 36	Court of Session Act, 1839.	Ss. 3, 9-11, 13 repealed	41, ss. 23 (1), 25, 39, 41 (2), sch.
c. 47	Metropolitan Police Act, 1839.	Act excluded	12, sch. 2, para. 2 (1).
c. 84	Poor Rate Act, 1839	S. 3 repealed, Act applied	51, ss. 193 (7), 307-8, sch. 11.
c. 93	County Police Act, 1839.	S. 23 repealed in part	51, ss. 307-8, sch. 11.
3 & 4 Vict. : c. 13	Tobacco Act, 1840-	S. 10 in part repealed as to Scotland.	20, s. 8, sch:
c. 84	Metropolitan Police Courts Act, 1840.	Excluded	12, sch. 2, para. 2 (1).
c. 88	County Police Act, 1840.	Ss. 12 in part and 13 repealed.	51, ss. 307-8, sch. 11.
c. 97	Railway Regulation Act, 1840.	S. 4 repealed as to Scotland	20, s. 8, sch.
4 & 5 Vict. : c. 38	Schools Sites Act, 1841.	S. 6 repealed in part as to England (except London).	51, ss. 307-8, sch. 11.
5 & 6 Vict. : c. 55	Railway Regulation Act, 1842.	Ss. 4-6 repealed except as to N.I. (prosp.).	53, ss. 41 (4), 48, 49 (2) (3), sch. 3.
c. 109	Parish Constables Act, 1842.	S. 22 repealed in part	51, ss. 307-8, sch. 11.
6 & 7 Vict. : c. 82	Evidence by Commission Act, 1843.	Petitions procedure in Scotland saved.	41, s. 6 (3) (f).
7 & 8 Vict. : c. 101	Poor Law Amendment Act, 1844.	S. 61 repealed	51, ss. 307-8, sch. 11.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
8 & 9 Vict. : c. 18	Lands Clauses Consolidation Act, 1845.	Applied, provisions applicable by provisional order or compulsory purchase order.	51, ss. 160 (6), 161 (2), 176-7, sch. 6; and see s. 163 (2).
c. 20	Railways Clauses Consolidation Act, 1845.	Provisions applicable by provisional order or compulsory purchase order. Ss. 48 amended, 90 excluded, 47 saved.	51, ss. 160 (6), 161 (2), sch. 6. 53, ss. 37 (9) (i), 42 (2) (3), 48, 49(2)(3), sch. 3.
c. 33	Railways Clauses Consolidation (Scotland) Act, 1845.	Ss. 41 amended, 83 excluded, 40 saved.	53, ss. 37 (9) (i), 42 (2) (3), 48, 49 (2), sch. 3.
c. 71	Highway Act, 1845	Repealed	51, ss. 307-8, sch. 11.
9 & 10 Vict. : c. 74	Baths and Wash-houses Act, 1846.	Ss. 4 in part, 5 in part and 39 repealed, ss. 9-11, 13, 15, 24, 26, 31 and in part ss. 12, 14, 21, 23 repealed except so far as relates to commissioners appointed under the Act (repeal of s. 15 extends to London).	51, ss. 304, 307-8, schs. 10, 11, Parts IV and V.
10 & 11 Vict. : c. 14	Markets and Fairs Clauses Act, 1847.	S. 57 repealed as to Scotland.	20, s. 8, sch.
c. 15	Gasworks Clauses Act, 1847.	S. 44 repealed as to Scotland.	20, s. 8, sch.
c. 16	Commissioners Clauses Act, 1847.	Ss. 13, 108 repealed as to Scotland.	20, s. 8, sch.
c. 17	Waterworks Clauses Act, 1847.	S. 89 repealed as to Scotland.	20, s. 8, sch.
c. 27	Harbours, Docks and Piers Clauses Act, 1847.	S. 96 repealed as to Scotland.	20, s. 8, sch.
c. 28	County Buildings Act, 1847.	Act repealed except as to assize courts, sessions houses and judges' lodgings.	51, ss. 307-8, sch. 11.
c. 34	Towns Improvement Clauses Act, 1847.	Ss. 7-12 repealed as to England (except London).	51, ss. 307-8, sch. 11.
c. 61	Baths and Wash-houses Act, 1847.	S. 4 repealed in part	51, ss. 307-8, sch. 11.
c. 69	House of Commons Costs Taxation Act, 1847.	Local authorities' expenses	See 51, s. 256.
c. 89	Town Police Clauses Act, 1847.	Powers under Act as to certain vehicles, etc. restricted.	14, s. 51 (7).
11 & 12 Vict. : c. 36	Entail Amendment Act, 1848.	S. 6 in part repealed	20, s. 8, sch.
c. 42	Indictable Offences Act, 1848.	Applicable (as modified) by rules, procedure against juveniles amended, s. 17 applied.	12, ss. 34 (3), 35, 38 (1), 43, 47 (3), 109 (2).
c. 43	Summary Jurisdiction Act, 1848.	Applicable (as modified) by rules. S. 27 from "and if upon any such appeal" repealed.	12, ss. 34 (3), 47 (3), 109 (2), 38, ss. 10, 11 (2), sch.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
12&13Vict.: c. 45	Quarter Sessions Act, 1849.	S. 1 as to appeals from courts of summary jurisdiction repealed.	38, ss. 10, 11 (2), sch.
13&14Vict.: c. 36	Court of Session Act, 1850.	Ss. 1, 11, 33, 37, 54, sch. A repealed.	41, ss. 39, 41 (2), sch.
c. 41	Parish of Manchester Division Act, 1850.	Applied and excluded by Measure No. 1, ss. 5, 6, etc.	
c. 57	Vestries Act, 1850	Repealed	51, ss. 304, 307-8, schs. 10, 11.
c. 101	Poor Law Amendment Act, 1850.	S. 6 repealed	51, ss. 304, 307-8, schs. 10, 11.
14&15Vict.: c. 13	Arsenic Act, 1851	Repealed except as to N.I.	25, ss. 15, 31, sch. 3.
15&16Vict.: c. 5	Municipal Corporations Act, 1852.	Repealed so far as unrepealed.	51, ss. 307-8, sch. 11.
c. 56	Pharmacy Act, 1852.	S. 16 in part repealed Ss. 12-4 repealed, ss. 2, 10 repealed in part, ss. 5, 7, etc., restricted (prosp.).	20, s. 8, sch. 25, ss. 1 (6), 5, 31, sch. 3.
c. 57	Election Commissioners Act, 1852.	S. 13 repealed as to Scotland.	20, s. 8, sch.
c. 81	County Rates Act, 1852.	S. 33 repealed in part (repeal extends to London).	51, ss. 307-8, sch. 11, Parts IV and V.
c. 85	Burial Act, 1852	Ss. 13-4, 17-20, 28 repealed, ss. 15-6, 26, 31, repealed in part, except as to burial boards appointed under Burial Acts, 1852 to 1906 (repeal of s. 18 extends to London).	51, ss. 307-8, sch. 11, Parts IV and V.
16&17Vict.: c. 33	London Hackney Carriage Act, 1853.	S. 11 as to vehicles of the London Passenger Transport Board repealed.	14, s. 108, sch. 16.
c. 51	Succession Duty Act, 1853.	S. 50 "and the costs thereof" repealed as to England.	36, s. 10, sch. 3.
17&18Vict.: c. 31	Railway and Canal Traffic Act, 1854.	S. 2 excluded and extended	53, ss. 37 (9) (ii) (10), 49 (2) (3).
c. 80	Registration of Births, Deaths and Marriages (Scotland) Act, 1854.	Ss. 60 and in part 62 repealed.	20, s. 8, sch.
c. 87	Burial Act, 1854	Ss. 4, 5 repealed except as to burial boards appointed under Burial Acts, 1852 to 1906, ss. 3 in part, 6, 11 repealed.	51, ss. 307-8, sch. 11.
c. 112	Literary and Scientific Institutions Act, 1854.	Ss. 6, 7 repealed in part as to England (except London).	51, ss. 307-8, sch. 11.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
18&19Vict.: c. 56	Duchy of Lancaster Lands Act, 1855.	Applied - - - -	51, s. 173.
c. 90	Crown Suits Act, 1855.	Repealed as to England -	36, s. 10, sch. 3.
c. 128	Burial Act, 1855	S. 13—see - - - -	51, s. 269 (2).
19&20Vict.: c. 2	Metropolitan Police Act, 1856.	S. 2 amended - - - -	33, s. 1.
c. 56	Exchequer Court (Scotland) Act, 1856.	Ss. 2, 8 excluded - - -	41, ss. 7, 41 (2).
c. 113	Foreign Tribunals Evidence Act, 1856.	S. 3 in part repealed as to Scotland. Petitions procedure in Scotland saved.	20, s. 8, sch. 41, s. 6 (3) (f).
20&21Vict.: c. 18	Bill Chamber Procedure Act, 1857.	Ss. 1, 2, 4, 7 repealed -	41, ss. 3, 39, 41 (2), sch.
c. 56	Court of Session Act, 1857.	Ss. 1-4, 6 from "provided that," 7, 10 repealed.	41, ss. 39, 41 (2), sch.
c. 81	Burial Act, 1857	Ss. 19-21 repealed except as to burial boards appointed under Burial Acts, 1852 to 1906.	51, ss. 307-8, sch. 11.
21&22Vict.: c. 73	Stipendiary Magistrates Act, 1858.	S. 11 applied - - - -	38, s. 7 (5).
c. 90	Medical Act - - -	S. 39 repealed as to Scotland. S. 36 repealed in part as to England (except London).	20, s. 8, sch. 51, ss. 307-8, sch. 11.
22 Vict.: c. 20	Evidence by Commission Act, 1859.	S. 2 repealed as to Scotland Petitions procedure in Scotland saved.	20, s. 8, sch. 41, s. 6 (3) (f).
22&23Vict.: c. 17	Vexatious Indictments Act, 1859.	Extended (E.) - - - - Repealed (with savings) as to England.	12, ss. 16, 109 (2) (3). 36, ss. 1 (2), 2 (7), 10 (2)-(4), sch. 3.
c. 21	Queen's Remembrancer Act, 1859.	S. 21 repealed - - - -	36, s. 10, sch. 3.
c. 63	British Law Ascertainment Act, 1859.	Petitions procedure in Scotland saved.	41, s. 6 (3) (f).
23&24Vict.: c. 51	Local Taxation Returns Act, 1860.	Repealed (repeal extends to London).	51, ss. 307-8, sch. 11, Parts IV and V.
c. 64	Burial Act, 1860	Ss. 1-3 repealed - - -	51, ss. 307-8, sch. 11.
c. 68	South Wales Highways Act, 1860.	Ss. 3, 14-8, 27-30 repealed -	51, ss. 307-8, sch. 11.
24&25Vict.: c. 86	Conjugal Rights (Scotland) Amendment Act, 1861.	S. 17 repealed - - - -	41, ss. 39, 41 (2), sch.
c. 97	Malicious Damage Act, 1861.	Certain punishments increased (possession of firearms) (E.).	50, ss. 2, 5 (2) (3), sch.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
24&25 Vict.: c. 100	Offences against the Person Act, 1861.	Offences against juveniles under ss. 5, 27, 42-3, 52, 55-6 and 62 (being offences in sch. 1 of 23-4 G. 5, c. 12), special provisions for (E.). Certain punishments increased (possession of fire-arms) (E.).	12, ss. 13-5, 40-3, 61 (1) (b), 63, 67, 99 (2) (3), 109 (2) (3), sch. 1. 50, ss. 2, 5 (2) (3), sch.
c. 125	Parochial Offices Act, 1861.	Repealed	51, ss. 304, 307-8, schs. 10, 11.
25&26 Vict.: c. 61	Highway Act, 1862	Ss. 12-5, 31 repealed.	51, ss. 307-8, sch. 11.
c. 100	Burial Act, 1862	Repealed	51, ss. 307-8, sch. 11.
26&27 Vict.: c. 13	Town Gardens Protection Act, 1863.	S. 3 repealed in part	51, ss. 307-8, sch. 11.
c. 87	Trustee Savings Banks Act, 1863.	S. 49 in part repealed as to Scotland.	20, s. 8, sch.
27&28 Vict.: c. 57	Admiralty Lands and Works Act, 1864.	S. 11 in part repealed as to England.	36, s. 10, sch. 3.
c. 68	An Act to amend the Local Government Act of 1858 so far as it applies to Oxford.	Repealed	xxi, s. 134, sch. 6.
c. 101	Highway Act, 1864	Ss. 20, 27, 29, 30, 32, 36, 45, 47 in part, 50, 53 and schs. 1, 2 repealed.	51, ss. 307-8, sch. 11.
c. 114	Improvement of Land Act, 1864.	S. 5 repealed as to Scotland	20, s. 8, sch.
28&29 Vict.: c. 27	Parliamentary Costs Act, 1865.	Ss. 1-3, 5-7 applied as modified (S.).	37, s. 4.
c. 68	Eccles. Commrs. (Superannuation) Act, 1865.	S. 5 repealed (with personal saving).	47, s. 3.
c. 104	Crown Suits, &c. Act, 1865.	Ss. 58-9 amended	36, s. 10, sch. 3.
c. 124	Admiralty Powers, etc., Act, 1865.	S. 2 in part repealed as to England.	36, s. 10, sch. 3.
c. 126	Prison Act, 1865	S. 8 repealed	51, ss. 307-8, sch. 11.
29&30 Vict.: c. 62	Crown Lands Act, 1866.	S. 29 repealed as to Scotland.	20, s. 8, sch.
c. 71	Glebe Lands (Scotland) Act, 1866.	S. 23 repealed	41, ss. 39, 41 (2), sch.
c. 108	Railway Companies Securities Act, 1866.	S. 17 in part repealed as to Scotland.	20, s. 8, sch.
c. 109 (as amended)	Naval Discipline Act.	Extended, applied and saved	6, ss. 1 (2), 2 (3), 4 (3), 5, 6, 7 (1).
c. 112	Evidence (Scotland) Act, 1866.	S. 5 repealed	41, ss. 39, 41 (2), sch.
c. 113	Poor Law Amendment Act, 1866.	S. 13 repealed (repeal extends to London).	51, ss. 307-8, sch. 11, Parts IV and V.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
30&31Vict.: c. 5	Dog Licences Act, 1867.	S. 8 applied; power to disqualify for cruelty (E.).	17, ss. 1, 3.
c. 35	Criminal Law Amendment Act, 1867.	S. 1 repealed	36, s. 10, sch. 3.
c. 106	Poor Law Amendment Act, 1867.	Ss. 10, 28 repealed (repeal of s. 28 extends to London).	51, ss. 307-8, sch. 11, Parts IV and V.
c. 126	Railway Companies (Scotland) Act, 1867.	S. 22 repealed	41, ss. 39, 41 (2), sch.
c. 134	Metropolitan Streets Act, 1867.	Ss. 8, 14 excluded	14, s. 51 (2).
31&32Vict.: c. 22	Petty Sessions and Lock-up House Act, 1868.	S. 11 repealed	51, ss. 307-8, sch. 11.
c. 24	Capital Punishment Amendment Act, 1868.	S. 9 repealed as to Scotland	20, s. 8, sch.
c. 45	Sea Fisheries Act, 1868.	S. 32 in part repealed as to Scotland.	20, s. 8, sch.
c. 78	Admiralty Suits Act, 1868.	S. 5 repealed as to England	36, s. 10, sch. 3.
c. 84	Entail Amendment (Scotland) Act, 1868.	S. 16 repealed	41, ss. 39, 41 (2), sch.
c. 100	Court of Session Act, 1868.	Ss. 4, 5, 13 proviso, 33, 48, 51, 54-5, 93 in part, 94 from "provided that where," 105-6 repealed, s. 28 amended, s. 8 and procedure under s. 63 saved.	41, ss. 4 (4) (5), 6 (3), 8, 11, 14, 39, 41 (2), sch.
c. 101	Titles to Land Consolidation (Scotland) Act, 1868.	Ss. 50, 52, etc., merger of office of sheriff of Chancery on next vacancy.	41, ss. 31 (1), 36.
c. 110	Telegraph Act, 1868.	S. 6 in part repealed as to England.	36, s. 10, sch. 3.
c. 119	Regulation of Railways Act, 1868.	S. 8 in part repealed as to Scotland.	20, s. 8, sch.
c. 121	Pharmacy Act, 1868.	S. 14 in part repealed as to Scotland. Ss. 1, 2, 15-7, 26 and sch. F repealed, 9, etc. restricted, 10-2 saved (prosp.).	20, s. 8, sch. 25, ss. 1 (6), 7 (3), 10 (7), 15, 31, sch. 3.
c. 122	Poor Law Amendment Act, 1868.	S. 27 repealed	51, ss. 307-8, sch. 11.
c. 125	Parliamentary Elections Act, 1868.	S. 58 para. 12 from "and there shall be awarded" repealed.	41, ss. 39, 41 (2), sch.
32&33Vict.: c. 49	Local Stamp Act, 1869.	S. 7 repealed	51, ss. 307-8, sch. 11.
c. 62	Debtors Act, 1869	S. 18 in part repealed	36, s. 10, sch. 3.
c. 115	Metropolitan Public Carriage Act, 1869.	Excluded, Secretary of State's powers transferred and area extended.	14, s. 51.
c. 117	Pharmacy Act, 1869.	Repealed (prosp.)	25, s. 31, sch. 3.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
33&34Vict.: c. 23	Forfeiture Act, 1870	S. 2 repealed as to members of local authorities in England (except London).	51, ss. 304, 307-8, schs. 10, 11.
c. 78	Tramways Act, 1870.	Act in part applied, s. 30 extended and applied, s. 33 applied. Ss. 20, 43-4 repealed in part as to England (except London): provision for repayment of borrowed money.	14, ss. 93 (3) (4), 100. 51, ss. 198, 307-8, schs. 8, 11.
c. 91	Clerical Disabilities Act, 1870.	Sch. 1 para. (2) repealed	51, ss. 307-8, sch. 11.
34&35Vict.: c. 36	Pensions Commutation Act, 1871.	S. 9 in part repealed as to Scotland.	20, s. 8, sch.
c. 70	Local Government Board Act, 1871.	S. 8 and in part schedule repealed (repeal extends to London).	51, ss. 307-8, sch. 11, Parts IV and V.
c. 78	Regulation of Railways Act, 1871.	Ss. 9, 10 excluded S. 10 in part repealed as to Scotland. Ss. 5 repealed, 6 amended, 3, 4 applied (prosp.).	14, s. 49. 20, s. 8, sch. 53, ss. 41 (2) (4), 43 (1), 48, 49 (2) (3), sch. 3.
c. 112	Prevention of Crimes Act, 1871.	Punishments increased (possession of firearms) (E.).	50, ss. 2, 5 (2) (3), sch.
35&36Vict.: c. 33	Ballot Act, 1872	S. 4, sch. 1 rules 21, 29 (5), 38 amended, sch. 1 rule 26A and new form in sch. 2 added. Ss. 14, 24, 29, sch. 1, Part II repealed in part as to England (except London).	27. 51, ss. 307-8, sch. 11.
c. 52	Middlesex Grand Juries Act, 1872.	Saved	36, s. 1 (4).
c. 91	Borough Funds Act, 1872.	Repealed as to England (except London).	51, ss. 307-8, sch. 11.
c. 93	Pawnbrokers Act, 1872.	S. 32 (offences) extended (E.). S. 29 in part repealed as to Scotland.	12, ss. 8, 109 (2) (3). 20, s. 8, sch.
36&37Vict.: c. 19	Poor Allotments Management Act, 1873.	S. 15 repealed	51, ss. 304, 307-8, schs. 10, 11.
c. 60	Extradition Act, 1873.	S. 5 in part repealed as to Scotland.	20, s. 8, sch.
c. 63	Law Agents (Scotland) Act, 1873.	Repealed (March 1, 1934) with savings and transitional arrangements.	21, ss. 7, 12 (5) (6), 15, 18 (1), 20 (3), 49, 51-2, sch. 1 para. and sch. 3.
37&38Vict.: c. 45	County of Hertford and Liberty of St. Alban Act, 1874.	Ss. 21-6, 41 repealed	51, ss. 304, 307-8, schs. 10, 11.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
38&39Vict. c. 17	Explosives Act, 1875	S. 72 repealed in part as to England (except London) except as to harbour authorities.	51, ss. 307-8, sch. 11.
c. 55	Public Health Act, 1875.	Ss. 175-8, etc., applied (but <i>see</i> repeal below). S. 246 excluded where s. 1 (1) of 1933 adopted, s. 246 amended where s. 1 (2) adopted. Ss. 5, 7-9, 12, 173-4, 176-8, 182, 185-7, 189-200, 202-3, 205, 207-10, 216-7, 236-9, 245-7, 249-50, 259, 260, 270 (1) (2), 271-4, 278, 286, 296, 310-1, 321, 326, 339, 342, sch. 1 Part I, sch. 4 Forms H, I, N repealed, ss. 6, 175, 183-4, 229, 233-4, 275, 294, 306, sch. 5 Part III repealed in part (repeals of ss. 245-7, 249, 250 extend to London), mortgages under s. 235, and powers under s. 276, saved.	12, ss. 96 (5) (b), 109 (2). <i>See</i> also s. 96 (6) (b), repealed by c. 51. 28, s. 1 (repealed, with s. 246 of 1875 Act, by c. 51 whereof <i>see</i> Part X). 51, ss. 160 (1) (b), 217 (b), 272 (2), 304, 307-8, schs. 10, 11, Parts IV and V. And <i>see</i> s. 250.
c. 83	Local Loans Act, 1875.	Applicable (as modified) by transport stock regs. S. 36 repealed, ss. 8, 16 repealed in part as to certain local authorities, Act applied.	14, s. 39 (14). 51, ss. 196 (1) (c), 197 (4), 307-8, sch. 11.
c. 89	Public Works Loans Act, 1875.	S. 44 in part repealed as to Scotland. S. 32 applied	20, s. 8, sch. 51, s. 205.
39&40Vict. c. 36	Customs Consolidation Act, 1876.	Applied, s. 42 extended (Russian goods). S. 36 in part repealed as to Scotland. S. 42, table of prohibitions and restrictions inwards, extended. S. 9 "mayor or" repealed as to England (except London).	10, ss. 1 (2), 4 (3). 20, s. 8, sch. 45, s. 2 (2). 51, ss. 307-8, sch. 11.
c. 56	Commons Act, 1876	S. 8 repealed in part	51, ss. 307-8, sch. 11.
c. 61	Divided Parishes and Poor Law Amendment Act, 1876.	Ss. 1-9, 37 repealed (repeal of s. 37 extends to London).	51, ss. 304, 307-8, schs. 10, 11 Parts IV and V.
c. 62	Sale of Exhausted Parish Lands Act, 1876.	Repealed	51, ss. 304, 307-8, schs. 10, 11.
c. 75	Rivers Pollution Prevention Act, 1876.	Ss. 8 in part, 14 in part, and 15 repealed as to England (except London).	51, ss. 307-8, sch. 11.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
40&41Vict.: c. 2	Treasury Bills Act, 1877.	S. 6 excluded	1, s. 2 (2); 3, s. 3 (2); 34, s. 2 (2).
c. 13	Customs, Inland Revenue and Savings Banks Act, 1877.	S. 5 repealed as to England, so far as relates to civil proceedings by the Crown.	36, s. 10, sch. 3.
c. 21	Prison Act, 1877	S. 46 repealed	51, ss. 307-8, sch. 11.
c. 42	Fisheries (Oyster, Crab and Lobster) Act, 1877.	Ss. 8 (1), 9 prospectively repealed as to Great Britain.	45, s. 4 (4).
c. 57	Supreme Court of Judicature Act (Ireland), 1877.	Ss. 61, 84 extended	13, ss. 3, 10, 13 (b).
c. 60	Canal Boats Act, 1877.	S. 8 (1) repealed in part	51, ss. 307-8, sch. 11.
c. 66	Local Taxation Returns Act, 1877.	Repealed (repeal extends to London).	51, ss. 307-8, sch. 11, Parts IV and V.
c. 68	Destructive Insects Act, 1877.	S. 4 repealed in part as to England (except London).	51, ss. 307-8, sch. 11.
41&42Vict.: c. 33	Dentists Act, 1878	S. 35 repealed as to Scotland	20, s. 8, sch.
c. 34	South Wales Highway Act Amendment Act, 1878.	Ss. 3-7, 10-1 and in part s. 2 repealed.	51, ss. 307-8, sch. 11.
c. 77	Highways and Locomotives (Amendment) Act, 1878.	Ss. 5 (3), 6-9, 25 and in part s. 18 repealed (repeal as to ss. 9 and 18 extends to London).	51, ss. 307-8, sch. 11, Parts IV and V.
42&43Vict.: c. 6	District Auditors Act, 1879.	Repealed (repeal extends to London).	51, ss. 307-8, sch. 11, Parts IV and V.
c. 34	Children's Dangerous Performances Act, 1879.	Offences under Act (prosp. repealed by 22 & 23 G. 5. c. 46), saving as to (E.).	12, ss. 108 (6), 109 (2) (3).
c. 39	Highway Accounts Returns Act, 1879.	Repealed (repeal extends to London).	51, ss. 307-8, sch. 11, Parts IV and V.
c. 49	Summary Jurisdiction Act, 1879.	S. 10 and in s. 49 defns. of "child" and "young person" substituted, ss. 11 (2), 17 (3) amended, Act applied, Act applicable (as modified) by rules, s. 29 extended, s. 20 (8) excluded. Ss. 32 repealed, 31 substituted, 9 (1) in part and (4) applied, 9 saved. S. 29 (power to make rules) extended.	12, ss. 34 (3), 47 (3), 48 (4), 60, 62 (3), 101, 109 (2), sch. 3.
c. 54	Poor Law Act, 1879	Ss. 4-7 repealed	38, ss. 1, 4 (2) (c), 6 (6), 10 (2), 11, sch. 3 (2) (3). 51, ss. 304, 307-8, schs. 10, 11.
43&44Vict.: c. 19	Taxes Management Act, 1880.	S. 59 (2) (b) repealed in part as to England. S. 59 Scottish procedure— <i>see</i>	36, s. 10, sch. 3. 41, s. 7.
c. 24	Spirits Act, 1880	Ss. 95 (4) repealed, 74, 95 (1) (2), 105 (9) amended.	19, ss. 23-4, 47, sch. 8.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
44&45Vict.: c. 38	Public Works Loans Act, 1881.	S. 9 saved	51, s. 202.
c. 58 (as amended).	Army Act	Extended, applied and saved, s. 154 (1)-(4) applied (visiting forces). Annual continuation	6, ss. 1 (2), 2 (3), 3 (2), 4 (3), 5, 6, 7 (2). 11, s. 2.
c. 60	Newspaper Libel and Registration Act, 1881.	S. 6 repealed as to England	36, s. 10, sch. 3.
c. 62	Veterinary Surgeons Act, 1881.	S. 11 repealed as to Scotland	20, s. 8, sch.
45&46Vict.: c. 30	Baths and Wash Houses Act, 1882.	S. 3 repealed except as to commrs. appointed under 1846 Act.	51, ss. 307-8, sch. 11.
c. 50	Municipal Corporations Act, 1882.	Ss. 25-7 excluded where s. 1 (1) of 1933 Act adopted, ss. 25 excluded and 27 amended where s. 1 (2) adopted. S. 186 (2) from "and shall" repealed. Ss. 168 (1) (3) amended, 166-8 applied. Ss. 8, 10-23, 30, 34-43, 50-62, 64-70, 72-5, 86, 104, 106-10, 112-6, 118, 119 (3) (4), 120-2, 125-32, 140 (2)-(4), 141-4, 155, 200-18, 224-5, 228-9, 232-3, 245-6, 250 (2) (3), 257 (2) (3) (6), schs. 2, 3, 7 repealed, ss. 6, 7, 105, 124 (6), 139, 163 (6), schs. 4, 5, 8, 9 repealed in part (repeal of ss. 26-8 extends to London); s. 157 (2) excluded; Part IV applied.	23, s. 1 (repealed by c. 51, whereof see ss. 239 (2) (4), 240, etc.). 36, s. 10, sch. 3. 38, ss. 7 (7) (8), 11 (2). 51, ss. 18 (10), 40 (2), 54 (2), 250 (1)(c), 304, 307-8, schs. 10, 11, Parts II and V. And see ss. 262-3.
c. 56	Electric Lighting Act, 1882.	S. 15 applied Ss. 7, 8 and sch. repealed in part as to England (except London).	14, s. 23 (9) (b). 51, ss. 307-8, sch. 11.
c. 58	Divided Parishes and Poor Law Amendment Act, 1882.	Repealed	51, ss. 304, 307-8, schs. 10, 11.
c. 67	South Wales Turnpike Roads Amendment Act, 1882.	S. 4 repealed	51, ss. 307-8, sch. 11.
46&47Vict.: c. 18	Municipal Corporations Act, 1883.	S. 7 repealed	51, ss. 307-8, sch. 11.
c. 22	Sea Fisheries Act, 1883.	Extension (by order) of powers under s. 12, s. 14 applied.	45, ss. 3 (4), 9 (1).
c. 51	Corrupt and Illegal Practices Prevention Act, 1883.	S. 33 (7) in part repealed as to Scotland.	20, s. 3, sch.
c. 52	Bankruptcy Act, 1883.	Ss. 32 (1), 34 repealed in part as to England (except London).	51, ss. 307-8, sch. 11.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
47&48Vict.: c. 54	Yorkshire Registries Act, 1884.	Ss. 34, 37 (5) (7), 41-2 repealed.	51, ss. 307-8, sch. 11.
c. 70	Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	S. 36 (1), sch. 1 repealed (but see reference to sch. 1 in s. 37), Act in part applied.	51, ss. 40 (2), 54 (2), 307-8, sch. 11.
c. 74	Public Health (Officers) Act, 1884.	Repealed - - - -	51, ss. 307-8, sch. 11.
c. 75	Canal Boats Act, 1884.	S. 4 repealed in part - -	51, ss. 307-8, sch. 11.
48&49Vict.: c. 10	Election (Hours of Poll) Act, 1885.	Repealed as to England save as to parliamentary elections.	51, ss. 307-8, sch. 11.
c. 22	Public Health and Local Government Conferences Act, 1885.	Repealed as to England (except London).	51, ss. 307-8, sch. 11.
c. 29	Honorary Freedom of Boroughs Act, 1885.	Repealed - - - -	51, ss. 307-8, sch. 11.
c. 38	School Boards Act, 1885.	Repealed - - - -	51, ss. 307-8, sch. 11.
c. 53	Public Health (Members and Officers) Act, 1885.	Repealed - - - -	51, ss. 307-8, sch. 11.
c. 69	Criminal Law Amdt. Act, 1885.	S. 6 saved; provision for alternative conviction (E.). Offences against juveniles (being offences within sch. 1 of 23-4 G. 5. c. 12), special provisions as to (E.). S. 17 to "amending the same and" repealed as to England.	12, ss. 3, 109 (2) (3). 12, ss. 13-5, 40-3, 61 (1) (b), 63, 67, 99, 108 (6), 109 (2) (3), sch. 1. 36, s. 10, sch. 3.
c. 72	Housing of the Working Classes Act, 1885.	S. 16 (2) repealed in part (except as to London).	51, ss. 307-8, sch. 11.
50&51Vict.: c. 9	Police Disabilities Removal Act, 1887.	Saved as applied by 1893 Act.	51, sch. 2, para. 14 (3).
c. 28	Merchandise Marks Act, 1887.	S. 8 (3) in part repealed as to Scotland. S. 13 repealed as to England	20, s. 8, sch. 36, s. 10, sch. 3.
c. 35	Criminal Procedure (Scotland) Act, 1887.	S. 44 in part repealed, references adopted.	41, ss. 3, 4 (3), 39, 41 (2), sch.
c. 47	Trustee Savings Banks Act, 1887.	S. 2 (5) repealed as to Scotland.	20, s. 8, sch.
c. 72	Local Authorities (Expenses) Act, 1887.	Repealed (repeal extends to London).	51, ss. 307-8, sch. 11, Parts IV and V.
51&52Vict.: c. 25	Railway and Canal Traffic Act, 1888.	S. 32 excluded - - - Ss. 17 applied, 27 excluded and applied.	14, s. 49. 53, ss. 37 (9) (ii) (10) (13) (applying s. 26 of 1921 Act), 49 (2) (3).

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
51&52Vict.: c. 41	Local Government Act, 1888.	Ss. 64 (3), 65, 69 applied - Ss. 1, 2, 3 (ii) (iii) (vi) (vii), 4, 5 (7), 10, 15-8, 34 (3) (a) (b) (7), 35 (6), 36 (2), 38 (1) (2) (b), 39 (1) (b) (2), 49-57, 59 (1) (3)-(6), 60-2, 65, 68, 69 (3)-(8) (10) (12), 70-1, 73-4, 75 provisos (2)-(4) (7) (8) (10) (11) (14) (15) (17)-(21), 79 (1), 80, 81 (3) (6), 82 with saving, 83 (6) (12), 87 (3) (5), 92 (1), 118-20, 122, 124-6, sch. 2 re- pealed; ss. 3 (i) (iv) (ix) (x), 11 (1), 28 (2), 38 (2) (c), 64 (3), 69 (1) (11), 75, 79 (3), 81 (1) (2) (4) (5) (7), 83 (4), 85 (1), 87 (1), 100 repealed in part (repeals as to ss. 71, 73, 81-2, and sch. 2 extend to London); ss. 32, 62 extended, s. 46 saved.	12, ss. 96 (5) (a), (6) (a), 109 (2). 51, ss. 152 (2), 250 (1) (c), 303- 4, 307-8, schs. 10, 11 Parts IV and V; and <i>see</i> ss. 152 (ad- justments), 303 (joint com- mittees).
c. 43	County Courts Act, 1888.	S. 116 excluded	36, s. 4 (4).
c. 46	Oaths Act, 1888	S. 1 in part repealed as to Scotland.	20, s. 8, sch.
c. 54	Sea Fisheries Regu- lation Act, 1888.	S. 1 (3) repealed in part	51, ss. 307-8, sch. 11.
52&53Vict.: c. 10	Commissioners for Oaths Act, 1889.	S. 7 repealed as to Scotland	20, s. 8, sch.
c. 32	Trust Investment Act, 1889.	Repealed as to England (except London).	51, ss. 307-8, sch. 11.
c. 49	Arbitration Act, 1889.	Excluded save as applied (L.P.T. arbitration tri- bunal). S. 23 from "or shall affect" repealed.	14, s. 12 (8). 36, s. 10, sch. 3.
c. 54	Clerks of Session (Scotland) Regu- lation Act, 1889.	Ss. 1-5, 11, 13 repealed, 8 extended.	41, ss. 28, 30, 39, 41 (2), sch.
c. 63	Interpretation Act, 1889.	S. 38 (2) applied	31, s. 4 (3), sch. 1 Part II para. 5.
c. 72	Infectious Disease (Notification) Act, 1889.	Ss. 9 and in part 11 repealed as to England (except London).	51, ss. 307-8, sch. 11.
53&54Vict.: c. 5	Lunacy Act, 1890	Appeals under ss. 301-13 saved, new provisions as to quarter sessions. Ss. 174-5, 256 repealed, 224 (3), 240, 274 (1) re- pealed in part (except as to London).	38, ss. 1, 9 (2). 51, ss. 304, 307-8, schs. 10, 11.
c. 21	Inland Revenue Regulation Act, 1890.	S. 8 "mayor or" repealed as to England (except London).	51, ss. 307-8, sch. 11.
c. 34	Infectious Disease (Prevention) Act, 1890.	S. 20 repealed as to Eng- land (except London).	51, ss. 307-8, sch. 11.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
53&54Vict.: c. 59	Public Health Acts Amendment Act, 1890.	Applicable (as modified) by transport stock regs. Ss. 4, 48-9, 50 in part and 52 repealed as to England (except London).	14, s. 39 (14). 51, ss. 307-8, sch. 11.
c. 71	Bankruptcy Act, 1890.	S. 9 repealed in part (except as to London).	51, ss. 307-8, sch. 11.
54&55Vict.: c. 22	Museums and Gymnasiums Act, 1891.	Ss. 10 (2), 11 repealed, 9, 10 (3) (4) repealed in part, as to England (except London).	51, ss. 307-8, sch. 11.
c. 30	Law Agents and Notaries Public (Scotland) Act, 1891.	Repealed (March 1, 1934)	21, ss. 51-2, sch. 3.
c. 39	Stamp Act, 1891	Excluded and saved - - - Ss. 112-3 amended - - - S. 44 repealed as to Scotland S. 13 (4) from "with or without" and (5) repealed as to England. Ss. 13, 122 (2) (Scottish procedure), <i>see</i> —	14, s. 81 (1) (2). 19, 41 (1); and <i>see</i> s. 42. 21, ss. 51-2, sch. 3; and <i>see</i> s. 8 and sch. 1, para. 5. 36, s. 10, sch. 3. 41, ss. 7, 41 (2).
c. 63	Highways and Bridges Act, 1891.	S. 5 repealed	51, ss. 307-8, sch. 11.
c. 68	County Councils (Elections) Act, 1891.	Repealed	51, ss. 307-8, sch. 11.
c. 70	Markets and Fairs (Weighing of Cattle) Act, 1891.	S. 3 (4) in part repealed as to Scotland.	20, s. 8, sch.
c. 76	Public Health (London) Act, 1891.	S. 44 (2) amended	xxviii, s. 66.
55&56Vict.: c. 15	Charity Inquiries (Expenses) Act, 1892.	S. 1 (2) repealed	51, ss. 307-8, sch. 11.
c. 18	Weights and Measures (Purchase) Act, 1892.	S. 1 repealed in part	51, ss. 307-8, sch. 11.
c. 32	Clergy Discipline Act, 1892.	Powers of Rule Committee under s. 9 extended by Measure No. 1, s. 8 (1).	
c. 43	Military Lands Act, 1892.	Ss. 4, 6, 11 (1) (b) (d) repealed as to England (except London).	51, ss. 307-8, sch. 11.
c. 53	Public Libraries Act, 1892.	Ss. 7, 8, 15 (3), 18 (1), 19 (2), 20 (3) repealed with exceptions (<i>see</i> terms), ss. 15 (2), 19 (1), 20 (1) (2) repealed in part with exceptions (<i>see</i> terms) (repeals as to s. 20 extend to London).	51, ss. 307-8, sch. 11, Parts IV and V; and <i>see</i> s. 94.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
55&56Vict.: c. 55	Burgh Police (Scotland) Act, 1892.	S. 4 para. (11) "either Division of" repealed.	41, ss. 39, 41 (2), sch.
c. 57	Private Street Works Act, 1892.	S. 23 and in part ss. 15, 18 repealed.	51, ss. 307-8, sch. 11.
56&57Vict.: c. 9	Municipal Corporations Act, 1893.	Repealed*	51, ss. 304, 307-8, schs. 10, 11.
c. 32	Barbed Wire Act, 1893.	S. 5 repealed as to England (except London).	51, ss. 307-8, sch. 11.
c. 38	Conveyance of Mails Act, 1893.	Extended (L.P.T. road services).	14, s. 15 (5).
c. 46	Rules Publication Act, 1893.	S. 1 excluded.	31, s. 26 (5).
c. 68	Isolation Hospitals Act, 1893.	S. 1 excluded.	45, s. 8 (5).
c. 73	Local Government Act, 1894.	Ss. 4 (1), 22, 24 repealed in part.	51, ss. 307-8, sch. 11.
		Ss. 1-4, 5 (2) (c), 8 (1) (a) (h) (2), 9, 11-2, 15, 17-8, 19 (1)-(3) (6) (7) (9)-(11), 21 (2), 22-4, 25 (5) (6), 27 (1) (d) (f), 28-9, 33, 36-42, 45-9, 51, 52 (3), 54-61, 64, 68-9, 71-4, 78, 80, 81 (2) (5) (6), 83, 85-9, sch. 1 repealed; ss. 6 (1) (b) (c), 8 (1) (b), 21 (3), 81 (1) (4) (7) repealed in part (repeal of s. 57 extends to London).	51, ss. 42 (2), 126, 304, 307-8, schs. 10, 11 Part ^s IV and V.
57&58Vict.: c. 28	Notice of Accidents Act, 1894.	Restricted	53, ss. 43 (2), 49.
c. 30	Finance Act, 1894.	S. 10 (3) to "Court and" repealed as to England.	36, s. 10, sch. 3.
c. 40	Nautical Assessors (Scotland) Act, 1894.	S. 5 to "their remuneration" repealed, Act saved.	41, ss. 13, 39, 41 (2), sch.
c. 57	Diseases of Animals Act, 1894.	Ss. 7, 14-7, etc.—saving for slaughter by departmental officers.	39, ss. 3 (1), 10 (2) (3); and see s. 7 (2).
		Ss. 33 (2), 40 (1) (2) paras. (i) (iii), 42 (2) (3) (5) repealed, 33 (3), 42 (1) repealed in part, as to England (except London).	51, ss. 307-8, sch. 11.
c. 60	Merchant Shipping Act, 1894.	S. 684 applied	45, s. 3 (5).
58&59Vict.: c. 14	Courts of Law Fees (Scotland) Act, 1895.	Extended	13, ss. 10, 12 (d).
c. 16	Finance Act, 1895.	S. 12 excluded	14, ss. 81 (1), 98 (5).
c. 32	Local Government (Stock Transfer) Act, 1895.	Repealed	51, ss. 307-8, sch. 11.
c. 36	Fatal Accidents Inquiry (Scotland) Act, 1895.	S. 5 (4) amended	41, s. 38.
c. 38	Isle of Man (Customs) Act, 1895.	Repealed	40, s. 21 (3), sch. 6.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
59&60Vict.: c. 1	Local Government (Elections) Act, 1896.	Repealed	51, ss. 307-8, sch. 11.
c. 22	Chairmen of District Councils Act, 1896.	Repealed	51, ss. 307-8, sch. 11.
c. 25	Friendly Societies Act, 1896.	S. 87 (2) in part repealed as to Scotland.	20, s. 8, sch.
c. 28	Finance Act, 1896.	S. 18 (as amended) restored	19, s. 43 (1); and see s. 41 (1).
c. 48	Light Railways Act, 1896.	Ss. 16 (4) and in part (2), 17, sch. 3 repealed as to England (repeal of s. 17 and sch. 3 extends to London).	51, ss. 307-8, sch. 11, Parts IV and V.
c. 49	Law Agents (Scotland) Act Amendment Act, 1896.	Repealed (March 1, 1934)	21, ss. 51-2, sch. 3.
c. 55	Quarter Sessions (London) Act, 1896.	S. 2, powers of deputy— <i>see</i>	38, s. 8 (3).
60&61Vict.: c. 1	Local Government Act, 1897.	Repealed	51, ss. 307-8, sch. 11.
c. 31	Cleansing of Persons Act, 1897.	S. 1 repealed in part as to England (except London).	51, ss. 307-8, sch. 11.
c. 38	Public Health (Scotland) Act, 1897.	S. 10 in part repealed	20, s. 8, sch.
c. 40	Local Government (Joint Committees) Act, 1897.	S. 1 (1) (c) repealed	51, ss. 307-8, sch. 11.
61&62Vict.: c. 25	Pharmacy Acts Amdt. Act, 1898.	S. 3 repealed (prosp.)	25, s. 31, sch. 3.
c. 36	Criminal Evidence Act, 1898.	S. 4 and schedule extended to various offences against juveniles, sch. in part superseded (E.).	12, ss. 15, 109 (2) (3), sch. 1.
c. 40	Circuit Clerks (Scotland) Act, 1898.	S. 2 repealed	41, ss. 39, 41 (2), sch.
c. 48	Benefices Act, 1898	Register of transfers extended, s. 1 (1) (6) excluded by Measure No. 1, ss. 3 (vii), 6 (1).	
62&63Vict.: c. 9	Finance Act, 1899	S. 5 excluded	14, s. 31 (2).
c. 10	Parish Councillors (Tenure of Office) Act, 1899.	Repealed	51, ss. 307-8, sch. 11.
c. 14	London Government Act, 1899.	Ss. 8 (4), 14 repealed	51, ss. 307-8, sch. 11, Parts IV and V.
c. 23	Anchors and Chain Cables Act, 1899.	S. 13 in part repealed as to Scotland.	20, s. 3, sch.
c. 30	Commons Act, 1899	S. 11 (2) and in part ss. 5, 7 and 11 (3) repealed.	51, ss. 307-8, sch. 11.
c. 38	Telegraph Act, 1899	S. 2 (1) repealed in part as to England.	51, ss. 307-8, sch. 11.
c. 44	Small Dwellings Acquisition Act, 1899.	S. 9 (3) (5) repealed in part as to England (except London).	51, ss. 307-8, sch. 11.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
62&63 Vict.: c. 47	Private Legislation Procedure (Scotland) Act, 1899.	Ss. 16 (2) repealed with saving, 1, 2 substituted, 6 (6) added, 3 (1), 11 (3) amended.	37.
63&64 Vict.: c. 13	County Councils (Elections) Amendment Act, 1900.	Repealed - - - -	51, ss. 307-8, sch. 11.
c. 14	Colonial Solicitors Act, 1900.	Admissions in Scotland saved.	21, ss. 7, 52.
c. 16	District Councillors and Guardians (Term of Office) Act, 1900.	Repealed - - - -	51, ss. 307-8, sch. 11.
c. 27	Railway Employment (Prevention of Accidents) Act, 1900.	S. 13 (2) amended (prosp.)	53, ss. 43 (1), 49.
c. 46	Members of Local Authorities Relief Act, 1900.	Repealed as to England (except London).	51, ss. 307-8, sch. 11.
1 Edw. 7: c. 8	Isolation Hospitals Act, 1901.	S. 2 (2) in part repealed -	51, ss. 307-8, sch. 11.
c. 22	Factory and Workshop Act, 1901.	S. 14 (8) (a) and in part (b) repealed as to England.	51, ss. 307-8, sch. 11.
2 Edw. 7: c. 8	Cremation Act, 1902.	S. 8 (2) in part repealed as to Scotland.	20, s. 8, sch.
c. 17	Midwives Act, 1902	S. 15 and in part s. 8 repealed (except as to London).	51, ss. 307-8, sch. 11.
c. 29	Freshwater Fish (Scotland) Act, 1902.	S. 1 amended - - - -	35, ss. 1, 5.
c. 41	Metropolis Water Act, 1902.	Ss. 19 in part and 21 (2) repealed.	51, ss. 307-8, sch. 11, Parts IV and V.
3 Edw. 7: c. 9	County Councils (Bills in Parliament) Act, 1903.	Repealed as to England except London.	51, ss. 307-8, sch. 11.
c. 14	Borough Funds Act, 1903.	Repealed except as to London.	51, ss. 307-8, sch. 11.
c. 15	Local Government (Transfer of Powers) Act, 1903.	Repealed except as to London.	51, ss. 307-8, sch. 11.
6 Edw. 7: c. 12	Municipal Corporations Amendment Act, 1906.	Repealed - - - -	51, ss. 307-8, sch. 11.
c. 14	Alkali, &c., Works Regulation Act, 1906.	S. 24 repealed as to England (except London).	51, ss. 307-8, sch. 11.
c. 25	Open Spaces Act, 1906.	Ss. 17 (a) (c) (e) and in part (d) and 18 in part repealed as to England.	51, ss. 307-8, sch. 11.
c. 33	Local Authorities (Treasury Powers) Act, 1906.	S. 1 (1) repealed in part -	51, ss. 307-8, sch. 11.
c. 34	Prevention of Corruption Act, 1906.	S. 2 (2) repealed as to England.	36, s. 10, sch. 3.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
6 Edw. 7 : c. 35	Fatal Accidents and Sudden Deaths Inquiry (Scotland) Act, 1906.	S. 3, transcript of evidence.— <i>see terms.</i>	41, s. 38.
c. 40	Marriage with Foreigners Act, 1906.	S. 1 (2) repealed as to Scotland.	20, s. 8, sch.
7 Edw. 7 : c. 17	Probation of Offenders Act, 1907.	Ss. 2 (2), 6 (5) amended (E.)	12, ss. 60, 109 (2) (3), sch. 3; and <i>see</i> ss. 48 (2), 57 (2), 59 (1).
c. 23	Criminal Appeal Act, 1907.	S. 3 extended (appeal of parent or guardian).	12, ss. 55 (5) (b), 109 (2).
c. 24	Limited Partnerships Act, 1907.	S. 11 amended. S. 12 repealed as to Scotland.	19, s. 41 (2). 20, s. 8, sch.
c. 27	Advertisements Regulation Act, 1907.	S. 3 (6) and in part s. 4 repealed as to England (except London).	51, ss. 307-8, sch. 11.
c. 29 (as amended). c. 33	Patents and Designs Act, 1907. Qualification of Women (County and Borough Councils) Act, 1907.	S. 31 (assessors) saved as to Scotland. Repealed except as to London.	41, s. 13. 51, ss. 307-8, sch. 11.
c. 40	Notification of Births Act, 1907.	S. 1 (6) repealed as to England (except London).	51, ss. 307-8, sch. 11.
c. 51	Sheriff Courts (Scotland) Act, 1907.	Ss. 40 in part and 41 repealed, 15 amended, 20 excluded.	41, ss. 32-3, 34 (2), 36, 39, 41 (2), sch.
c. 53	Public Health Acts Amendment Act, 1907.	Ss. 4, 5 (2), and in part 5 (1) (3) and 95, repealed as to England.	51, ss. 307-8, sch. 11.
c. 55	London Cab and Stage Carriage Act, 1907.	Excluded	14, s. 51 (2).
8 Edw. 7 : c. 13	Polling Districts (County Councils) Act, 1908.	Repealed as to England	51, ss. 307-8, sch. 11.
c. 15	Costs in Criminal Cases Act, 1908.	Ss. 6 (2) in part and 9 (2) repealed, 6 (2) extended.	36, ss. 2 (8), 10, schs. 2, 3.
c. 36	Small Holdings and Allotments Act, 1908.	Ss. 35 (4), 52 (1) in part and (4), 53 (1) (4) (a) (b) repealed except as to London; period prescribed for repayment of borrowed money.	51, ss. 198, 307-8, schs. 8, 11.
c. 41	Assizes and Quarter Sessions Act, 1908.	S. 1 (5) "to a grand jury" repealed, 1 (5) adapted.	36, ss. 2 (8), 10, schs. 2 (para. 1) and 3.
c. 45	Punishment of Incest Act, 1908.	Offence in respect of juvenile (being an offence within sch. 1 of 23-4 G. 5. c. 12), special provisions as to (E.). S. 4 (1) repealed as to England.	12, ss. 13-5, 40-3, 61 (1) (b), 63, 67, 99, 109 (2) (3), sch. 1. 36, s. 10, sch. 3.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
8 Edw. 7: c. 48	Post Office Act, 1908.	Ss. 43 "mayor or," 49 (4) (6) repealed, 49 (5) (7) repealed in part, as to England (except London).	51, ss. 307-8 sch. 11.
c. 55	Poisons and Pharmacy Act, 1908.	Ss. 1-3, 5, sch. repealed except as to N.I. (prosp.).	25, ss. 10 (7), 15, 31, sch. 3.
c. 65	Summary Jurisdiction (Scotland) Act, 1908.	S. 26 excluded.	21, ss. 40 (2), 52.
c. 67	Children Act, 1908	Ss. 12-7, 19, 24, 27-32, 35, 37, 38 (2), 39-43, 94, 95, 97-106, 109, 114-121, 123 (1) (3) (4) and in part (2), 124, 127 in part, 128, 130, 131 in part, and sch. 1 repealed (subject to savings and transitional arrangements) (E.). S. 10 (2) (c) repealed as to England.	12, ss. 76 (2), 77 (4), 98 (1), 108, 109 (2)-(4), schs. 5, 6.
9. Edw. 7: c. 30	Cinematograph Act, 1909.	Safety of children— <i>see</i> S. 6 in part repealed as to England (except London).	12, ss. 12 (3) (5), 109 (2) (3). 51, ss. 307-8, sch. 11.
c. 34	Electric Lighting Act, 1909.	S. 21 repealed as to England (except London).	51, ss. 307-8, sch. 11.
c. 38	County Councils Mortgages Act, 1909.	Repealed	51, ss. 307-8, sch. 11.
c. 40	Police Act, 1909	S. 3 superseded	33, s. 1.
c. 44	Housing, Town Planning, &c. Act, 1909.	Ss. 68-9 repealed except as to London.	51, ss. 304, 307-8, schs. 10, 11.
c. 49	Assurance Companies Act, 1909.	Winding up of insolvent companies— <i>see</i> S. 24 in part repealed as to Scotland.	9. 20, s. 8, sch.
10 Edw. 7 & 1 Geo. 5: c. 8	Finance (1909-10) Act, 1910.	Sch. 1 amended (minimum quantity of spirits to be sold), scale 2 "licence to brewer for sale" provisions substituted.	19, ss. 3, 22, sch. 2.
c. 19	Municipal Corporations Amendment Act, 1910.	Repealed	51, ss. 307-8, sch. 11.
c. 25	Children Act (1908) Amendment Act, 1910.	Repealed (E.)	12, s. 109 (2)-(4), sch. 6.
1 & 2 Geo. 5: c. 6	Perjury Act, 1911.	Ss. 11 repealed, 9 saved S. 5 extended	36, ss. 2 (2), 10, sch. 3. 51, ss. 225 (2), 243.
c. 7	Municipal Elections (Corrupt and Illegal Practices) Act, 1911.	Applied	51, ss. 40 (2), 54 (2), 308.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
1 & 2 Geo. 5: c. 27	Protection of Animals Act, 1911.	Effect of conviction for cruelty to dog (E.). S. 14 (2) virt. repealed as to s. 31 of 1879 Act.	17. 38, ss. 1, 9 (1), 10.
c. 28	Official Secrets Act, 1911.	S. 10 saved	36, s. 1 (4), sch. 1.
c. 34	Railway Companies (Accounts and Returns) Act, 1911.	Excluded	14, s. 49.
c. 47	Naval Discipline (Dominion Naval Forces) Act, 1911.	Saved	6, s. 7 (1).
c. 52	Rag Flock Act, 1911.	S. 1 (6) (c) repealed as to England.	51, ss. 307-8, sch. 11
2 & 3 Geo. 5: c. 3	Shops Act, 1912	S. 13 (3) repealed in part as to England.	51, ss. 307-8, sch. 11.
c. 19	Light Railways Act, 1912.	S. 5 (5) (6) repealed as to England (except London).	51, ss. 307-8, sch. 11.
c. 23	Clerks of Session (Scotland) Regulation Act, 1913.	Repealed	41, ss. 39, 41 (2), sch.
3 & 4 Geo. 5: c. 7	Children (Employment Abroad) Act, 1913.	Repealed (E., S. and N.I.)	12, s. 109 (2) (4), sch. 6.
c. 17	Fabrics (Misdescription) Act, 1913.	S. 5 (3) repealed in part as to England.	51, ss. 307-8, sch. 11.
c. 19	Local Government (Adjustments) Act, 1913.	Repealed with savings	51, ss. 307-8, sch. 11.
c. 23	Public Health (Prevention and Treatment of Disease) Act, 1913.	S. 4 repealed in part	51, ss. 307-8, sch. 11.
c. 27	Forgery Act, 1913	Applied	53, ss. 34, 49.
c. 28	Mental Deficiency Act, 1913.	S. 9 extended (person detained in approved school). Ss. 28 (3) repealed, 33 (1) (2), 38 (3) repealed in part (except as to London).	12, sch. 4 para. 4. 51, ss. 307-8, sch. 11.
c. 32	Ancient Monuments Consolidation and Amendment Act, 1913.	S. 21 (2) repealed in part as to England; Act saved.	51, ss. 179 (b), 307-8, sch. 11.
4 & 5 Geo. 5: c. 5	Superannuation (Ecclesiastical Commissioners and Queen Anne's Bounty) Act, 1914.	S. 2 (1) amended	47, s. 1.
c. 6	Affiliation Orders Act, 1914.	S. 1 excluded	12, ss. 88 (2) (d), 109 (2); see also s. 88 (2) (a), (4) (b) proviso.
c. 17	British Nationality and Status of Aliens Act, 1914.	Ss. 10 substituted, 19 (1) (b) amended.	49, s. 1.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
4 & 5 Geo. 5: c. 21	County and Borough Councils (Qualification) Act, 1914.	Repealed except as to London.	51, ss. 307-8, sch. 11.
c. 28	Mall Approach (Improvement) Act, 1914.	Time limit (<i>see s. 8</i>) extended.	xxviii, s. 20.
c. 31	Housing Act, 1914.	S. 1 (2) repealed in part as to England (except London).	51, ss. 307-8, sch. 11.
c. 58	Criminal Justice Administration Act, 1914.	Ss. 28 (2) repealed, 10 saved, 30 applied and saved, 10 (1) (b) ("convicted") excluded.	12, ss. 33 (1) (b), 59 (1), 87 (4) (b), 88 (2) (a) (d), 109 (2)-(4), sch. 6.
c. 59	Bankruptcy Act, 1914.	S. 164 (3) in part repealed.	36, s. 10, sch. 3.
5 & 6 Geo. 5: c. 48	Fishery Harbours Act, 1916.	S. 3 repealed in part.	51, ss. 307-8, sch. 11.
c. 61 (as amended).	Government of India Act.	Ss. 96B, etc. temp. pay abatements continued. S. 72B(1) proviso (b) amended.	7. 23, s. 1.
c. 64	Notification of Births (Extension) Act, 1915.	S. 127 saved S. 2 (2) repealed as to England (except London).	36, s. 1 (4), sch. 1. 51, ss. 307-8, sch. 11.
c. 66	Milk and Dairies (Consolidation) Act, 1915.	Ss. 15 (2) and in part 17 repealed (except as to London).	51, ss. 307-8, sch. 11.
c. 89	Finance (No. 2) Act, 1915.	S. 13 (3), as applied, amended.	19, s. 21.
c. 90	Indictments Act, 1915.	Sch. 1, rule 12— <i>see</i> S. 7 in part repealed, sch. 1 rule 2 form modified.	12, s. 14 (4). 36, ss. 2 (8), 10, schs. 2, 3.
c. 91	Midwives (Scotland) Act, 1915.	S. 19 repealed	20, s. 8, sch.
6 & 7 Geo. 5: c. 11	Finance (New Duties) Act, 1916.	S. 3 (4) (5) applied	19, s. 4 (2).
c. 12	Local Government (Emergency Provisions) Act, 1916.	Ss. 13 (1), 14 repealed as to England (including London).	51, ss. 307-8, sch. 11, Parts IV and V.
c. 43	War Charities Act, 1916.	S. 2 (1) in part and (7) repealed as to England (except London).	51, ss. 307-8, sch. 11.
c. 49	Court of Session (Extracts) Act, 1916.	S. 1 repealed, sch. virt. repealed.	41, ss. 39, 41 (2), sch.
c. 50	Larceny Act, 1916.	Ss. 23 (1) (a), 23 (1) extended, punishment under certain sections increased (possession of firearms) (E.).	50, ss. 2, 4, 5 (2) (3), sch.
c. 69	Public Authorities and Bodies (Loans) Act, 1916.	Repealed as to England (except London).	51, ss. 304, 307-8, schs. 10, 11.

Session and Chapter.	* Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
7 & 8 Geo. 5: c. 31	Finance Act, 1917	S. 32 repealed	19, ss. 37, 47, sch. 8.
	Air Force Act	Extended, applied and saved (visiting forces). Continued, ss. 175 (11A), 176 (8B), 184B added, 175 (11), 176 (8A), 177, 190 (4) (d) amended.	6, ss. 1 (2), 2 (3), 4 (3), 5, 6, 7 (2). 11, ss. 2, 4.
c. 64	Representation of the People Act, 1918.	S. 10 and in part ss. 15 (1), 16 (1) and 35 repealed as to England (except London); -ss. 15, 29, provision as to fees.	51, ss. 99 (3), 307-8, sch. 11.
8 & 9 Geo. 5: c. 29	Maternity and Child Welfare Act, 1918	S. 2 (3) repealed (except as to London).	51, ss. 307-8, sch. 11.
c. 38	British Nationality and Status of Aliens Act, 1918.	S.2 (5) virt. repealed on substitution of s. 10 of 1914 Act.	49, s. 1 (1).
c. 40	Income Tax Act, 1918.	Ss. 39 (4) repealed, 157 (2) (as amended) restored, 33 extended, certain rules, etc., varied. S. 228 repealed as to Scotland. Ss. 149 (2) (a), 169 (1) repealed in part as to England. S. 149, Scottish procedure, <i>see</i> — Provision of copies of annual values under Schedule A.	19, ss. 29, 31-3, 47, sch. 8. 20, s. 8, sch. 36, s. 10, sch. 3. 41, s. 7. 51, s. 297.
c. 57	War Pensions (Administrative Provisions) Act, 1918.	S. 9 (4) (references to 1908 Act) am. (E.)	12, ss. 76 (2), 109 (2) (3).
9 & 10 Geo. 5: c. 32	Finance Act, 1919	Ss. 8 (1) amended, 30 excluded. S. 8 (1) further modified as applied to Isle of Man.	19, ss. 15 (1), 43 (1). 40, s. 11.
c. 37	War Loan Act, 1919	S. 1 (1) extended	19, s. 35 (2) (3).
c. 46	Police Act, 1919	Schedule Part I paras. 1 and 2 amended, 2A added.	33, s. 3.
c. 50	Ministry of Transport Act, 1919.	S. 20 applied S. 26 (1) from "and costs" repealed as to England. Agreements under s. 17 (2) saved. Ss. 22 repealed, 20 applied (prosp.).	14, s. 102 (1). 36, s. 10, sch. 3. 51, s. 124 (3). 53, ss. 46 (11), 47 (1), 48, 49 (2) (3), sch. 3.
c. 59	Land Settlement (Facilities) Act, 1919.	S. 14 (4) repealed, except as to London.	51, ss. 307-8, sch. 11.
c. 72	Rats and Mice (Destruction) Act, 1919.	S. 5 (3) repealed as to England (except London).	51, ss. 307-8, sch. 11.
c. 75	Ferries (Acquisition by Local Authorities) Act, 1919.	S. 1 (7) and in part (8) repealed as to England (except London).	51, ss. 290 (7), 307-8, sch. 11.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
9&10 Geo.5: c. 93	Public Libraries Act, 1919.	Ss. 1 (3) in part and 4 (3) repealed (repeal of s. 4 (3) extends to London).	51, ss. 307-8, sch. 11, Parts IV and V.
c. 99	Housing (Additional Powers) Act, 1919.	S. 8 repealed as to England (except London).	51, ss. 307-8, sch. 11.
c. 100	Electricity (Supply) Act, 1919.	S. 16 amended - - -	46, s. 1.
c. 101	Government of India Act, 1919.	S. 45 (2) extended (<i>see</i> 5 & 6 Geo. 5. c. 61 above for amdts. of Government of India Act).	23, s. 2 (2).
10 & 11 Geo. 5:			
c. 17	Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	Continued and excluded, power to supersede sch. 1 by regs., ss. 5 (1) substituted, 2 (1) (a), 5 (7), 12 (1) (g) (3) (9), 14 (2) amended, 5 excluded, 12 (3), 14 (2) (b) extended.	32, ss. 1-5, 7, 8 (2), 13, 14 (1) (2), 15, 16 (1)-(3), 17-8, schs. 1-3, and <i>see</i> s. 9.
c. 18	Finance Act, 1920	S. 13, sch. 2 amended, s. 39 (1) (a) (c) superseded.	19, ss. 25, 41, sch. 7.
c. 23	War Pensions Act, 1920.	S. 9: <i>see</i> 8 & 9 Geo. 5. c. 57 above.	
c. 46	Dangerous Drugs Act, 1920.	S. 7 (2) amended (prosp.) -	25, ss. 28, 31 (2) (3).
c. 49	Blind Persons Act, 1920.	S. 2 (2) and in part (3) repealed as to England (except London).	51, ss. 307-8, sch. 11; and <i>see</i> s. 59 (1) (iv).
c. 57	Unemployment (Relief Works) Act, 1920.	S. 3 (2) repealed in part as to England (except London), Act saved.	51, ss. 179 (h) 307-8, sch. 11.
c. 67	Government of Ireland Act, 1920.	Continued - - - S. 4 excluded - - -	48, s. 1, sch. 31, s. 28 (1).
c. 72	Roads Act, 1920	S. 12 extended - - - S. 1 saved - - - S. 3 (5) extended - - -	19, sch. 7, Part I: <i>see</i> also Parts II and III. 51, s. 194 (b). 53, ss. 23 (3), 49 (2) (3).
c. 80	Air Navigation Act, 1920.	S. 8 (3) (4) repealed in part as to England (except London).	51, ss. 307-8 sch. 11.
c. 81	Administration of Justice Act, 1920.	Part II (reciprocal enforcement of judgments) prosp. superseded. S. 4 (1) from "and the grand jury" repealed.	13, s. 7. 36, s. 10, sch. 3.
11 & 12 Geo. 5:			
c. 7	Tribunals of Inquiry (Evidence) Act, 1921.	Applied, s. 2 (a) excluded -	45, s. 5 (5).
c. 12	Public Health (Tuberculosis) Act, 1921.	S. 8 (2) repealed (except as to London).	51, ss. 307-8, sch. 11.
c. 23	Public Health (Officers) Act, 1921.	Repealed except as to port sanitary authorities and except as to London.	51, ss. 307-8, sch. 11.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
11 & 12 Geo. 5:			
c. 31	Police Pensions Act, 1921.	Ss. 2 (1) (e), 10 (1A), 25 (3A) added, 9 (2), 25 (4), sch. 1 Part I para. 5 amended.	33, ss. 2, 4 (2).
c. 32	Finance Act, 1921	Saved S. 22 amended S. 60 repealed as to Scotland	43, s. 4. 19, s. 26. 21, ss. 51-2, sch. 3.
c. 47	Safeguarding of Industries Act, 1921.	S. 61 repealed (repeal extends to London).	51, ss. 307-8, sch. 11, Parts IV and V.
c. 47	Safeguarding of Industries Act, 1921.	S. 10 repealed, customs duty provisions amended.	19, ss. 20, 47, schs. 6 Part II, 8.
c. 51	Education Act, 1921.	S. 45 substituted, ss. 4, 50, Part IV and ss. 93-5 saved, complaints under ss. 44-5 and 54 assignable to juvenile courts, Part IX (expenses of local authorities) applied; proof of certain orders under s. 45 by certified copy; transitional arrangements on replacement of 22 & 23 Geo. 5, c. 46.	12, ss. 10 (1) (3), 29 (2), 46 (3), 60, 96 (3) (7), 106 (2) (b), 108, 109 (2), schs. 3, 5.
c. 55	Railways Act, 1921	S. 19 (1) amended. Ss. 123 (1), 124, 145, sch. 1 Parts II and III repealed, ss. 4 (3), 10, 132, 157, repealed in part (except as to London).	29, s. 1. 51, ss. 118, 307-8, sch. 11. And see s. 268 (4).
c. 55	Railways Act, 1921	Part III (except s. 47) and s. 77 excluded, Railway Rates Tribunal powers extended and additional members added, s. 77 (2) applied as modified, ss. 21, 22 (1) (2), 24 (1)-(3) (5), 25 applied (as modified), 22 (3) extended, to functions of Tribunal under 1933 Act.	14, ss. 25 (2), 29, 30, 31 (11), 33-6, 49, sch. 9.
c. 55	Railways Act, 1921	Ss. 37, 38 (3), 39, 47 (2) amended, 21-6, 35, 37 (2), 39, 59 applied, 24 (4), 26, 54 excluded (prosp.).	53, ss. 37 (11)-(13), 39 (6)-(8), 40, 48, 49 (2), sch. 3.
c. 58	Trusts (Scotland) Act, 1921.	S. 10 extended	14, s. 39 (15).
c. 67	Local Authorities (Financial Provisions) Act, 1921.	Ss. 3 (except proviso to (3)), 4 and 6 repealed as to local authorities defined in 1933 Act.	51, ss. 307-8, sch. 11.
12 & 13 Geo. 5:			
c. 11	Juries Act, 1922	S. 4 (1) in part repealed	36, s. 10, sch. 3.
c. 12	Representation of the People Act, 1922.	S. 2 repealed	51, ss. 307-8, sch. 11.
c. 14	Audit (Local Authorities, &c.) Act, 1922.	Repealed (repeal extends to London).	51, ss. 307-8, sch. 11, Parts IV and V.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
12 & 13 Geo. 5:			
c. 17	Finance Act, 1922	S. 34 (4) amended - -	19, s. 44.
c. 18	Infanticide Act, 1922.	S. 1 (4) from "and upon the trial"—see now also	12, ss. 1 (4), 108 (5).
c. 35	Celluloid and Cinematograph Film Act, 1922.	S. 4 (2) repealed - -	51, ss. 307-8, sch. 11.
c. 44	British Nationality and Status of Aliens Act, 1922.	S. 3 (3) applied - -	49, s. 2 (2).
c. 46	Electricity (Supply) Act, 1922.	S. 21 (1) amended - Ss. 2, 5 (2) repealed in part as to England (except London).	46, ss. 1, 2. 51, ss. 307-8, sch. 11.
c. 51	Alotments Act, 1922.	S. 18 (1) in part and (2) repealed.	51, ss. 307-8, sch. 11.
c. 60	Lunacy Act, 1922 -	S. 1 (2) from "as regards" repealed.	36, ss. 8, 10, sch. 3.
13 & 14 Geo. 5:			
c. 5	Dangerous Drugs and Poisons (Amendment) Act, 1923.	Ss. 3, 4 and in part 5 repealed (prosp.).	25, ss. 15, 31, sch. 3.
c. 6	Local Authorities (Emergency Provisions) Act, 1923.	S. 2 repealed - -	51, ss. 307-8, sch. 11.
c. 10	Agricultural Holdings (Scotland) Act, 1923.	S. 16 (4) repealed - -	20, s. 8, sch.
c. 13	Rent Restrictions (Notices of Increase) Act, 1923.	S. 3 (6) repealed as to England (except London).	51, ss. 307-8, sch. 11.
c. 14	Finance Act, 1923	Ss. 28 continued, 2, 3 excluded.	19, ss. 1 (3) (6), 2 (5), 30.
c. 16	Salmon and Freshwater Fisheries Act, 1923.	S. 41 repealed in part (except as to London).	51, ss. 307-8, sch. 11.
c. 22	Cotton Industry Act, 1923.	S. 2 (1) amended, ss. 1-3 continued.	30.
c. 24	Housing, &c., Act, 1923.	Subsidies under ss. 1 and 3 discontinued (E.) Subsidies under ss. 1 and 3 discontinued (S.).	15, s. 1. 16, s. 2.
c. 32	Rent and Mortgage Interest Restrictions Act, 1923.	Ss. 2 (6) in part, 16, 22 (f), sch. 2 repealed as to England (except London). Continued and excluded, Part II and, so far as relating to s. 5 (1) of 1920 Act, s. 4 repealed, s. 18 (2) amended, s. 2 excluded. S. 18 (4) repealed as to England (except London).	51, ss. 307-8, sch. 11. 32, ss. 1, 2, 9, 17-8, schs. 2, 3.
14 & 15 Geo. 5:			
c. 18	Prevention of Evasion Act, 1924.	S. 1 repealed - -	32, s. 18, sch. 3.
c. 24	Isle of Man (Customs) Act, 1924.	S. 4 (cocoa duties) continued	40, s. 6,

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
14 & 15 Geo. 5:			
c. 27	Conveyancing (Scotland) Act, 1924.	S. 18 (1) extended	44, s. 13.
c. 29	Local Authorities (Emergency Provisions) Act, 1924.	Repealed	51, ss. 307-8, sch. 11.
c. 34	London Traffic Act, 1924.	Act made permanent, ss. 1 (2)-(5), 8, 14, 17 (2) repealed, 2, 6, 7, 10 (1) substituted, 1 (1) (8) (10), 3 (1), 16 and sch. 2 amended.	14, ss. 57-66, 108, schs. 12, 13, 16.
c. 35	Housing (Financial Provisions) Act, 1924.	Subsidies discontinued (E.) Subsidies reduced and discontinued, s. 3 (1) (c) (e) modified (S.).	15, s. 1, 16, ss. 1, 2.
c. 38	National Health Insurance Act, 1924.	S. 64A added, schedule 1 Part II para. (b) restricted. S. 85 (2) (3) repealed in part as to England (except London).	33, s. 4 (3), sch. 51, ss. 307-8, sch. 11.
15 & 16 Geo. 5:			
c. 11	Borough Councils (Alteration of Number) Act, 1925.	Ss. 1 and in part 3 repealed	51, ss. 307-8, sch. 11.
c. 14	Housing Act, 1925	Guarantees under s. 92 (1) (b), power to reimburse (E.). Ss. 84 (2) (d) and proviso (i), 88, 95 (2), 111 (1), 125, 130 (2) repealed, 57 (3), 81 (1) (2), 85 (1), 116 (1) (2) repealed in part (repeal of s. 95 (2) extends to London); local bonds under s. 87 saved, ss. 84-5 (borrowing) superseded as to repayment period.	15, s. 2. 51, ss. 198, 217 (c), 307-8, schs. 8, 11, Parts IV and V.
c. 15	Housing (Scotland) Act, 1925.	Guarantees under s. 75 (1) (b), power to reimburse (S.).	16, s. 3.
c. 19	Trustee Act, 1925.	Ss. 1 extended, 63 applied	14, ss. 39 (15), 98 (4) (b).
c. 20	Law of Property Act, 1925.	Applied S. 17 (3) amended	51, s. 275 (1) (c). 19, s. 43 (2).
c. 21	Land Registration Act, 1925.	S. 73 (6) amended	19, s. 43 (2).
c. 32	Rent and Mortgage Interest (Restrictions Continuation) Act, 1925.	Repealed except s. 1 (3) so far as the latter amends s. 2 of 1923 Act.	32, s. 18, sch. 3.
c. 33	Church of Scotland (Property and Endowments) Act, 1925.	Ss. 25, 34 (1) (g) substituted, 44 amended, 32, 36 applied, 23 and sch. 10 extended, provision for sale of churches, suppression or union of parishes, etc.	44, ss. 1, 2, 5-8, 9 (3), 10, 15-7.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
15 & 16 Geo. 5: c. 36	Finance Act, 1925.	Ss. 10 repealed, 4, 5, and sch. 2 liable to amdt. or repeal by Treasury order, duties under s. 3 amended and (subject to variation by Treasury order) reduced, s. 7 continued as amended, sch. 2 Part III customs provisions applicable by order.	19, ss. 2 (1)-(4), 9, 13 (1) (2), 20-1, 47, schs. 6 Part I, 8.
c. 49	Supreme Court of Judicature (Consolidation) Act, 1925.	Ss. 99 (rules of court) and 213 (fees) extended. S. 78 (5) "to a grand jury" repealed, s. 99 (rules of court) extended.	13, ss. 3 (1), 10. 36, ss. 3, 4 (1), 5, 6, 10, sch. 3.
c. 50	Theatrical Employers Registration Act, 1925.	S. 12 (2) in part repealed as to England (except London).	51, ss. 307-8, sch. 11.
c. 54	Ministers of Religion (Removal of Disqualifications) Act, 1925.	Repealed (except as to London).	51, ss. 307-8, sch. 11.
c. 55	Education (Scotland) (Superannuation) Act, 1925.	S. 4 (1) (d) amended	22, ss. 2, 3 (2).
c. 56	Isle of Man (Customs) Act, 1925.	S. 10 repealed, s. 5 (hops duties) continued, s. 6 duties continued and in part reduced subject to Governor's order, s. 7 and sch. continued subject to repeal etc. by Governor's order.	40, ss. 4-6, 21 (3), schs. 2, 6.
c. 59	Teachers (Superannuation) Act, 1925.	S. 11 amended	22, ss. 1, 3 (2).
c. 70	Widows', Orphans' and Old Age Contributory Pensions Act, 1925.	S. 24A added	33, s. 4 (3), sch.
c. 71	Public Health Act, 1925.	Ss. 69 (4), 70 (2), 79 repealed, 34 (3), 55, sch. 4 repealed in part.	51, ss. 307-8, sch. 11.
c. 72	Honours (Prevention of Abuses) Act, 1925.	S. 1 (4) repealed	36, s. 10, sch. 3.
c. 86	Criminal Justice Act, 1925.	Ss. 48 repealed, 24 (4) amended, 1 (2) etc. extended. Ss. 13 (4), 19 and in s. 33 (1) "to the grand jury" repealed. Ss. 7 (1) in part and 21 repealed. S. 24 restricted	12, ss. 60, 66 (3), 109 (2) (4), schs. 3, 6. 36, s. 10, sch. 3. 38, ss. 2 (9), 10, 11 (2), sch. 50, s. 3 (2).
c. 90	Rating and Valuation Act, 1925.	Ss. 1 (3), 12 (2) (3), 53 (4), 55 (2)-(4), 56, 60 (3), 61 (2) repealed, 1 (4), 9 (2) (e), 54 (1), 61 (1) repealed in part, s. 13 applied.	51, ss. 193 (7), 307-8, sch. 11.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
16 & 17 Geo. 5:			
c. 10	Local Authorities (Emergency Provisions) Act, 1926.	Repealed - - - - -	51, ss. 307-8, sch. 11.
c. 22	Finance Act, 1926.	Ss. 5 liable to amdt. or repeal by Treasury order, 7 (1), 30 proviso (ii) applied.	19, ss. 9 (1) (5), 32 (3).
c. 27	Isle of Man (Customs) Act, 1926.	S. 13 (5) repealed, s. 8 continued subject to repeal etc. by Governor's order, s. 6 continued.	40, ss. 4, 6, 21 (3), sch. 6.
c. 31	Home Counties (Music and Dancing) Licensing Act, 1926.	S. 4 (1) repealed - - -	51, ss. 307-8, sch. 11.
c. 38	Local Government (County Boroughs and Adjustments) Act, 1926.	Extended to whole of Essex	xlv, s. 91 (1).
c. 38	Local Government (County Boroughs and Adjustments) Act, 1926.	Ss. 1-4, and with savings 5 repealed.	51, ss. 307-8, sch. 11.
c. 43	Public Health (Smoke Abatement) Act, 1926.	S. 6 repealed (except as to London).	51, ss. 307-8, sch. 11.
c. 51	Electricity (Supply) Act, 1926.	Sch. 6, so far as amending s. 21 of 1922 Act, virt. repealed.	46, s. 2.
c. 52	Small Holdings and Allotments Act, 1926.	S. 14 (4) repealed in part -	51, ss. 307-8, sch. 11.
c. 54	Wireless Telegraphy (Blind Persons Facilities) Act, 1926.	S. 2 (1) repealed in part as to England (except London).	51, ss. 307-8, sch. 11.
c. 56	Housing (Rural Workers) Act, 1926.	Ss. 5 (5), 6, 7 and in part s. 5 (3) (4) repealed as to England; period prescribed for repayment of borrowed money.	51, ss. 198, 307-8, schs. 8, 11.
c. 59	Coroners (Amendment) Act, 1926.	S. 1 (3) repealed (except as to London).	51, ss. 307-8, sch. 11.
17 & 18 Geo. 5:			
c. 10	Finance Act, 1927 -	S. 8 (1) and sch. 3 Part I, repealed, new customs duty on matches, ss. 6 (1) amended, 6 (2) extended, 41 (1) (2) applied.	19, ss. 4, 8, 32 (5), 47, schs. 3, 8.
c. 14	Poor Law Act, 1927	Act, so far as unrepealed, repealed except s. 207 (repeal of ss. 154-5 extends to London).	51, ss. 304, 307-8, schs. 10, 11 Parts IV and V.
c. 20	Isle of Man (Customs) Act, 1927.	S. 7, sch. 3 repealed, s. 1, sch. 1 (wine duties) continued as amended, ss. 11-2 continued.	40, ss. 6, 8, 21 (3), sch. 6.
c. 31	Audit (Local Authorities) Act, 1927.	Repealed (repeal of ss. 2, 3 extends to London).	51, ss. 307-8, sch. 11 Parts IV and V.
c. 35	Sheriff Courts and Legal Officers (Scotland) Act, 1927.	S. 11 (1), as to office of sheriff of Chancery, see—	41, ss. 31 ¹ (1), 36.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
17 & 18 Geo. 5: c. 36	Landlord and Tenant Act, 1927.	Applied - - - -	32, s. 1 (6).
c. 38	Nursing Homes Registration Act, 1927.	S. 9 (4) in part repealed -	51, ss. 307-8, sch. 11.
18 & 19 Geo. 5: c. 9	Local Authorities (Emergency Provisions) Act, 1928.	Repealed (except as to London).	51, ss. 307-8, sch. 11.
c. 10	Teachers (Superannuation) Act, 1928.	Repealed - - - -	22, s. 3 (2).
c. 11	Cotton Industry Act, 1928.	S. 1 (1) virt. repealed, 1 (2) amended.	30.
c. 17	Finance Act, 1928.	Ss. 13 (as from Jan. 1, 1934), repealed, 20 virtually repealed, 2 (3) 6, 19, 23 (4) amended, 2 (6)-(8) extended, 6 (3) (d) excluded, 2 (10) "refinery" applied.	19, ss. 5, 6, 30, 32 (4), 35 (2), 47, sch. 8.
c. 19	Agricultural Produce (Grading and Marking) Act, 1928.	Applied (sale of eggs) -	31, s. 20.
c. 38	Isle of Man (Customs) Act, 1928.	S. 8 repealed, s. 14 continued.	40, ss. 6, 21 (3), sch. 6.
19 & 20 Geo. 5: c. 17	Local Government Act, 1929.	Ss. 86 (3) (c) and 87 (1) (b), amounts fixed for second fixed grant period. Sch. 8 applied as modified Ss. 9 (a), 10, 47-9, 52-6, 58, 74 (2), 108 (2), 115 (2), 129 (4), sch. 7 repealed, ss. 14 (3), 51 (1), 115 (6), 117 (4), 128 (1) (3), 129 (1) (2) (3), sch. 1 Parts I and III, sch. 3, sch. 9 Part I and sch. 10 repealed in part (except as to London); regs. under s. 108 (1) (b) applied.	8. 29, s. 1 (4), sch. 51, ss. 111, 152 (1) (a), 290 (7), 307-8, sch. 11; see also s. 146 to as reviews of county districts.
c. 21	Finance Act, 1929.	S. 4, further continuance -	19, s. 2 (1).
c. 23	Companies Act, 1929.	Applied to winding up of assurance companies, ss. 135 (3)-(5), 305 applied. S. 363 repealed - - -	9, ss. 1, 2 (3), 3 (1) (2). 20, s. 8, sch. 8.
c. 25	Local Government (Scotland) Act, 1929.	Ss. 53 (3) (c), 54 (1) (b), amounts fixed for second fixed grant period.	8.
c. 29	Government Annuities Act, 1929.	S. 53 excluded - - - Ss. 32 (4), 62 (3) (4) repealed as to Scotland.	19, s. 45. 20, s. 8, sch.
c. 33	Bridges Act, 1929.	S. 8 (1) and in part (2) repealed as to England (except London).	51, ss. 307-8, sch. 11.
20 & 21 Geo. 5: c. 1	Isle of Man (Customs) Act, 1929.	Ss. 2, sweets duty amended and continued, 3 proviso (hop oil duty) continued.	40, ss. 3, 6.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
20 & 21 Geo. 5:			
c. 7	Development (Loan Guarantees and Grants) Act, 1929.	Certain grants continued	14, s. 45.
c. 16	Unemployment Insurance Act, 1930.	Continued	26.
c. 17	Poor Law Act, 1930	Maintenance orders under s. 19 saved, s. 117 applied. Appeal procedure under s. 97 amended and saved. Ss. 7, 110 (a), 114, 136 (1) (e) (f), 140, 144, 155-6 repealed, ss. 10 (3), 117-8 repealed in part (repeals as to ss. 136 (1) (f) and 156 extend to London).	12, ss. 89 (4), 96(4)(a), 109(2). 38, ss. 1, 9 (2). 51, ss. 118, 307-8, sch. 11, Parts IV and V.
c. 21	Children (Employment Abroad) Act, 1930.	Repealed (E., S. and N.I.)	12, s. 109 (2) (4), sch. 6.
c. 23	Mental Treatment Act, 1930.	S. 6 (3) (e) repealed in part (repeal extends to London).	51, ss. 307-8, sch. 11, Parts IV and V.
c. 24	Railways (Valuation for Rating) Act, 1930.	Application (as adapted) by scheme under L.P.T. Act, s. 1 (1) excluded.	14, s. 92, sch. 15.
c. 28	Finance Act, 1930	Ss. 2, 48 excluded	19, ss. 1 (6), 36.
c. 39	Housing Act, 1930	S. 17, tenant's right to certificate as to repair where notice given— <i>see</i> S. 54 (3) repealed in part (except as to London). S. 14— <i>see</i>	32, s. 12. 51, ss. 307-8, sch. 11. 32, ss. 12, 15 (a).
c. 40	Housing (Scotland) Act, 1930.	S. 2 (spirits duties) continued.	40, s. 6.
c. 42	Isle of Man (Customs) Act, 1930.	S. 99 and para. 11 of Part I of sch. 3 substituted, ss. 90 (11) added, 98 (1) (2) (5), sch. 3 Part I paras. (5) (6) (9) (10) amended, ss. 64, 72-6 excluded, Act saved and extended, s. 72 extended, Part IV adaptable by order.	14, ss. 15 (3) (4), 16 (1) (c) (2), 17 (2) (c) (3), 18 (3), 56-6, 108, schs. 11, 16.
c. 43	Road Traffic Act, 1930.	S. 28 (1) (b) amended (E.) Ss. 27 (5), 90 (10), 107 (1) (a) (2) (a) (3) repealed in part (except as to London); provision for repayment of money borrowed for Part V purposes. Ss. 25, 46 (5), 114, sch. 2 repealed, ss. 36 (2), 62 (3), sch. 3 Part I substituted, ss. 19 (1) (3), 46, 62, amended, 93 amended and applied, 19, 27, 117 and certain definitions applied, s. 63 (7), powers of certifying officer under s. 69 and powers of chairman of traffic commrs. extended.	50, ss. 2, 5 (2) (3), sch. 51, ss. 198, 307-8, schs. 8, 11. 53, ss. 4, 8 (1) (e) (2), 17 (7), 18 (4), 19, 24 (1), 27, 28 (1), 29 (4) (6) (7), 31-3, 36 (1), 47 (3), 48, 49 (2), schs. 1, 3.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
20 & 21 Geo. 5: c. 44	Land Drainage Act, 1930.	Ss. 53 (2) (a) (b), 69, repealed, ss. 32 (2), 49 (3), 73 repealed in part (repeal as to s. 49 extends to London). S. 65 repealed, Act amended (Doncaster).	51, ss. 145, 307-8, sch. 11, Parts IV and V. And see s. 244 (2)(b). x, ss. 2, 22, sch. 2.
c. 50	Public Works Facilities Act, 1930.	Continued in part - - Saved - - - -	48, s. 1, sch. 51, s. 179 (h).
21 & 22 Geo. 5: c. 28	Finance Act, 1931.	Ss. 3 (as from Jan. 1, 1934) and 8 repealed, 36 (2) amended.	19, ss. 29, 40, 47, sch. 8.
c. 36	Unemployment Insurance (No. 3) Act, 1931.	Ss. 1, 2 continued - -	26.
c. 42	Agricultural Marketing Act, 1931.	Ss. 2 (1), 7 (1) (c), 8 (1) repealed in part, 4 (3), 5 (b) (f) (i), 7 (1) (b) (c), 8 (1)-(3), 9 (4)-(6), 15 (1), 16 (3), sch. 1 Part II para. 1 amended, ss. 4 (5), 6 (1A), 16A added, 5 (e), sch. 1 Part II para. 1 (c) substituted, s. 8 (1) proviso, sch. 2 paras. 3-6 applied, ss. 5, 15, 17 extended, provision for development schemes added. S. 16 (1)-(4) applied - -	31, ss. 4 (1), 6 (4) (a), 10-9, 24 (2), 30 (2), sch. 2 para. 4 and schs. 3, 4. 45, s. 5 (7).
c. 45	Local Government (Clerks) Act, 1931.	Ss. 2 (1) (2), 3 (1) (a) (2), 4 (6), 5 (1), 6, 7 (2) (a) (4), 8 (4), 11 (1) (b) repealed, 4 (2) (3), 5 (3), 7 (1), 8 (1) repealed in part.	51, ss. 307-8, sch. 11.
c. 49	Finance (No. 2) Act, 1931.	S. 1, new rates of beer duty, etc.	19, s. 1, sch. 1.
22 & 23 Geo. 5: c. 7	Indian Pay (Temporary Abatements) Act, 1931.	Continued as modified - -	7.
c. 8	Import Duties Act, 1932.	Ss. 4 (4), 6, 7, 17, sch. 3 repealed, power to repeal or reduce duties or substitute specific for general ad valorem duty by Treasury order, ss. 3, 9, 19, sch. 2 amended, ss. 3 (2), 19, 21 (1) applied (as modified) etc., 14-6 extended, 18 restricted. Corresponding Isle of Man provisions.	19, ss. 9 (3) (6) (7), 12, 13 (5), 14, 15 (2) (3), 16-9, 20 (2), 47, schs. 5, 8. 40, ss. 10 (1), 13-5.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
22 & 23 Geo. 5: c. 16	Isle of Man (Customs) Act, 1932.	Ss. 2 (4), 4, 9, Part II and sch. 2 repealed, s. 19 continued, ss. 6-8 applied, power to repeal or vary Part I duties, new Imperial Preference provisions.	40, ss. 6, 10 (8) (9), 12, 13 (3), 18, 19 (1), 20, 21 (3), schs. 3 Part V para. 8, 4, 5 Part II para. 2 and sch. 6.
c. 22	Army and Air Force (Annual) Act, 1932.	S. 15 excluded	11, s. 4 (5).
c. 25	Finance Act, 1932	S. 24 (4) amended Ss. 23 (4) repealed, 5 liable to amdt. or repeal by Treasury order, 9, 28 (2) amended, scheme under s. 9 extended. S. 30 repealed (repeal extends to London).	18. 19, ss. 9, 40, 47, sch. 8. 51, ss. 307-8, sch. 11, Parts IV and V. 40, s. 19 (2).
c. 30	Irish Free State (Special Duties) Act, 1932.	Regs. under s. 1 (4) applicable in Isle of Man.	40, s. 19 (2).
c. 37	Solicitors Act, 1932	Part I and s. 38 applied	24, ss. 2 (2), 3, 9 (3). 51, s. 277.
c. 41	Isle of Man (Customs) (No. 2) Act, 1932.	Excluded Ss. 3, 12 repealed, 7, 8 continued, 9 continued subject to repeal etc. by Governor's order, new powers as to s. 2 orders, new Imperial preference provisions.	40, ss. 4, 6, 9 (4), 10, 12 (4), 14, 20, 21 (3), schs. 4, 6.
c. 46	Children and Young Persons Act, 1932.	Ss. 1-63, 64 (as to N.I. as well as E.), 71-6, 78, 80-6, 87 (2)-(4), 88, schs. 1, 3, 4 repealed, ss. 70, 87 (1), 90 (2), sch. 2 repealed in part—subject to savings and transitional arrangements.	12, ss. 108, 109 (2)-(4), schs. 5, 6.
c. 47	Children and Young Persons (Scotland) Act, 1932.	S. 58 repealed	12, s. 109 (2) (4), sch. 6.
c. 48	Town and Country Planning Act, 1932.	S. 39 (2) repealed Ss. 38 (2), 49 (2) (c) (d) repealed, 38 (1) (3) repealed in part (except as to London).	38, ss. 10, 11 (2), sch. 51, ss. 307-8, sch. 11.
c. 53	Ottawa Agreements Act, 1932.	S. 2 (7) repealed Corresponding Isle of Man provisions.	19, ss. 15 (2), 47, schs. 5, 8. 40, ss. 7 (2), 8 (1), 9, 10, 15, schs. 3, 4.
23 & 24 Geo. 5: c. 2	Expiring Laws Continuance Act, 1932.	Part I of schedule as to London Traffic Act, 1924, repealed. S. 1 (2) and Part II of schedule repealed.	14, ss. 57, 108, sch. 16. 32, s. 18, sch. 3.

Session and Chapter.	Short Title.	How affected.	Chapter of 23 & 24 Geo. 5.
23 & 24 Geo. 5: c. 12	Children and Young Persons Act, 1933.	S. 16 repealed Ss. 27 (3), 96 (5) (a) and in part (6), 98 (2) repealed (except as to London).	36, s. 10, sch. 3. 51, ss. 307-8, sch. 11.
c. 14	London Passenger Transport Act, 1933.	S. 50 and in part sch. 11 virt. repealed (prosp.).	53, ss. 27 (1) (ii), 49, sch. 1.
c. 19	Finance Act, 1933 -	Sch. 5 applied as modified, corresponding Isle of Man provision as to ss. 9, 14, 16.	40, ss. 4 (2)-(7), 10 (8), 12-3, sch. 4.
c. 21	Solicitors (Scot- land) Act, 1933.	S. 41 to "lawful and" repealed.	41, ss. 37 (2), 39, 40, 41 (2), sch.
c. 28	Municipal Corpora- tions (Audit) Act, 1933.	Repealed (repeal extends to London).	51, ss. 307-8, sch. 11, Parts IV and V.
c. 31	Agricultural Mar- keting Act, 1933.	S. 3 (2) extended	45, s. 6.



TABLE IV.

INDEX

TO THE

PUBLIC GENERAL STATUTES

AND

CHURCH ASSEMBLY MEASURES.

. 23 & 24 GEORGE 5.—A.D. 1932-33.

A.

ABATEMENTS OF PAY. *See* INDIAN PAY (TEMPORARY ABATEMENTS) ACT.

ACCIDENTS. *See* RAILWAYS.

ACCOUNTANT OF COURT, SCOTLAND. *See* ADMINISTRATION OF JUSTICE (S.) ACT (s. 25).

ACCOUNTS. *See* AUDIT: MUNICIPAL CORPORATIONS (AUDIT): SOLICITORS ACT.

ACTS OF PARLIAMENT:

Adoptive provisions. *See* MUNICIPAL CORPORATIONS (AUDIT): SLAUGHTER OF ANIMALS (s. 2 of Act).

Bills, promotion of, &c. *See* PARLIAMENT.

Consolidation Acts. *See* CHILDREN AND YOUNG PERSONS ACT: FALSE OATHS (SCOTLAND): LOCAL GOVERNMENT ACT: SOLICITORS (SCOTLAND) ACT.

Enactments applied under Visiting Forces (British Commonwealth) Act (c. 6, s. 2 (3)). p. 23.

Expiring laws continuance (cc. 2, 48) (*and see* UNEMPLOYMENT INSURANCE (EXPIRING ENACTMENTS) ACT). pp. 2, 699.

Reprinting with amendments (British Nationality and Status of Aliens Act) (c. 49, s. 2 (2)). p. 703.

Retrospective effect. *See* LOCAL GOVERNMENT AND OTHER OFFICERS SUPERANNUATION (TEMPORARY PROVISIONS).

See also PARLIAMENT.

ADEN. Application of Visiting Forces (British Commonwealth) Act (c. 6, s. 5 (3)). p. 27.

ADMINISTRATION OF JUSTICE ACT, 1920. Part II (reciprocal enforcement of judgments) superseded (c. 13, s. 7 (1)). p. 150.

ADMINISTRATION OF JUSTICE (MISCELLANEOUS PROVISIONS) ACT: to abolish grand juries and amend the law as to the presentment of indictments; to provide for the summary determination of questions as to liability for death duties; to make provision for alternative procedure for the recovery of Crown debts and to enable proceedings by the Crown to be instituted in county courts in appropriate cases; to amend the procedure as to certain prerogative writs and as to trials by jury in the High Court; to amend the law as to the payment of costs by and to the Crown; to provide for the further delegation of the jurisdiction of the Master in Lunacy; and for purposes connected with the matters aforesaid. (E.) Ch. 36. p. 578.

- § 1. Abolition of grand juries. p. 578.
2. Procedure for indictment of offenders. p. 579.
3. Summary determination by High Court of liability as to death duties. p. 581.
4. Proceedings by the Crown. p. 582.
5. Amendment of procedure as to certiorari, mandamus or prohibition. p. 583.
6. Amendment of procedure as to trials by jury in the King's Bench Division. p. 583.
7. Costs in Crown proceedings. p. 584.
8. Exercise of jurisdiction in lunacy by officers of the Master. p. 585.
9. Saving for proceedings affecting His Majesty in His private capacity. p. 585.
10. Short title, extent, repeal and commencement. p. 585.

SCHEDULES:

- I. Enactments by virtue of which bills of indictment may be preferred before grand juries of the counties of London and Middlesex. p. 586.
- II. Consequential adaptations of enactments. p. 586.
- III. Enactments repealed. p. 587.

ADMINISTRATION OF JUSTICE (SCOTLAND) ACT: to amend the law of Scotland relating to the Court of Session and procedure therein, to the appointment of Officers in the said Court and the High Court of Justiciary, to criminal jury trials and to the Sheriffs and procedure in the Sheriff Court, and with regard to solicitors' fees; and for purposes connected therewith. Ch. 41. p. 639.

PART I.—COURT OF SESSION.

- § 1. Abolition of trials of judges. p. 639.
2. Provision for extra division of Inner House. p. 639.
3. Abolition of Bill Chamber. p. 640.
4. Sessions of the Court; vacation judge, &c. p. 640.
5. Right of party to choose Lord Ordinary and Division abolished. p. 641.
6. Form of proceedings in the Court of Session (summons or petition; matters for presentation in Outer and Inner House; interdict, &c.). p. 642.
7. Proceedings in revenue cases. p. 644.
8. Signature of a summons by writer to signet no longer necessary. p. 644.
9. Printing, boxing, &c. p. 644.
10. Summary trial of certain cases. p. 644.
11. Provisions as to jury trial (majority verdict, illness of juror, &c.). p. 645.

ADMINISTRATION OF JUSTICE (SCOTLAND) ACT—continued.

- § 12. Choosing of curators (minor's petition). p. 646.
- 13. Assessors. p. 646.
- 14. Reclaiming. p. 646.
- 15. Form of extract of decree. p. 647.
- 16. Power to regulate by Act of Sederunt procedure, forms, production of documents, payment into court, solicitors' fees, assessors' duties and pay, &c. p. 647.
- 17. Allocation of business, &c., by Act of Sederunt. p. 649.
- 18. Rules Council. p. 650.

PART II.—CRIMINAL JURY TRIALS, &c.

- 19. Provision for death or illness of jurors in trials on indictment. p. 651.
- 20. Admissions by parties in trials on indictment. p. 652.
- 21. Intimation of proceedings in High Court of Justiciary to Lord Advocate. p. 652.
- 22. Commencement of this Part of this Act. p. 652.

**PART III.—OFFICERS OF THE HIGH COURT OF JUSTICIARY AND
OF THE COURT OF SESSION.**

- 23. Appointment of clerks in the Court of Justiciary. p. 652.
- 24. Appointment of officers of the Court of Session. p. 653.
- 25. Appointment of Principal Clerk of Justiciary, &c. p. 655.
- 26. Age limit for officers of High Court of Justiciary and Court of Session. p. 655.
- 27. Remuneration of officers of High Court of Justiciary and Court of Session. p. 655.
- 28. Regulations for admission of officers of High Court of Justiciary and Court of Session. p. 655.
- 29. Existing officers (superannuation, &c.). p. 656.
- 30. Commencement of this Part of this Act. p. 656.

PART IV.—SHERIFFS AND SHERIFF COURT.

- 31. Number of sheriffs and sheriffdoms. p. 657.
- 32. Amendment of s. 15 of Sheriff Courts (S.) Act, 1907 (allowances to interim sheriffs). p. 657.
- 33. Sheriffs not to be entitled to annuity unless restricted from private practice. p. 658.
- 34. Court of Session may regulate procedure in the Sheriff Court. p. 658.
- 35. Sheriff Court Rules Council. p. 659.
- 36. Commencement of this Part of this Act. p. 659.

PART V.—MISCELLANEOUS.

- 37. Agreements between solicitors as to sharing fees. p. 660.
- 38. Amendment of s. 5 (4) of Fatal Accidents Inquiry (S.) Act, 1895 (writing out of evidence). p. 660.
- 39. Repeals. p. 660.
- 40. Interpretation. p. 661.
- 41. Extent, short title and commencement. p. 661.
Schedule of repealed enactments. p. 662.

ADMIRALTY :

- Ecclesiastical patronage (Greenwich Hospital). *See* **BENEFICES (PURCHASE OF RIGHTS OF PATRONAGE) (s. 9).**
- Procedure in Admiralty jurisdiction in Court of Session (c. 41, ss. 17, 24 (3)). pp. 649, 653.
- Visiting Forces (British Commonwealth) Act powers (c. 6, ss. 1 (5), 2, 3 (4) (i), 4 (2) (5)). pp. 21-2, 25.
See also **NAVY.**

ADVISORY COMMITTEE. *See* **LONDON PASSENGER TRANSPORT (Part V) :
PHARMACY AND POISONS (Part II as to Poisons Board).**

ADVISORY COUNCIL. *See* **ROAD AND RAIL TRAFFIC ACT (Part III).**

ADVOCATE, SCOTLAND :

- Conditions of qualification for admission as solicitor (c. 21, s. 9 (v) (c)). p. 401.
Representation on Rules Council of Court of Session and on Sheriff Court Rules Council (c. 41, ss. 18, 35). pp. 650, 659.
Saving for (restrictions on unqualified practitioner preparing writs) (c. 21, s. 39). p. 415.

AFFIDAVITS. See EVIDENCE.

AFFILIATION ORDERS. Juvenile at approved school, &c. (c. 12, ss. 88, 102 (1) (d), sch. 5, para. 12). pp. 107, 120, 140.

AGE. Presumption of, in proceedings under Children and Young Persons Act (c. 12, s. 99). p. 118.

See also CRIMINAL LAW AND PROCEDURE, ENGLAND.

AGRICULTURAL MARKETING : an Act to provide for the better organisation and development of the agricultural industry and of industries connected therewith by regulating the importation and sale of agricultural products and the production of secondary agricultural products; to amend the law with respect to the marketing of agricultural products; and to make further provision in connection with the matters aforesaid. Ch. 31. p. 474.

PART I.—REGULATION OF IMPORTATION OF AGRICULTURAL PRODUCTS AND SALES OF HOME-PRODUCED AGRICULTURAL PRODUCTS.

- § 1. Regulation of importation of agricultural products. p. 474.
2. Regulation of sales of home-produced agricultural products. p. 476.
3. Market Supply Committee. p. 477.

PART II.—DEVELOPMENT SCHEMES FOR ORGANISING THE PRODUCTION OF SECONDARY AGRICULTURAL PRODUCTS.

4. Submission and approval of development schemes. p. 479.
5. Administration of development schemes. p. 480.
6. Regulatory provisions of development schemes. p. 480.
7. Secondary products to which Part II of this Act applies (bacon, &c.). p. 484.
8. Reports to be laid before Parliament. p. 484.
9. Validity and commencement of orders under Part II. p. 484.

PART III.—AMENDMENTS OF 1931 ACT.

10. Regulation of sales of regulated product. p. 485.
11. Extension of marketing boards' powers by order. p. 486.
12. Pooling and distribution of proceeds of sales of regulated product. p. 487.
13. Consultation between marketing boards and other persons. p. 488.
14. Composition of marketing boards. p. 488.
15. Discharge of functions of marketing boards by executive committees. p. 489.
16. Compensation under marketing schemes. p. 490.
17. Effect of marketing schemes on contracts. p. 490.
18. Extension of functions of Agricultural Marketing Reorganisation Commissions and committees of investigation. p. 491.
19. Minor and consequential amendments of principal Act. p. 493.

PART IV.—MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS.

20. Sale of eggs to be by weight or under grade designation. p. 493.
21. Power of Board of Trade to obtain information as to stocks of agricultural products. p. 493.
22. Payment of certain expenses by boards administering schemes. p. 494.
23. Payment of certain expenses out of agricultural marketing funds. p. 495.

AGRICULTURAL MARKETING—continued.

- § 24. Restrictions on disclosing information. p. 496.
- 25. Offences committed by bodies corporate. p. 496.
- 26. Provisions as to orders. p. 497.
- 27. Exercise of powers. p. 497.
- 28. Provisions as to Northern Ireland. p. 498.
- 29. Interpretation. p. 499.
- 30. Short title, citation and repeal. p. 501.

SCHEDULES :

- I. Part I.—Procedure for Submission and Approval of Development Schemes. p. 501.
- Part II.—Amendment and Revocation of Development Schemes. p. 502.
- II. Constitution, Incidental Functions and Winding up of Development Boards. p. 504.
- III. Minor and consequential amendments of Principal Act. p. 506.
- IV. Enactment repealed. p. 509.

AGRICULTURE :

County agricultural committee. *See* LOCAL AUTHORITIES.

Horticultural products, &c. (duties repealed). *See* ISLE OF MAN (CUSTOMS) ACT.

Road and Rail Traffic Act and carriage of goods (c. 53, ss. 1 (5) (c) (7) (a), 16 (3)). pp. 989, 990, 1009.

See also AGRICULTURE, DEPARTMENT OF, FOR SCOTLAND :
AGRICULTURE AND FISHERIES, MINISTER OF.

AGRICULTURE AND FISHERIES, MINISTER OF. Powers and duties as to—

Ad valorem duty, substitution of specific duty for (consultation with Minister) (c. 19, s. 16 (2) (5)). pp. 355, 356.

Agricultural marketing and importation of products. *See* AGRICULTURAL MARKETING.

Change of name of district or parish (c. 51, s. 147 (5)). p. 796.

Common land (exchange by local authority) (c. 51, s. 174 (2)).

p. 814.

Poisons Board appointment (c. 25, sch. 2, para. 2).

p. 462.

Rent Restrictions Acts (certificate as to dwelling-house) (c. 32, sch. 1, para. (g)).

p. 527.

Sea-Fishing Industry Act (powers as “ appropriate Minister, ” &c.).

See SEA-FISHING INDUSTRY.

Slaughter of Animals Act (saving for officer, &c.) (c. 39, s. 3 (1)).

p. 611.

AGRICULTURE, DEPARTMENT OF, FOR SCOTLAND. Rent Restrictions

Act (certificate as to dwelling-house) (c. 32, s.15 (a), sch. 1, para. (g)).

pp. 522, 527.

AIR FORCE :

Approved school boy's entry (c. 12, sch. 4, para. 7).

p. 134.

Half-pay declaration (c. 34, s. 6).

p. 537.

And see ARMY AND AIR FORCE (ANNUAL) ACT : VISITING FORCES (BRITISH COMMONWEALTH).

ALIEN. *See* BRITISH NATIONALITY AND STATUS OF ALIENS.

ALLOTMENTS, ENGLAND. *See* LOCAL GOVERNMENT ACT (Part VII).

ANCIENT MONUMENT. Not to be acquired by local authority under compulsory purchase of land (E.) (c. 51, s. 179). p. 816.

ANIMALS :

Dogs, carriage of on London Transport services (c. 14, s. 26). p. 198.
Isle of Man duties on Irish Free State cattle. *See* ISLE OF MAN
(CUSTOMS) ACT.

And see PROTECTION OF ANIMALS (CRUELTY TO DOGS) : SLAUGHTER
OF ANIMALS.

ANNUITY. *See* SAVINGS BANK ANNUITIES. *And see* ADMINISTRATION
OF JUSTICE (SCOTLAND) ACT (Part IV).

APPRENTICESHIP :

Approved school boy (c. 12, sch. 4, para. 7). p. 134.
Freedom of borough (c. 51, s. 262 (d)). p. 862.
Solicitors in Scotland (c. 21, ss. 9, 10, 45). pp. 400, 401, 417.

APPROPRIATION ACT : to apply a sum out of the Consolidated Fund
to the service of the year ending March 31, 1934, and to appropriate
the supplies granted in this session of Parliament. Ch. 34. p. 535.

APPROPRIATION-IN-AID :

Annual Appropriation Act provisions (c. 34, ss. 3, 4). pp. 536, 537.
Children and Young Persons Act provisions (c. 12, s. 86 (4)). p. 105.
Post Office fund arrangements (c. 19, s. 39 (4)). p. 370.

ARBITRATION :

Costs where Crown is party (c. 36, s. 7). p. 584.
Local Government and other Officers Superannuation (Temporary
Provisions) Act (c. 43, s. 3). p. 671.
London Passenger Transport Act tribunal (c. 14, ss. 12, 107 (1))
(*see also* ss. 7 (5) (6), 8, 9, 10, 14, 16 (5), 17 (1), 31 (6)-(8), 39 (10),
89 (23)). pp. 175, 296.
London Passenger Transport Act standing arbitrator (c. 14, ss. 73 (2),
75 (3) (4), 76 (3), 77 (3), 79, sch. 14). pp. 241, 247-50, 329.
London tramway system abandonment provisions (c. 14, s. 23 (5)).
p. 193.

See also BENEFICES (PURCHASE OF RIGHTS OF PATRONAGE).

ARMY :

Approved school boy's entry (c. 12, sch. 4, para. 7). p. 134.
Half-pay declaration (c. 34, s. 6). p. 537.

And see ARMY AND AIR FORCE (ANNUAL) ACT : VISITING
FORCES (BRITISH COMMONWEALTH).

ARMY AND AIR FORCE (ANNUAL) ACT : to provide during 12 months
for the discipline and regulation of the Army and the Air Force.
Ch. 11. p. 37.

- § 1. Short title. p. 38.
2. Army Act and Air Force Act to be in force for specified times. p. 38.
3. (and schedule). Billeting prices. pp. 39, 41.
4. Amendments of Air Force Act (relations between R.A.F. and Indian
Air Force and attachment of personnel). p. 39.
Schedule (billeting prices). p. 41.

ARREST WITHOUT WARRANT. Juvenile escaping from remand home,
approved school, &c. (c. 12, ss. 78 (4), 82 (1), 85). pp. 96, 99, 103.

ARSENIC ACT, 1851. Repealed (c. 25, ss. 15, 31 (2) (4), sch. 3).
pp. 443, 460, 463.

- ARTIFICIAL SILK.** Duties (c. 19, s. 9) (*see also* ISLE OF MAN (CUSTOMS) ACT). p. 349.
- ASSESSORS.** *See* ADMINISTRATION OF JUSTICE (SCOTLAND) ACT (Part I).
- ASSURANCE COMPANIES (WINDING UP):** an Act to provide for the winding up of insolvent assurance companies and for purposes connected therewith. Ch. 9. p. 31.
- ATTORNEY GENERAL:**
- Costs where he appears (c. 36, s. 7). p. 584.
 - * Crown proceedings in county court (c. 36, s. 4 (2)). p. 582.
 - Legal aid rules under Summary Jurisdiction (Appeals) Act (c. 38, s. 2 (7)). p. 599
- AUDIT:**
- Agricultural Marketing Act development board accounts (c. 31, sch. 2, para. 1). p. 504.
 - Auditor of Court of Session. *See* SESSION, COURT OF, SCOTLAND.
 - Elective auditors in boroughs (c. 51, ss. 59 (1) (g), 84 (8), 237-40). pp. 739, 757, 849.
 - Joint committees' accounts (c. 51, s. 93 (2)). p. 761.
 - Local authorities' accounts and audit (England). *See* LOCAL GOVERNMENT ACT (Part X).
 - London Passenger Transport Board accounts (c. 14, ss. 48-9). p. 223.
 - Municipal corporations audit (c. 28) (*see* pp. 983, 986 for repeal by Local Government Act). p. 468.
 - Pooling scheme (London Transport) (c. 14, sch. 10, paras. 9-11). p. 324.
 - Surcharge by district auditor as disqualification (c. 51, s. 59 (1) (d)). p. 738.
 - Tramway accounts of London local authorities (c. 14, s. 82 (2)). p. 260.
 - Transferred companies' costs, &c. (London Transport) (c. 14, s. 87 (4)). p. 267.
 - Undistributed earnings of Underground companies, &c. (c. 14, s. 82 (8) (9) (11)). pp. 262, 263.
- See also* COMPTROLLER AND AUDITOR GENERAL: SHERIFF COURT, SCOTLAND.
- AUSTRIAN LOAN GUARANTEE:** an Act to authorise the Treasury to guarantee a portion of a loan to be raised by the Government of Austria. Ch. 5. p. 10.

B.

- BACON.** *See* AGRICULTURAL MARKETING (Part II).
- BAIL, ENGLAND:**
- For person under 17 (c. 12, s. 32). p. 67.
 - Juvenile court, case remitted to (c. 12, s. 56 (3)). p. 82.
 - Saving for justices' powers (c. 12, s. 46 (2)). p. 76.
- BALLOT ACT, 1872.** *See* BLIND VOTERS.
- BANK:**
- Half-pay declaration arrangements (c. 34, s. 6 (1) (b)). p. 538.
 - Income tax relief for expenses of management (c. 19, s. 33). p. 366.
 - Local authority's overdraft, &c. (£.) (c. 51, s. 215). p. 836.

BANK—continued.

Local Government Act provisions as to bank holiday (c. 51, s. 295,
sch. 2. Part I, para. 12). pp. 880, 902.

Solicitors and clients' accounts : saving for banks (c. 24, ss. 1 (a), 8).
pp. 427, 429.

BANK OF ENGLAND : Consolidated Fund Act advances (c. 1, s. 2 (1);
c. 3, s. 3 (1)). pp. 1, 7.

BANK OF IRELAND : Consolidated Fund Act advances (c. 1, s. 2 (1);
c. 3, s. 3 (1)). pp. 1, 7.

BANKRUPTCY :

Disqualification for membership of—

local authority (E.) (c. 51, s. 59). p. 738.

London Passenger Transport Board (c. 14, s. 1 (5)). p. 156.

London Passenger Transport Board stock regulations as to receiver-
ship (c. 14, s. 39 (14)). p. 216.

Receivership where local authority's mortgage interest unpaid
(c. 51, s. 211). p. 832.

Registered pharmacist (authorised seller of poisons) (c. 25, ss. 10, 29,
30 (d) (e)). pp. 438, 457, 459.

Registered producer (Agricultural Marketing Act) (c. 31, sch. 3).
p. 506.

And see ASSURANCE COMPANIES (WINDING UP).

BARRISTER, ENGLAND :

Conditions of qualification for admission as solicitor in Scotland
(c. 21, s. 9 (v) (d)). p. 401.

*Legal aid for appellant to quarter sessions (c. 38, s. 2 (4) (7)).
pp. 598, 599.

BASTARDY, ENGLAND. See AFFILIATION ORDERS.

BEER. Reduced duties; brewer's licence, &c. *See FINANCE ACT*
(Part I, and schs. 1 and 2) : **ISLE OF MAN (CUSTOMS) ACT.**

BEGGING :

Children used for, *See CHILDREN AND YOUNG PERSONS ACT (Part I).*
Juveniles found begging (in need of care or protection) (E.) (c. 12,
s. 61 (2)). p. 84.

BENEFICES (PURCHASE OF RIGHTS OF PATRONAGE) : a Measure to
enable parochial church councils to purchase rights of patronage in
certain cases. (E.) No. 1. p. iii.

§ 1. Interpretation. p. iii.

2. Power of council to resolve to purchase right. p. iv.

3. Provisions for carrying out purchase (notice to patron and Diocesan
Board, arbitration, powers of bishop). p. v.

4. Vacancy in benefice before transfer to Diocesan Board. p. vii.

5. Rights of patronage of ancillary benefices. p. vii.

6. Amendment of Benefices Act, 1898 (register of transfers). p. ix.

7. Notices (service, &c.). p. ix.

8. Rule Committee (powers as to procedure, forms, costs or fees).
p. ix.

9. Exemptions (Crown patronage, Greenwich Hospital livings, cathedral
patronage, &c.). p. x.

10-2. Commencement, short title and extent. p. x.

SCHEDULES :

I. Notices to patron. p. xi.

II. Arbitration rules (panel appointed by Ecclesiastical Commis-
sioners with approval of Lord Chancellor, &c.). p. xii.

III. Forms of conveyance. p. xiii.

BENEFICES (SEQUESTRATIONS): a Measure to make further provision with regard to the administration of the property of vacant benefices and to confer certain powers upon sequestrators appointed under the Benefices (Ecclesiastical Duties) Measure, 1926. No. 4. p. xx.

- § 1. Remuneration of occasional ecclesiastical duties performed in vacant benefices. p. xx.
2. Powers of sequestrators during vacancies. p. xxi.
3. Apportionment (by Eccles. Commrs. or Q.A.B.) of income during vacancies. p. xxii.
4. Power of sequestrators under the Benefices (Ecclesiastical Duties) Measure, 1926, to grant tenancies of houses of residence. p. xxii.
5. Existing powers of sequestrators saved. p. xxiii.
6. Definition of "sequestrators." p. xxiii.
- 7, 8. Short title and extent. p. xxiii.

BIRDS. *See* PROTECTION OF BIRDS.

BISHOP, ENGLAND. *See* BENEFICES (PURCHASE OF RIGHTS OF PATRONAGE): BENEFICES (SEQUESTRATIONS).

See also PARISH OF MANCHESTER REVENUES: WYTHENSHAW PARISHES (TRANSFER).

BLIND VOTERS: an Act to amend the Ballot Act, 1872, so as to enable any blind voter at a poll regulated by that Act to avail himself of the assistance of a relative or friend, and for purposes connected with the matters aforesaid. Ch. 27. p. 465.

And see LOCAL GOVERNMENT ACT (sch. 2, Part III, paras. 20-2).

BOROUGH, ENGLAND. *See* LOCAL AUTHORITIES: LOCAL GOVERNMENT ACT (Parts I, VI, &c.): MUNICIPAL CORPORATIONS (AUDIT).

BORSTAL INSTITUTIONS. Children and Young Persons Act provisions (E.) (c. 12, ss. 59 (1), 82 (1), sch. 4, para. 8). pp. 83, 99, 135.

BRIDGES:

Restricted use of vehicles on (c. 53, s. 30). p. 1020.

Tolls, return of (E.) (c. 51, s. 244 (2) (d)). p. 853.

BRITISH BROADCASTING CORPORATION. *See* CHILDREN AND YOUNG PERSONS ACT (Part II).

BRITISH EMPIRE. Imperial preference. *See* FINANCE ACT (s. 15, sch. 5): ISLE OF MAN (CUSTOMS) ACT.

See also COLONY, PROTECTORATE, &c.: DOMINIONS, SELF-GOVERNING.

BRITISH NATIONALITY AND STATUS OF ALIENS: an Act to amend the law relating to the national status of married women so far as is necessary for giving effect to a Convention on certain questions relating to the Conflict of Nationality Laws, signed on behalf of His Majesty at the Hague on April 12, 1930, and for purposes incidental to the matter aforesaid. Ch. 49. p. 702.

BURGH, SCOTLAND. Burgh churches. *See* CHURCH OF SCOTLAND (PROPERTY AND ENDOWMENTS) AMENDMENT ACT.

And see LOCAL AUTHORITIES.

C.

CARRIER. *See* ROAD AND RAIL TRAFFIC ACT (Part I).

CATTLE. *See* ANIMALS.

CERTIORARI. Amended procedure. *See* SUPREME COURT, ENGLAND.

- CHANCERY, SCOTLAND. Merger of office of sheriff of, on vacancy (c. 41, s. 31 (1)). p. 657.
- CHANNEL ISLANDS. Arrangements as to—
 Army Act and Air Force Act (c. 11, s. 2 (1)). p. 38.
 Children in approved schools (c. 12, s. 83 (3) (4)). p. 100.
 Proof of documents (c. 4, s. 1 (1) (2) (4)). p. 8.
 Sea-Fishing Industry Act (c. 45, ss. 1 (1), 3 (8)). pp. 685, 690.
- CHARITIES. Local. *See* LOCAL GOVERNMENT ACT (ss. 45 (2) (d), 169, 170, 262, 269 (3), 305).
- CHARTERED ACCOUNTANTS. Qualification as municipal auditors (E.) (c. 28, s. 1 (2), sch. para. 2) (repealed—*see* now p. 850). pp. 469, 471.
- CHEMIST OR DRUGGIST. Title of (restricted use). *See* PHARMACY AND POISONS (Part I).
- CHESTER. Diocese. *See* WYTHENSHAW PARISHES (TRANSFER).
- CHILDREN AND YOUNG PERSONS ACT: to consolidate certain enactments relating to persons under the age of eighteen years. Ch. 12. p. 42.

PART I.—PREVENTION OF CRUELTY AND EXPOSURE TO MORAL
AND PHYSICAL DANGER.

Offences.

- § 1. Cruelty to persons under 16. p. 42.
2. Causing or encouraging seduction or prostitution of girl under 16. p. 44.
3. Allowing persons under 16 to be in brothels. p. 45.
4. Causing or allowing persons under 16 to be used for begging. p. 45.
5. Giving intoxicating liquor to children under 5. p. 46.
6. Causing or allowing children to be in bars of licensed premises. p. 46.
7. Sale of tobacco, &c., to persons under 16. p. 47.
8. Taking pawns from persons under 14. p. 48.
9. Purchase of old metals from persons under 16. p. 48.
10. Vagrants preventing children from receiving education. p. 48.
11. Exposing children under 7 to risk of burning. p. 49.
12. Failing to provide for safety of children at entertainments. p. 49.

*Special Provisions as to Prosecutions for Offences specified in
First Schedule.*

13. Power to take offenders into custody. p. 51.
14. Mode of charging offences and limitation of time. p. 51.
15. Evidence of husband or wife of accused person. p. 52.

Supplemental.

16. Application of Vexatious Indictments Act, 1850 (but *see* VEXATIOUS INDICTMENTS ACT, 1859). p. 52.
17. Interpretation of Part I. p. 52.

PART II.—EMPLOYMENT.

General Provisions as to Employment.

18. Restrictions on employment of children. p. 53.
19. Power of local authority to make byelaws as to employment of persons under 18 other than children. p. 54.
20. Street trading. p. 55.
21. Penalties and legal proceedings in respect of general provisions as to employment. p. 56.

CHILDREN AND YOUNG PERSONS ACT—*continued.*

Entertainments and Performances.

- § 22. Restrictions on children taking part in entertainments. p. 57.
- 23. Persons under 16 not to take part in performances endangering life or limb. p. 58.
- 24. Restrictions on training for performances of a dangerous nature. p. 59.

Employment Abroad.

- 25. Restrictions on persons under 18 going abroad to perform for profit. p. 60.
- 26. Penalties and proceedings (employment abroad). p. 62.

Supplemental.

- 27. Byelaws (confirmation, proof, &c.). p. 64. See p. 983 for partial repeal.
- 28. Powers of entry. p. 64.
- 29. Savings (B.B.C. performance; Education Act, 1921, Part IV; persons in approved schools; factory and workshop legislation, &c.). p. 65.
- 30. Interpretation of Part II. p. 66.

PART III.—PROTECTION OF CHILDREN AND YOUNG PERSONS IN
RELATION TO CRIMINAL AND SUMMARY PROCEEDINGS.

General Provisions as to Preliminary Proceedings.

- 31. Separation of children and young persons from adults in police stations, courts, &c. p. 66.
- 32. Bail, or detention in remand home, of children and young persons arrested. p. 67.
- 33. Remand or committal to custody in remand homes. p. 67.
- 34. Attendance at court of parent of child or young person charged with an offence, &c. p. 68.
- 35. Notice to local authority of charges against and applications relating to children and young persons. p. 69.

General Provisions as to Proceedings in Court.

- 36. Prohibition against children being present in court during the trial of other persons. p. 70.
- 37. Power to clear court while child or young person is giving evidence in certain cases. p. 71.
- 38. Evidence of child of tender years. p. 71.
- 39. Power to prohibit publication in newspapers of name, address, picture, &c. of juvenile concerned in proceedings. p. 71.

*Special Procedure with regard to Offences specified
First Schedule.*

- 40. Warrant to search for or remove child or young person. p. 72.
- 41. Power to proceed with case in absence of child or young person. p. 73.
- 42. Extension of power to take deposition of child or young person. p. 73.
- 43. Admission of deposition of child or young person in evidence. p. 74.

*Principles to be observed by all Courts in dealing with Children
or Young Persons.*

- 44. General considerations. p. 74.

Juvenile Courts.

- 45. Constitution of juvenile courts. p. 75.
- 46. Assignment of certain matters to juvenile courts. p. 75.
- 47. Procedure in juvenile courts. p. 76.
- 48. Miscellaneous provisions as to powers of juvenile courts. p. 77.
- 49. Restrictions on newspaper reports of proceedings in juvenile courts. p. 78.

CHILDREN AND YOUNG PERSONS ACT—continued.

Juvenile Offenders.

- § 50. Age of criminal responsibility. p. 79.
- 51. Removal of disqualifications attaching to felony. p. 79.
- 52. Restrictions on punishment. p. 79.
- 53. Punishment of certain grave crimes. p. 79.
- 54. Substitution of custody in remand home for imprisonment. p. 80.
- 55. Power to order parent to pay fine, &c., instead of child or young person. p. 80.
- 56. Power of other courts to remit juvenile offenders to juvenile courts. p. 81.
- 57. Power to send juvenile offenders to approved schools or to commit them to fit persons. p. 82.
- 58. Power of Secretary of State to send certain juvenile offenders to approved schools. p. 82.
- 59. Miscellaneous provisions as to summary proceedings against juvenile offenders. p. 83.
- 60. Amendments of certain enactments relating to criminal proceedings and courts of summary jurisdiction. pp. 83, 129.

Children and Young Persons in need of Care or Protection.

- 61. Definition of "in need of care or protection." p. 83.
- 62. Powers of juvenile courts in respect of children and young persons in need of care or protection. p. 84.
- 63. Powers of other courts as to the same. p. 85.

Refractory Children and Young Persons.

- 64. Power of parent or guardian to bring child or young person before juvenile court. p. 86.
- 65. Power of poor law authority to bring child or young person before juvenile court. p. 86.

Supplemental.

- 66. Supervision by probation officers or other persons. p. 86.
- 67. Removal or remand of child or young person to place of safety. p. 87.
- 68. Regard to be had to religious persuasion of person sent to approved school. p. 88.
- 69. Coming into force of approved school orders. p. 88.
- 70. Contents of approved school orders. p. 89.
- 71. Duration of approved school orders. p. 91.
- 72. Conveyance of children or young persons to approved school. p. 92.
- 73. Extension of period of detention in approved schools. p. 93.
- 74. Supervision and recall after expiration of order. p. 93.
- 75. Making, duration, and effect, of orders of committal to fit persons. p. 94.
- 76. Committal to local and other authorities as "fit persons." p. 95.

**PART IV.—REMAND HOMES, APPROVED SCHOOLS, AND PERSONS
TO WHOSE CARE CHILDREN AND YOUNG PERSONS
MAY BE COMMITTED.**

Remand Homes.

- 77. Provision of remand homes by councils of counties and county boroughs. p. 95.
- 78. Custody of children and young persons in remand homes. p. 96.

Approved Schools.

- 79. Approval of schools. p. 96.
- 80. Provision of approved schools by local authorities. p. 97.
- 81. Classification, administration, and management. p. 98.
- 82. Escapes from approved schools, &c. p. 99.
- 83. Power to send children and young persons from Scotland, Northern Ireland, Isle of Man and Channel Islands to approved schools in England. p. 100.

CHILDREN AND YOUNG PERSONS ACT—*continued.*

Fit Persons.

- § 84. General provisions as to children and young persons committed to the care of fit persons. p. 102.
85. Escapes from care of fit persons. p. 103.

Contributions towards Expenses.

86. Contributions by parents, &c., of juveniles committed to care of fit persons or to approved schools. p. 104.
87. Enforcement of duty of parent, &c., to make contributions. p. 105.
88. Affiliation orders. p. 107.
89. Miscellaneous provisions as to contribution orders. p. 109.
90. Contributions by local authorities in respect of persons sent to approved schools. p. 110.
91. Variation of trusts for maintenance of child or young person. p. 112.

PART V.—HOMES SUPPORTED BY VOLUNTARY CONTRIBUTIONS.

92. Definition of voluntary homes. p. 112.
93. Notification of particulars with respect to voluntary homes. p. 112.
94. Inspection of voluntary homes. p. 113.
95. Control over voluntary homes. p. 113.

PART VI.—SUPPLEMENTAL.

Local Authorities.

96. Local authorities specified: expenses, land dealings, borrowing, &c. p. 115. *See* p. 983 for partial repeal.
97. Special provision as to City of London. p. 117.
98. Institution of proceedings by local or poor law authorities. p. 118. *See* p. 983 for partial repeal.

Supplementary Provisions as to Legal Proceedings.

99. Presumption and determination of age. p. 118.
100. Evidence of wages of defendant. p. 119.
101. Application of Summary Jurisdiction Acts. p. 119.
102. Appeals to quarter sessions. p. 120.

Supplementary Provisions as to Secretary of State.

103. Power of Secretary of State to appoint inspectors. p. 121.
104. Exchequer grants and expenses of Secretary of State. p. 121.

General.

105. Variation of Orders in Council. p. 122.
106. Documents, &c. (authentication, proof by copy, service by post, &c.). p. 122.
107. Interpretation. p. 123.
108. Transitory provisions. pp. 125, 137.
109. Short title, commencement, extent and repeals. p. 126.

SCHEDULES :

- I. Offences against children and young persons, with respect to which special provisions of this Act apply. p. 127.
II. Constitution of Juvenile Courts. p. 127.
III. Amendments of certain enactments relating to criminal proceedings and courts of summary jurisdiction. p. 129.
IV. Administration of approved schools and treatment of persons therein. p. 133.
V. Transitory provisions. p. 137.
VI. Enactments repealed. p. 141.

CHURCH ASSEMBLY MEASURES. *See* BENEFICES (PURCHASE OF RIGHTS OF PATRONAGE): BENEFICES (SEQUESTRATIONS): PARISH OF MANCHESTER REVENUES: WYTHENSHAW PARISHES (TRANSFER).

CHURCH OF SCOTLAND (PROPERTY AND ENDOWMENTS) AMENDMENT ACT: to amend the Church of Scotland (Property and Endowments) Act, 1925, to make further provision with regard to the properties and endowments of the Church of Scotland, and for purposes connected therewith. Ch. 44. p. 673.

- § 1. Amendment of s. 34 (1) (g) of 1925 Act (holding or disposal of statutory properties and endowments of parish transferred to General Trustees). p. 673.
2. Transfer of churchyards attached to parishes quoad sacra, and parliamentary churches. p. 673.
3. Non-statutory properties and endowments of quoad sacra parishes. p. 674.
4. Chapels of ease and mission churches (power of trustees, &c. to dispose of). p. 675.
5. Parliamentary churches and manses, &c. p. 676.
6. Power to dispose of certain churches and manses erected under the Act of 1844. p. 676.
7. Suppression or union of parishes. p. 676.
8. Application of properties and endowments on suppression or union of quoad sacra parishes. p. 677.
9. Rights of superiors and others. p. 680.
10. Vesting of stipends of ministers of burgh churches, &c. p. 681.
11. Vesting of glebe, feu-duties, &c. p. 681.
12. General Assembly may specify parish church. p. 682.
13. Notarial execution by minister of wills, &c. p. 683.
14. Appointment of interim chairman or vice-chairman of General Trustees during a vacancy. p. 683.
15. Amendment of 1925 Act as to parliamentary churches. p. 683.
16. Mortifications and endowments in certain parishes quoad omnia. p. 684.
17. Amendment of s. 44 of 1925 Act (preservation of heritors' records). p. 684.
18. Interpretation. p. 684.
19. Citation. p. 685.

CHURCHWARDENS, ENGLAND. Transfer of powers, &c. See LOCAL GOVERNMENT ACT (Part XV).

CINEMATOGRAPH ENTERTAINMENT. Safety of children (E.) (c. 12, s. 12 (1) (3) (5)). p. 49.

CLERK OF THE PEACE, ENGLAND. See LOCAL GOVERNMENT ACT (s. 242):
QUARTER SESSIONS, ENGLAND: SUMMARY JURISDICTION (APPEALS) ACT.

COCOA, COFFEE, &C. See ISLE OF MAN (CUSTOMS) ACT.

COLONY, PROTECTORATE, &C. Arrangements as to—

Colonial solicitors' admission in Scotland (c. 21, s. 7) p. 400.

Grand jury of London and Middlesex and indictment of governor of plantation (c. 36, s. 1 (4), sch. 1). pp. 579, 586.

Imperial preference (c. 19, s. 15, sch. 5, para. 2 (e)) (and see ISLE OF MAN (CUSTOMS) ACT). pp. 353, 378.

Ottawa Agreements Act amendments. See OTTAWA AGREEMENTS ACT.

Proof of documents (c. 4, s. 1 (1) (2) (4)). p. 8.

Reciprocal enforcement of judgments (c. 13, s. 7). p. 150.

Visiting Forces (British Commonwealth) Act, application (c. 6, s. 5). p. 27.

COMMON, ENGLAND. See LOCAL GOVERNMENT ACT (Part VII).

COMPANY :

Director, &c., liable where offence committed by body corporate.
See CORPORATION.

Income tax on mutual profits (c. 19, s. 31). p. 361.

Income tax relief for management expenses (c. 19, s. 33). p. 366.

Member of local authority and interest in company (E₁) (c. 51,
s. 76 (2) (4)). p. 751.

Road and Rail Traffic Act provisions (c. 53, ss. 5 (2) (c), 12).
pp. 996, 1003.

See also ASSURANCE COMPANIES (WINDING UP): STAMP DUTY.

COMPTROLLER AND AUDITOR GENERAL. Post Office Fund accounts
(c. 19, s. 39 (8)). p. 371.

CONSOLIDATED FUND. Charge on for—

Annual Appropriation Act. *See* APPROPRIATION ACT.

Austrian loan guarantee (c. 5, s. 1 (2) (3)). p. 11.

Exchange Equalisation Account (increase) (c. 18). p. 341.

National debt arrangements for deficit (no issue from Fund for
1932-3) (c. 19, s. 36). p. 368.

See also CONSOLIDATED FUND ACTS.

CONSOLIDATED FUND ACTS :

No. 1 : to apply a sum out of the Consolidated Fund to the service
of the year ending March 31, 1933. Ch. 1. p. 1.

No. 2 : to apply certain sums out of the Consolidated Fund to the
service of the years ending on March 31, 1932, 1933 and 1934. Ch. 3.
p. 6.

CONSOLIDATION ACTS. *See* CHILDREN AND YOUNG PERSONS ACT :
FALSE OATHS (SCOTLAND) : LOCAL GOVERNMENT ACT : SOLICITORS
(SCOTLAND) ACT.

CONSTABLE :

Powers of, under Children and Young Persons Act (c. 12) (E.)—

bringing child before juvenile court if in need of care and protection
(s. 62 (2)). p. 85.

entry of children's entertainment to inspect safety conditions
(s. 12 (4)). p. 50.

entry of premises where Part II (employment) contravened (s. 28).
p. 64.

juvenile smokers (s. 7 (3)). p. 47.

search warrant (s. 40). p. 72.

* taking into custody person committing offence specified in first
schedule (s. 13). p. 51.

vagrant not educating child (s. 10 (2)). p. 49.

See also POLICE.

CONSUL, BRITISH :

Proof of entries in registers (c. 4, s. 2). p. 10.

Report as to juvenile employment abroad (c. 12, ss. 25 (4) (a),
26 (4), 30). pp. 61, 63, 66.

CONSUMERS :

Consideration of interests of, under—

Agricultural Marketing Act (c. 31, s. 18 (2) (3), sch. 1, Part II,
para. 3). pp. 492, 504.

Sea-Fishing Industry Act (c. 45, s. 1 (6)). p. 686.

CONTRACT :

Agricultural Marketing Act schemes (effect on contracts) (c. 31, s. 17, sch. 3). pp. 490, 507.

Local authorities' contracts (E.). See LOCAL GOVERNMENT ACT (Part XV).

Local authorities' officers' interest. See LOCAL GOVERNMENT ACT (Part IV).

London Passenger Transport Board and Associated Equipment Co. (c. 14, s. 6). p. 167.

London Passenger Transport Board existing contracts (c. 14, s. 85). p. 265.

Russian Goods (Import Prohibition) Act proclamation, effect of (c. 10, s. 3). p. 36.

Solicitors' agreements to share fees (S.) (c. 21, s. 41; c. 41, s. 37). pp. 416, 660.

CONTRIBUTORY PENSIONS. Adaptation of 1925 Act. See METROPOLITAN POLICE ACT.

CO-OPERATIVE SOCIETIES. Income tax arrangements. See FINANCE ACT (Part II).

COPPER. Isle of Man (Customs) Act provisions (c. 40, s. 10 (5), sch. 3, Part IV). pp. 625, 634.

CORONER, ENGLAND :

Disqualification (membership of local authority) (c. 51, s. 59 (4)). p. 740.

Local Government Act area order (c. 51, s. 148 (1) (d)). p. 796.

CORPORATION :

Agricultural Marketing Act development board (c. 31, sch. 2, para. 1). p. 504.

Council of county, district, parish, &c. (E.) (c. 51, ss. 2 (2), 31 (2), 32 (2), 47 (3), 48 (2)). pp. 708, 722, 732, 733.

London Passenger Transport Board (c. 14, s. 2 (1)). p. 157.

Municipal (E.). See LOCAL GOVERNMENT ACT (Parts I, VI, &c.).

Name of local authority (E.) need not be proved (c. 51, s. 278) p. 869.

Offence by body corporate (liability of director, &c.) under—

Agricultural Marketing Acts (c. 31, s. 25). p. 496.

Sea-Fishing Industry Act (c. 45, s. 7). p. 694.

Retail sale of drugs by (authorised seller of poisons) (c. 25, ss. 9, 11). pp. 436, 440.

COSTS :

Abandoned appeal to quarter sessions (E.) (c. 38, s. 4 (2) (b) (3)). p. 601.

In Crown proceedings. See CROWN.

Legal aid (appeals to quarter sessions) (E.) (c. 38, s. 2 (5) (6) (8)). pp. 598, 599.

Payable by juvenile (not to exceed fine) (E.) (c. 12, s. 59 (2)). p. 83.

Private legislation procedure (S.) (inquiry before Commissioners). (c. 37, s. 4). p. 593.

Prosecutor to pay, order for (E.) (c. 36, s. 2 (8), sch. 2, para. 3). pp. 581, 587.

Quarter sessions and award of costs on appeals (E.) (c. 38, ss. 1, (new s. 31 (1) (vii)), 5, 7 (4)). pp. 596, 601, 604.

Solicitors (Scotland) Act provisions (c. 21, ss. 42-3). p. 416.
And see BENEFICES (PURCHASE OF RIGHTS OF PATRONAGE).

COTTON GOODS. See FINANCE ACT (s. 18).

COTTON INDUSTRY ACT: to amend and prolong the duration of the
Cotton Industry Act, 1923. Ch. 30. p. 473.

COUNTY BOROUGH, ENGLAND. See LOCAL AUTHORITIES: LOCAL
GOVERNMENT ACT.

COUNTY COUNCIL. See LOCAL AUTHORITIES: LOCAL GOVERNMENT
ACT.

COUNTY COURT, ENGLAND:

Crown proceedings in county court: removal into High Court or
remittal to county court (c. 36, s. 4 (2) (3)). p. 582.

Judge, officer, &c., procedure as by way of mandamus to compel
performance of duties by (c. 36, s. 5 (d)). p. 583.

Local Government Act jurisdiction (transfer of stock and inspection
of ballot papers) (c. 51, s. 275, sch. 2, Part III, para. 41).
pp. 868, 913.

Rent and Mortgage Interest Restrictions (Amendment) Act provi-
sions (c. 32, ss. 2 (5), 3-8, 13, sch. 1). pp. 514, 515, 521, 526.

COURT:

Children Act provisions (E.)—

exclusion of children, clearing of court, &c. (c. 12, ss. 36-7). p. 70.

juvenile courts. See CHILDREN AND YOUNG PERSONS ACT
(Part III).

restricted publication of proceedings (c. 12, s. 39). p. 71.

Criminal appeal. See CRIMINAL LAW AND PROCEDURE.

Judge ordering prosecution for perjury (E.) (c. 36, s. 2 (2) (b) (4)).
p. 580.

London Passenger Transport Arbitration Tribunal as a court of
record (c. 14, s. 12 (5)). p. 176.

Sea-Fishing Industry Act jurisdiction (nets) (c. 45, s. 3 (5)). p. 690.

See also COUNTY COURT, ENGLAND: JUSTICE OF THE PEACE,
ENGLAND: QUARTER SESSIONS, ENGLAND: SESSION,
COURT OF, SCOTLAND: SHERIFF COURT, SCOTLAND:
SUPREME COURT, ENGLAND.

CRABS AND LOBSTERS. As sea-fish under Act as to SEA-FISHING
INDUSTRY (*q.v.*) (c. 45, ss. 4 (4), 9 (1)). p. 691, 695.

CRIMINAL LAW AND PROCEDURE, ENGLAND:

Age of criminal responsibility (see also DEATH SENTENCE: PUNISH-
MENT) (c. 12, s. 50). p. 79.

Appeal to Court of Criminal Appeal by parent or guardian fined for
juvenile offender (c. 12, s. 55 (5)). p. 81.

Children Act, 1908 (Part I) or 1933 Act (proceedings by local
authorities) (c. 12, s. 98). p. 118.

Children and Young Persons Act schedule 1 offences—

list of (c. 12, s. 108 (6); sch. 1). pp. 126, 127.

charging of, time-limit, &c. (c. 12, s. 14). p. 51.

special provisions as to such offences (taking offender into custody,
evidence of spouse, search warrant, depositions, &c.) (c. 12,
ss. 13-5, 40-3, 61, 63, 67, 99 (2) (3), 108 (6)).
pp. 51, 72, 83, 85, 87, 119, 126.

undesirable surroundings (protection of juveniles) (c. 12,
ss. 61 (1) (b), 67). pp. 83, 87.

CRIMINAL LAW AND PROCEDURE, ENGLAND—*continued*.

- Conviction under s. 1 of Children and Young Persons Act where person charged with infanticide or manslaughter of juvenile (c. 12, s. 1 (4)). p. 43.
- Conviction under s. 3 of Children and Young Persons Act where person charged under s. 6 of Criminal Law Amendment Act (c. 12, s. 3 (2)). p. 45.
- Criminal Appeal, Court of, parent's or guardian's appeal to (c. 12, s. 55 (5) (b)). p. 81.
- Director's liability where offence committed by body corporate. *See* CORPORATION.
- Dog licences (disqualification for cruelty) (c. 17). p. 339.
- Grand jury (abolition save as specified) (c. 36, s. 1, sch. 1). pp. 578, 586.
- Indictment—
- form of commencement of (amendment) (c. 36, s. 2 (8), sch. 2 para. 4). pp. 581, 587.
- juvenile's age, &c. (c. 12, s. 99 (2) (3)). p. 119.
- preferring of; effect of abolition of grand jury (c. 36, ss. 1 (1), 2, sch. 2). pp. 578, 579, 586.
- Legal aid for appeal to quarter sessions. *See* SUMMARY JURISDICTION (APPEALS) ACT.
- Rent Restrictions Acts (proceedings by local authorities) (c. 32, s. 11). p. 520.
- Sale of poisons (liability for employee) (c. 25, s. 24 (2)). p. 453.
- Sea-Fishing Industry Act enforcement (nets) (c. 45, s. 3 (5)). p. 690.
- Slaughter of Animals Act offences and penalties. *See* SLAUGHTER OF ANIMALS.
- See also* QUARTER SESSIONS, ENGLAND : SUMMARY JURISDICTION AND PROCEEDINGS : SUMMARY JURISDICTION (APPEALS) ACT : VEXATIOUS INDICTMENTS ACT, 1859.
- CRIMINAL PROCEDURE, SCOTLAND. *See* ADMINISTRATION OF JUSTICE (SCOTLAND) ACT (Part II).
- CROWN :
- Costs in civil proceedings or arbitration where Crown is party (E.) (c. 36, s. 7). p. 584.
- Costs on Crown debt recovery (E.) (c. 36, s. 4 (4)). p. 582.
- Crown debt recovery: county court proceedings, &c. (c. 36, s. 4). p. 582.
- Ecclesiastical patronage. *See* BENEFICES (PURCHASE OF RIGHTS OF PATRONAGE) (s. 9).
- His Majesty in His private capacity, saving for, under Administration of Justice (Miscellaneous Provisions) Act (c. 36, s. 9). p. 585.
- Local Government Act (charters, savings, &c.). *See* LOCAL GOVERNMENT ACT (Parts VI, XV).
- CROWN OFFICE. Fees of clerk of peace (local authorities' costs) (c. 51, s. 242). p. 852.
- CRUELTY :
- To captive wild birds. *See* PROTECTION OF BIRDS.
- To children, &c. *See* CHILDREN AND YOUNG PERSONS ACT (Part I).
- To dogs. *See* PROTECTION OF ANIMALS (CRUELTY TO DOGS).
- To various animals in process of slaughtering. *See* SLAUGHTER OF ANIMALS.

CURATOR, SCOTLAND. Minor's petition to choose. *See* ADMINISTRATION OF JUSTICE (SCOTLAND) ACT (Part I).

CUSTOMS AND EXCISE :

- Ad valorem duties valuation (c. 19, s. 12). p. 351.
Ad valorem duties, specific duties substituted for (c. 19, s. 16). p. 354.
Finance Act provisions (beer, matches, mechanical lighters, hydro-carbon oils, silk, &c.) (Part I of FINANCE ACT (*q.v.*)). p. 342.
Russian goods (import prohibition) provisions (c. 10). p. 34.
Sea-fish (landing restrictions) (c. 45, s. 2 (2)). p. 687.
See also ISLE OF MAN (CUSTOMS) ACT.

CUSTOS ROTULORUM. Local Government Act provisions (c. 51, ss. 148 (1) (*d*), 279 (1)). pp. 796, 870.

D.

DEATH DUTIES :

- Reduced rate of interest (c. 19, s. 43). p. 372.
Summary determination by High Court of liability (E.) (c. 36, s. 3). p. 581.

DEATH SENTENCE. None on persons under 18 (E.) (c. 12, s. 53 (1)). p. 79.

DECONTROL OF HOUSES. *See* RENT AND MORTGAGE INTEREST RESTRICTIONS (AMENDMENT) ACT.

DENTIST. Pharmacy and Poisons Act provisions (c. 25, ss. 19 (1), 20 (3), 23 (1) (*b*) (ii), 25 (10)). pp. 447, 448, 451, 456.

DISCIPLINARY COMMITTEE :

- Solicitors in England, complaints against (c. 24, s. 2). p. 427.
Solicitors in Scotland. *See* SOLICITORS (SCOTLAND) ACT (Part V).
And see PHARMACY AND POISONS (Part I of 1933 Act).

DISQUALIFICATION :

- Dog-owners. *See* PROTECTION OF ANIMALS (CRUELTY TO DOGS).
False statement in Scotland (saving) (c. 20, s. 6 (2)). p. 392.
Local authorities (E.). *See* LOCAL GOVERNMENT ACT (Parts II, III).
London Passenger Transport Board membership (c. 14, ss. 1 (3) (5), 4 (4) (5)). pp. 156, 159.
Pharmacist (effect of conviction or misconduct) (c. 25, ss. 7, 9 (3) (4), 10 (5)). pp. 435, 437, 439.
Poisons, seller of (local authority's list) (effect of conviction) (c. 25, s. 21 (5)). p. 450.
Solicitor in Scotland (effect of conviction for fraud, &c.) (c. 21, s. 26 (2)). p. 409.

DISTRICT AUDITOR. *See* AUDIT : LOCAL GOVERNMENT ACT (Part X) : MUNICIPAL CORPORATIONS (AUDIT).

DISTRICT COUNCIL. *See* LOCAL AUTHORITIES : LOCAL GOVERNMENT ACT (Part I, &c.).

DOCKS. *See* HARBOUR, DOCK, &c.

DOGS. *See* ANIMALS : PROTECTION OF ANIMALS (CRUELTY TO DOGS).

DOMINIONS, SELF-GOVERNING :

Arrangements as to—

- Imperial preference (c. 19, s. 15, sch. 5, para. 2) (*see also* ISLE OF MAN (CUSTOMS) ACT). pp. 353, 378.
Ottawa Agreements Act amendments. *See* OTTAWA AGREEMENTS ACT.
Proof of documents (c. 4, s. 1 (1) (2) (4)). p. 8.
Reciprocal enforcement of judgments (c. 13, s. 7). p. 150.
Visiting forces. *See* VISITING FORCES (BRITISH COMMONWEALTH).

DRUGS.:

- Dangerous Drugs Act amended (c. 25, s. 28). p. 457.
Pharmacists, sale of poisons, &c. *See* PHARMACY AND POISONS.

DRUNKENNESS :

- Overlaying infant in bed (E.) (c. 12, s. 1 (2) (b)). p. 43.
Preferring charge of being habitual drunkard (inclusion in bill of indictment) (E.) (c. 36, s. 2 (2) (ii)). p. 580.

- DURHAM. Court of Chancery (reciprocal enforcement of judgments) (*see* FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT)) (c. 13, s. 11 (1)). p. 153.

E.

ECCLESIASTICAL COMMISSIONERS, ENGLAND. *See* BENEFICES (PURCHASE OF RIGHTS OF PATRONAGE) (Schedule 2) : BENEFICES (SEQUESTRATIONS) : GLEBE LAND : PARISH OF MANCHESTER REVENUES : SUPERANNUATION (ECCLESIASTICAL COMMISSIONERS, &c.) ACT : WYTHENSHAW PARISHES (TRANSFER).

EDINBURGH :

- Sheriff of Chancery (merger of office on vacancy) (c. 41, s. 31 (1)). p. 657.
Solicitors in (c. 21, s. 46). p. 417.

EDUCATION :

- Approved schools. *See* CHILDREN AND YOUNG PERSONS ACT (Part IV).
Board of Education's powers—
certificates of school attendance (c. 12, s. 10 (4)). p. 49.
land for local authority (c. 51, s. 158 (3)). p. 803.
new boroughs (c. 51, s. 133 (1)). p. 785.
school in foreign country, approval of (teachers' service for superannuation) (c. 22, s. 1). p. 424.
Court dealing with juvenile to have regard to juvenile's education (E.) (c. 12, s. 44 (1)). p. 74.
Development scheme, under Agricultural Marketing Act (promotion of education and research) (c. 31, s. 6 (4) (d)). p. 483.
Elementary education authorities and Children and Young Persons Act (E.) (c. 12, ss. 96, 104 (1) (b)). pp. 115, 121.
Juvenile court powers as to school attendance orders (E.) (c. 12, s. 46 (3)). p. 76.
Necessity of schools (E.) (c. 29). p. 471.
Poisons required for education and research (c. 25, s. 20 (5) (c)). p. 449.
Savings under Part II of Children and Young Persons Act (E.) (c. 12, s. 29 (2) (3)). p. 65.

EDUCATION—continued.

Schoolrooms, use of for local government elections, parish meetings, &c. *See* LOCAL GOVERNMENT ACT (Parts II and V and sch. 2 Part III).

Teachers and membership of local authority, education committee, &c. (E.) (c. 51, ss. 59 (1) (5), 94). pp. 738, 740, 761.

Teachers' superannuation (service outside H.M. dominions) (c. 22). p. 424.

Vagrant preventing child's education (E.) (c. 12, ss. 10, 61 (1) (c)). pp. 48, 84.

EDUCATION (NECESSITY OF SCHOOLS) ACT: to amend s. 19 (1) of the Education Act, 1921, and for purposes consequential on such amendment (E.). Ch. 29. p. 471.

EGGS. *See* AGRICULTURAL MARKETING (Part IV).

ELECTIONS. *See* BLIND VOTERS: LOCAL GOVERNMENT ACT (Parts I and II).

ELECTRICITY:

Arrangements where tramways supplied by local authorities, &c. *See* LONDON PASSENGER TRANSPORT (Part II).

Compensation for deprivation of employment. *See* ELECTRICITY (SUPPLY) ACT.

Local Government Act order (areas) c. 51, ss. 148 (1), 149 (2)). pp. 796, 798.

Private Legislation (S.) Act saving for provisional orders, &c., of Electricity Commissioners (c. 37, s. 6). p. 594.

Railway traction. *See* ROAD AND RAIL TRAFFIC ACT (Part II).

ELECTRICITY (SUPPLY) ACT: to amend s. 16 of the Electricity (Supply) Act, 1919, and s. 21 of the Electricity (Supply) Act, 1922. Ch. 46. p. 696.

EMIGRATION. Of juveniles (c. 12, s. 84 (5), sch. 4, para. 7). pp. 102, 134.

EMPLOYMENT. *See* LABOUR AND EMPLOYMENT.

ENTERTAINMENTS:

Children at (safety) (E.) (c. 12, s. 12). p. 49.

Children performing at (E.) (c. 12, s. 22, &c.). p. 57.

ESCAPE:

From approved school (E.) (c. 12, s. 82). p. 99.

„ care of fit person (E.) (juveniles) (c. 12, s. 85). p. 103.

„ remand home (juveniles) (E.) (c. 12, s. 78 (4)). p. 96.

EVIDENCE:

Admissions, copies, &c., in trial on indictment in Scotland (c. 41, s. 20). p. 652.

Byelaws of local authorities (E.) (c. 51, s. 252). p. 859.

Children and Young Persons Act (c. 12) provisions (E.)—

child of tender years (s. 38). p. 71.

deposition of juvenile (admission, &c.) (ss. 42-3). p. 73.

documents under Act (s. 106). p. 122.

insurance of child (s. 1 (6) (b)). p. 44.

local authorities' byelaws as to juvenile employment (s. 27 (3)). p. 64.

local authorities' claim under contribution order for juvenile in approved school, &c. (s. 89 (3)). p. 109.

wages paid to juvenile (s. 100). p. 119.

EVIDENCE—continued.

Court of Session arrangements (Administration of Justice (S.) Act)—
affidavits in lieu of parole evidence (c. 41, s. 16 (e)). p. 648.

petitions as to evidence on commission, &c. (c. 41, s. 6 (3) (f)). p. 643.

Criminal jury trials in Scotland (admissions and copies) (c. 41, s. 20).
p. 652.

District auditor's certificate (c. 51, s. 233 (2)). p. 846.

Dominion, colonial or foreign documents. *See* EVIDENCE (FOREIGN
DOMINION AND COLONIAL DOCUMENTS) ACT.

Fatal Accidents Inquiry (S.) Act, 1895, &c. (writing out) (c. 41, s. 38).
p. 660.

Housing authority's certificate of suitable alternative accommodation
&c. (c. 32, ss. 3 (2) (4) (5), 15, 16 (1)). pp. 515, 516, 522, 524.

Husband or wife of accused person (offences in schedule 1 of Children
and Young Persons Act) (E.) (c. 12, s. 15, sch. 1). pp. 52, 127.

London Passenger Transport Act (c. 14) provisions—

appointing trustees' minutes (sch. 1, paras. 5, 6). p. 301.

documents of London Passenger Transport Board (c. 14, s. 2 (5)).
p. 157.

London Passenger Transport Area (map) (s. 104). p. 296.

Quarter sessions decision (E.) (c. 38, s. 1 (new s. 31 (1) (ix))). p. 596.

Registered pharmacists' premises (evidence of registration) (c. 25,
s. 12 (7)). p. 442.

Road and Rail Traffic Act regulations (c. 53, s. 26 (3)). p. 1015.

Sale of poisons offence—

date of knowledge of Secretary of State (c. 25, s. 24 (3)). p. 453.

public analyst's certificate, &c. (c. 25, s. 24 (5)). p. 454.

Service of Process (Justices) Act (E.) (c. 42) provisions—

evidence of defendant's knowledge of summons (ss. 1 (1), 3 (2)).
pp. 665, 668.

proof by certificate (proceedings before, or appeals from, justices)
(s. 2). p. 667.

Solicitors (Scotland) Act provisions—

Discipline Committee's proceedings (c. 21, ss. 29, 33).
pp. 412, 413.

General Council of Solicitors of Scotland's rules, regulations, &c.
(c. 21, s. 6). p. 399.

Tribunals of Inquiry (Evidence) Act, 1921, application to Sea-fish
Commission's inquiry (c. 45, s. 5 (5)). p. 692.

Visiting Forces (British Commonwealth) Act provisions (c. 6, ss. 1 (3),
3 (4)). pp. 21, 25.

See also FALSE OATHS (SCOTLAND) : PERJURY : WITNESS.

EVIDENCE (FOREIGN, DOMINION AND COLONIAL DOCUMENTS) ACT :
to make further and better provision as to admitting in evidence in
the United Kingdom entries contained in the public registers of other
countries and with respect to the proof by means of duly authenticated
official certificates of entries in such registers and in consular registers
and other matters. Ch. 4. p. 8.

EXCESS PROFITS DUTY. Reduced rate of interest (c. 19, s. 44).
p. 373.

EXCHANGE EQUALISATION ACCOUNT : an Act to increase to £350,000,000
the aggregate amount which may be issued to the Exchange Equalisa-
tion Account out of the Consolidated Fund. Ch. 18. p. 341.

EXECUTORS. Conduct of registered pharmacist's business by (c. 25,
s. 10). p. 438.

EXPIRING LAWS CONTINUANCE :

1932 Act, to continue certain expiring laws. Ch. 2. (*See also* c. 14,
sch. 16, and c. 32, sch. 3). p. 2.

1933 Act, to continue certain expiring laws. Ch. 48. p. 699.

And see UNEMPLOYMENT INSURANCE (EXPIRING ENACTMENTS)
ACT.

EXTRACT (SCOTLAND). *See* ADMINISTRATION OF JUSTICE (SCOTLAND)
ACT (Part I, and, as to Principal Extractor, s. 25).

F.

FALSE OATHS (SCOTLAND) : an Act to consolidate and simplify the law
of Scotland relating to false oaths, declarations and statements.
(S.) Ch. 20. p. 390.

§ 1. False statements on oath. p. 391.

2. False statutory declarations and other false statements without
oath. p. 391.

3. False declarations, &c. to obtain registration &c. for carrying on
vocation. p. 391.

4. Aiders, abettors, suborners, &c. p. 392.

5. Venue. p. 392.

* 6. Savings for common law, corrupt practices law, disqualification, &c.
p. 392.

7. Form of oaths, how far immaterial : affirmation in lieu of oath
deemed of like effect as if on oath. p. 393.

8. Repeals. p. 393.

9. Short title. p. 393.

Schedule (repealed enactments). p. 394.

FALSE STATEMENT :

Agricultural Marketing Act producer (c. 31, s. 11 (3)). p. 487.

Agricultural Marketing Act, return as to stocks of agricultural
products (c. 31, s. 21 (2)). p. 494.

Dwelling-house, sub-letting, &c., under Rent Restriction Acts
(c. 32, ss. 2 (6), 4 (4)). pp. 514, 517.

Sea-Fishing Industry Act declaration (c. 45, s. 2 (5)). p. 688.

Slaughter of Animals Act statement to obtain licence (c. 39, s. 5).
p. 612.

See also FALSE OATHS (SCOTLAND) : FRAUD : PERJURY.

FATAL ACCIDENTS INQUIRY (SCOTLAND). *See* EVIDENCE.

FERRY. Inquiry before acquisition (c. 51, s. 290 (7)). p. 877.

FINANCE ACT : to grant certain duties of Customs and Inland Revenue
(including Excise), to alter other duties, and to amend the law
relating to Customs and Inland Revenue (including Excise) and the
National Debt, and to make further provision in connection with
finance. Ch. 19. p. 341.

PART I.—CUSTOMS AND EXCISE.

§ 1. Reduced duties and drawbacks on certain descriptions of beer.
p. 342.

2. Continuation of duty on hops, &c., and amendment of additional
duty and drawbacks on beer. p. 343.

3. Excise duty on licence to brewer for sale. p. 344.

4. Increased duty on matches. p. 344.

5. Increased duties on mechanical lighters. p. 345.

FINANCE ACT—continued.

- § 6. Amendments as to duty on hydrocarbon oils. p. 345.
- 7. Relief from duty on heavy hydrocarbon oils used as fuel for vessels in home waters. p. 346.
- 8. Increase of excise duty on British sparkling wines. p. 348.
- 9. Power of Treasury to vary silk duties. p. 349.
- 10. Repayment of customs duty where goods returned by importer. p. 351.
- 11. Exemption from customs duties of prizes, &c., awarded abroad. p. 351.
- 12. Valuation of goods for purpose of all ad valorem duties. p. 351.
- 13. Reduction of certain duties under s. 3 of Finance Act, 1925 (musical instruments, gramophones, clocks, films, &c.). pp. 351, 377.
- 14. Power to repeal or reduce duties under Import Duties Act, 1932, in view of commercial agreements. p. 353.
- 15. Amendments as to imperial preference. p. 353.
- 16. Substitution (by Treasury order) of specific duty for general ad valorem duty. p. 354.
- 17. Amendment as to additional duties under Import Duties Act, 1932. p. 356.
- 18. Application to embroidered goods (cotton, wool, hemp, flax or jute) of s. 14 of Import Duties Act, 1932 (reimportation). p. 356.
- 19. Extension of Import Duties Act, 1932 (goods subjected to a process abroad). p. 357.
- 20. Miscellaneous amendments as to goods dutiable under s. 3 of Finance Act, 1925, and under Safeguarding of Industries Act, 1921. p. 358.
- 21. Deduction from duty repaid under s. 3 of Finance Act, 1925. p. 358.
- 22. Sale of spirits in reputed pint bottles. p. 359.
- 23. Removal of certain restrictions on warehousing British compounded spirits. p. 359.
- 24. Amendment as to permits and certificates accompanying spirits (Scotch whisky). p. 359.
- 25. Alteration of duties on licences for certain mechanically propelled vehicles. p. 359.
- 26. Period of licence in case of special mechanically propelled vehicles. p. 360.

PART II.—INCOME TAX.

- 27. Income tax for 1933-34. p. 360.
- 28. Higher rates of income tax for 1932-33 on incomes over £2,000. p. 361.
- 29. Amendment as to payment of tax by instalments. p. 361.
- 30. Continuance of allowance for repairs under s. 28 of Finance Act, 1923. p. 361.
- 31. Charge of tax on mutual profits and repeal of s. 39 (4) of Income Tax Act, 1918. p. 361.
- 32. Payment of loan and share interest of registered societies without deduction of tax. p. 364.
- 33. Power to carry forward expenses in respect of which relief may be given under s. 33 of Income Tax Act, 1918 (expenses of management). p. 366.
- 34. Recovery of sur-tax due from beneficiary under discretionary trust. p. 367.

PART III.—NATIONAL DEBT.

- 35. Provisions as to permanent annual charge for the National Debt for 1933-34. p. 368.
- 36. Deficit for 1932-33 (no issue^a out of Consolidated Fund under s. 48 of Finance Act, 1930). p. 368.
- 37. Transfer to Exchequer of balance of War Loan Depreciation Fund. p. 369.

PART IV.—POST OFFICE FUND.

- 38. Ascertainment of Post Office net surplus. p. 369.
- 39. Establishment and application of Post Office Fund. p. 369.

FINANCE ACT—*continued.*

PART V.—MISCELLANEOUS AND GENERAL.

- § 40. Repayment of advances made to the Road Fund. p. 371.
41. Reduction of stamp duty on statements as to capital of companies,
&c. p. 372.
42. Effect of non-compliance with stamp laws in case of certain bills of
exchange. p. 372.
43. Reduction of rate of interest on death duties. p. 372.
44. Reduction of rate of interest on excess profits duty. p. 373.
45. Date of operation of certain tables for calculating annuities. p. 373.
46. Exercise of powers of Board of Trade under this Act. p. 373.
47. Short title, construction, extent and repeals. p. 373.

SCHEDULES *

- I. Duties and drawbacks on beer (excise and customs). p. 374.
II. Provisions to be substituted for Scale 2 of First Schedule to
the Finance (1909-10) Act, 1910. p. 376.
III. Rates of customs duties on matches. p. 376.
IV. Reduced rate of duty chargeable on certain musical instru-
ments, clocks, &c. p. 377.
V. Provisions for determining for purposes of preferences under
Import Duties Act, 1932, or the Ottawa Agreements Act,
1932, whether goods are grown, produced or manufactured
in a part of the British Empire. p. 377.
VI. Provisions as to re-importation and re-exportation of certain
goods. p. 379.
VII. Amended rates of duty for certain mechanically propelled
vehicles. p. 381.
VIII. Enactments repealed. p. 390.

FIRE :

- Child under 7 exposed to risk of (open grate) (E.) (c. 12, s. 11) (*and*
see CRIMINAL LAW AND PROCEDURE, E., as to offences within
sch. I of Act). p. 49.
Insurance fund against, of London Passenger Transport Board
(c. 14, s. 43). p. 219.

FIREARMS AND IMITATION FIREARMS (CRIMINAL USE): an Act to
impose penalties for the use, attempted use and possession of
firearms and imitation firearms in certain cases, to amend certain
provisions of the Larceny Act, 1916, relating to offensive weapons
or instruments and for purposes connected with the matters afore-
said. Ch. 50 (E.) p. 704.

FISHERIES. *See* SEA-FISHING INDUSTRY : TROUT (SCOTLAND).

FISHERY BOARD FOR SCOTLAND. Officers' powers under Sea-Fishing
Industry Act (c. 45, s. 4 (3)). p. 691.

FLAX. Re-imported and embroidered goods (c. 19, s. 18). p. 356.

FORCES OF THE CROWN. *See* AIR FORCE : ARMY : NAVY : VISITING
FORCES (BRITISH COMMONWEALTH).

FOREIGN COUNTRY (*see also* AUSTRIAN LOAN GUARANTEE) :

Agricultural products importation, &c. *See* AGRICULTURAL
MARKETING ACT.

Arrangements as to proof of documents. *See* EVIDENCE (FOREIGN,
&c., DOCUMENTS) ACT.

Commercial agreements and import duties (c. 19, ss. 13-4). p. 351.

Commercial relations possibly affected by—

- Agricultural Marketing Act Order (c. 31, s. 1 (3)). p. 475.
Sea-Fishing Industry Act Order (c. 45, s. 1 (6)). p. 686.

FOREIGN COUNTRY—continued.

Employment abroad of person under 18 (c. 12, ss. 25, 30). pp. 60, 66.

Foreign-caught sea-fish, landing of. *See* SEA-FISHING INDUSTRY.

Judgments (enforcement). *See* FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT).

Teachers' service abroad (for superannuation) (c. 22). p. 424.

- * **FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT)**: an Act to provide for the enforcement in the United Kingdom of judgments given in foreign countries which accord reciprocal treatment to judgments given in the United Kingdom, for facilitating the enforcement in foreign countries of judgments given in the United Kingdom, and for other purposes in connection with the matters aforesaid. Ch. 13. p. 143.

PART I.—REGISTRATION OF FOREIGN JUDGMENTS.

- § 1. Power to extend Part I of Act to foreign countries giving reciprocal treatment. p. 143.
2. Application for, and effect of, registration of foreign judgment. p. 144.
3. Rules of court. p. 146.
4. Cases in which registered judgments must, or may, be set aside. p. 147.
5. Powers of registering court on application to set aside registration. p. 149.
6. Foreign judgments which can be registered not to be enforceable otherwise. p. 150.
7. Power to apply Part I of Act to British dominions, protectorates and mandated territories. p. 150.

PART II.—MISCELLANEOUS AND GENERAL.

8. General effect of certain foreign judgments. p. 151.
9. Power to make foreign judgments unenforceable in United Kingdom if no reciprocity. p. 151.
10. Issue of certificates of judgments obtained in the United Kingdom. p. 152.
11. Interpretation. p. 152.
12. Application to Scotland. p. 154.
13. Application to Northern Ireland. p. 154.
14. Short title. p. 155.

* **FORGERY :**

Pharmacy Acts certificate (c. 25, s. 2 (3) (4)). p. 432.

Road and Rail Traffic Act licence, plate, &c. (c. 53, s. 34). p. 1025.

FRAUD :

Conviction for, effect on solicitor in Scotland (c. 21, s. 26 (2)).

p. 409.

Jury trial in King's Bench Division (procedure) (c. 36, s. 6 (I)).

p. 583.

Local elections (E.) (nomination and ballot papers, &c.). *See* LOCAL GOVERNMENT ACT (Part II).

Local Government Act inquiry (wilful alteration of books) (c. 51, s. 290 (3)). p. 877.

Polls of local government electors as to Bills (E.) (c. 51, sch. 9, para. 18). p. 940.

Road and Rail Traffic Act licence (c. 53, s. 34). p. 1025.

See also FALSE OATHS (SCOTLAND) : FALSE STATEMENTS : PERJURY.

FRESHWATER FISH (SCOTLAND) ACT, 1902. Close time for trout, &c. (c. 35, ss. 1, 5). p. 577.

G.

GAS :

- Abandonment of London trams (protection of gas undertakers)
(c. 14, s. 93). p. 284.
Local Government Act order (areas) (c. 51, ss. 148 (1), 149 (2)).
pp. 796, 798.

GERMANY. Commercial agreement, reduction of duties in view of
(c. 19, s. 13). p. 351.

GLEBE LAND :

- Compulsory purchase (payment to Ecclesiastical Commissioners)
(c. 51, sch. 6). p. 936.
Vesting of glebe feu-duties (Scotland) (c. 44, s. 11). p. 681.

GOVERNMENT ANNUITIES. *See* SAVINGS BANK ANNUITIES.

GOVERNMENT OF INDIA (AMENDMENT) ACT : to amend the provisions
of the Government of India Act relating to the extension of the
duration of a Governor's Legislative Council. Ch. 23. p. 426.
And see INDIA.

GRAND JURY, ENGLAND. Abolition (save as specified) (c. 36, s. 1,
sch. 1). pp. 578, 586.

GREENWICH HOSPITAL. *See* BENEFICES (PURCHASE OF RIGHTS OF
PATRONAGE) (s. 9).

GUARDIAN, ENGLAND :

- Attendance at court where juvenile charged (c. 12, ss. 34, 107 (1)).
pp. 68, 124.
Ordered to pay fine, &c. for juvenile offender (c. 12, ss. 55, 107 (1)).
pp. 80, 124.
Power to bring refractory juvenile before court (c. 12, ss. 64, 107 (1)).
pp. 86, 124.

H.

HACKNEY CARRIAGES :

- Mechanically propelled vehicles duty (c. 19, s. 25, sch. 7). pp. 359, 381,
Not "goods vehicles" for licensing. *See* ROAD AND RAIL TRAFFIC
ACT (s. 1 (7) (e)).
Restriction on vehicles in certain London streets; regulations, &c.
(c. 14, ss. 62-3). p. 234.

HARBOUR, DOCK, &c. :

- Complaint of agreed railway charge (c. 53, s. 37 (10)). p. 1031.
Local government area scheme (c. 51, s. 133 (1)). p. 785.
Return of local dues, &c. (c. 51, s. 244 (2) (d)). p. 853.

HEALTH, DEPARTMENT OF, FOR SCOTLAND. Housing (Financial
Provisions) (S.) Act (reduction, &c. of subsidy, contributions towards
local authorities' losses, &c.) (c. 16). p. 336.

HEALTH, MINISTER OF :

- Housing (Financial Provisions) Act (end of subsidies under 1924 Act)
(s. 15). p. 334.
Local Government and other Officers' Superannuation (Temporary
Provisions) Act powers (c. 43, ss. 2 (4) (5), 3, 5). pp. 671-2.
London Passenger Transport Act functions (c. 14, ss. 5 (4) (i), 40 (1),
82 (2) (c), 92 (3), sch. 15). pp. 163, 217, 260, 283, 332.

HEALTH, MINISTER OF—continued.

- Municipal Corporations (Audit) Act powers (c. 28, s. 1 (4)). p. 470.
 Poisons Board appointment (c. 25, sch. 2, para. 2). p. 462.
 Rent Restrictions Acts regulations (c. 32, s. 14). p. 521.
 Slaughter of Animals Act resolution (c. 39, s. 2 (3) (c)). p. 610.
See also LOCAL AUTHORITIES: LOCAL GOVERNMENT ACT.

HEMP. Re-imported and embroidered goods. *See FINANCE ACT* (s. 18).

HOME OFFICE:

- Juveniles, juvenile courts, &c. *See CHILDREN AND YOUNG PERSONS ACT.*
 Local Government Act powers (E.). *See LOCAL GOVERNMENT ACT* (Parts I (elections, wards, &c.), XI (returns), XII (byelaw confirmation), XV (returns and inquiries)).
 London Traffic Act Advisory Committee nomination (c. 14, s. 58, sch. 12). pp. 228, 327.
 Metropolitan police. *See METROPOLITAN POLICE ACT.*
 Metropolitan Traffic Area—certain powers of Secretary of State transferred, his consent required, &c. (c. 14, s. 51 (3) (4)). pp. 225, 226.
 Service for pension of constables with fixed period of service (c. 33, s. 4 (2) (iii)). p. 532.
 Summary Jurisdiction (Appeals) Act rules (legal aid to appellant) and orders (c. 38, ss. 2 (7) (8), 7 (6)). pp. 599, 604.
See also SECRETARY OF STATE.

HOPS. Duty, &c. *See FINANCE ACT* (Part I): **ISLE OF MAN (CUSTOMS) ACT.**

HORTICULTURAL PRODUCTS. Emergency duties ended. *See ISLE OF MAN (CUSTOMS) ACT.*

HOSPITALS. Payments for traffic casualties (c. 53, s. 33). p. 1023.

HOUSE OF COMMONS:

- Member not to be member of London Passenger Transport Board (c. 14, s. 1 (3)). p. 156.
 Resolution of. *See PARLIAMENT.*
See also ACT OF PARLIAMENT: BLIND VOTERS: PARLIAMENT.

HOUSE OF LORDS. Restricted appeal under—

- Agricultural Marketing Act (c. 31, s. 9 (3)). p. 485.
 London Passenger Transport Act (c. 14, s. 12 (11)). p. 177.
 Pharmacy and Poisons Act (c. 25, ss. 14 (3) (4), 30 (a)). pp. 443, 459.
 Solicitors (Scotland) Act (c. 21, s. 25). p. 408.
And see ACT OF PARLIAMENT: PARLIAMENT.

HOUSES OF PARLIAMENT. *See ACT OF PARLIAMENT: PARLIAMENT.*

HOUSING:

- Local authorities borrowing for (E.) (c. 51, s. 198, sch. 8). pp. 827, 937.
 Rent restriction and decontrol. *See RENT AND MORTGAGE INTEREST RESTRICTIONS (AMENDMENT) ACT.*
 State of repair (sanitary authority's certificate) (c. 32, ss. 12, 15 (a) (c), 16 (1)). pp. 520, 522, 524.
 Subsidies. *See HOUSING (FINANCIAL PROVISIONS) ACT: HOUSING (FINANCIAL PROVISIONS) (SCOTLAND) ACT.*

HOUSING (FINANCIAL PROVISIONS) ACT : to bring to an end the power of the Minister of Health to grant subsidies under ss. 1 and 3 of the Housing, &c. Act, 1923, and the Housing (Financial Provisions) Act, 1924, and to enable him to undertake to make contributions in certain cases towards losses sustained by authorities under guarantees given by them for facilitating the provision of houses to be let to the working classes. Ch. 15 (E). p. 334.

HOUSING (FINANCIAL PROVISIONS) (SCOTLAND) ACT : to provide for the reduction of the subsidies payable to local authorities in Scotland under s. 2 of the Housing (Financial Provisions) Act, 1924, in certain cases, and in all other respects to bring to an end the power of the Department of Health for Scotland to grant subsidies under ss. 1 and 3 of the Housing, &c. Act, 1923, and the said Act of 1924; to enable the said Department to undertake to make contributions in certain cases towards losses sustained by local authorities under guarantees given by them for facilitating the provision of houses to be let to the working classes; and for purposes connected with or incidental to the foresaid matters. Ch. 16 (S.). p. 436.

HYDROCARBON OILS. See **FINANCE ACT (Part I).**

I.

IMITATION FIREARMS. See **FIREARMS.**

IMPERIAL PREFERENCE (c. 19, s. 15, sch. 5). pp. 353, 377.

And see **ISLE OF MAN (CUSTOMS) ACT** : **OTTAWA AGREEMENTS ACT.**

IMPORTATION. See **AGRICULTURAL MARKETING (s. 2, &c.)** : **CUSTOMS AND EXCISE** : **FINANCE ACT (Part I)** : **ISLE OF MAN (CUSTOMS) ACT.**

INCEST :

In respect of juvenile, an offence within sch. 1 of Children and Young Persons Act (E.) (c. 12, sch. 1). p. 127.

Special provisions as to such offences. See **CRIMINAL LAW AND PROCEDURE, ENGLAND.**

Vexatious Indictments Act and s. 4 (1) of 1908 Act repealed (c. 36, ss. 2 (7), 10, sch. 3). pp. 581, 585, 589.

INCOME TAX :

Annual provisions. See **FINANCE ACT (Part II).**

London Passenger Transport Act arrangements (transferred undertakings) (c. 14, s. 82 (10)-(12)). p. 263.

INDIA :

Air force arrangements (c. 11, s. 4). p. 39.

Governor's Legislative Council, duration of (c. 23). p. 426.

Grand jury of London and Middlesex, bill of indictment under s. 127

of Government of India Act (c. 36, s. 1 (4), sch. 1). pp. 579, 586.

Imperial preference (c. 19, s. 15, sch. 5, para. 2). pp. 353, 378.

Pay cuts. See **INDIAN PAY (TEMPORARY ABATEMENTS) ACT.**

INDIAN PAY (TEMPORARY ABATEMENTS) ACT : to extend the period for abatements under the 1931 Act, subject to a reduction in the percentage. Ch. 7. p. 29.

INDICTMENTS. See ADMINISTRATION OF JUSTICE (MISCELLANEOUS PROVISIONS) ACT: ADMINISTRATION OF JUSTICE (SCOTLAND) ACT (Part II). *And see* CRIMINAL LAW AND PROCEDURE, ENGLAND.

INDUSTRIAL AND PROVIDENT SOCIETIES. Registered societies and income tax (c. 19, ss. 31-2). p. 361.

INFANT. Receipt of money paid on local authority's mortgage (E.) (c. 51, s. 210 (2)). p. 832.

And see CHILDREN AND YOUNG PERSONS ACT.

INFANTICIDE. See CRIMINAL LAW AND PROCEDURE, ENGLAND.

INLAND REVENUE :

Income tax. See FINANCE ACT (Part II).

Local Government Act powers of Commissioners (c. 51, s. 221 (3)). p. 841.

Solicitors' admission in Scotland (issue of certificate) (c. 21, s. 8). p. 400.

And see DEATH DUTIES: EXCESS PROFITS DUTY: STAMP DUTY.

INSURANCE :

Agricultural products (under development scheme) (c. 31, s. 6 (4) (a)). p. 482.

Assurance companies (winding up) (c. 9). p. 31.

London Transport insurance fund (c. 14, s. 43). p. 219.

Motor vehicles (payments to hospitals) (c. 53, s. 33). p. 1023.

Neglect of insured child by beneficiary (c. 12, s. 1 (5) (6)). pp. 43-4.

INTERDICT, SCOTLAND. See ADMINISTRATION OF JUSTICE (SCOTLAND) ACT (Part I).

INTOXICATING LIQUOR :

Penalty on giving to child under 5 (c. 12, s. 5). p. 46.

„ where children allowed in bars of licensed premises (c. 12, s. 6). p. 46.

Rent Restriction Acts and licensed premises (c. 32, ss. 1 (3), 15 (c), sch. 1, para. (e)). pp. 510, 522, 526.

See also DRUNKENNESS.

IRISH FREE STATE. See ISLE OF MAN (CUSTOMS) ACT.

ISLE OF MAN :

Annual customs provisions. See ISLE OF MAN (CUSTOMS) ACT.

Children in approved schools (c. 12, s. 83 (3) (4)). p. 100.

Proof of documents (c. 4, s. 1 (1) (2) (4)). p. 8.

Sea-Fishing Industry Act provisions (c. 45, ss. 1 (1), 3 (8)). pp. 685, 690.

ISLE OF MAN (CUSTOMS) ACT: to amend the law with respect to Customs in the Isle of Man. Ch. 40. p. 616.

§ 1. Increased duty on matches. p. 616.

2. Increased duties on mechanical lighters. p. 617.

3. Amendment and continuation of duty on sweets. p. 617.

4. Continuation of duties on silk with power to vary duties. p. 618.

5. Continuation and reduction of duties on musical instruments, clocks, &c. p. 619.

6. Continuation of certain annual duties (beer, cocoa, hops, spirits, tea, tobacco, &c.). p. 621.

7. Duties on coffee and chicory. p. 622.

ISLE OF MAN (CUSTOMS) ACT—*continued.*

- § 8. Duties on wines. p. 622.
9. Charge of customs duties in pursuance of Ottawa agreements. p. 623.
10. Imperial preference. p. 624.
11. Amendments as to application of s. 8 (Imperial preference) of Finance Act, 1919. p. 626.
12. Power for Governor (by order) to repeal or reduce duties under Part I of Isle of Man (Customs) Act, 1932. p. 627.
13. Substitution of specific duty for the general ad valorem duty. p. 627.
14. Amendments as to additional duties. p. 628.
15. Effect of order ceasing to have effect under s. 19 of Import Duties Act, 1932. p. 629.
16. Repayment of customs duty where goods returned in certain cases. p. 629.
17. Exemption from customs duties of prizes, &c., awarded abroad. p. 629.
18. Valuation of goods for purpose of all ad valorem duties. p. 629.
19. Duties on certain Irish Free State goods (cattle, meat, &c.). p. 630.
20. Repeal of emergency duties on horticultural products. p. 630.
21. Short title, interpretation and repeals. p. 630.

SCHEDULES :

- I. Customs duties on matches. p. 631.
- II. Customs duties on certain musical instruments, clocks, &c. p. 631.
- III. Provisions as to duties imposed in pursuance of Ottawa agreements—
 - Part I.—Duties payable as from November 23, 1932. p. 632.
 - Part II.—Duties payable as from January 27, 1933 (rice, linseed, castor oil, &c.). p. 633.
 - Part III.—Duties payable as from July 12, 1933 (cod liver oil, chilled or frozen salmon). p. 634.
 - Part IV.—Duty payable as from date to be fixed by order (copper). p. 634.
 - Part V.—Miscellaneous provisions as to duties. p. 634.
- IV. Supplementary provisions as to Imperial preference. p. 635.
- V. Duties on certain Irish Free State goods. p. 637.
- VI. Enactments repealed. p. 638.

J.

JEWES. Slaughter of animals (c. 39, ss. 1 (1) (b) (i), 3 (8), sch. 1.)
pp. 609, 612, 614.

JOINT EXCHEQUER BOARD. *See* NORTHERN IRELAND.

JUDGMENTS. *See* FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT).

JURY :

Grand jury, abolition of. *See* GRAND JURY, ENGLAND.

King's Bench Division trials procedure (c. 36, s. 6.) p. 583.

Scottish provisions (Administration of Justice (S.) Act) :—

Court of Session civil trials—

conditions for reviewing verdict of jury (c. 41, s. 16 (c)).
p. 648.

verdict of majority, illness of juror, &c. (c. 41, s. 11). p. 645.

Criminal trials (health or illness of juror, &c.) (c. 41, s. 19). p. 651.

JUSTICE OF THE PEACE, ENGLAND :

Ex officio (chairman of county or district council or mayor) (c. 51, ss. 3 (5), 5 (3), 18 (7)-(10), 20 (3), 33 (5), 34 (2)).

pp. 709, 716, 717, 723.

Procedure as by way of mandamus to compel performance of duties by (c. 36, s. 5 (d)).

p. 583.

Quarter sessions appeal committee (c. 38, ss. 7, 8).

pp. 603, 605.

Service of summons by post, &c. See SERVICE OF PROCESS (JUSTICES).

JUDICIARY, HIGH COURT OF, SCOTLAND. See ADMINISTRATION OF JUSTICE (SCOTLAND) ACT (Parts II and III).

JUTE. Re-imported and embroidered goods (c. 19, s. 18).

p. 356.

JUVENILE COURTS AND OFFENDERS. See CHILDREN AND YOUNG PERSONS ACT (Part III).

K.

KNACKERS' YARDS. See SLAUGHTER OF ANIMALS.

L.**LABOUR AND EMPLOYMENT :**

Children and young persons (E.). See CHILDREN AND YOUNG PERSONS ACT (Part II).

Compensation for deprivation of employment. See ELECTRICITY (SUPPLY) ACT.

Drivers of vehicles (hours, &c.) (c. 53, ss. 8 (1) (c) (2), 16, 31).

pp. 999, 1008, 1022.

London transport wages and conditions. See LONDON PASSENGER TRANSPORT (Part VI).

Representation of, or consultation with, labour interests in respect of—

London and Home Counties Traffic Advisory Committee appointments (c. 14, sch. 11, para. 1).

p. 327.

London Passenger Transport Arbitration Tribunal (objections to agreement or scheme) (c. 14, s. 12 (7)).

p. 176.

Railway Rates Tribunal additional members (c. 53, s. 37 (13)).

p. 1032.

Transport Advisory Council (c. 53, s. 46 (2), sch. 2).

pp. 1039, 1046.

LABOUR, MINISTER OF :

Road and Rail Traffic Act powers (c. 53, ss. 31, 37 (13) (under s. 24 of 1921 Act)).

pp. 1022, 1032.

Transport Advisory Council appointment (c. 53, s. 46 (2)).

p. 1039.

LANCASTER :

Court of Chancery of County Palatine (reciprocal enforcement) (see FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) (c. 13, s. 11 (1))).

p. 153.

Duchy lands for local authorities (c. 51, s. 173).

p. 813.

Palatine court and vesting order (transfer of stock on alteration of local authority's area) (c. 51, s. 275).

p. 868.

LAND :

- Land Registration Act, 1925. Amendment (death duties interest)
(c. 19, s. 43 (2)). p. 373.
Local authorities (acquisition, &c.). *See* LOCAL GOVERNMENT ACT
(Part VII).
London Passenger Transport Board and surplus land (c. 14, s. 20).
p. 191.

And see MORTMAIN.

LAND DRAINAGE, ENGLAND. Local boundary and watercourse. *See*
LOCAL GOVERNMENT ACT (Part VI).

LANDLORD AND TENANT :

- Rent restriction and decontrol of houses. *See* RENT AND
MORTGAGE INTEREST RESTRICTIONS (AMENDMENT) ACT.
Tenant requiring new lease under Landlord and Tenant Act, 1927
(c. 32, s. 1 (6)). p. 511.

LARCENY ACT. Offence when armed with "offensive weapon"
(E.) (c. 50, s. 4). p. 705.

LAW AGENT, SCOTLAND :

- Clerk of Examiners to be clerk under new General Council
(c. 21, s. 12 (5)). p. 403.
Enrolled law agent deemed admitted as solicitor in Scotland
(c. 21, s. 7). p. 400.
Enrolled law agent, persons entitled to be, admission as solicitor
(c. 21, s. 15). p. 404.
"Law agent" in Act, regulation, A.S., &c., to mean and include
solicitor (c. 21, s. 49). p. 417.
Registrar of law agents to be first registrar of solicitors (c. 21, s. 18).
p. 405.
Other transitional arrangements (c. 21, ss. 20 (3), 49, sch. I, para. 2).
pp. 407, 417, 419.

LAW OF PROPERTY ACT, 1925. Amended (death duties interest)
(c. 19, s. 43 (2)). p. 373.

LAW SOCIETY. *See* SOLICITORS : SOLICITORS ACT.

LEAGUE OF NATIONS. Austrian protocol scheduled to loan guarantee
Act (c. 5, sch.). p. 11.

See also MANDATED TERRITORY.

LEASE. Tenant's notice requiring (under Landlord and Tenant Act,
1927) (c. 32, s. 1 (6)). p. 511.

See also LOCAL GOVERNMENT ACT (Part VII) (letting by local
authority).

LIMITATION OF TIME :

Prosecution for—

- offence scheduled to Part I of Children and Young Persons Act
(c. 12, s. 14 (3)). p. 52.
sale of poisons offence (c. 25, ss. 24 (3), 30 (j)). pp. 453, 460.
Solicitors (S.) Act offence (c. 21, s. 40 (2)). p. 416.
Recovery of sums certified due by district auditor (c. 51, s. 233 (3)).
p. 847.
Summary jurisdiction appeals (E.) (c. 38, s. 1). p. 594.

LIMITED PARTNERSHIP. *See* PARTNERSHIP.

LOCAL AUTHORITIES :

- Administrative areas, constitution, functions, &c. (E.). *See* LOCAL GOVERNMENT ACT.
- Approved schools (E.) (c. 12, ss. 80, 90, 104 (1) (a)). pp. 97, 110, 121.
- Audit and accounts. *See* AUDIT.
- Boarding-out of children (E.) (c. 12, s. 84 (3)). p. 102.
- Borrowing (E.). *See* LOCAL GOVERNMENT ACT (Part IX).
- Byelaws as to employment of children, &c. (E.) (c. 12, ss. 18 (2), 19). pp. 53, 54.
- Children and Young Persons Act local authorities (c. 12, Part VI). p. 115.
- Children and Young Persons Act Exchequer grants (c. 12, s. 104). p. 121.
- Committees and joint committees (E.). *See* LOCAL GOVERNMENT ACT (Part III).
- County agricultural committee (Rent Restriction Acts certificate) (c. 32, sch. 1, para. (g)). p. 527.
- Expenses (E.). *See* LOCAL GOVERNMENT ACT (Part VIII).
- General Exchequer contributions (second fixed grant period). *See* LOCAL GOVERNMENT (GENERAL EXCHEQUER CONTRIBUTIONS) ACT.
- Housing subsidy and losses on guarantees to building societies, &c. *See* HOUSING (FINANCIAL PROVISIONS) ACT : HOUSING (FINANCIAL PROVISIONS) (SCOTLAND) ACT.
- Juvenile court (E.)—
notification of case to local authority (c. 12, s. 35). p. 69.
power to bring child before (c. 12, s. 62). p. 84.
- Juveniles committed to care of local authority as "fit person" (E.) (c. 12, ss. 76 (1), 86 (3), 104 (1) (a)). pp. 95, 105, 121.
- Land, acquisition of, &c. (E.). *See* LOCAL GOVERNMENT ACT (Part VII).
- Legal aid (for appeal), cost of (E.) (c. 38, s. 2 (5)). p. 598.
- London Traffic Act Advisory Committee representatives (c. 14, s. 58, sch. 12). pp. 228, 327.
- London Passenger Transport stock, dealings with (c. 14, s. 40). p. 217.
- Market authorities' powers as to sea-fish (c. 45, ss. 4 (3) (c), 9 (1)). pp. 691, 695.
- Mechanically propelled vehicles duty exemption for road-watering vehicle, &c. (c. 19, s. 25). p. 360.
- Municipal Corporations (Audit) Act (E.) (c. 28) (repealed by Loc. Govt. Act). p. 468.
- Officers, offices, &c. (E.). *See* LOCAL GOVERNMENT ACT (Parts IV, V).
- Poisons List, Part II (local authority's list of sellers of certain poisons (c. 25, ss. 17 (2) (3), 21, 25 (5)-(7), 27, 29, 30 (g), &c.)). pp. 444, 449, 455, 456, 457, 459.
- Public services vehicles, trams, trolley vehicles, &c., regulation by local authorities in London abolished (c. 14, s. 51 (7)). p. 227.
- Registration of dwelling-houses under Rent Restriction Acts (c. 32, ss. 2 (2) (3), 15, &c.). pp. 513, 522.
- Remand homes provided by (E.) (c. 12, ss. 77, 104 (1) (a)). pp. 95, 121.
- Rent Restriction Acts (powers of giving information, enforcement, &c.) (c. 32, ss. 10-1, 15, 16 (1) (4)). pp. 520, 522, 523, 525.

LOCAL AUTHORITIES—*continued.*

- Road services in agreement with London Transport Board, &c.
(c. 15, ss. 18, 30). pp. 188, 200.
- Slaughter of Animals Act (application, licensing, &c.) (E.). *See*
SLAUGHTER OF ANIMALS.
- Solicitors to authorities (exemption from Solicitors Act) (c. 24, ss. 5, 6).
p. 428.
- Suburban railway services fares and facilities (c. 14, ss. 34-5,
107 (3)). pp. 205, 299.
- Superannuation of officers. *See* LOCAL GOVERNMENT AND OTHER
OFFICERS' SUPERANNUATION (TEMPORARY PROVISIONS). *See also*
LOCAL GOVERNMENT ACT (s. 121 (2)).
- Transport undertakings taken over. *See*, LONDON PASSENGER
TRANSPORT.
- Vehicles of, how far "goods vehicles" under Road and Rail Traffic
Act (c. 53, s. 1 (6) (7) (g) (h)). pp. 990, 991.
- Vehicles, restricted use on certain roads and bridges (c. 53, ss. 29 (4),
30). pp. 1019, 1020.
- Voluntary homes inspection (E.) (c. 12, s. 94 (2)). p. 113.
- LOCAL GOVERNMENT ACT: to consolidate with amendments the
enactments relating to authorities for the purposes of local govern-
ment in England and Wales exclusive (except in relation to certain
matters) of London. (E.) Ch. 51. p. 707.

PART I.—CONSTITUTION AND ELECTIONS.

LOCAL GOVERNMENT AREAS.

- § 1. Division into administrative areas (*see also* schedule 1). p. 707.

ADMINISTRATIVE COUNTIES.

Constitution of County Councils.

2. Establishment of county councils. p. 708.

Chairman and Vice-Chairman of County Council.

3. Chairman of county council. p. 708.
4. Election of chairman. p. 709.
5. Vice-chairman. p. 709.

County Aldermen.

6. County aldermen. p. 710.
7. Election of county aldermen. p. 710.

County Councillors.

8. Term of office, retirement, &c. of county councillors. p. 711.
9. Day of election of county councillors. p. 711.

Election of County Councillors.

10. Division of county into electoral divisions. p. 711.
11. Alteration of electoral divisions. p. 711.
12. Persons entitled to vote. p. 713.
13. Polling districts. p. 713.
14. Appointment of returning officer, &c. p. 713.
15. Conduct of county council elections. p. 714.
16. Expenses of county council elections. p. 714.

BOROUGHES.

Constitution.

17. Name of corporations and constitution of councils of boroughs.
p. 715.

LOCAL GOVERNMENT ACT—continued.

PART I—continued.

The Mayor.

- § 18. Qualification, term of office, salary, precedence, and powers of mayor. p. 715.
- 19. Election of mayor. p. 717.
- 20. Power of mayor to appoint deputy. p. 717.

Aldermen.

- 21. Number, qualification, term of office, and retirement of aldermen. p. 717.
- 22. Time and mode of election of aldermen. p. 718.

Councillors.

- 23. Term of office of councillors, day of election, &c. p. 718.

Election of Councillors.

- 24. Borough and ward elections. p. 719.
- 25. Division of borough into wards or alteration of number of councillors, wards or boundaries. p. 719.
- 26. Persons entitled to vote. p. 721.
- 27. Polling districts. p. 721.
- 28. Appointment of returning officer, &c. p. 721.
- 29. Conduct of elections of councillors of a borough. p. 722.
- 30. Expenses of elections of councillors. p. 722.

URBAN AND RURAL DISTRICTS.

Constitution of District Councils.

- 31. Urban district councils. p. 722.
- 32. Rural district councils. p. 722.

Chairman and Vice-Chairman of District Council.

- 33. Chairman of district council. p. 723.
- 34. Vice-chairman. p. 723.

District Councillors.

- 35. Number and term of office of district councillors. p. 724.

Election of District Councillors.

- 36. Urban district and ward elections. p. 725.
- 37. Division of urban district into wards. p. 725.
- 38. Election of rural district councillors. p. 726.
- 39. Persons entitled to vote. p. 727.
- 40. District election rules. p. 727.

Special Provisions as to Rural Districts.

- 41. Provision where district is situate in more than one county. p. 728.
- 42. Appointment of councillors by Minister, &c. p. 729.

RURAL PARISHES.

Constitution of Parish Meetings and Parish Councils.

- 43. Parish meetings and councils. p. 729.
- 44. Power to dissolve parish councils in small parishes. p. 730.
- 45. Orders for grouping parishes, dissolving groups, and separating a parish from a group. p. 730.
- 46. Provisions as to orders. p. 731.
- 47. Constitution and powers of parish meeting, &c. p. 732.
- 48. Constitution and powers of parish council. p. 733.

Chairman and Vice-Chairman of Parish Council or Meeting.

- 49. Chairman and vice-chairman of parish council or meeting. p. 733.

LOCAL GOVERNMENT ACT—continued.

PART I—continued.

Parish Councillors.

- § 50. Number and term of office of parish councillors. p. 734.

Election of Parish Councillors.

51. Election of parish councillors. p. 734.
52. Wards for election of parish councillors. p. 735.
53. Persons entitled to vote. p. 735.
54. Parish election rules. p. 736.
55. Omission to hold election, &c. p. 737.

ORDERS UNDER PART I.

56. Orders under Part I by county council to be sent to Home Office and Minister. p. 737.

**PART II.—GENERAL PROVISIONS AS TO MEMBERS AND MEETINGS OF
LOCAL AUTHORITIES AND ELECTIONS.**

57. Qualifications for election and holding office as member of local authority. p. 737.
58. Re-election. p. 738.
59. Disqualifications for office as member of local authority. p. 738.
60. Validity of acts done by unqualified person. p. 741.
61. Declaration of acceptance of office. p. 741.
62. Resignation. p. 742.
63. Vacation of office by failure to attend meetings, &c. p. 742.
64. Declaration by local authority of vacancy in office in certain cases. p. 743.
65. Date of casual vacancies. p. 744.
66. Filling of casual vacancy in case of chairman, mayor, or alderman. p. 745.
67. Filling of casual vacancies in case of councillors. p. 745.
68. Term of office of persons filling casual vacancies. p. 747.
69. Right of certain candidates to the use of schoolrooms at elections. p. 747.
70. Non-compliance with provisions as to nomination, &c. p. 748.
71. Election valid unless questioned by election petition, &c. p. 748.
72. Omission to hold election, or election void. p. 748.
73. Notices as to elections. p. 750.
74. Ballot boxes, &c. p. 750.

Meetings and Proceedings.

75. Meetings and proceedings of local authorities. p. 750.
76. Disability of members of authorities for voting on account of interest in contracts, &c. p. 750.
77. Parish meetings. p. 752.
78. Parish meeting for parish wards, &c. p. 753.

Offences.

79. Failure of returning officers, &c. to conduct election. p. 753.
80. Offences in relation to nomination papers. p. 753.
81. Offences in relation to ballot papers and ballot boxes. p. 753.
82. Offence of personation. p. 754.
83. Costs of returning officer in legal proceedings. p. 755.
84. High Court or summary proceedings as to disqualification. p. 755.

PART III.—COMMITTEES AND JOINT COMMITTEES.

General Power of Local Authorities to Appoint Committees.

85. Appointment of committees. p. 757.

Finance Committees of County Councils, Parochial Committees, &c.

86. Finance committees of county councils. p. 758.
87. Parochial committees. p. 758.
88. Delegation of powers to parish council. p. 759.
89. Committees for parts of rural parishes. p. 759.
90. Committees of parish meetings. p. 759.

LOCAL GOVERNMENT ACT—continued.**† PART III—continued.***Joint Committees.*

- § 91. Appointment of joint committees. p. 760.
- 92. Joint committees for parts of parishes. p. 761.
- 93. Expenses and accounts of joint committees. p. 761.

General Provisions as to Committees and Joint Committees.

- 94. Disqualification for membership. p. 761.
- 95. Disability for voting on account of interest in contracts, &c. p. 762.
- 96. Standing orders, &c. p. 763.
- 97. Application to London of provisions as to joint committees. p. 763.

PART IV.—OFFICERS.*County Officers.*

- 98. Clerk of county council. p. 763.
- 99. Salary of clerk of county council. p. 764.
- 100. Tenure of office of clerk of county council. p. 764.
- 101. Duties, &c. of clerk of county council. p. 765.
- 102. County treasurer. p. 765.
- 103. County medical officer of health. p. 766.
- 104. County surveyor. p. 766.
- 105. Appointment of staff. p. 767.

Municipal Officers.

- 106. Town clerk, borough treasurer, medical officer of health, and other officers. p. 767.

Officers of Urban and Rural District Councils.

- 107. Officers of urban and rural district councils. p. 768.

Borough and District Medical Officers of Health and Sanitary Inspectors.

- 108. Qualifications, duties, &c. of medical officers of health and sanitary inspectors. p. 768.
- 109. Payments by county council towards salary of medical officers of health and sanitary inspectors of county districts. p. 769.
- 110. Tenure of office of medical officer of health and senior sanitary inspector. p. 770.
- 111. Arrangements for securing that medical officers of health shall not engage in private practice. p. 771.
- 112. Union of districts for appointment of medical officer of health; provisional orders. p. 772.
- 113. Relations between medical officers of health of county and county districts. p. 773.

Parish Officers.

- 114. Clerk and treasurer of parish council. p. 774.

General.

- 115. Appointment of standing deputies. p. 774.
- 116. Appointment of temporary deputies. p. 775.
- 117. Payments by county council towards remuneration of acting medical officer of health or sanitary inspector. p. 775.
- 118. Saving for officers appointed under other enactments. p. 776.
- 119. Security to be given by officers. p. 776.
- 120. Accountability of officers. p. 777.
- 121. Notice of termination of and retirement from appointments held during pleasure. p. 778.
- 122. Members of local authorities not to be appointed as officers. p. 778.
- 123. Disclosure by officers of interest in contracts. p. 778.
- 124. Saving for existing officers, &c. p. 779.

LOCAL GOVERNMENT ACT—continued.

PART V.—OFFICES AND BUILDINGS.

- § 125. Provision of offices, &c. by local authorities other than parish councils. p. 780.
126. Use by rural district council of former offices, &c. of boards of guardians. p. 780.
127. Provision of offices, &c. by parish council. p. 780.
128. Use of schoolroom, &c. in rural parish. p. 781.

PART VI.—ALTERATION OF AREAS.

Creation of Municipal Boroughs.

129. Power of His Majesty on creation of new municipal borough. p. 782.
130. Reference to Committee of Privy Council, and notice of petition for charter. p. 782.
131. Power by charter to settle wards, &c. p. 783.
132. Scheme of adjustment of rights of existing authorities and officers. p. 784.
133. Supplemental provisions as to scheme. p. 785.
134. Procedure on confirmation of schemes. p. 785.
135. Power to amend scheme after reference to Committee of Council. p. 786.
136. Provision as to police force in new borough. p. 786.
137. Validity of charters and schemes. p. 786.
138. Expenses of charter, &c. p. 787.

Creation of County Boroughs.

139. Restriction on promotion of Bills for creation of county boroughs. p. 787.

Alteration of Boundaries, Districts, Parishes, &c.

140. Alteration of boundaries of counties, boroughs, &c. (provisional orders). p. 787.
141. Alteration of urban or rural districts and parishes, &c. p. 789.
142. Confirmation of order by Minister. p. 791.
143. Adjustment of boundaries of counties and county boroughs. p. 791.
144. Accretions from the sea, &c. p. 792.
145. Alteration of local boundaries consequent on alteration of water-course. p. 792.

Review of Areas by County Councils.

146. Review of county districts by county councils (provisional orders). p. 793.

Change of Name of District or Parish.

147. Power to change name of district or parish. p. 795.

Supplemental Provisions.

148. Supplemental provisions as to alterations of areas. p. 796.
149. Miscellaneous provisions relating to orders. p. 798.
150. Transfer and compensation of officers. p. 798.
151. Financial adjustments. p. 800.
152. Special provisions as to adjustments. p. 801.
153. Intersection of local government areas. p. 802.
154. Saving for parliamentary areas. p. 802.
155. Saving for royal prerogative. p. 802.

PART VII.—ACQUISITION OF, AND DEALINGS IN, LAND.

156. Provisions applicable to local authorities other than parish councils. p. 802.

*Acquisition of Land by Agreement by Local Authorities
other than Parish Councils.*

157. Power of local authorities to acquire land by agreement. p. 802.
158. Acquisition of land in advance of requirements. p. 803.

LOCAL GOVERNMENT ACT—continued.

PART VII—continued.

*Compulsory Acquisition of Land by Local Authorities
other than Parish Councils.*

- §159. Power of local authorities to purchase land compulsorily. p. 803.
- 160. Compulsory purchase of land by provisional order. p. 803.
- 161. Compulsory purchase of land by order confirmed by the Minister.
p. 805.
- 162. Validity of compulsory purchase orders. p. 807.

*Appropriation of Land by Local Authorities other than
Parish Councils.*

- 163. Power to appropriate land. p. 808.

*Disposal of Land by Local Authorities other than Parish
Councils.*

- 164. Power to let land. p. 808.
- 165. Power to sell or exchange land. p. 809.
- 166. Application of capital money. p. 809.

Acquisition and Disposal of Land by Parish Councils.

- 167. Power of parish council to acquire land. p. 809.
- 168. Compulsory purchase for parish council. p. 809.
- 169. Power of parish council to let land. p. 811.
- 170. Power of parish council to sell or exchange land. p. 811.

Corporate Land.

- 171. Power to acquire corporate land. p. 812.
- 172. Power to dispose of corporate land (building, mining or other leases).
p. 812.

General.

- 173. Lands belonging to Duchy of Lancaster. p. 813.
- 174. Commons, allotments and open spaces. p. 814.
- 175. Land in neighbourhood of royal palaces or parks. p. 815.
- 176. Application of Lands Clauses Acts to purchases by agreement.
p. 815.
- 177. Payment of purchase or compensation money by one local authority
to another. p. 815.
- 178. Application of proceeds of sale of parish property. p. 815.
- 179. Savings. p. 816.

PART VIII.—EXPENSES.

County Councils.

- 180. General and special county purposes. p. 817.
- 181. County fund. p. 817.
- 182. Annual budget of county councils. p. 818.
- 183. Power of county council to issue precepts. p. 818.
- 184. Payments to and out of county fund. p. 819.

Borough Councils.

- 185. General rate fund of borough. p. 819.
- 186. Power of borough council to levy rates. p. 820.
- 187. Payments to and out of general rate fund of borough. p. 820.

Urban District Councils.

- 188. General rate fund of urban authority. p. 821.
- 189. Power of urban district council to levy rates. p. 821.

Rural District Councils.

- 190. General and special expenses of rural authority. p. 821.
- 191. General rate fund of rural authority. p. 822.
- 192. Power of rural district council to levy rates. p. 823.

LOCAL GOVERNMENT ACT—continued.

PART VIII—continued.

Parish Councils and Parish Meetings.

§ 193. Expenses of parish councils, &c. p. 823.

General.

194. Savings for revenues from undertakings, &c. p. 825.

PART IX.—BORROWING.

*Purposes for which and Mode in which Money may be Borrowed
and Security for Borrowing.*

195. Purposes for which money may be borrowed. p. 825.

196. Modes of borrowing. p. 826.

197. Security for borrowing and priority of securities. p. 826.

General provisions as to Borrowing.

198. Period for repayment of moneys borrowed. p. 827.

199. Return to Minister. p. 827.

200. Charge of service of loan to particular account. p. 828.

201. Conditions of borrowing by county council for loan to parish council. p. 828.

202. Balance of unexpended moneys. p. 829.

203. Lenders relieved from certain inquiries. p. 829.

Provisions relating to Stock.

204. Stock regulations. p. 829.

Provisions relating to Mortgages.

205. Form of mortgage. p. 830.

206. Transfer of mortgage. p. 830.

207. Register of mortgages. p. 830.

208. Title to mortgage, and rectification of register. p. 831.

209. Notice of trusts. p. 832.

210. Receipts on behalf of joint holders and infants. p. 832.

211. Appointment of receiver. p. 832.

212. Repayment of moneys borrowed on mortgage. p. 833.

213. Sinking fund. p. 833.

214. Adjustments of sinking fund. p. 835.

Supplementary Borrowing Powers.

215. Temporary loans, &c. p. 836.

216. Power to re-borrow. p. 836.

Savings.

217. Savings for certain mortgages and local bonds. p. 837.

Definitions.

218. Definitions. p. 838.

PART X.—ACCOUNTS AND AUDIT.

*Accounts subject to District Audit and Appointment and Expenses
of District Auditors.*

219. Authorities and officers whose accounts are subject to district audit. p. 839.

220. Appointment of district auditors. p. 840.

Other Financial Provisions.

221. Liability for payment of remuneration, &c. of district auditors. p. 840.

222. Financial statement and certificate of expenditure. p. 841.

LOCAL GOVERNMENT ACT—continued.

PART X—continued.

Procedure as to District Audit.

- § 223. Accounts to be made up and audited yearly. p. 842.
- 224. Deposit of accounts. p. 842.
- 225. Production of and declarations as to documents. p. 843.
- 226. Right of objection. p. 843.
- 227. Report to local authority. p. 843.

Surcharges, Appeals and Recovery of Sums surcharged.

- 228. Power and duties of auditor. p. 844.
- 229. Appeals against decisions of auditors. p. 845.
- 230. Applications for relief. p. 845.
- 231. Supplemental provisions as to appeals and applications. p. 846.
- 232. Payment of sums certified to be due. p. 846.
- 233. Recovery of sums certified to be due. p. 846.
- 234. Expenses of district auditor. p. 847.

Powers of the Minister as to District Audit.

- 235. Power to regulate audit. p. 847.
- 236. Extraordinary audits. p. 848.

Municipal Audit.

- 237. Number and term of office of borough auditors. p. 849.
- 238. Time and mode of election of elective auditors. p. 849.
- 239. Power of borough council to adopt district or professional audit. p. 850.
- 240. Audit of accounts not subject to district audit. p. 851.

General.

- 241. Audit of accounts of officers. p. 852.
- 242. Examination of costs by clerk of the peace. p. 852.
- 243. Application to London. p. 852.

PART XI.—LOCAL FINANCIAL RETURNS.

- 244. Returns of local finance to be made to Minister. p. 852.
- 245. Returns to be summarised. p. 854.
- 246. Penalties. p. 855.
- 247. Returns required to be made under other enactments. p. 855.
- 248. Application to London. p. 855.

PART XII.—BYELAWS.

*Power of County Councils and Borough Councils to
make Byelaws.*

- 249. Byelaws for good rule and government and suppression of nuisances : confirmation by Secretary of State or Minister. p. 855.

Procedure, Penalties, &c.

- 250. Procedure, &c. for making byelaws. p. 856.
- 251. Fines for offences against byelaws. p. 858.
- 252. Evidence of byelaws. p. 859.

**PART XIII.—PROMOTION OF, AND OPPOSITION TO, LOCAL OR
PERSONAL BILLS BY LOCAL AUTHORITIES.**

- 253. Power to promote or oppose local or personal Bills. p. 859.
- 254. Sanction of local authority to promotion of, or opposition to, Bills. p. 859.
- 255. Promotion of Bills by borough and urban district councils. p. 860.
- 256. Expenses of local authorities under Part XIII to be taxed, &c. p. 861.
- 257. Expenses of county and rural district councils. p. 861.
- 258. Saving for existing powers, &c. p. 861.

LOCAL GOVERNMENT ACT—continued.

PART XIV.—FREEMEN.

- § 259. Freedom not by gift or purchase. p. 862.
- 260. The freemen's roll. p. 862.
- 261. Admission to freedom. p. 862.
- 262. Reservation of rights of property. p. 862.
- 263. Limit of value and saving as to conditions precedent. p. 863.
- 264. Saving for power to question right. p. 863.
- 265. Stamp duty. p. 863.

PART XV.—GENERAL PROVISIONS.

Contracts.

- 266. Contracts of local authorities. p. 864.

Conferences, &c.

- 267. Conferences of local authorities. p. 864.

Acceptance of Gifts.

- 268. Acceptance of gifts of property. p. 865.

Transfer of Powers, &c.

- 269. Transfer of powers of vestries and churchwardens, &c. p. 865.
- 270. Transfer (by provisional order) of powers of public bodies, &c. p. 866.
- 271. Power to confer functions of parish councils on councils of boroughs and urban districts. p. 867.
- 272. Power to confer functions of urban district councils on rural district councils. p. 867.
- 273. Power to confer functions of parish council on parish meeting. p. 867.
- 274. Delegation of functions by county council to council of county district. p. 867.

Transfer of Stock.

- 275. Transfer of stock on alteration of area, &c. p. 868.

Legal Proceedings.

- 276. Power of local authorities to prosecute or defend legal proceedings. p. 869.
- 277. Appearance of local authorities in legal proceedings. p. 869.
- 278. Name of local authority need not be proved. p. 869.

Deposit, Inspection, &c. of Documents.

- 279. Custody of records, &c. p. 870.
- 280. Deposit of plans, &c. with clerk of authority, &c. p. 870.
- 281. Custody of parochial documents. p. 871.
- 282. Provision of depository for parochial documents. p. 872.
- 283. Inspection of documents. p. 872.

Reports and Returns.

- 284. Reports and returns. p. 873.

Provisional Orders.

- 285. Procedure on making provisional orders. p. 873.

Notices, &c.

- 286. Service of notices on local authorities, &c. p. 875.
- 287. Public notices. p. 875.
- 288. Notices on offices, &c. p. 875.
- 289. Penalty for destroying notices, &c. p. 876.

LOCAL GOVERNMENT ACT—continued.

PART XV—continued.

Inquiries.

- § 290. Power of government departments to direct inquiries. p. 876.
291. Inquiries by county councils. p. 878.

Miscellaneous Provisions.

292. Application of Act to Isles of Scilly. p. 878.
293. Power to apply provisions of Act to joint boards, &c. p. 879.
294. Travelling expenses of county councillors, &c. p. 880.
295. Provisions as to Sundays, &c. p. 880.
296. References to population. p. 881.
297. Power to require copies of values in force under Schedule A of Income Tax Act, 1918. p. 881.
298. Saving of transfer of certain powers under local Acts from Treasury and Secretary of State to Minister. p. 881.
299. Power to annul regulation or rules on adverse address. p. 882.
300. Saving for existing members of local authorities. p. 882.
301. Saving for municipal corporations and charters. p. 883.
302. Saving for universities of Oxford, Cambridge and Durham. p. 883.
303. Saving for joint committees of certain counties. p. 883.
304. Cesser of certain enactments for simplification, &c. of law. p. 884.
305. Definitions. p. 884.
306. Interpretation as respects Crown rights. p. 888.
307. Repeals. p. 888.
308. Short title, date of commencement and extent. p. 890.

First Schedule.

- Part I.—Administrative counties. p. 891.
Part II.—County boroughs. p. 892.
Part III.—Non-county boroughs. p. 893.

Second Schedule.

- Part I.—Provisions relating to the stages of the election of county or borough councillor preceding the poll. p. 897.
Part II.—Times for proceedings at election of a county or borough councillor. p. 902.
Part III.—Provisions relating to contested elections. p. 903.
Part IV.—Forms for use at contested election of county or borough councillor. p. 918.

Third Schedule.—Meetings and proceedings of local authorities. p. 921.

- Part I.—County councils. p. 921.
Part II.—Borough councils. p. 922.
Part III.—Urban and rural district councils. p. 924.
Part IV.—Parish councils. p. 925.
Part V.—Provisions relating to local authorities generally. p. 926.
Part VI.—Parish meetings. p. 927.

Fourth Schedule.—Determination and payment of compensation to officers. p. 930.

Fifth Schedule.—Rules for determining sum to be paid in respect of increase of burden on ratepayers. p. 934.

Sixth Schedule.—Provisions to be incorporated in orders for the compulsory purchase of land. p. 935.

Seventh Schedule.—Enactments containing provisions as to the acquisition of and other dealings in land by local authorities not affected by the provisions of Part VII of this Act. p. 936.

Eighth Schedule.—Purposes for which moneys may be borrowed by local authorities for terms other than sixty years. p. 937.

Ninth Schedule.—Meetings and polls of local government electors as to promotion of Bills by borough and urban district councils. p. 938.

Tenth Schedule.—Enactments ceasing to have effect. p. 941.

Eleventh Schedule.—Enactments repealed. p. 947.

LOCAL GOVERNMENT AND OTHER OFFICERS SUPERANNUATION (TEMPORARY PROVISIONS): an Act to provide for certain deductions from remuneration to be disregarded in computing contributions, pensions and gratuities under enactments relating to the superannuation of persons employed or paid by local authorities and other public bodies; to give retrospective effect to such provision; and for purposes connected with the matters aforesaid. (E., S.).
Ch. 43. p. 668.

LOCAL GOVERNMENT (GENERAL EXCHEQUER CONTRIBUTIONS) ACT: to determine for the years in the second fixed grant period such of the amounts to be included in the General Exchequer Contribution for England and the General Exchequer Contribution for Scotland and in the payments to be made out of the Road Fund towards the said contributions respectively as require to be determined periodically by Parliament. Ch. 8. p. 30.

LONDON:

City solicitor, saving for. *See SOLICITORS ACT.*

Fishmongers' Company (c. 45, ss. 4 (3) (d), 9 (1)). pp. 691, 695.

Grand jury of county of London and county of Middlesex (saving) (c. 36, s. 1 (4)). p. 579.

Joint committees. *See LOCAL GOVERNMENT ACT (Part III).*

Juvenile courts for City and metropolitan police court area (c. 12, ss. 45, 47 (2), 48 (5) (6), sch. 2, paras. 2, 3).

pp. 75, 76, 78, 128.

Juveniles employed abroad, licensed by chief magistrate or Bow Street magistrate (c. 12, s. 25). p. 60.

Local authorities under Children and Young Persons Act (c. 12, ss. 96-7). p. 115.

Local Government Act provisions as to joint committees, accounts audit and financial returns applicable (c. 51, ss. 97, 243, 248, 305).

pp. 763, 852, 855, 886.

London and Home Counties Traffic Advisory Committee—

reconstitution, &c. *See LONDON PASSENGER TRANSPORT (Part V).*
consultation with (c. 53, s. 46 (6)). p. 1040.

London Traffic Act made permanent and amended (c. 14, Part V).
p. 228.

Metropolitan Police. *See METROPOLITAN POLICE ACT.*

Metropolitan Traffic Area. *See LONDON PASSENGER TRANSPORT (Part IV).* And *see ROAD AND RAIL TRAFFIC ACT (s. 28 (3)).*

Omnibuses, railways, &c. *See LONDON PASSENGER TRANSPORT.*

Quarter sessions courts for hearing appeals. *See SUMMARY JURISDICTION (APPEALS) ACT.*

Rent restriction arrangements (decontrol of houses, &c.) (c. 32, ss. 1 (2) (a), 2 (1) (a), 16 (1) (4)). pp. 510, 512, 523, 525.

Road and Rail Traffic Act provisions (c. 53, ss. 4 (2), 28 (3), 46 (6)).
pp. 995, 1018, 1040.

Slaughter of Animals Act provisions (Metropolitan Cattle Market, &c.) (c. 39, s. 8). p. 613.

Thames steamboats (passenger services) (c. 14, s. 19). p. 189.

LONDON PASSENGER TRANSPORT: an Act to provide for the establishment of a Passenger Transport Board for an area to be known as the London Passenger Transport Area (comprising certain portions of the London Traffic Area and adjacent districts), and for the transfer to that Board of various transport undertakings and

LONDON PASSENGER TRANSPORT—*continued.*

interests; to make other provisions with respect to traffic in the said area; and for purposes connected with the matters aforesaid.
Ch. 14. p. 155.

PART I.—CONSTITUTION AND GENERAL POWERS OF LONDON
PASSENGER TRANSPORT BOARD.

- § 1. Establishment of London Passenger Transport Board. p. 155.
- 2. Incorporation, proceedings and officers of Board. p. 157.
- 3. General duty of Board as to passenger transport. p. 158.
- 4. Members of Board (salaries, divestment of interest in passenger transport undertakings, &c.). p. 159.

PART II.—THE UNDERTAKING OF THE BOARD.

Transfer to the Board of existing Undertakings.

- 5. Transfer to Board of passenger transport undertakings. p. 159.
- 6. Associated Equipment Company, Limited (contracts, compensation if no fresh contract, &c.). p. 167.
- 7. Consideration for transfer of undertakings other than local authorities' undertakings. p. 168.
- 8. Determination of amount of consideration and terms of transfer of the Tilling, Independent and Lewis undertakings. p. 169.
- 9. Consideration for transfer of local authorities' undertakings. p. 170.
- 10. Determination of amount of consideration and terms of transfer in case of local authorities' undertakings. p. 174.
- 11. Payments on account to be made by the Board. p. 174.
- 12. Constitution and procedure of arbitration tribunal. p. 175.
- 13. Staff and expenses of tribunal. p. 178.
- 14. Rules to be applied in determining compensation. p. 178.

Transport Services, Fares and Charges.

- 15. Power of Board to run public service vehicles. p. 180.
- 16. Restriction on carriage of road passengers on certain journeys in special area. p. 182.
- 17. Provincial operating companies (purchase of buildings, vehicles, plant, &c., by Board, restriction on carrying of passengers, &c.). p. 186.
- 18. Working agreements. p. 188.
- 19. Provision of service of passenger vessels on River Thames. p. 189.
- 20. Power of Board to lease or sell surplus lands. p. 191.
- 21. Restriction on power of manufacture. p. 191.
- 22. Restriction on power of Board to establish garages. p. 191.
- 23. Power to abandon tramway systems. p. 192.
- 24. Supply of electricity by local authorities. p. 196.
- 25. Statutory charging powers of the Board. p. 197.
- 26. Road service fares and charges of the Board. p. 198.
- 27. Fares in force on appointed day. p. 199.
- 28. Notification of alterations in fares. p. 199.
- 29. Revision of fares of the Board. p. 199.
- 30. Representations by local authorities as to the services or facilities of the Board. p. 200.
- 31. Co-ordination of services of Board and amalgamated railway companies; pooling scheme; statistics, &c., as to suburban services. p. 201.

Special Provisions as to Amalgamated Railway Companies.

- 32. Application of provisions relating to amalgamated railway companies. p. 205.
- 33. Charging powers of amalgamated railway companies. p. 205.
- 34. Revision of fares of amalgamated railway companies. p. 205.
- 35. Representations, by local authorities as to services or facilities of amalgamated railway companies. p. 206.
- 36. Transfer of powers of Railway and Canal Commission, &c. p. 207.

PART III.—FINANCIAL PROVISIONS.

- 37. Transport fund. p. 207.
- 38. Power of Board to borrow for capital purposes. p. 208.
- 39. Issue of transport stock. p. 210.

LONDON PASSENGER TRANSPORT—*continued.*

- § 40. Dealings with transport stock by local authorities. p. 217.
- 41. Power of Board to borrow temporarily. p. 218.
- 42. Reserve fund. p. 219.
- 43. Insurance fund. p. 219.
- 44. Tramway debt liquidation fund. p. 221.
- 45. Continuance of grants under Development (Loan Guarantees and Grants) Act, 1929, &c. p. 221.
- 46. Application of revenues of Board. p. 221.
- 47. Annual report, statistics and returns. p. 222.
- 48. Accounts and audit. p. 223.
- 49. Enactments relating to accounts of railway or tramway undertakings not to apply to Board. p. 223.

PART IV.—AMENDMENTS OF THE ROAD TRAFFIC ACT, 1930.

- 50. Alteration of Metropolitan Traffic Area, &c. under 1930 Act. p. 224.
- 51. Special provisions with respect to Metropolitan Traffic Area. p. 225.
- 52. Amendment of s. 90 of 1930 Act (order-making powers of local authorities). p. 227.
- 53. Consequential and minor amendments of 1930 Act. p. 227.
- 54. Powers of Commissioners for South Eastern Traffic Area to hold public sittings in Metropolitan Traffic Area. p. 227.
- 55. Transitory provisions as to licences. p. 227.
- 56. Date of operation of this Part of this Act. p. 228.

PART V.—AMENDMENTS OF LONDON TRAFFIC ACT, 1924.

- 57. London Traffic Act, 1924, made permanent. p. 228.
- 58. Reconstitution of Advisory Committee. p. 228.
- 59. Extension of duties of Advisory Committee. p. 229.
- 60. Extension of powers of Advisory Committee as to inquiries. p. 230.
- 61. Routes for road services within special area. p. 230.
- 62. Restriction on number of passenger vehicles using certain streets. p. 234.
- 63. Power to make regulations with respect to road traffic generally in London Traffic Area. p. 236.
- 64. Consequential and minor amendments of 1924 Act. p. 237.
- 65. Transitory provisions. p. 237.
- 66. Date of operation of this Part of this Act. p. 237.

PART VI.—WAGES AND CONDITIONS OF SERVICE.

- 67. Settlement of disputes as to pay and conditions of service. p. 237.
- 68. Constitution of Negotiating Committee and Wages Board. p. 237.
- 69. Establishment of councils. p. 238.
- 70. Power to make schemes. p. 239.
- 71. Application of Part VI of Act. p. 239.
- 72. Definition of trades unions. p. 240.

PART VII.—STAFF AND SUPERANNUATION.

- 73. Transfer and compensation rights of officers and servants solely or mainly occupied in transferred undertakings. p. 240.
- 74. Transfer and compensation rights of officers and servants occupied in certain other undertakings. p. 245.
- 75. Compensation rights of certain officers and servants not transferred to the Board. p. 247.
- 76. Compensation rights of officers and servants of Railway Clearing House. p. 248.
- 77. Compensation rights of officers and servants of joint railway undertakings. p. 249.
- 78. Continuance of compassionate allowances. p. 249.
- 79. Standing arbitrator (appointment, functions and fees). p. 250.
- 80. Superannuation funds, &c. p. 251.

PART VIII.—TRANSITIONAL AND SUPPLEMENTAL PROVISIONS.

- 81. Exemption from stamp duties. p. 257.
- 82. Maintenance of transferred undertakings until appointed day. p. 259.
- 83. Documents of transferred undertakings to be surrendered. p. 264.

LONDON PASSENGER TRANSPORT—continued.

- § 84. Inspection of works, &c. p. 265.
- 85. Pending proceedings and existing contracts. p. 265.
- 86. Provisions as to substituted stock. p. 266.
- 87. Dissolution of transferred companies. p. 266.
- 88. Dissolution of the Underground Electric Railways Company of London Ltd. and the London and Suburban Traction Company Ltd. p. 267.
- 89. Provisions as to certain stocks of the Metropolitan Railway Company. p. 274.
- 90. Protection for holders of debenture stock of London United Tramways Ltd. p. 281.
- 91. Costs of this Act (*and see s. 38 (2) (g)*). p. 282.
- 92. Valuation for rating purposes of hereditaments occupied by the Board. p. 282.
- 93. Protection for statutory gas and water undertakers on abandonment of tramway, &c. p. 284.
- 94. Protection for Great Western Railway Company. p. 285.
- 95. Protection for London, Midland and Scottish Railway Company. p. 286.
- 96. Protection for London and North Eastern Railway Company. p. 287.
- 97. Saving for London County Council. p. 288.
- 98. Provisions as to undertaking of Surplus Lands Committee. p. 288.
- 99. Sale of part of undertaking to Southern Railway Company. p. 294.
- 100. Application to Board of Tramways Act, 1870. p. 294.
- 101. Powers of Board as to Bills in Parliament and provisional orders. p. 295.
- 102. Inquiries by Minister. p. 295.
- 103. Protection for Postmaster-General. p. 295.
- 104. Proof of signed map. p. 296.
- 105. Saving for existing byelaws, &c. p. 296.
- 106. Custody of lost property. p. 296.
- 107. Interpretation. p. 296.
- 108. Repeals. p. 300.
- 109. Short title. p. 300.

SCHEDULES :

- I. Constitution and Proceedings of Appointing Trustees. p. 300.
- II. Part I.—The Underground undertakings. p. 301.
Part II.—The Metropolitan undertaking. p. 302.
Part III.—The local authorities' undertakings. p. 302.
Part IV.—The Tilling undertakings. p. 303.
Part V.—The Independent undertakings. p. 303.
Part VI.—The Lewis undertaking. p. 305.
- III. Issue of transport stock to companies owning the Underground undertakings and distribution of that stock. p. 305.
- IV. Issue of transport stock to the Metropolitan Railway Company and Distribution of that Stock. p. 311.
- V. Distribution of transport stock issued as consideration for transfer of undertakings to the Board and the winding up of certain companies whose undertakings are transferred. p. 312.
- VI. Issue of transport stock to certain local authorities. p. 316.
- VII. London Passenger Transport Area. p. 316.
- VIII. Purchase of property of provincial operating companies, &c. p. 317.
- IX. Railway Rates Tribunal. p. 320.
- X. Basis of the pooling scheme. p. 321.
- XI. Consequential and minor amendments to be made in the Road Traffic Act, 1930. p. 326.
- XII. Constitution of the London and Home Counties Traffic Advisory Committee. p. 327.
- XIII. Consequential and minor amendments to be made in the London Traffic Act, 1924. p. 329.
- XIV. Determination of compensation payable to officers and servants. p. 329.
- XV. Making and approval of schemes applying the Railways (Valuation for Rating) Act, 1930, to the undertaking of the Board. p. 332.
- XVI. Enactments repealed. p. 333.

LONDON TRAFFIC ACT, 1924. Made permanent and amended. *See* LONDON PASSENGER TRANSPORT (Part V).

LORD ADVOCATE, SCOTLAND :

Criminal jury trial arrangements (c. 41, s. 19). p. 651.
Intimation to, of High Court of Justiciary proceedings (c. 41, s. 21).
p. 652.
Pharmacy and Poisons Act prosecutions (c. 25, ss. 24 (3), 30 (j)).
pp. 453, 460.

LORD CHANCELLOR :

Arbitrators, approval of. *See* BENEFICES (PURCHASE OF RIGHTS OF PATRONAGE) (sch. 2).
Bills of indictment, rules as to preferring and applications to judge (c. 36, s. 2 (6)). p. 581.
Children and Young Persons Act rules (laying) (c. 12, s. 101 (2)).
p. 120.
Evidence, &c., of foreign, Dominion and colonial documents, &c. (c. 4). p. 8.
Juvenile courts (c. 12, ss. 46 (3), 47 (3), sch. 2, para. 1 (4)).
pp. 76, 77, 128.
London Passenger Transport Act Arbitration Tribunal or arbitrator (c. 14, ss. 12 (3) (13), 16 (5)). pp. 175, 177, 185.
London Passenger Transport standing arbitrator (appointment) (c. 14, ss. 73 (2), 79). pp. 241, 250.
Lunacy jurisdiction, exercise of by officers of Master in Lunacy (c. 36, s. 8). p. 585.
Road and Rail Traffic Act Appeal Tribunal (appointment of chairman, &c.) (c. 53, s. 15 (3) (5) (9)). pp. 1006-7.
Summary Jurisdiction (Appeals) Act (rules as to legal aid) (c. 38, s. 2 (7)). p. 599.

LUNACY AND MENTAL TREATMENT :

Master in Lunacy's jurisdiction (exercise by officers) (c. 36, s. 8).
p. 585.
Procedure on appeals under ss. 301-13 of Lunacy Act (saving, &c.) (c. 38, ss. 1 (new s. 31 (2)), 9 (2)). pp. 597, 607.
Registered pharmacist, effect of insanity of (c. 25, ss. 10, 30 (f)).
pp. 438, 459.

M.

MANCHESTER. *See* PARISH OF MANCHESTER REVENUES: WYTHENSHAW PARISHES (TRANSFER).

MANDAMUS :

Amended procedure. *See* SUPREME COURT, ENGLAND.
Local Government Act provisions (c. 51, ss. 222 (5), 246 (1)).
pp. 842, 855.

MANDATED TERRITORY :

Arrangements as to proof of documents (c. 4, s. 1 (1) (2) (4)). p. 8.
Imperial preference arrangements (c. 19, sch. 5, para. 2 (c)).
p. 378.
Judgments (reciprocal enforcement) (c. 13, s. 7). p. 150.
Visiting Forces (British Commonwealth) Act application (c. 6, s. 6).
p. 27.

MARKET AUTHORITIES :

Seizure of sea-fish by (c. 45, ss. 4 (3) (c), 9 (1)). pp. 691, 695.
Tolls, return of (c. 51, s. 244 (2) (d)). p. 853.

MARKET SUPPLY COMMITTEE :

Appointment and duties (c. 31, s. 3). p. 477.
Sea-Fishing Industry Act functions. *See SEA-FISHING INDUSTRY.*

MARRIED WOMAN. *See BRITISH NATIONALITY AND STATUS OF ALIENS.*

MASTER OF THE ROLLS. Approval of Law Society's rules (solicitors
keeping of clients' accounts, &c.) (c. 24, s. 1). p. 427.

MATCHES. Increased duty (c. 19, s. 4, sch. 3). pp. 344, 376.
And see ISLE OF MAN (CUSTOMS) ACT.

MECHANICAL LIGHTERS. Increased duties (c. 19, s. 5). p. 345.
And see ISLE OF MAN (CUSTOMS) ACT.

MECHANICALLY PROPELLED VEHICLES DUTY. *See FINANCE ACT
(Part I).*

MEDICAL OFFICER OF HEALTH, ENGLAND :

Inspection of slaughter-houses, &c. (c. 39, s. 7). p. 613.
Qualifications, salary, &c. *See LOCAL GOVERNMENT ACT (PART IV).*

MEDICAL PRACTITIONER :

Accompanying constable with search warrant under Children and
Young Persons Act (E.) (c. 12, s. 40 (4)). p. 73.
Evidence to excuse attendance of juvenile at court (E.) (c. 12,
ss. 42-3). p. 73.
Exemption, &c. under Pharmacy and Poisons Act (c. 25, ss. 19 (1) (3),
20 (3), 23 (1) (b) (ii), 25 (10)). pp. 447, 448, 451, 456.
Poisons Board, appointments to, by G.M.C., B.M.A. and Royal
Colleges (c. 25, sch. 2, para. 2). p. 462.
Private practice of medical officer of health restricted (E.). *See
LOCAL GOVERNMENT ACT (PART IV).*

MEDICINE. *See PHARMACY AND POISONS.*

MERCHANT SHIPPING :

Coastal carriers and railway rates; shipping panel, &c. (c. 53, s. 39,
sch. 2). pp. 1032, 1046.
Duty on hydrocarbon oils (relief for vessels in home waters)
(c. 19, s. 7). p. 346.
Fishing vessels. *See SEA-FISHING INDUSTRY.*
Procedure in Court of Session (collisions, &c.) (c. 41, ss. 6 (5),
17 (iii) (iv)). pp. 643, 649.

METROPOLITAN POLICE ACT : to amend the enactments relating to
the metropolitan police force as to the number of assistant commis-
sioners of police, the age of compulsory retirement, membership of
the Police Federation and the appointment of constables for a fixed
period of service; to adapt to the case of constables so appointed
the enactments as to police pensions and gratuities, national health

METROPOLITAN POLICE ACT—continued.

insurance and widows', orphans' and old age contributory pensions,
and for purposes connected with the matters aforesaid. Ch. 33.
p. 530.

- § 1. Power to appoint additional assistant commissioner. p. 530.
2. Amendment as to age for compulsory retirement in case of senior officers of metropolitan police force. p. 530.
3. Amendment as to constitution of Police Federation. p. 531.
4. Appointment of constables for fixed period of service in metropolitan police force. p. 531.
5. Short title. p. 533.

SCHEDULE.—Amendments of national health insurance and contributory pensions enactments in their application to constables serving in the metropolitan police force for a fixed period of service. p. 533.

METROPOLITAN POLICE DISTRICT. Road service licence conditions
(c. 14, s. 51 (6)). p. 226.

See also LONDON : METROPOLITAN POLICE ACT.

METROPOLITAN POLICE FUND (c. 14, s. 51 (5)). p. 226.

METROPOLITAN RAILWAY COMPANY :

Absorption in London Transport undertaking (c. 14, s. 5 (1) (2) (c),
sch. 2, Part II). pp. 159, 302.

Surplus Lands Committee undertaking (c. 14, s. 98) p. 288.

METROPOLITAN TRAFFIC AREA. Alteration of area, new licensing
arrangements, &c. (c. 14, ss. 50-1). p. 224.

MIDDLESEX. Grand jury saving (c. 36, s. 1 (4)). p. 579.

MINISTERS OF AGRICULTURE AND FISHERIES, HEALTH, TRANSPORT, &c.

See AGRICULTURE AND FISHERIES, MINISTER OF : HEALTH, MINISTER
OF : TRANSPORT, MINISTER OF, &c.

MOHAMMEDANS. Slaughter of animals (c. 39, ss. 1 (1) (b) (ii), 3 (8)).
pp. 609, 612.

MORTGAGE :

Decontrolled property (c. 32, s. 9). p. 519.

Interest restrictions (duration, &c.). *See* RENT AND MORTGAGE
INTEREST RESTRICTIONS (AMENDMENT) ACT.

Local authorities (form, register, title, &c.). *See* LOCAL GOVERN-
MENT ACT (PART IX).

MORTMAIN :

Holding land without licence in mortmain—

Agricultural Marketing Act development board (c. 31, sch. 2,
para. 1). p. 504.

Local authorities (E.) (c. 51, ss. 2 (2), 17 (3), 31 (2), 32 (2), 47 (3),
48 (2)). pp. 708, 715, 722, 732, 733.

London Passenger Transport Board (c. 14, s. 2 (1)). p. 157.

MUNICIPAL CORPORATIONS (AUDIT) : an Act to enable municipal
corporations to provide for the audit of their accounts and of the
accounts of their officers by district auditors or by other qualified
accountants. (E.). Ch. 28. (*See* pp. 983-4 for repeal on consolida-
tion of law.) p. 468.

MURDER (OR MANSLAUGHTER) :

Of juvenile, an offence within sch. 1 of Children and Young Persons Act (c. 12, sch. 1). p. 127.

Special provisions as to such offences. *See* CRIMINAL LAW AND PROCEDURE, ENGLAND.

MUSICAL INSTRUMENTS, &c. (1925 duties). *See* FINANCE ACT (ss. 13-4, schs. 4, 6) : ISLE OF MAN (CUSTOMS) ACT.

N.

NATIONAL DEBT :

Permanent annual charge; deficit for year; disposal of War Loan Depreciation Fund (c. 19, ss. 35-7), p. 368.

Treasury borrowing under Appropriation Act: interest payable (c. 34, s. 2 (5)). p. 536.

And see CONSOLIDATED FUND : CONSOLIDATED FUND ACTS.

NATIONAL DEBT COMMISSIONERS. Investment of Post Office fund (c. 19, s. 39 (7)). p. 371.

NATIONAL HEALTH INSURANCE. Adaptation of Acts. *See* METROPOLITAN POLICE ACT.

NAVY (see also VISITING FORCES (BRITISH COMMONWEALTH)) :

Approved school boys' entry (c. 12, sch. 4, para. 7). p. 134.

Half-pay declaration (c. 34, s. 6). p. 537.

NETS. *See* SEA-FISHING INDUSTRY.

NEWSPAPER :

Admission of reporters to juvenile court (E.) (c. 12, s. 47 (2) (c)). p. 76.

Restricted report of juvenile case (E.) (c. 12, ss. 39, 49). pp. 71, 78.

NORTHERN IRELAND (see also SUPREME COURT, N.I.) :

Agricultural Marketing Reorganisation Commission (c. 31, s. 18 (3) (5)). pp. 492, 493.

Agricultural products sales regulation (*see* AGRICULTURAL MARKETING) expenses (c. 31, s. 2 (4)). p. 477.

Agriculture, Secretary of State concerned with. *See* SECRETARY OF STATE.

Children in approved schools (c. 12, s. 83). p. 100.

Joint Exchequer Board (proportion of expenses under Agricultural Marketing Act: deduction from Northern Ireland residuary share of reserved taxes) (c. 31, ss. 2 (4), 18 (5), 22 (5)). pp. 477, 493, 495.

Juveniles employed abroad (c. 12, ss. 25-6). p. 60.

Legislative powers as to agricultural marketing schemes (c. 31, ss. 28, 29 (1)). pp. 498, 499.

NOTARY PUBLIC, SCOTLAND :

Petitions in Court of Session as to notaries (presentation in Inner House) (c. 41, s. 6 (3) (d)). p. 642.

Solicitors (S.) Act provisions (c. 21, ss. 17, 50). pp. 405, 418.

Striking off roll (notice to registrar, striking off register) (c. 21, ss. 30 (2), 50). pp. 412, 418.

Unqualified practice restrictions, saving as to, &c. (c. 21, ss. 36-7, 39, 42, 50). pp. 414, 415, 416, 418.

O.

OATH :

Administration by—

- London Passenger Transport Arbitration Tribunal (c. 14, ss. 12
(8) (a), 14 (4)). pp. 176, 179.
London Traffic Act Advisory Committee (c. 14, s. 60). p. 230.
Road and Rail Traffic Act departmental inquiry-holder (c. 53,
s. 47 (1)). p. 1041.
Solicitors' Discipline (Scotland) Committee (c. 21, s. 29). p. 412.
False oaths, Scotland (consolidation of law). *See* FALSE OATHS
(SCOTLAND).

OFFICIAL SECRETS. Bill of indictment under 1911 Act before grand
jury of London and Middlesex (c. 36, s. 1 (4), sch. 1). p. 579, 586.

OILS. *See* FINANCE ACT (Part I) (hydrocarbon oils).

OTTAWA AGREEMENTS ACT :

- Amendments, &c. (c. 19, ss. 15 (2), 47 (7), sch. 8). pp. 354, 374, 390.
Isle of Man (Customs) Act provisions (c. 40, ss. 7 (2), 8 (1), 9, 10, 15,
schs. 3, 4). pp. 622, 623, 624, 629, 632, 635.

P.

PARENT :

- Attendance at court where juvenile charged (E.) (c. 12, s. 34). p. 68.
Contribution for child in approved school (E.) (c. 12, ss. 86-7). p. 104.
Managers of approved school, or "fit person," to have rights of
parent (E.) (c. 12, s. 75 (4), sch. 4, para. 12). pp. 94, 136.
Payment of fine, &c. for juvenile offender (E.) (c. 12, s. 55). p. 80.
Refractory child, power to bring before court (E.) (c. 12, s. 64).
p. 86.

PARISH COUNCIL OR MEETING, ENGLAND. *See* LOCAL GOVERNMENT
ACT (Parts I, III, IV, VI-VIII, &c.).

PARISH, SCOTLAND. *See* CHURCH * OF SCOTLAND (PROPERTY AND
ENDOWMENTS) AMENDMENT ACT.

PARISH OF MANCHESTER REVENUES : a Measure to allocate the
revenues of the Dean and Canons of the Cathedral or Collegiate
and Parish Church of Manchester and for purposes connected
therewith. No. 3. p. xvii.

- § 1. Chapter to provide for repair of the whole cathedral. p. xvii.
2. Allocation of Chapter revenues. p. xvii.
3. Disposal of surplus revenues (Ecclesiastical Commissioners' scheme).
p. xviii.
4. Provision for deficiency in annual revenues. p. xix.
5. Application of income received by Ecclesiastical Commissioners.
p. xix.
6. Application of cathedral income. p. xix.
7. Short title. p. xx.

PARKS ;

- Park-keeper and juvenile smoker (E.) (c. 12, s. 7 (3)). p. 47.
Royal palaces and parks, land near. *See* LOCAL GOVERNMENT ACT
(Part VII).

PARLIAMENT :

- Bills for confirming scheme for new borough (c. 51, s. 134). p. 785.
 Bills for new county boroughs restricted (c. 51, s. 139). p. 787.
 Bills promoted or opposed by—
 local authorities (E.). See LOCAL GOVERNMENT ACT (Parts VI,
 XIII and sch. 9).
 London Passenger Transport Board (c. 14, s. 101). p. 295.
 Private legislation procedure (Scotland) (c. 37). p. 590.
 Provisional order confirmation Bill (Local Government Act) (c. 51,
 s. 285). p. 873.
 Resolutions—
 for approval of—
 Children and Young Persons Act order for commencement of
 s. 19 (byelaws as to employment under 18) (E.) (c. 12, s. 19
 (3)). p. 55.
 draft development scheme under Part II of AGRICULTURAL
 MARKETING ACT (*q.v.*) (c. 31, s. 4 (2)). p. 479.
 draft stock regulations (local authorities) (c. 51, s. 204 (3)).
 p. 829.
 order for new sheriffdoms in Scotland (unions, &c.) (c. 41,
 s. 31 (4)). p. 657.
 order restricting use of vehicles on certain roads (c. 53, s. 29 (2)).
 p. 1018.
 order varying traffic areas (c. 53, s. 27 (4)). p. 1017.
 for continuance of—
 Agricultural Marketing Act order under Part I or s. 11 (c. 31,
 s. 26 (4)). p. 497.
 Russian Goods (Import Prohibition) Act proclamation (c. 10,
 s. 1 (7)). p. 35.
 Sea-Fishing Industry Act orders (c. 45, ss. 1 (5), 8 (4)).
 pp. 686, 694.
 See also ACT OF PARLIAMENT : HOUSE OF COMMONS : HOUSE
 OF LORDS.

PARLIAMENTARY ELECTIONS :

- Blind voters (c. 27). p. 465.
 Grand jury of London and Middlesex and bill of indictment under
 Parliamentary Writs Act, 1813 (c. 36, s. 1 (4), sch. 1). pp. 579, 586.

PAROCHIAL CHURCH COUNCILS, ENGLAND :

- Closed churchyards (c. 51, s. 269 (2)). p. 866.
 Purchase of patronage rights. See BENEFICES (PURCHASE OF RIGHTS
 OF PATRONAGE).

PARTNERSHIP :

- Reduced stamp duty on statements of amount contributed by
 limited partners (c. 19, s. 41 (2)). p. 372.
 Sale of poisons by firm in Scotland (c. 25, ss. 9, 30 (c)). pp. 436, 459.

PATRONAGE. See BENEFICES (PURCHASE OF RIGHTS OF PATRONAGE :
 WYTHENSHAW PARISHES (TRANSFER)).

- PAWNBROKER. Taking pawn from child under 14 (E.) (c. 12, s. 8).
 p. 48.

PENSION :

Court of Session and High Court of Justiciary staff (Scotland)
(c. 41, ss. 28-9). p. 655.

Half-pay declaration (c. 34, s. 6). p. 537.

London Passenger Transport Board staff (c. 14, ss. 2 (6), 46 (1) (a),
73, 80). pp. 157, 221, 240, 251.

Police Pensions Act, 1921 (amendments, &c.) (c. 33, ss. 2, 4 (2)).
pp. 530, 532.

See also LOCAL GOVERNMENT AND OTHER OFFICERS SUPERANNU-
ATION (TEMPORARY PROVISIONS) : SUPERANNUATION (ECCLESIA-
STICAL COMMISSIONERS AND QUEEN ANNE'S BOUNTY) ACT :
TEACHERS (SUPERANNUATION).

PENSIONS, MINISTER OF. Commitment of juvenile needing protection,
&c. to care of (E.) (c. 12, s. 76 (2)). p. 95.

PERJURY (*see also* FALSE STATEMENT) :

False declaration as to local authorities' documents (E.) (c. 51,
s. 225 (2)). p. 843.

False evidence by child of tender years (c. 12, s. 38 (2)) (E.). p. 71.

False oaths (Scotland). *See* FALSE OATHS (SCOTLAND).

Half-pay declaration (Appropriation Act) (c. 34, s. 6 (2)). p. 538.

Preferring of bill of indictment by judicial authority for perjury
(c. 36, s. 2 (2) (b) (4)). p. 580.

PERSONATION. *See* LOCAL GOVERNMENT ACT (Part II).

PHARMACEUTICAL SOCIETY. *See* PHARMACY AND POISONS (s. 1 of Act).

PHARMACY AND POISONS : an Act to amend the law relating to
Pharmacy and Poisons and for purposes consequential on such
amendment. (E., S.) Ch. 25. p. 430.

PART I.—PHARMACY.

- § 1. Membership of Pharmaceutical Society of Great Britain. p. 430.
2. Issue of certificates of registration, and penalties for failure to
surrender or abuse of certificates. p. 431.
3. Restriction on use of certain titles ("chemist and druggist," &c.),
emblems, &c. p. 432.
4. Nomination by Privy Council of additional members of Council of
Society. p. 433.
5. Byelaws of Society not to require confirmation by general meeting.
p. 433.
6. Constitution of Statutory Committee. p. 433.
7. Removal of pharmacists from and restoration to register. p. 435.
8. Conditions to be fulfilled by pharmacist in order to become authorised
seller of poisons. p. 436.
9. Conditions to be fulfilled by body corporate in order to become
authorised seller of poisons. p. 436.
10. Continuation of business of pharmacist by representatives in case of
death, &c. p. 438.
11. Conditions as to the giving of directions by Statutory Committee in
case of conviction, &c. of employee. p. 440.
12. Duty of authorised sellers of poisons to register business premises.
p. 441.
13. Authorised sellers of poisons to furnish registrar with list of shops
and pharmacists in charge. p. 442.
14. Directions given by Statutory Committee and appeals to High
Court. p. 443.

PHARMACY AND POISONS—*continued*.

PART II.—POISONS.

- § 15. New provisions as to sale of poisons. p. 443.
 16. Establishment of Poisons Board as Advisory Committee. p. 444.
 17. Preparation of list of poisons for purposes of Act. p. 444.
 18. Prohibitions and regulations as to sale of poisons. p. 445.
 19. Exemption with respect to medicines. p. 447.
 20. Exemption with respect to sales wholesale and sales to certain persons. p. 448.
 21. Certain persons other than authorised sellers of poisons to be entitled to sell poisons in Part II of Poisons List. p. 449.
 22. Prohibition of sale of poisons by means of automatic machines. p. 451.

PART III.—MISCELLANEOUS.

23. Power of Secretary of State to make rules. p. 451.
 24. Penalties. p. 453.
 25. Inspection and enforcement of Act. p. 454.
 26. Orders and rules to be laid before Parliament. p. 456.
 27. Expenses of local authorities. p. 456.
 28. Consequential amendment of s. 7 (2) of Dangerous Drugs Act, 1920. p. 457.
 29. Interpretation. p. 457.
 30. Application to Scotland. p. 459.
 31. Short title, citation, repeal, commencement and extent. p. 460.

SCHEDULES.

- I. Proceedings of Statutory Committee. p. 460.
 II. Constitution of Poisons Board. p. 461.
 III. Enactments repealed. p. 463.

POISONS, SALE OF. *See* PHARMACY AND POISONS (ss. 8–10 and Part II of Act).

POLICE :

- Children and Young Persons Act (powers of constable). *See* CONSTABLE.
 Juvenile courts not sitting in ordinary police court (E.) (c. 12, ss. 47 (2), 48 (6), sch. 2, para. 2). pp. 76, 78, 128.
 Juveniles in police stations (separation from adult offender, &c.) (E.) (c. 12, s. 31). p. 66.
 Metropolitan police (amendments of law). *See* METROPOLITAN POLICE ACT.
 Police Federation (constitution amended) (c. 33, s. 3). p. 531.
 Police force in new borough. *See* LOCAL GOVERNMENT ACT (Part VI).
 Police Pensions Acts amended, &c. (c. 33, ss. 2 (1), 4 (2)). pp. 530, 532.
 Police Pensions Acts saved (c. 43, s. 4). p. 672.
 Road and Rail Traffic Act powers (c. 53, ss. 18 (2) (3), 34 (4)). pp. 1012, 1025.
 Sea-Fishing Industry Act (powers of police officer) (c. 45, s. 4 (3) (b)). p. 691.

POOR LAW, ENGLAND :

- Appeal procedure under s. 97 of 1930 Act (saving, &c.) (c. 38, ss. 1, (new s. 31 (2)), 9 (2)). pp. 597, 607.
 Approved school order made on application of poor law authority (c. 12, ss. 70 (3) (b) (7), 72 (3), 89 (4)). pp. 90–1, 92, 109.
 Children and Young Persons Act expenses, proceedings, &c. (c. 12, ss. 96 (4), 98, sch. 5, para. 11). pp. 116, 118, 139.
 Disqualification for receiving relief. *See* LOCAL GOVERNMENT ACT (s. 59).

POOR LAW, ENGLAND—continued.

- Duty to provide food, clothing, medical aid, &c. for children under poor law facilities (c. 12, s. 1 (2) (a)). p. 42.
Guardians' premises, use of by rural district councils (c. 51, s. 126). p. 780.
Juvenile brought before court by poor law authority (c. 12, ss. 35, 65). pp. 69, 86.
Local Government Act saving (officers) (c. 51, s. 118). p. 776.
See also LOCAL AUTHORITIES.

PORTUGUESE EAST AFRICA. Goods consigned from Beira, grown, produced, &c. in Southern or Northern Rhodesia or Nyasaland (Isle of Man customs arrangements) (c. 40, s. 10 (6)). p. 625.

POST OFFICE :

- Mails conveyed by London Passenger Transport services (c. 14, s. 15 (5)). p. 182.
Post Office surplus and Post Office Fund for postal, telephonic, &c. development (c. 19, ss. 38-9). p. 369.
Protection for telegraph lines. *See LONDON PASSENGER TRANSPORT* (s. 103).

PREROGATIVE WRITS. Amended procedure. *See SUPREME COURT, ENGLAND.*

PRIVATE LEGISLATION PROCEDURE (SCOTLAND) : an Act to improve and extend the procedure under the Private Legislation Procedure (S.) Act, 1899. Ch. 37. p. 590.

PRIVY COUNCIL. Powers under—

- Local Government Act (borough charters). *See LOCAL GOVERNMENT ACT (Part VI).*
Pharmacy and Poisons Act (c. 25, ss. 4, 6, 7 (2) (3), 9 (4), 25, sch. 1). pp. 433, 435, 437, 454, 461.

PROBATION OF OFFENDERS. *See CHILDREN AND YOUNG PERSONS ACT* (s. 66, sch. 3, &c.).

PROFESSIONAL CONDUCT. *See DISQUALIFICATION : PHARMACY AND POISONS (Part I of 1933 Act) : SOLICITORS ACT : SOLICITORS (SCOTLAND) ACT (Part V).*

PROHIBITION. Writ of (amended procedure). *See SUPREME COURT, ENGLAND.*

PROOF. *See EVIDENCE.*

PROSTITUTION. *See CHILDREN AND YOUNG PERSONS ACT (Part I).*

PROTECTION OF ANIMALS (CRUELTY TO DOGS) : an Act to enable courts to disqualify for keeping dogs persons convicted of cruelty to them. (E.). Ch. 17. p. 339.

PROTECTION OF BIRDS : An Act to provide for the protection of birds of species resident in or visiting Great Britain in a wild state. Ch. 52. (E., S.) p. 986.

PROVISIONAL ORDER:

- Improved private legislation procedure in Scotland (c. 37, s. 1).
p. 590.
- Local Government Act provisions (E.). *See* LOCAL GOVERNMENT
ACT (Parts IV, VI, VII, XV).
- London Passenger Transport Board's powers (c. 14, s. 101). p. 295.

PUBLIC LOAN. *See* AUSTRIAN LOAN GUARANTEE.

- PUBLIC PROSECUTIONS, DIRECTOR OF.** Proceedings instituted by as to—
- Local Government Act offence (c. 51, s. 76 (7)). p. 752.
- Routes within special area, &c. (c. 14, ss. 61 (9), 62 (5)). pp. 233, 235.

PUBLIC SERVICE VEHICLES:

- Enactments excluded (London) (c. 14, s. 51 (2)). p. 225.
- Running by London Transport Board (c. 14, s. 15). p. 180.

PUBLIC WORKS LOAN COMMISSIONERS. Local authorities' finance
(c. 51, ss. 202, 205). pp. 829, 830.**PUNISHMENT:**

- Juvenile offenders (E.) (c. 12, ss. 50-4, &c.). p. 79.
- Offences where firearms or imitation firearms used or carried, &c.
(E.) (c. 50). p. 704.

See also CRIMINAL LAW AND PROCEDURE, ENGLAND:
SUMMARY JURISDICTION AND PROCEEDINGS.

Q.**QUARTER SESSIONS, ENGLAND:**

Appeal to—

- under Children and Young Persons Act (c. 12) from—
- court imposing fine on parent, &c. of juvenile offender (c. 12,
s. 55 (5)). p. 81.
- decision as to residence of juvenile in approved school (contri-
butions) (c. 12, s. 90 (3) (4)). p. 111.
- juvenile court (c. 12, s. 56 (2)). p. 81.
- order as to trusts for maintenance of juvenile (c. 12, s. 91 (2)).
p. 112.
- other orders under Children and Young Persons Act (c. 12, s. 102).
p. 120.
- under Pharmacy and Poisons Act (sale of Part II poisons) (c. 25,
s. 21 (2)). p. 449.
- against dog licence disqualification (c. 17, s. 1 (2)). p. 339.
- Clerk of the peace and clerk of the county council (c. 51, ss. 98, 100
(3) (4), 101). pp. 763-5.
- Combined boroughs and grant of court (c. 51, s. 140 (5)). p. 789.
- Consequential adjustments in altered areas (c. 51, s. 148 (1) (d) (3)).
pp. 796, 798.
- Courts of summary jurisdiction, appeals from generally to quarter
sessions. *See* SUMMARY JURISDICTION (APPEALS) ACT.
- Recorder, chairman, &c. directing clerk of the peace to sign bill of
indictment (c. 36, s. 2 (1) (5)). pp. 579, 581.
- Service of documents on appeal from justices (c. 42, s. 2 (2)). p. 667.

QUEEN ANNE'S BOUNTY. *See* SUPERANNUATION (ECCLIASTICAL
COMMISSIONERS AND QUEEN ANNE'S BOUNTY) ACT.

R.

RAILWAY AND CANAL COMMISSION :

- Certain functions transferred (c. 14, s. 36). p. 207.
Road and Rail Traffic Act powers (c. 53, s. 37 (10)). p. 1031.

RAILWAY RATES TRIBUNAL :

- Revision of London Transport fares, &c. (c. 14, ss. 29, 30, 34-6,
sch. 9). pp. 199, 200, 205, 320.
Road and Rail Traffic Act powers. *See* ROAD AND RAIL TRAFFIC
ACT (Part II).

RAILWAYS :

- Accidents, reports of to Minister (c. 53, s. 43). p. 1037.
Amalgamated companies, co-ordination with London Transport
services, pooling scheme, protection of interests, &c. *See* LONDON
PASSENGER TRANSPORT (Parts II and VIII).
Merchandise rates. *See* ROAD AND RAIL TRAFFIC ACT (Part II).
Railway Clearing House personnel. *See* LONDON PASSENGER
TRANSPORT (Part VII).
Railway Clearing System Superannuation Fund Corporation (c. 14,
s. 80 (6)). p. 253.
Railways (Valuation for Rating) Act, 1930, applied to London
Transport Board undertakings (c. 14, s. 92, sch. 15). pp. 282, 332.
Road and Rail Traffic Act provisions. *See* ROAD AND RAIL TRAFFIC
ACT (Part II).

RATES AND RATING :

- Rateable value for purpose of decontrolling houses (c. 32, ss. 1 (2),
2 (1), 15 (f), 16 (1) (2)). pp. 510, 512, 523, 524.
Returns of local rates (c. 51, s. 244 (2)). p. 853.
See also LOCAL GOVERNMENT ACT (Part VIII) : VALUATION.

RECOGNIZANCE. Appeals to quarter sessions, forfeited recognizances,
&c. *See* SUMMARY JURISDICTION (APPEALS) ACT.

RECORDS. *See* EVIDENCE (FOREIGN, DOMINION AND COLONIAL
DOCUMENTS) ACT : LOCAL GOVERNMENT ACT (Part XV).

REFORMATORY AND INDUSTRIAL SCHOOLS. References construed as
referring to approved schools, &c. (E.) (c. 12, s. 108 (3), sch. 5,
paras. 6, 7, &c.). pp. 126, 138.

REGISTRATION. Of—

- Births and deaths abroad (proof of entries in consular registers)
(c. 4, s. 2). p. 10.
Dwelling-houses under Rent Restriction Acts (c. 32, s. 2 (2) (3), &c.).
p. 513.
Electors (officers and expenses) (c. 51, ss. 99 (3), 105 (3), 106 (6)).
pp. 764, 767.
Foreign judgment (c. 13, s. 2). p. 144.
Mortgages (local authority). *See* LOCAL GOVERNMENT ACT (Part IX).
Notaries public in Scotland (c. 21, s. 17). p. 405.
Patronage transfer. *See* BENEFICES (PURCHASE OF RIGHTS OF
PATRONAGE).
Pharmacists (membership of Pharmaceutical Society, &c.) and their
premises. *See* PHARMACY AND POISONS (Part I of Act).
Solicitors in Scotland. *See* SOLICITORS (SCOTLAND) ACT.

REMAND HOMES, ENGLAND :

Custody of juvenile delinquent in (instead of prison) (c. 12, ss. 52 (3), 54). pp. 79, 80.

General provisions as to remand homes, custody, etc. *See* CHILDREN AND YOUNG PERSONS ACT (Part IV).

"Places of detention," now remand homes (c. 12, s. 108 (2)). p. 125.

RENT AND MORTGAGE INTEREST RESTRICTIONS (AMENDMENT) ACT :
to amend and continue the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1925 (E., S.). Ch. 32. p. 510.

- § 1. Duration and application of Acts. p. 510.
- 2. Certain dwelling-houses not to be excluded from principal Acts. p. 512.
- 3. Amendments as to restriction on right to possession. p. 515.
- 4. Prevention of excessive charges for sublet parts of dwelling-houses. p. 516.
- 5. Exemption from s. 5 of 1920 Act (recovery of possession) of certain dwelling-houses of low value. p. 517.
- 6. Amendment as to ascertainment of standard rent. p. 518.
- 7. Amendments as to permitted increase of rent in respect of improvements and structural alterations. p. 518.
- 8. Rectification of rent books. p. 519.
- 9. Temporary continuance of provisions as to mortgages where property decontrolled by this Act. p. 519.
- 10. Powers of local authorities for the purposes of giving information. p. 520.
- 11. Power of local authorities to prosecute offences. p. 520.
- 12. Certificate as to state of repair. p. 520.
- 13. Amendment as to application of Acts in relation to family of deceased tenant. p. 521.
- 14. Regulations. p. 521.
- 15. Application to Scotland. p. 522.
- 16. Interpretation. p. 523.
- 17. Consequential and minor amendments to 1920 and 1923 Acts. p. 525.
- 18. Short title, citation, extent and repeal. p. 525.

SCHEDULES :

- I. Possession or ejection without proof of alternative accommodation. p. 526.
- II. Consequential and minor amendments of 1920 and 1923 Acts. p. 528.
- III. Enactments repealed. p. 529.

RENT BOOK. (c. 32, ss. 8, 14 (1) (3)). pp. 519, 521.

ROAD AND RAIL TRAFFIC ACT : to make provision for regulating the carriage of goods on roads by motor vehicles and for controlling the use of vehicles on certain roads; to amend certain provisions of the Road Traffic Act, 1930; to amend the law relating to railways and to make provision for constituting a council to advise on questions in connection with the means of, and facilities for, transport; and for purposes connected with the matters aforesaid. Ch. 53. p. 988.

PART I.—ROAD TRAFFIC.*Goods Vehicles.*

- § 1. Licensing of goods vehicles. p. 988.
- 2. Classes of licences. p. 991.
- 3. Duration of licences. p. 993.
- 4. Licensing authority (chairman of traffic commissioners). p. 995
- 5. Procedure on applications for licences. p. 995.
- 6. Discretion as to grant or refusal of licences. p. 997.
- 7. Special provisions as to certain applications. p. 998.
- 8. Conditions of licences. p. 999.

ROAD AND RAIL TRAFFIC ACT—continued.

- § 9. Penalty for non-compliance with, and exception from, conditions of licences. p. 1000.
10. Variation of licences. p. 1001.
11. Objections to certain applications for licences, or variations of licences. p. 1001.
12. Holding and subsidiary companies. p. 1003.
13. Power to revoke or suspend licences. p. 1004.
14. Fees in respect of licences. p. 1005.
15. Appeals in connection with licences; Appeal Tribunal. p. 1005.
16. Records of hours of work, journeys, loads, &c. p. 1008.
17. Enforcement of obligation to maintain goods vehicles in serviceable condition. p. 1009.
18. Further powers of examiners and powers of police constables. p. 1011.
19. Powers and duties of certifying officers. p. 1012.
20. Protection of public interests. p. 1012.
21. Transfer of licences prohibited. p. 1013.
22. Appointment and remuneration of officers and servants. p. 1013.
23. Accounts of licensing authorities and Appeal Tribunal. p. 1013.
24. Fines, fees and departmental expenses. p. 1014.
25. General power of making regulations (forms, issue and production of licences, identification of vehicles, &c.). p. 1014.
26. Provisions as to regulations (laying before Parliament, consultation and proof). p. 1015.

Miscellaneous.

27. Variation of traffic areas. p. 1016.
28. Extension of s. 63 (7) of Road Traffic Act, 1930 (appointment of deputy chairman). p. 1017.
29. Power to prohibit or restrict use of vehicles on certain roads. p. 1018.
30. Power to prohibit or restrict use of vehicles on certain bridges. p. 1020.
31. Amendment of s. 19 of Road Traffic Act, 1930 (drivers' hours). p. 1022.
32. Amendment and extension of s. 93 of Road Traffic Act, 1930 (wages and conditions of employment). p. 1023.
33. Amendment of s. 36 of Road Traffic Act, 1930 (payments to hospitals). p. 1023.
34. Forgery, &c. of licences. p. 1025.
35. Prosecutions and penalties for offences (summary proceedings). p. 1026.
36. Interpretation of Part I. p. 1026.

PART II.—RAILWAY TRAFFIC.

37. Right of railway company, with approval of Railway Rates Tribunal, to make agreed charges for the carriage of merchandise. p. 1027.
38. Applications and objections by representative bodies. p. 1032.
39. Review of agreed charges and exceptional rates competing with coastwise shipping. p. 1032.
40. Amendment of ss. 37, 38, 47 of Railways Act, 1921 (new exceptional rates and through charges). p. 1035.
41. Approval of Minister required to opening of new lines, conversion to electric traction, &c. p. 1035.
42. Amendments as to level crossings. p. 1036.
43. Amendment as to duty of railway company to report certain accidents. p. 1037.
44. Amendments as to notices in respect of road services, and as to publication of rates for the conveyance of merchandise by such services. p. 1038.
45. Interpretation of Part II. p. 1038.

PART III.—GENERAL.

46. Transport Advisory Council (constitution and duties; replacement of Roads Advisory Committee). p. 1039.
47. Inquiries by Minister of Transport. p. 1041.

ROAD AND RAIL TRAFFIC ACT—*continued*.

§ 48. Repeals. p. 1041.

49. Short title, commencement and extent. p. 1041.

First Schedule.—Traffic Areas in England. p. 1042.

Second Schedule.—Representative Members of Transport Advisory Council. p. 1046.

Third Schedule.—Enactments repealed. p. 1046.

ROAD FUND. *See* FINANCE ACT (Part V) (repayment of advances):
LOCAL GOVERNMENT (GENERAL EXCHEQUER CONTRIBUTIONS) ACT:
ROAD AND RAIL TRAFFIC ACT (ss. 23 (3), 24).

ROAD TRAFFIC AND VEHICLES :

Amendments, &c. of Road Traffic Act, 1930. *See* LONDON PASSENGER
TRANSPORT (Part IV) : ROAD AND RAIL TRAFFIC ACT (ss. 17-9,
27-33).

Level crossings (c. 53, s. 42). p. 1036.

Licensing of goods vehicles. *See* ROAD AND RAIL TRAFFIC ACT
(Part I).

Public service vehicles, borrowing by local authorities (E.) to run
(c. 51, s. 198, sch. 8). pp. 827, 937.

Railways and road services (c. 53, s. 44). p. 1038.

Road surveyors (tenure of office, &c.) (E.) (c. 51, s. 124 (3)). p. 779.

Roads and bridges, restriction of traffic on (c. 53, ss. 29, 30).
pp. 1018, 1020.

Unlawful taking of motor vehicle when armed (E.) (c. 50, s. 2, sch.).
pp. 704, 706.

See also LONDON PASSENGER TRANSPORT : MECHANICALLY PRO-
PELLED VEHICLES DUTY.

ROADS ACT, 1920. Rates of mechanically propelled vehicles duty, &c.
See FINANCE ACT (Part I).

RULES OF PROCEDURE :

Court of Session Rules Council, &c. *See* ADMINISTRATION OF JUSTICE
(SCOTLAND) ACT (Part I).

Sheriff Court Rules Council (Scotland) and procedure. *See ibid.*
(Part IV).

Summary Jurisdiction Act rules (E.). *See* SUMMARY JURISDICTION
AND PROCEEDINGS.

Supreme Court Rules, England. *See* SUPREME COURT, ENGLAND.
And see BENEFICES (PURCHASE OF RIGHTS OF PATRONAGE).

RULES PUBLICATION ACT, 1893. *See* STATUTORY RULES.

RUSSIAN GOODS (IMPORT PROHIBITION) : an Act to authorise the
prohibition of the importation of Russian goods. Ch. 10. p. 34.

S.

SAFEGUARDING OF INDUSTRIES ACT, 1921. Amendment (c. 19, s. 20).
p. 358.

SALMON FISHERIES. Saving for enactments (under Trout (S.) Act)
(c. 35, s. 6). p. 578.

SAVINGS BANK ANNUITIES. Tables for calculating (c. 19, s. 45).
p. 373.

SCILLY ISLES. *See* LOCAL GOVERNMENT ACT (Part XV).

SCOTCH WHISKY. Description of spirits as (c. 19, s. 24). p. 359.

SCOTTISH OFFICE :

- Court of Session office appointments, remuneration, regulation, &c.
(c. 41, ss. 24-6, 28-9). pp. 653, 655.
- High Court of Justiciary office appointments, remuneration, regulation,
&c. (c. 41, ss. 23, 25-6, 28-9). pp. 652, 655.
- Local Government and other Officers' Superannuation (Temporary
Provisions) Act powers (c. 43, ss. 2 (4) (5), 3, 5, 6 (1)). pp. 671, 672.
- Macers, appointment of, &c. (c. 41, ss. 24 (7), 27-9). pp. 654, 655.
- Poisons Board appointment (c. 25, sch. 2). p. 462.
- Private legislation procedure (c. 37). p. 590.
- Rent Restrictions Acts regulations (c. 32, ss. 14, 15 (a)).
pp. 521, 522.
- Road and Rail Traffic Act powers (c. 53, s. 15 (3)). p. 1006.
- Sea-Fishing Industry Act orders (minimum size of fish) (c. 45,
s. 4 (1)). p. 690.
- Sheriffdoms, union of, &c. (c. 41, s. 31). p. 657.
- See also* SECRETARY OF STATE, as regards agriculture and fishery
matters.

SEA-FISHING INDUSTRY : an Act to provide for regulating the catching,
landing and sale of sea-fish, for the constitution of a Sea-fish
Commission and for purposes connected with the matters aforesaid.
Ch. 45. p. 685.

- § 1. Regulation of landing of foreign-caught sea-fish. p. 685.
2. Prohibition of landing of sea-fish caught in certain areas during
certain seasons. p. 687.
3. Construction (and size of mesh) of nets carried in British sea-fishing
boats. p. 689.
4. Minimum sizes of sea-fish which may be sold. p. 690.
5. Sea-fish Commission (constitution and functions). p. 691.
6. Functions of Market Supply Committee as to sea-fish. p. 693.
7. Offences by bodies corporate. p. 694.
8. Orders (revocation, laying before Parliament, affirmative resolu-
tions, etc.). p. 694.
9. Definitions ("sea-fish," "appropriate Ministers," etc.): exercise of
powers. p. 695.
10. Short title. p. 696.

SECRECY :

Non-disclosure of information, under—

- Agricultural Marketing Act (c. 31, s. 24). p. 496.
- Blind Voters Act (c. 27, ss. 1 (2), 2 (2)-(4)). p. 466.
- Local government elections (E.) (c. 51, sch. 2, Part III, para. 54).
p. 916.
- Sea-Fishing Industry Act (Sea-fish Commission's inquiry or report)
(c. 45, s. 5 (3) (6)). pp. 692-3.

SECRETARY OF STATE :

Powers and duties under—

- Agricultural Marketing Act (S. and N.I.) (c. 31, ss. 1, 2, 3, 7 (2),
8, 18 (3), 28, 29 (1)). pp. 474, 476, 477, 484, 492, 498, 500.
- British Nationality and Status of Aliens Act (c. 49). p. 703.
- Evidence (Foreign, Dominion and Colonial Documents) Act
(c. 4, ss. 1 (1), 2). pp. 8, 10.

SECRETARY OF STATE—*continued.*Powers and duties under—*continued.*

- Finance Act as to substituting specific duty for general ad valorem duty (agricultural and fishing interests in S. and N.I.) (c. 19, s. 16 (2) (5)). pp. 355, 356.
- Pharmacy and Poisons Act, Part II (sale of poisons). See PHARMACY AND POISONS.
- Sea-Fishing Industry Act, as "appropriate Minister" concerned with the industry in S. and N.I. (c. 45, s. 9 (1)). p. 695.
- Visiting Forces (British Commonwealth) Act (c. 6, s. 2 (2)). p. 22.
- President of Board of Trade, Secretary of State acting in absence of, under—
- Agricultural Marketing Act (c. 31, s. 27 (1)). p. 497.
- Sea-Fishing Industry Act (c. 45, s. 9 (2)). p. 695.
- See also HOME OFFICE: SCOTTISH OFFICE.*

SERVICE BY POST:

- Appeal from court of summary jurisdiction (c. 38, ss. 1 (new s. 31 (1) (x)), 3 (1), 4 (1)). pp. 596, 599, 600.
- Local government notices. See LOCAL GOVERNMENT ACT (Part XV).
- Summonses issued by justices in England. See SERVICE OF PROCESS (JUSTICES).
- Surtax recovery notice to trustees (discretionary trust) (c. 19, s. 34 (6)). p. 367.

SERVICE OF PROCESS (JUSTICES): an Act to provide for the service by post of summonses issued by justices of the peace in England, to amend the law with respect to the mode of proving the service of process and other documents in proceedings before, and on appeal from, such justices, and for purposes connected with the matters aforesaid. (E.) Ch. 42. p. 665.

- § 1. Service of summonses by post. p. 665.
2. Proof of service of documents in proceedings before, and on appeals from, justices. p. 667.
3. Short title, etc. p. 668.

SESSION, COURT OF, SCOTLAND:

- Agricultural Marketing Act (Part II orders) (c. 31, s. 9). p. 484.
- Alterations under Administration of Justice (S.) Act (extra division of Inner House; abolition of Bill Chamber; sessions; jury trials, &c.). See ADMINISTRATION OF JUSTICE (SCOTLAND) ACT (Part I).
- Auditor of Court of Session—
- appointment, &c. (c. 41, ss. 25-30). p. 655.
- costs of inquiry by Private Legislation Commissioners, taxation of (c. 37, s. 4). p. 593.
- solicitor's misconduct reported by (c. 21, s. 34). p. 413.
- Judgments (reciprocal enforcement) (see FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) (c. 13, ss. 11 (1), 12). pp. 153, 154.
- Parishes, suppression or union of (notwithstanding decree of Court). See CHURCH OF SCOTLAND (PROPERTY AND ENDOWMENTS) AMENDMENT ACT.
- Pharmacy and Poisons Act appeals, &c. (c. 27, ss. 7 (2), 14 (3)-(5), 30 (a) (i)). pp. 435, 443, 459.
- Road and Rail Traffic Act provisions (c. 53, ss. 15 (5) (9) (12), 18 (4), 37 (13)). pp. 1006-7, 1012, 1032.
- Rules Council (c. 41, ss. 18, 35 (3), 40). pp. 650, 659, 661.

SESSION, COURT OF, SCOTLAND—*continued.*

Sheriff court procedure, regulation of, by A.S. (c. 41, s. 34). p. 658.

Sheriff Court Rules Council (Lord President's powers) (c. 41, ss. 35 (1),
- 40). pp. 659, 661.

Solicitors (Scotland) Act (c. 21) (*see* SOLICITORS (SCOTLAND)
Act):—

borrowing process (Edinburgh qualification) (s. 46). p. 417.

Discipline Committee's proceedings (citation of witnesses,
production of documents, evidence on commission, &c.):
A.S. as to reports, procedure, &c. (c. 21, ss. 29, 32-3).

pp. 412, 413.

notaries public (admission procedure and fees) (s. 17 (3)).

p. 405.

powers of Lord President (ss. 2 (2) (3), 12 (3) (4), 18 (1), 20-1,
24 (1)). pp. 398, 399, 403, 405, 406, 408.

petitions for admission as solicitor (s. 16). p. 404.

practice forbidden unless roll subscribed (s. 22). p. 407.

registration fees fixed by A.S. (s. 18 (3)). p. 406.

report (by judge or auditor) of professional misconduct to

Discipline Committee (s. 34). p. 413.

sheriff court practitioners qualifying (by additional stamp duty
payment) to practise in Court of Session (s. 23). p. 407.

solicitors' list to be kept by clerk of Lord President (s. 20 (1)).

p. 406.

striking off roll or suspension for misconduct (procedure;
appeals, &c.) (ss. 25-8, 32). pp. 408, 413.

striking off roll, publication as directed by A.S. (s. 30 (1)).

p. 412.

striking off roll, restoration by order of Court (s. 31). p. 413.

saving for Court's existing disciplinary powers (s. 35). p. 413.

SHERIFF, SCOTLAND. Number of sheriffs and sheriffdoms, power to
unite, interim sheriffs, sheriffs' annuities, &c. (c. 41, ss. 31-3).

p. 657.

SHERIFF COURT, SCOTLAND :

Affidavits in lieu of parole evidence (c. 41, s. 34 (1) (c)). p. 658.

Fees (c. 41, s. 34 (2)). p. 659.

Pharmacy and Poisons Act appeal (c. 25, ss. 21 (2), 30 (i)).

pp. 449, 459.

Rent Restrictions Acts provisions (c. 32, ss. 2 (5), 3-8, 13, 15 (c) (h),
sch. 1). pp. 514, 515, 521, 522, 523, 526.

Road and Rail Traffic Act fraud (c. 53, s. 34 (5)). p. 1026.

Rules Council (c. 41, ss. 35-6). p. 659.

Sheriffdoms, power to unite, &c. (c. 41, s. 31). p. 657.

Solicitors (Scotland) Act (c. 21) (*see* SOLICITORS (SCOTLAND) ACT)
provisions—

list of practitioners, keeping of in each sheriffdom (s. 20 (2) (3)).

p. 406.

practice forbidden unless list subscribed (s. 22). p. 407.

proceedings before Discipline Committee (witnesses, evidence
and documents) (s. 29). p. 412.

SHERIFF COURT, SCOTLAND—*continued.*Solicitors (Scotland) Act provisions—*continued.*

- professional misconduct, report to Discipline Committee by
sheriff or auditor (s. 34). p. 413.
qualified to practise in sheriff court, extra fee payment for
practice in Court of Session (s. 23). p. 407.
saving for existing disciplinary powers of court (s. 35). p. 413.

SIGNET, SCOTLAND. Deputy Keeper as returning officer, chairman,
&c., under Solicitors (S.) Act (c. 21, sch. 1, paras. 10, 12).
pp. 421, 422.

SILK DUTIES. See FINANCE ACT (Part I): ISLE OF MAN (CUSTOMS)
ACT.

SLAUGHTER OF ANIMALS: an Act to provide for the humane and
scientific slaughter of animals; and for purposes connected there-
with. (E.) Ch. 39. p. 608.

- § 1. Conditions of slaughter of certain animals in slaughter-houses and
knackers' yards. p. 608.
2. Application of last foregoing section to sheep, etc., on resolution of
local authority. p. 609.
3. Prohibition of slaughter and stunning except by licensed slaughter-
men. p. 611.
4. Provisions as to slaughter-houses and knackers' yards. p. 612.
5. Penalties. p. 612.
6. Employment of slaughtermen by local authority. p. 613.
7. Inspection of slaughter-houses and knackers' yards. p. 613.
8. Local authorities for enforcement, expenses, etc. p. 613.
9. Definitions. p. 614.
10. Short title, extent and commencement. p. 614.

SCHEDULES:

- I. Rabbinical Commission. p. 614.
II. Provisions as to slaughter-houses and knackers' yards. p. 615.

SOLICITORS:

Admission, discipline, &c., in Scotland. See SOLICITORS (SCOTLAND)
ACT.

Admission of English solicitor as solicitor in Scotland (qualifying
period of apprenticeship) (c. 21, s. 9 (v) (e)). p. 401.

Clients' accounts, rules as to keeping of, &c. (E.) See SOLICITORS
ACT.

Court of Session provisions (Administration of Justice (S.) Act)—
audience of solicitors (c. 41, s. 3 (2)). p. 640.
fees, regulation of, by A.S. (c. 41, s. 16 (g)). p. 648.
petitions under Acts as to solicitors and notaries public (c. 41,
s. 6 (3) (d)). p. 642.

Law agents (Scotland) referred to as solicitors. See LAW AGENT (S.).
Law Society President as appointing trustee for London Passenger
Transport Board (c. 14, s. 1 (1)). p. 155.

Legal aid for appellant to quarter sessions. (E.) (c. 38, s. 2 (4) (7))
pp. 598, 599.

Representation of Scottish solicitors on—

Rules Council (Court of Session) (c. 41, ss. 18 (1), 35 (3), 40).
pp. 650, 659, 661.

Sheriff Court Rules Council (c. 41, ss. 35, 40). pp. 659, 661.
Sharing of fees between—

Scottish solicitor and solicitors elsewhere (c. 21, s. 38 (v)). p. 415.
Scottish solicitors (c. 21, s. 41; c. 41, ss. 37, 40). pp. 416, 660-1.

SOLICITORS ACT : to amend the law relating to solicitors by providing for the making and enforcement of rules as to the keeping of accounts for clients' moneys and other matters of professional conduct. (E.)
Ch. 24. p. 426.

- § 1. Council of Law Society to make rules as to certain matters. p. 427.
2. Consequences of failure to comply with rules. p. 427.
3. Discretion of Registrar to refuse practising certificate in certain cases. p. 427.
4. Saving for certain public officers. p. 428.
5. Saving for certain county officers. p. 428.
6. Saving for certain officers of local authorities and of statutory undertakers. p. 428.
7. Saving for Solicitor to the City of London. p. 429.
8. Relief to banks. p. 429.
9. Short title, construction, commencement and extent. p. 430.

SOLICITORS (SCOTLAND) ACT : to consolidate and amend the law relating to Solicitors and Notaries Public in Scotland. (S.) Ch. 21.
p. 398.

PART I.—CONSTITUTION OF GENERAL COUNCIL.

- § 1. Constitution of General Council of Solicitors in Scotland. p. 398.
2. Method of election of members of General Council. p. 398.
3. Appointment of chairman and clerk. p. 399.
4. Power to make regulations. p. 399.
5. Application of moneys paid to General Council. p. 399.
6. Authentication of regulations and other documents. p. 399.

PART II.—ADMISSION OF SOLICITORS.

7. Admission, enrolment and powers of solicitors. p. 400.
8. Commissioners of Inland Revenue not to issue certificates except to qualified persons. p. 400.
9. Qualification of applicants for admission. p. 400.
10. Apprentices before admission to make affidavit of having served. p. 401.
11. Certificate of General Council requisite for admission as a solicitor. p. 402.
12. Examinations to be held under management of General Council. p. 402.
13. Fees payable to General Council in respect of examinations. p. 404.
14. Admission and enrolment of applicants as solicitors. p. 404.
15. Exceptions to rules as to examinations. p. 404.
16. Procedure on petitions under ss. 14-5. p. 404.

PART III.—ADMISSION OF NOTARIES PUBLIC.

17. Enrolled solicitors may be admitted as notaries public. p. 405.

PART IV.—REGISTRATION AND ENROLMENT OF SOLICITORS.

18. Appointment and duties of registrar. p. 405.
19. Removal of name from roll on application by solicitor himself. p. 406.
20. Lists to be kept of practising solicitors. p. 406.
21. Lord President may make rules for keeping and subscribing lists. p. 407.
22. No one to practise before a court unless he has subscribed the list of solicitors. p. 407.
23. Sheriff court practitioner qualifying for enrolling as solicitor in the Court of Session. p. 407.

PART V.—DISCIPLINE AND OFFENCES.

24. Constitution of Solicitors' Discipline (Scotland) Committee. p. 408.
25. The Court may cause solicitor to be struck off roll. p. 408.
26. Procedure for striking solicitor off roll. p. 408.
27. Complaints against solicitors to be made to Discipline Committee. p. 409.
28. Power of Discipline Committee to censure or fine. p. 410.

SOLICITORS (SCOTLAND) ACT—continued.

- § 29. Procedure on complaints. p. 412.
- 30. Procedure regarding orders to strike off the roll. p. 412.
- 31. Restoration to roll of solicitors. p. 413.
- 32. Acts of Sederunt. p. 413.
- 33. Power to make rules. p. 413.
- 34. Judges and auditors may report solicitors to Discipline Committee. p. 413.
- 35. Proviso as to existing disciplinary powers. p. 413.
- 36. Practising by unqualified persons to be an offence. p. 414.
- 37. Acting for profit of unqualified persons to be an offence. p. 414.
- 38. Sharing fees with unqualified person to be an offence. p. 414.
- 39. Preparation of writs by unqualified persons to be an offence. p. 415.
- 40. Prosecution of offences. p. 415.

PART VI.—REMUNERATION.

- 41. Agreements between solicitors as to sharing fees (*and see c. 41, s. 37 as to partial repeal*). p. 416.
- 42. Unqualified persons not entitled to recover costs. p. 416.
- 43. Payment of solicitors' costs out of property recovered or preserved. p. 416.

PART VII.—MISCELLANEOUS.

- 44. Societies may admit solicitors to membership. p. 417.
- 45. Admission to membership of societies. p. 417.
- 46. Borrowing process. p. 417.
- 47. Act not to interfere with law as to certificate. p. 417.
- 48. Statutory powers to conduct legal proceedings not to be affected. p. 417.
- 49. Law agents to include solicitors. p. 417.
- 50. Interpretation of terms. p. 418.
- 51. Repeals. p. 418.
- 52. Short title and commencement. p. 418.

SCHEDULES:

- I. Regulations governing the appointment of members of the General Council. p. 419.
- II. Separate societies and groups of societies referred to in the First Schedule. p. 422.
- III. Enactments repealed. p. 424.

SOVIET SOCIALIST REPUBLICS, UNION OF. *See* **RUSSIAN GOODS.**

SPIRITS. Sale in pint bottles; amendments of Spirits Act, 1880. *See* **FINANCE ACT (Part I).**

And see **ISLE OF MAN (CUSTOMS) ACT.**

STAMP DUTY:

- Bills of exchange (c. 19, s. 42). p. 372.
- Exemption of certain documents under London Passenger Transport Act. *See* **LONDON PASSENGER TRANSPORT (Part VIII).**
- Freedom of borough (duty on admission excluded). *See* **LOCAL GOVERNMENT ACT (Part XIV).**
- Local authorities' accounts (E.) (c. 51, ss. 221 (2) (3), 222 (3)–(5)). p. 841.
- Notary public (admission in Scotland) (c. 21, s. 17 (2)). p. 405.
- Reduced duty on statements of company capital, &c. (c. 19, s. 41). p. 372.
- Revenue cases procedure in Court of Session. *See* **ADMINISTRATION OF JUSTICE (SCOTLAND) ACT (Part I).**
- Solicitors admitted in Scotland (stamped certificate) (c. 21, ss. 8, 14, 23, 47). pp. 400, 404, 407, 417.
- Solicitors, certified list of Scottish, transmission by Comptroller of Stamps and Taxes to registrar of solicitors (c. 21, sch. I, para. 5). p. 420.

STATUTORY DECLARATION. *See* FALSE OATHS (SCOTLAND): LOCAL GOVERNMENT ACT (Part II).

STATUTORY RULES. Exclusion from s. 1 of Rules Publication Act of orders under—

Agricultural Marketing Act (c. 31, s. 26 (5)). p. 497.
Sea-Fishing Industry Act (c. 45, s. 8 (5)). p. 694.

STREET TRADING. Persons under 16 (c. 12, ss. 20, 30). pp. 55, 66.

SUBSIDIES. *See* HOUSING (FINANCIAL PROVISIONS) ACT: HOUSING (FINANCIAL PROVISIONS) (SCOTLAND) ACT.

SUMMARY JURISDICTION AND PROCEEDINGS:

Children and Young Persons Act amendment of s. 10 of 1879 Act (c. 12, s. 60, sch. 3). pp. 83, 129.

Disqualification as mayor or councillor (E.) (c. 51, s. 84). p. 755.

Dog licences (disqualification for cruelty) (E.) (c. 17). p. 339.

Juvenile courts as courts of summary jurisdiction (c. 12, s. 45). p. 75.

Juvenile offenders, summary proceedings against. *See* CHILDREN AND YOUNG PERSONS ACT (Part III).

Local authorities (E.) and proceedings. *See* LOCAL GOVERNMENT ACT (Part XV).

Offences punishable summarily. *See* FALSE STATEMENT: LOCAL GOVERNMENT ACT (ss. 79-82, 84, 246, 251, &c.): TROUT (SCOTLAND).

Pharmacy and Poisons Act enforcement proceedings (conduct by inspector) (c. 25, s. 25 (7)). p. 455.

Quarter sessions, general provisions as to appeal to, legal aid, &c. *See* SUMMARY JURISDICTION (APPEALS) ACT.

Road and Rail Traffic Act offences (c. 53, ss. 34-5). pp. 1025-6.
Rules under 1879 Act—

as to presence of juvenile's parent or guardian, proceedings, orders, &c., in such case (c. 12, s. 34 (3)). p. 69.

as to proceedings under Children and Young Persons Act (c. 12, s. 101). p. 119.

as to proof of service of documents in proceedings before justices, &c. (c. 42, ss. 2 (1), 3 (2)). pp. 667-8.

effect of Lord Chancellor's rules as to juvenile courts (c. 12, s. 47 (3)). p. 77.

Solicitors (S.) Act offences (summary prosecution in sheriff court) (c. 21, s. 40). p. 415.

Slaughter of animals licence appeal (c. 39, s. 3 (6)). p. 611.

SUMMARY JURISDICTION (APPEALS) ACT: to amend the law relating to appeals from courts of summary jurisdiction (E.). Ch. 38.

p. 594.

§ 1. Amendment of s. 31 (procedure on appeal to quarter sessions) of Summary Jurisdiction Act, 1879. p. 594.

2. Legal aid for purposes of appeal. p. 597.

3. Entry of appeal. p. 599.

4. Abandonment of appeal. p. 600.

5. Costs on appeals to quarter sessions. p. 601.

6. Forfeited recognizances. p. 602.

7. Courts for hearing of appeals. p. 603.

8. Special provisions as to London quarter sessions. p. 605.

9. Application of Act and construction of references. p. 606.

10. Repeals. p. 607.

11. Short title, commencement and extent. p. 607.

SCHEDULE.—Enactments repealed. p. 608.

- SUNDAY, CHRISTMAS DAY, &c. Local Government Act provisions
(c. 51, s. 295, sch. 2, Part I, para. 12). pp. 880, 902.
- SUPERANNUATION. See LOCAL GOVERNMENT AND OTHER OFFICERS
SUPERANNUATION (TEMPORARY PROVISIONS): METROPOLITAN
POLICE ACT: TEACHERS (SUPERANNUATION). And see below
and PENSION.
- SUPERANNUATION (ECCLESIASTICAL COMMISSIONERS AND QUEEN ANNE'S
BOUNTY) ACT: to amend the like Act of 1914. Ch. 47. p. 697.
§ 1. Gratuity in case of death. p. 697.
2. Reckoning of service under the two bodies. p. 698.
3. Repeal of s. 5 of 1865 Act (added years). p. 698.
4. Short title and construction. p. 698.
- SUPERIORITY, SCOTLAND. See CHURCH OF SCOTLAND (PROPERTY AND
ENDOWMENTS) AMENDMENT ACT.
- SUPREME COURT, ENGLAND:
- Agricultural Marketing Act Part II orders (ultra vires question)
(c. 31, s. 9). p. 484.
 - Certificates of judgments obtained (enforcement abroad) (c. 13,
s. 10). p. 152.
 - Crown debts recovery: remittal to county court, &c. (c. 36, s. 4).
p. 582.
 - Crown proceedings, costs in (c. 36, s. 7). p. 584.
 - Death duties (summary decision) (c. 36, s. 3). p. 581.
 - Foreign judgment (registration) (c. 13, s. 2). p. 144.
 - Indictment, bill of, signature or preferment on direction of High
Court judge (c. 36, s. 2 (1) (2) (b) (4)-(6)). pp. 579-81.
 - Local Government Act (c. 51) jurisdiction (see also MANDAMUS)—
audit, surcharge, &c. (ss. 229-31). p. 845.
 - ballot papers inspection (sch. 2, Part III, para. 41). p. 913.
 - compulsory purchase order (s. 162). p. 807.
 - costs of departmental inquiry (s. 290 (5)). p. 877.
 - county or borough fund payments (ss. 184 (5), 187 (3)).
pp. 819, 821.
 - elections (s. 72 (2) (a) (5)). p. 749.
 - qualifications of mayor or member of local authority (s. 84).
p. 755.
 - receivership if mortgage interest unpaid (s. 211). p. 832.
 - transfer of stock on alteration of area (s. 275). p. 868.
- London Passenger Transport Act—
- arbitration tribunal award (appeal on special case stated) (c. 14,
s. 12 (10) (11)). p. 177.
 - pooling scheme arbitrator (c. 14, sch. 10, para. 11). p. 324.
 - stockholders' application for receiver (c. 14, s. 39 (14)). p. 216.
- Pharmacy and Poisons Act appeal (c. 25, ss. 7 (2), 14 (3)-(5)).
pp. 435, 443.
- Railway Rates Tribunal appeals under Road and Rail Traffic Act
(c. 53, s. 37 (13)). p. 1032.
- Rules, &c. under—
- Administration of Justice (Miscellaneous Provisions) Act, as to—
death duties (summary decision) (c. 36, s. 3). p. 581.
 - jury trials in K.B.D. (c. 36, s. 6). p. 583.
 - recovery of Crown debts on writ of summons (c. 36, s. 4 (1)).
p. 582.
 - prerogative writ procedure (certiorari, mandamus and prohi-
bition) (c. 36, s. 5). p. 583.

SUPREME COURT, ENGLAND—*continued.*

Rules, &c. under—*continued.*

Foreign Judgments (Reciprocal Enforcement) Act (c. 13, s. 3).

p. 146.

Solicitors Act disciplinary arrangements (c. 24, s. 2).

p. 427.

SUPREME COURT, NORTHERN IRELAND : Judgments given in (reciprocal enforcement) (*see* FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT)) (c. 13, ss. 11 (1), 13). pp. 153, 154.

SURTAX. Rate (annual) and amendment of law. *See* FINANCE ACT (Part II).

SWEETS :

Excise duty on British sparkling wines (c. 19, s. 8).

p. 348.

Isle of Man customs duty (c. 40, s. 3).

p. 617.

T.

TAXATION :

Annual provision. *See* FINANCE ACT : ISLE OF MAN (CUSTOMS) ACT.

Death duties (summary decision). *See* SUPREME COURT, E.

Particular taxes. *See* CUSTOMS AND EXCISE : DEATH DUTIES :

EXCESS PROFITS DUTY : INCOME TAX : MATCHES : MECHANICAL LIGHTERS : MECHANICALLY PROPELLED VEHICLE DUTY : STAMP DUTY.

Revenue cases in Court of Session. *See* ADMINISTRATION OF JUSTICE (SCOTLAND) ACT (Part I).

TEA. *See* ISLE OF MAN (CUSTOMS) ACT.

TEACHERS (SUPERANNUATION) : an Act to amend s. 11 of the Teachers (Superannuation) Act, 1925, and s. 4 (1) (d) of the Education (Scotland) (Superannuation) Act, 1925. (E., S.). Ch. 22. p. 424.

TELEPHONE DEVELOPMENT. Post Office fund for. *See* POST OFFICE.

THAMES. River steamboat services. *See* LONDON PASSENGER TRANSPORT (Part II).

TILLING UNDERTAKINGS. *See* LONDON PASSENGER TRANSPORT.

TOBACCO. No sale to child under 16 (E.) (c. 12, ss. 7, 102 (1) (e)).

pp. 47, 120.

And see ISLE OF MAN (CUSTOMS) ACT.

TRADE, BOARD OF :

Powers and duties in respect of—

Ad valorem duty, substitution of specific duty for (consultation with Board) (c. 19, s. 16 (2) (5)). pp. 355, 356.

Agricultural Marketing Act matters (c. 31, ss. 1, 2, 7 (2), 27, &c.). pp. 474, 476, 484, 497.

Assurance Companies (Winding up) Act (c. 9) (E., S.). p. 31.

Finance Act regulations, &c. (authority) (c. 19, s. 46). p. 373.

Import Duties Act duties recommendation (repeal or reduction, &c.) (c. 19, ss. 14, 19 (3)). pp. 353, 358.

TRADE, BOARD OF—*continued.*Powers and duties in respect of—*continued.*

- Local Government Act (c. 51, ss. 148–9, 290) pp. 797, 798, 877.
 London Passenger Transport Act (dissolution of companies) (c. 14,
 sch. 5, paras. 10, 11). p. 315.
 Private Legislation (S.) Act saving for provisional orders, &c., of
 Board (c. 37, s. 6). p. 594.
 Road and Rail Traffic Act (coastal carriers) (c. 53, s. 39 (2) (6)).
 pp. 1032, 1034.
 Russian goods (import licensing) (c. 10, s. 2). p. 36.
 Sea-fishing industry. *See* SEA-FISHING INDUSTRY.
 Silk duties (c. 19, s. 9). p. 349.

TRADE UNIONS. London Transport disputes (c. 14, ss. 67, 68 (1) (b)
 (2) (c) (d), 70, 72). pp. 237, 238, 239, 240.

And see LABOUR AND EMPLOYMENT.

TRAMS :

- Abandonment, &c. in London. *See* LONDON PASSENGER TRANSPORT
 (Parts II and VIII).
 Abandonment in London, effect on staff (c. 14, s. 73 (7)). p. 243.
 Licensing, &c. in London (transfer of powers) (c. 14, s. 51 (3) (4)
 (7)). pp. 225, 227.
 Licensing of goods vehicles not applicable. *See* ROAD AND RAIL
 TRAFFIC ACT (s. 1 (7) (c)).
 London County Council and transfer of tram undertaking to London
 Passenger Transport Board (c. 14, s. 97). p. 288.
 Tramway Debt Liquidation Fund. *See* LONDON PASSENGER
 TRANSPORT BOARD (Part III).

TRANSPORT, MINISTER OF :

- Inquiries by (c. 51, s. 290; c. 53, s. 47) pp. 876, 1041.
 Local Government Act powers (c. 51, ss. 133 (1), 148 (1), 149 (2),
 158, 290). pp. 785, 796, 798, 803, 877.
 London Traffic Act, 1924, amendments. *See* LONDON PASSENGER
 TRANSPORT (Part V).
 London Transport. *See* LONDON PASSENGER TRANSPORT.
 Private Legislation (S.) Act: saving for provisional orders, &c., of
 Minister (c. 37, s. 6). p. 594.
 Road and Rail Traffic Act powers. *See* ROAD AND RAIL TRAFFIC
 ACT.
 Road Traffic Act, 1930, amendments. *See* LONDON PASSENGER
 TRANSPORT (PART IV): ROAD AND RAIL TRAFFIC ACT (ss. 27–33).
 TREASON. Grand jury saved (counties of Middlesex and London)
 (c. 36, s. 1 (4), sch. 1). pp. 579, 586.

TREASURY :

- Ad valorem duty, substitution of specific duty for general (c. 19, s. 16).
 p. 354.
 Agricultural marketing boards' expenses (c. 31, s. 22). p. 494.
 Appropriation Act powers (c. 34). p. 535.
 Austrian Loan Guarantee Act (c. 5). p. 10.
 Children and Young Persons Act (c. 12, ss. 86 (4), 103, 104 (1)).
 pp. 105, 121.
 Consolidated Fund Acts (cc. 1, 3) (*and see* CONSOLIDATED FUND).
 pp. 1, 6.

TREASURY—continued.

- Court of Session and High Court of Judiciary officers (c. 41, s. 28).
p. 655.
- Customs and excise duties. *See* FINANCE ACT (Part I).
- Exchange Equalisation Account (increase) (c. 18). p. 341.
- Half-pay declaration (c. 34, s. 6). p. 537.
- Housing (Financial Provisions) Act (end of Ministry of Health
subsidies under 1924 Act, &c.) (c. 15). p. 334.
- Housing (Financial Provisions) (S.) Act (reduction and termination
of subsidies, part reimbursement of local authorities' losses, &c.)
(c. 16). p. 336.
- Import Duties Act duties repeal or reduction (c. 19, s. 14). p. 353.
- Import Duties Act, s. 14 (application to embroidered goods, extension
to processed goods) (c. 19, ss. 18-9). p. 356.
- Joint Exchequer Board. *See* NORTHERN IRELAND.
- Local Government Act powers (E.). *See* LOCAL GOVERNMENT ACT
(ss. 74 (1), 220-1, 298).
- London Transport finance (c. 14, ss. 38 (1), 39 (4) (a) (iii) (5)
(11) (14), 40 (1), 51 (5) (b), 91).
pp. 208, 211, 212, 215, 216, 217, 226, 282.
- Metropolitan Police Act (reckoning service for pension) (c. 33,
s. 4 (2) (iii)). p. 532.
- National debt permanent annual charge (c. 19, s. 35). p. 368.
- Northern Ireland residuary share of reserved taxes. *See* NORTHERN
IRELAND.
- Police Pensions Act, 1921 (application to constables with fixed
period of service) (c. 33, s. 4 (2) (iii)). p. 532.
- Post Office Fund (c. 19, ss. 38-9). p. 369.
- Private legislation procedure (S.) (copy of draft order) (c. 37, s. 1).
p. 590.
- Road and Rail Traffic Act powers (c. 53, s. 22). p. 1013.
- Sea-fish Commission staff and their pay, &c. (c. 45, s. 5 (7), applying
1931 Act). p. 693.
- Silk duties powers (c. 19, s. 9). p. 349.
- Treasury bills, borrowing by. *See* TREASURY BILLS.
- Visiting Forces (British Commonwealth) Act (c. 6, s. 2 (2)) p. 22.
- War Loan Depreciation Fund (transfer to Exchequer) (c. 19, s. 37).
p. 369.

TREASURY BILLS:

Borrowing by under—

- Appropriation Act (c. 34, s. 2). p. 535.
- Consolidated Fund Acts (c. 1, s. 2; c. 3, s. 3). pp. 1, 7.

TRIBUNALS OF INQUIRY (EVIDENCE) ACT, 1921. Application for
Sea-fish Commission's inquiry (c. 45, s. 5 (5)). p. 692.

TROLLEY VEHICLES. Licensing, etc. (powers in London) (c. 14, s. 51
(3) (4) (7)). pp. 225, 227.

TROUT (SCOTLAND): an Act to provide for the better protection of
trout in Scotland and for other purposes relating thereto. Ch. 35.
p. 577.

- § 1. Annual close time. p. 577.
 2. Size limit for selling trout. p. 577.
 3. Definition of "trout." p. 577.
 4. Saving for trout for stocking river, etc. p. 577.
 5. Partial repeal of Freshwater Fish (S.) Act, 1902. p. 577.
- Saving for salmon fisheries enactments. p. 578.
- Short title, construction and extent. p. 578.

TRUSTS AND TRUSTEES :

- Court of Session procedure for direction as to powers of investment, administration of estate, &c. (c. 41, s. 17 (vi)). p. 650.
- Local authorities' mortgages (no notice of trusts) and stock (transfer) (c. 51, ss. 209, 275). pp. 832, 868.
- London Transport Stock (except "C" stock) as trustee investment (c. 14, s. 39 (15)). p. 217.
- London Transport substituted stock, &c. (trusts and trustees' powers) (c. 14, ss. 86, 88 (6) (7) (8)). pp. 266, 272.
- Pharmacist's representative (c. 25, s. 10 (6)). p. 439.
- Surtax recovery from beneficiary under discretionary trust (c. 19, s. 34). p. 367.
- Variation of trusts for maintenance of juvenile (E.) (c. 12, s. 91). p. 112.

U.

UNDERGROUND RAILWAYS. Transfer, &c. *See* LONDON PASSENGER TRANSPORT.

UNEMPLOYMENT INSURANCE (EXPIRING ENACTMENTS) ACT: to continue in force for a further period the Unemployment Insurance Act, 1930, and ss. 1 and 2 of the Unemployment Insurance (No. 3) Act, 1931. Ch. 26. p. 464.

UNEMPLOYMENT RELIEF WORKS : Continuance (under London Passenger Transport Act) of grants to certain undertakers (c. 14, s. 45). p. 221.

UNIVERSITY, ENGLAND. Savings for. *See* LOCAL GOVERNMENT ACT (Part XV).

V.**VAGRANCY :**

- Child prevented from having proper elementary education (c. 12, ss. 10, 61 (1) (c)). pp. 48, 84.
- Penalty for certain Vagrancy Act offences when armed (c. 50, s. 2, sch.). pp. 704, 706.

VALUATION (for rating). London Passenger Transport Board property (c. 14, s. 92, sch. 15). pp. 282, 332.
See also RATES AND RATING.

VEHICLES. Mechanically propelled vehicles duty (c. 19, ss. 25-6, sch. 7). pp. 359, 381.

And see LONDON PASSENGER TRANSPORT: ROAD AND RAIL TRAFFIC ACT.

VESTRY, ENGLAND. Transfer of powers. *See* LOCAL GOVERNMENT ACT (Part XV).

VETERINARY SURGEON. Pharmacy and Poisons Act provisions (c. 25, ss. 19 (1), 20 (3), 23 (1) (b) (ii), 25 (10)). pp. 447, 448, 451, 456.

VEXATIOUS INDICTMENTS ACT, 1859 :

- Misdemeanours under Part I of Children and Young Persons Act (E.) (c. 12, s. 16). p. 52.
- Repeal with saving (E.) (c. 36, ss. 1 (2), 2 (7), 10 (2)-(4), sch. 3). pp. 579, 581, 585, 587.

VISITING FORCES (BRITISH COMMONWEALTH) : an Act to provide as to forces of H.M. from other parts of the British Commonwealth when visiting the United Kingdom or a colony; as to the exercise of command and discipline when forces of H.M. from different parts of the Commonwealth are serving together; as to the attachment of members of one such force to another such force, and as to deserters from such forces. Ch. 6. p. 20.

- § 1. Discipline and internal arrangements of visiting forces. p. 20.
2. Relations of visiting forces to civil power and civilians. p. 22.
3. Deserters. p. 24.
4. Attachment of personnel and mutual powers of command. p. 25.
5. Application of Act to colonies. p. 27.
6. Application of Act to mandated and other territories. p. 27.
7. Saving for Naval Discipline Act and other enactments. p. 28.
8. Interpretation. p. 28.
9. Short title. p. 29.

VOTERS. *See* BLIND VOTERS. *See also* LOCAL GOVERNMENT ACT (Parts I, II and sch. 2).

W.

WAR LOAN :

Depreciation Fund transferred to Exchequer (c. 19, s. 37). p. 369.
Treasury raising money as under War Loan Act, 1919 (c. 19, s. 35). p. 368.

WATER SUPPLY. Abandonment of London trams (effect on water undertakings) (c. 14, s. 93). p. 284.

WHIPPING. Summary Jurisdiction Act, 1879, amended (c. 12, sch. 3). p. 130.

WHISKY, SCOTCH. Description (c. 19, s. 24). p. 359.

WIDOWS', ORPHANS' AND OLD AGE CONTRIBUTORY PENSIONS ACT, 1925. Adaptation to constables with fixed period of service (c. 33, s. 4 (3), sch.). p. 533.

WILD BIRDS. *See* PROTECTION OF BIRDS.

WILLS. Notarial execution by minister (Scotland) (c. 44, s. 13). p. 683.

WINES :

British sparkling wines excise duty increased (c. 19, s. 8). p. 348.
Isle of Man customs duties. *See* ISLE OF MAN (CUSTOMS) ACT.

WIRELESS TELEGRAPHY ACT, 1904. Post Office receipts for licences not to be part of P.O. surplus (c. 19, s. 38 (2)). p. 369.

WITNESS :

Child of tender years. (E.) (c. 12, s. 38). p. 71.
Immunity before service courts under Visiting Forces (British Commonwealth) Act (c. 6, s. 1 (2)). p. 20.
Juvenile (clearing of court). (E.) (c. 12, s. 37). p. 71.
London Passenger Transport Act Arbitration Tribunal (c. 14, s. 12 (8)). p. 176.

WITNESS—*continued.*

- London Traffic Act Advisory Committee inquiry (c. 14, s. 60). p. 230.
 Sea-fish Commission's inquiry (c. 45, s. 5 (5)). p. 692.
 Solicitors' Discipline (Scotland) Committee inquiry (c. 21, ss. 29, 33). pp. 412, 413.

See also EVIDENCE : OATH.

WOOLLEN GOODS. Re-imported and embroidered. *See* FINANCE ACT (s. 18).

WORKS, COMMISSIONERS OF. Local authority and land near royal parks and palaces (E.) (c. 51, s. 175). p. 815.

WYTHENSHAW PARISHES (TRANSFER): a Measure to transfer the parish of Northenden and parts of the parishes of Baguley and Timperley from the diocese of Chester to the diocese of Manchester, and for purposes connected therewith. No. 2. p. xv.

- § 1. Transfer of Wythenshawe parishes. p. xv.
 2. Provisions consequential on transfer (patronage, documents, &c.), p. xvi.
 3. Schemes by Ecclesiastical Commissioners (transfer of property, saving for officers, &c.). p. xvi.
 4. Saving for charitable endowments. p. xvii.
 5. Short title. p. xvii.

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