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THE
PUBLIC GENERAL ACTS
AND CHURCH ASSEMBLY MEASURES
1958

being those which received the Royal Assent during that year
having been passed in the
Third and Fourth Sessions
of the Forty-first Parliament of the
United Kingdom of Great Britain and Northern Ireland
in the
SIXTH AND SEVENTH YEARS
of the Reign of Her Majesty
QUEEN ELIZABETH THE SECOND
with
*Tables of the Short Titles and of
the Effect of Legislation
and an Index*



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* Certified by the Speaker under the Parliament Act, 1911, as a Money Bill.

THE
PUBLIC GENERAL STATUTES

6 & 7 ELIZ. 2

CHAPTER 5

Post Office and Telegraph (Money) Act, 1958

An Act to provide money for expenses of the Post Office properly chargeable to capital account; and for purposes connected therewith.

[20th February, 1958]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom in Parliament assembled, towards raising supplies to meet expenses of the Post Office properly chargeable to capital account, have resolved that money be provided in manner hereafter mentioned in this Act; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen'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 from time to time issue out of the Consolidated Fund, for application as appropriations in aid of moneys provided by Parliament for the service of the Post Office, such sums (not exceeding in the whole the sum of seventy-five million pounds) as the Treasury may determine to be appropriate on account of expenses properly chargeable to capital account.

Provision of money for capital expenses of Post Office.

(2) The Treasury may, if they think fit, for the purpose of providing money for sums to be issued out of the Consolidated Fund under this section, or for repaying to that Fund all or any part of the sums so issued, borrow—

(a) by means of terminable annuities for a term not exceeding twenty years; or

(b) in any other manner in which they are authorised to raise money under the National Loans Act, 1939,

and all sums so borrowed shall be paid into the Exchequer.

2 & 3 Geo. 6.
c. 117.

(3) Any annuities created and issued under paragraph (a) of subsection (2) of this section shall be paid out of moneys provided by Parliament for the service of the Post Office, and if those

A

moneys are insufficient shall be charged on and paid out of the Consolidated Fund; and any other securities created and issued to raise money under that subsection shall be deemed for all purposes to be created and issued under the National Loans Act, 1939.

(4) So much of the sums issued under subsection (1) of this section as exceeds the amount borrowed in the manner mentioned in paragraph (a) of subsection (2) of this section shall be repaid to the Exchequer out of moneys provided by Parliament for the service of the Post Office at such times and by such methods as the Treasury may direct, and interest thereon at such rates and at such times as the Treasury may direct shall be paid into the Exchequer out of such moneys.

(5) Sums paid into the Exchequer under subsection (4) of this section shall be issued out of the Consolidated Fund at such times as the Treasury may direct and shall be applied by the Treasury as follows, that is to say—

- (a) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit;
- (b) so much thereof as represents interest shall be applied towards meeting such part of the annual charges for the National Debt as represents interest.

Consequential provisions relating to Post Office and Telegraph (Money) Act, 1955.

2.—(1) Subsection (1) of section one of the Post Office and Telegraph (Money) Act, 1955 (which provides for the issue out of the Consolidated Fund of sums required by the Postmaster General for the development of business of the Post Office) shall not apply to sums required for expenses incurred after the date of the commencement of this Act.

4 & 5 Eliz. 2.
c. 14.

(2) Any sums issued under the said subsection (1) but not required for expenses incurred before the said date shall be repaid into the Exchequer and shall be deemed for the purposes of the said section one to have been repaid under subsection (4) of that section.

(3) Section two of the said Act of 1955 (which enables sums arising from the sale of Post Office property to be applied for the development of business of the Post Office) is hereby repealed.

Short title and commencement.

3.—(1) This Act may be cited as the Post Office and Telegraph (Money) Act, 1958.

(2) This Act shall come into operation on the first day of April, nineteen hundred and fifty-eight.

CHAPTER 6*Import Duties Act, 1958*

ARRANGEMENT OF SECTIONS

PART I

CHARGE OF AND PRINCIPAL PROVISIONS AS TO IMPORT DUTIES

Section

1. New power to charge protective duties.
2. Commonwealth preference.
3. Additional provisions as to charge of import duties.
4. Annual report.

PART II

RELIEF FROM IMPORT DUTIES

Reliefs on importation

5. Reliefs not dependent wholly on description of goods imported.
6. Power to exempt particular importations of certain goods.
7. Power to exempt particular importations intended for export.
8. Reduction of duty on goods re-imported after processing.

Relief on exportation, etc.

9. Drawback.

General

10. Provisions supplementary to Part II.

PART III

RETALIATORY DUTIES

11. Power to impose retaliatory duties in case of foreign discrimination.

PART IV

SUPPLEMENTARY

12. Provisions for determining country of origin of imported goods.
13. Provisions as to orders and regulations.
14. Provisions as to Board of Trade.
15. Interpretation.
16. Short title, extent, commencement, etc.

SCHEDULES:

First Schedule—Provisions as to Commonwealth preference in the case of duties other than import duties.

Second Schedule—Superseded provisions imposing customs duties.

Third Schedule—Conditional reliefs under Treasury order.

Fourth Schedule—Goods qualifying for exemption under Treasury directions.

Fifth Schedule—Provisions as to drawback orders.

Sixth Schedule—Transitional provisions.

Seventh Schedule—Repeals.

An Act to confer new powers to impose duties of customs in place of the powers conferred by the Import Duties Act, 1932, and, in connection therewith, to repeal the duties of customs chargeable under or by virtue of that Act and of certain other enactments and make general provision for the purpose of customs duties as to Commonwealth preference and as to produce of the sea, and for purposes connected with the matters aforesaid. [20th February, 1958]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, have freely and voluntarily resolved to give and grant unto Your Majesty the duties for which provision is hereinafter contained; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted, by the Queen'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

CHARGE OF, AND PRINCIPAL PROVISIONS AS TO, IMPORT DUTIES

New power to charge protective duties.

1.—(1) The Import Duties Act, 1932, shall cease to have effect, but with a view to affording protection to goods produced in the United Kingdom the Treasury on the recommendation of the Board of Trade may, if it appears to them expedient in the national interest, by order direct that on the importation into the United Kingdom of goods of any description there shall be charged under this section such duty of customs as may be specified in the order.

In this Act "import duty" means a duty under this section.

(2) The Treasury and the Board of Trade, in considering what import duty (if any) ought to be charged on goods of any description, shall have regard to the desirability of maintaining and promoting the external trade of the United Kingdom, to the desirability of maintaining and promoting efficiency of production in the United Kingdom and to the interests of consumers in the United Kingdom.

(3) In considering what import duty (if any) ought to be charged on goods of any description, the Treasury and the Board of Trade shall also take account of any agreements between Her Majesty's government in the United Kingdom and

any other government or any international organisation or authority; and, where it appears to them expedient with a view to implementing the provisions of any such agreement regarding commercial relations, an order imposing or varying import duties may differentiate between the goods of different countries, and may do so subject or not to conditions as to the place from which the goods are consigned to the United Kingdom.

PART I
—cont.

(4) The power of the Treasury to make orders under this section shall include power to prescribe a form of customs tariff in accordance with which goods may be classified for other purposes as well as for the purpose of import duties, and to provide accordingly for goods to be classified in any way appearing to the Treasury to be convenient, having regard to the import duties imposed or to be imposed under this section, to other customs duties, to any exemption from customs duty provided for by any Act, and to any international agreement relating to customs matters.

2.—(1) Orders under section one of this Act may provide that the import duty imposed on goods of any description shall not be chargeable on goods qualifying for Commonwealth preference or shall be chargeable on them at a preferential rate; and the power conferred by that section to impose import duties with a view to affording protection to goods produced in the United Kingdom shall include power to impose import duties with a view to affording preference to goods qualifying for Commonwealth preference.

Commonwealth preference.

(2) The goods qualifying for Commonwealth preference shall be any goods of the area referred to in this Act as the Commonwealth preference area which are consigned to the United Kingdom from a place in that area.

(3) Subject to the following provisions of this section, the Commonwealth preference area shall consist of—

- (a) the United Kingdom; and
- (b) the countries named as parts of that area in subsection (4) of this section; and
- (c) any country not named (nor included in a country named) in the said subsection (4) which for the time being forms part of Her Majesty's dominions outside the United Kingdom; and
- (d) any country not named (nor included in a country named) in the said subsection (4) which is for the time being under Her Majesty's protection through Her Majesty's government in the United Kingdom, or administered by that government under the trusteeship system of the United Nations; and
- (e) any country not named (nor included in a country named) in the said subsection (4) which is for the time

PART I
—cont.

being administered by the government of a country included in the Commonwealth preference area under paragraph (b) of this subsection.

(4) The countries referred to in paragraph (b) of subsection (3) of this section shall be the following Commonwealth countries, namely, the Commonwealth of Australia, Canada, Ceylon, Ghana, India, the Federation of Malaya, New Zealand, Pakistan, the Federation of Rhodesia and Nyasaland and the Union of South Africa, together with Burma and the Republic of Ireland:

Provided that Her Majesty may by Order in Council direct that the name of any country shall be added to this subsection, including that of any country which but for the order would be included in the Commonwealth preference area under paragraph (c) of subsection (3) of this section.

(5) Her Majesty may by Order in Council direct that any country for the time being named in subsection (4) of this section shall not form part of the Commonwealth preference area.

(6) A country falling within paragraph (d) or (e) of subsection (3) of this section shall not be included in the Commonwealth preference area under that paragraph unless either it fell within that paragraph at the date of the passing of this Act or Her Majesty by Order in Council directs that it shall be so included.

(7) Any Order in Council under subsection (5) or (6) of this section may be revoked by a subsequent Order in Council.

(8) No recommendation shall be made to Her Majesty in Council to make an order under this section unless a draft of the order has been laid before Parliament and approved by resolution of each House of Parliament.

(9) Goods of any of the following countries, that is to say, the Union of South Africa, the Federation of Rhodesia and Nyasaland, the Bechuanaland Protectorate and Swaziland, shall for the purpose of qualifying them for Commonwealth preference be deemed to be consigned to the United Kingdom from that country if they are so consigned from the port of Lourenço Marques in Portuguese East Africa, or, in the case of goods of the said Federation or Protectorate, if they are so consigned either from that port or from the port of Beira in Portuguese East Africa.

(10) From the beginning of the year nineteen hundred and fifty-nine, the provisions of the First Schedule to this Act (being provisions designed to secure a uniform system of Commonwealth preference for import duties and other duties, and otherwise to adapt the enactments relating to customs preferences to the provisions of this Act) shall have effect in relation to the enactments and duties there mentioned.

3.—(1) Subject to the following provisions of this section and to subsection (4) of section two of the Customs Duties (Dumping and Subsidies) Act, 1957 (under which duties under that Act are chargeable in addition to any other duty of customs), no import duty shall be chargeable on goods on which a duty of customs is for the time being chargeable under any Act other than this Act; but duties of customs shall cease to be chargeable under or by virtue of any provision specified in the Second Schedule to this Act.

PART I
—cont.

Additional provisions as to charge of import duties.

(2) Subsection (1) of this section shall not prevent import duties being charged on any of the following goods, notwithstanding that those goods may be chargeable with a duty of customs under some other Act, that is to say,—

- (a) any substance consisting (apart from impurities, if any) of a separate chemically defined organic compound, or of a mixture of two or more isomers of the same such compound, and being either—
 - (i) a chemical chargeable with duty under section two of the Finance Act, 1928 (which relates to hydrocarbon oils); or
 - (ii) saccharin; and
- (b) dextrose and laevulose, chemically pure.

(3) Subsection (1) of this section shall not prevent import duties being charged on composite goods in addition to other duties chargeable on the goods in respect of their components, except where the goods are chargeable with other duties in respect of all their components.

(4) Section two hundred and fifty-nine of the Customs and Excise Act, 1952, and section five of the Finance Act, 1957 (which make provision as to duties and drawbacks in respect of dutiable parts or ingredients), shall not have effect in relation to import duties.

(5) Any import duty expressed to be chargeable on goods of any description, if that description includes goods which are exempt from import duties as being chargeable with another duty of customs or for any other reason, shall be taken to extend to such goods of that description as may from time to time not be exempt, including goods exempt when the duty is imposed but afterwards ceasing to be so; and orders may be made imposing, or providing for relief from, import duties on exempt goods in expectation of their ceasing to be exempt.

(6) Any import duty—

- (a) may be made chargeable by reference to value or to weight or other measure of quantity;
- (b) may be imposed, varied or removed for any period or periods, whether continuous or not, or without limit of period;
- (c) may be made chargeable at different rates for different periods.

PART I

—cont.

Annual report.

4. As soon as may be after the end of each financial year, beginning with the year 1959-60, the Board of Trade shall lay before each House of Parliament a report on the exercise during that year of the powers conferred by this Act with respect to the imposition of import duties and the allowance of exemptions and reliefs from import duties (including the power to vary or revoke orders imposing import duties or providing for any exemption or relief from import duties).

PART II

RELIEF FROM IMPORT DUTIES

Reliefs on importation

Reliefs
not dependent
wholly on
description
of goods
imported.

5.—(1) As respects goods of the descriptions referred to in the Third Schedule to this Act, the Treasury may by order provide for relieving those goods, in the circumstances, subject to the conditions and to the extent provided for by that Schedule in relation to the goods, from the whole or part of any import duty which would be chargeable on them as goods of any description.

(2) Goods of any description shall be exempt from import duties, if consigned direct to a registered shipbuilding yard and imported for the purpose of being used for the building, repairing or refitting of ships in the yard.

(3) Goods of any description prescribed for this purpose by order of the Treasury shall be exempt from import duties, if imported for use in the construction or repair of the boilers or propelling machinery of ships or of the accessories of such boilers and machinery.

(4) The Treasury may by order make provision for the administration of any relief from duty under this section, and may in particular—

- (a) impose or authorise the imposition of conditions for securing that goods relieved from duty as being imported for a particular purpose are used for that purpose or such other conditions as appear expedient to secure the object or prevent abuse of the relief ;
- (b) confer on a government department or any other authority or person functions in connection with the administration of the relief or the enforcement of any condition of relief ;
- (c) authorise any government department having any such functions to make payments (whether for remuneration or for expenses) to persons advising the department or otherwise acting in the administration of the relief ;
- (d) require the payment of fees by persons applying for the relief or applying for the registration of any person or premises in connection with the relief ;

(e) authorise articles for which relief is claimed to be sold or otherwise disposed of if the relief is not allowed and duty is not paid.

(5) In this Act “registered shipbuilding yard” means premises for the time being registered for the purposes of subsection (2) of this section in accordance with an order made under subsection (4).

(6) Unless otherwise provided by order of the Treasury, the expression “ship” in subsections (2) and (3) of this section shall not include any ship which is of a gross tonnage (ascertained in accordance with the Merchant Shipping Acts, 1894 to 1954) of less than eighty tons, but the Treasury may by order extend or restrict the meaning of “ship” in those subsections:

Provided that, notwithstanding anything in any such order, a ship of a gross tonnage ascertained as aforesaid of eighty tons or over shall be deemed to be a ship within the meaning of those subsections if it is a ship of a description not for the time being chargeable with any import duty.

(7) No order shall be made by the Treasury under this section except on the recommendation of the Board of Trade.

(8) Any expenses incurred by a government department by virtue of any order under subsection (4) of this section shall be defrayed out of moneys provided by Parliament, and any fees received by a government department by virtue of any such order shall be paid into the Exchequer.

6.—(1) Subject to the following subsections, the Treasury may direct that payment shall not be required of any import duty chargeable in respect of any goods imported or proposed to be imported into the United Kingdom, if the Treasury on the recommendation of the Board of Trade are satisfied—

Power to exempt particular importations of certain goods.

(a) that the goods qualify for relief under this section by virtue of any provision of the Fourth Schedule to this Act; and

(b) that in all the circumstances it is expedient for the relief to be given.

(2) Any direction of the Treasury under this section may be given subject to such conditions as they think fit.

(3) Where a direction given by the Treasury under this section is subject to any conditions, and it is proposed to use or dispose of the goods in any manner for which the consent of the Treasury is required by the conditions, the Treasury may consent to the goods being so used or disposed of subject to payment of the duty which would have been payable but for the direction or such part of that duty as the Treasury think appropriate in the circumstances.

(4) The Board of Trade shall not make a recommendation under this section except on a written application made by the

A *

PART II
—*cont.*

importer, and a direction under this section shall be of no effect if the goods have been released from customs control without the importer having given to the Commissioners of Customs and Excise (elsewhere in this Act referred to as “the Commissioners”) notice of the direction or of his application or intention to apply for it.

(5) Any notice to the Commissioners under subsection (4) of this section shall be in such form as they may require, and the Commissioners on receiving any such notice or at any time afterwards may impose any such conditions as they see fit for the protection of the revenue (including conditions requiring security for the observance of any conditions subject to which relief is granted).

(6) A direction of the Treasury under this section shall have effect only if and so long as any conditions of the relief, including any conditions imposed by the Commissioners under subsection (5) of this section, are complied with ; but where any import duty is paid on the importation of any goods, and the Commissioners are satisfied that by virtue of a direction subsequently given and having effect under this section payment of the duty is not required, then the duty shall be repaid.

Power to
exempt
particular
importations
intended for
export.

7.—(1) The Commissioners shall have power to remit or repay any import duty chargeable in respect of any goods imported or proposed to be imported into the United Kingdom (in this section referred to as “the imported articles”), where they are satisfied—

- (a) that it is intended to re-export the imported articles or goods incorporating them or manufactured or produced from them ; and
- (b) that there are special reasons why, with a view to promoting the interests of the export trade or similar interests, the duty should not be charged and that it is in the national interest that it should not be ; and
- (c) that the provisions other than this section giving relief from the duty, whether by way of drawback or otherwise, are inapplicable or inappropriate.

(2) The Commissioners shall exercise the power conferred by this section after consultation as regards the matters referred to in paragraph (b) of the foregoing subsection with the Board of Trade, except as may be agreed between the Commissioners and the Board ; and in considering those matters regard shall be had to the interests of those producing in the United Kingdom goods comparable with the imported articles.

(3) The Commissioners shall not exercise that power in the case of any imported articles except on a written application made by the importer, before the articles are released from customs control ; and any relief from duty under this section shall be

subject to such conditions as the Commissioners see fit to impose for the protection of the revenue or for securing that the imported articles or goods incorporating them or manufactured or produced from them will be exported.

PART II
—cont.

(4) Subsection (3) of section four of the Customs Duties (Dumping and Subsidies) Act, 1957 (which applies to duties under that Act provisions similar to this section in section twelve of the Finance Act, 1951), shall cease to have effect, and this section shall apply in relation to duties under that Act as it applies to import duties.

8.—(1) Where there are imported into the United Kingdom any goods which—

Reduction of
duty on goods
re-imported
after
processing.

- (a) have been previously exported from the United Kingdom (whether produced there or not) ; and
- (b) after being so exported have undergone outside the United Kingdom a process which has not changed their form or character ; and
- (c) if they had not undergone that process would on their importation have been exempted from import duties under section thirty-five or section thirty-six of the Customs and Excise Act, 1952 (which relate to goods re-imported without undergoing any process) ;

then, subject to the provisions of this section, any import duty which apart from this section would be chargeable on their importation shall be reduced by the amount specified in the next following subsection or, if equal to or less than that amount, shall not be charged.

(2) Subject to the next following subsection, the amount referred to in subsection (1) of this section is, in the case of any goods, the amount of the import duty chargeable (apart from any relief under the said section thirty-five or thirty-six or under this section) on the importation of the like goods which—

- (a) are in the same state as the goods in question were in when exported from the United Kingdom ; and
- (b) are goods of the same country, and consigned from the same place, as the goods in question are.

(3) Where the rate at which import duty is chargeable on the goods is such that (apart from this section) the duty chargeable or part of it would be the higher, or the lower, of two amounts, one calculated by reference to value and one by reference to quantity, then the duty chargeable or that part of it shall be determined under the foregoing subsections by reference to value only and without regard to the provision for charging a greater or less amount by reference to quantity ; and where that rate is such that part of the duty is to be calculated by reference to value and part

PART II
—cont.

by reference to quantity, the foregoing subsections shall be applied to each of those parts separately as if they were separate duties.

(4) For the purposes of the foregoing subsections, any sum contracted to be paid for the execution of a process on any goods shall be prima facie evidence of the difference attributable to that process between the value of those goods and the value of the like goods referred to in subsection (2) of this section ; but this provision shall be without prejudice to the powers of the Commissioners under any enactment as to the ascertainment of the value of goods.

(5) Except as may be provided by order made by the Treasury on the recommendation of the Board of Trade, the foregoing provisions of this section shall not apply on the importation of any goods unless (apart from those provisions) the goods in question would be chargeable with import duty at the same rate as the like goods referred to in subsection (2) of this section, or would be chargeable with the same or a less amount of duty than if chargeable at the rate applicable to those like goods ; and where those provisions apply by virtue of an order under this subsection, they shall apply with such modifications (if any) as may be provided by the order as regards the amount by which the duty is to be reduced.

(6) For the purpose of determining whether any goods would have been exempted from import duties as mentioned in paragraph (c) of subsection (1) of this section under section thirty-six of the Customs and Excise Act, 1952, any duty of customs chargeable on them on a previous importation into the United Kingdom but not required to be paid shall be deemed not to have been chargeable.

*Relief on exportation, etc.***Drawback.**

9.—(1) Subject to the provisions of this section, the Treasury may by order provide that drawback on exportation shall be allowed under this section (either for a period specified in the order or without limit of period) as respects import duties paid on the importation of goods of any description specified in the order.

For the purposes of this section “ the imported articles ” means the goods charged with the duty which is to be drawn back.

(2) No order shall be made by the Treasury under this section except on the recommendation of the Board of Trade, and in considering whether to recommend that drawback should be allowed or should be wholly or partly discontinued, the Board shall act on the principle that drawback ought not to be allowed unless it will promote the export trade of the United Kingdom and is in the national interest, and the Board shall have regard to the interests of those producing in the United

Kingdom goods comparable with the imported articles, and to the facilities available for warehousing in bond, or otherwise enabling goods intended for re-exportation to be dealt with without payment of duty.

PART II
—cont.

(3) The Fifth Schedule to this Act shall have effect with respect to the provision which may be made, or is to be taken as being made, by any order for allowing drawback under this section.

(4) Without prejudice to any general provision of the Customs and Excise Act, 1952, enabling drawback under this section to be allowed otherwise than on the exportation of goods, goods brought to a registered shipbuilding yard shall be deemed for the purposes of this section to be exported.

(5) The allowance of drawback under this section shall be subject to such conditions as the Commissioners see fit to impose for the protection of the revenue and, in a case where drawback is allowed by virtue of subsection (4) of this section, subject also to such conditions as the Commissioners see fit to impose for securing that the goods will be used in the building, repairing or refitting in the yard of ships within the meaning of subsection (6) of section five of this Act.

General

10.—(1) If a person for the purpose of an application for relief under subsection (1) of section five or under section six of this Act makes any statement or furnishes any document which is false in a material particular to any government department, authority or person on whom functions are conferred by or under that section, then—

Provisions
supplementary
to Part II.

(a) any decision allowing the relief applied for shall be of no effect ; and

(b) if the statement was made or the document was furnished knowingly or recklessly, that person shall be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds, or to both, or on conviction on indictment to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds, or to both.

References in the Customs and Excise Act, 1952, to an offence under the customs Acts shall not apply to an offence under this subsection.

(2) Section two hundred and fifty-seven of the Customs and Excise Act, 1952 (which relates to forfeiture of goods if the goods are relieved from duty on certain conditions and the conditions are not observed), shall apply in relation to any condition on which relief from duty is allowed under sections

PART II
—*cont.*

five to seven of this Act as it applies in relation to any such conditions as are mentioned in the said section two hundred and fifty-seven.

PART III
RETALIATORY DUTIES

Power to
impose
retaliatory
duties in case
of foreign
discrimination.

11.—(1) Where, in the opinion of the Board of Trade, the treatment accorded in any country, in the matter of duties on importation, or of prohibitions or restrictions on importation, or otherwise, to goods of any country to which this section applies amounts to discrimination against those goods as compared with like goods of any other country, then the Treasury may, on the recommendation of the Board of Trade, by order direct that on the importation into the United Kingdom of goods of any description, being goods of the first-mentioned country, there shall be charged under this section such duty of customs as may be specified in the order.

(2) Where it appears to the Board of Trade, having regard in particular to any trade agreement, that the treatment accorded in any country to goods of a country to which this section applies, though the same as that accorded to the like goods of other countries, specially prejudices the commercial relations between the two countries in question, that treatment shall be deemed to amount to discrimination against those goods as compared with the like goods of other countries.

(3) The countries to which this section applies are the United Kingdom and any country for the time being included in the Commonwealth preference area under paragraph (c) or (d) of subsection (3) of section two of this Act.

(4) Any duty chargeable on any goods under this section shall be chargeable in addition to any import duty chargeable on the goods and (unless otherwise directed by an order under this section) in addition to any other duty of customs so chargeable.

(5) Sections seven and nine of this Act shall apply in relation to duties under this section as they apply in relation to import duties.

(6) A duty under this section—

(a) may be made chargeable by reference to value or to weight or other measure of quantity ;

(b) may be imposed, varied or removed for any period or periods, whether continuous or not, or without limit of period ;

(c) may be made chargeable at different rates for different periods.

(7) Section two hundred and fifty-nine of the Customs and Excise Act, 1952, and section five of the Finance Act, 1957 (which make provision as to duties and drawbacks in respect of dutiable parts or ingredients), shall not have effect in relation to duties under this section.

PART IV

SUPPLEMENTARY

12.—(1) For the purposes of this Act (including the provisions dealing with Commonwealth preference on duties under other Acts) goods shall be deemed to be goods of a country if they are grown, produced or manufactured in that country.

Provisions for determining country of origin of imported goods.

(2) The Board of Trade may by regulations make provision as to the cases in which goods are or are not to be treated for those purposes as grown, as produced or as manufactured in a country and as to the evidence which is to be required or is to be sufficient for the purpose of showing that goods are goods of a particular country; and the regulations may make different provision for different purposes and in relation to goods of different descriptions.

(3) Subject to the provisions of any such regulations, where any question as to the duties of customs chargeable on any goods depends under this Act on the country in which they were grown, produced or manufactured or on that from which they are consigned to the United Kingdom, the Commissioners may require the importer of the goods to furnish to them, in such form as they may prescribe, proof of any statement made to them as to any fact necessary to determine that question; and if such proof is not furnished to their satisfaction, the question may be determined without regard to that statement.

(4) In determining for the purposes of this Act or of any other enactment relating to duties of customs where fish, whales or other natural produce of the sea, or goods produced or manufactured therefrom at sea, are to be treated as produced or manufactured, anything done by or on board of a ship belonging to a country shall be treated as done in that country; and any such produce of the sea or goods produced or manufactured therefrom at sea, if brought direct to the United Kingdom, are for the purposes of this Act—

- (a) in the case of goods of the United Kingdom, to be deemed for the purposes of any charge to duty not to be imported; and
- (b) in the case of goods of any other country, to be deemed to be consigned to the United Kingdom from that country.

For the purposes of this subsection a registered ship shall be deemed to belong to the country in which it is registered.

13.—(1) The Treasury may by order vary or revoke any order made by them under this Act, but so that an order made on the recommendation of the Board of Trade shall not be varied or revoked except on the like recommendation.

Provisions as to orders and regulations.

PART IV
—cont.

(2) Any power of the Treasury or Board of Trade to make orders or regulations under this Act shall be exercisable by statutory instrument.

(3) In any case not falling within the next following subsection, any statutory instrument containing any such order or regulations shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

(4) Where an order of the Treasury under this Act imposes or increases any duty of customs, or restricts any relief from duty under section five of this Act, the statutory instrument shall be laid before the Commons House of Parliament after being made, and the order shall cease to have effect at the end of twenty-eight days after that on which it is made (but without prejudice to anything previously done under the order or to the making of a new order) unless at some time before the end of those twenty-eight days the order is approved by resolution of that House.

In reckoning for the purposes of this subsection any period of twenty-eight days, 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) Where an order has the effect of altering the rate of duty on any goods in such a way that the new rate is not directly comparable with the old, it shall not be treated for the purposes of subsection (4) of this section as increasing the duty on those goods if it declares the opinion of the Treasury to be that, in the circumstances existing at the date of the order, the alteration is not calculated to raise the general level of duty on the goods.

(6) Subsection (1) of section eleven of the Customs Duties (Dumping and Subsidies) Act, 1957, shall have effect (except as respects orders laid before the House of Commons before the date of the passing of this Act) as if the references to subsections (1) to (4) of section nineteen of the Import Duties Act, 1932, and to orders under the Import Duties Act, 1932, were references to subsections (3) to (5) of this section and to orders of the Treasury under this Act.

Provisions as
to Board of
Trade.

14. Anything required or authorised by or 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, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President.

Interpretation.

15.—(1) In this Act, except in so far as the context otherwise requires—

“country” includes territory, and references to a country include references to any area consisting of two or more countries;

“ import duty ” means a duty under section one of this Act ;
 “ registered shipbuilding yard ” has the meaning assigned
 to it by subsection (5) of section five of this Act ;

PART IV
 —cont.

and other expressions have the same meanings as in the Customs and Excise Act, 1952.

(2) References in this Act to goods produced or manufactured from any articles shall be construed as including cases where the goods are produced or manufactured partly from those articles, or wholly or partly from other articles produced or manufactured from those articles ; and for the purposes of any such reference and of any reference in this Act to goods incorporating any articles, any packing, container or get-up of exported goods shall be treated as forming part of the goods.

(3) Nothing in this Act shall be construed as applying to purchase tax by virtue of section eleven of the Finance Act, 1944 (which applies for purchase tax purposes enactments relating to customs generally).

16.—(1) This Act may be cited as the Import Duties Act, 1958.

Short title,
 extent, com-
 mencement,
 etc.

(2) It is hereby declared that this Act extends to Northern Ireland.

(3) No duties shall become or cease to be chargeable by virtue of this Act before the first day of January, nineteen hundred and fifty-nine, and the provisions of the Sixth Schedule to this Act shall have effect in relation to the first imposition of import duties and other matters of a transitional nature in connection with the passing of this Act and the bringing into force of those duties.

(4) The enactments mentioned in the Seventh Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule :

Provided that where the duties of customs and the rates thereof chargeable on any goods fall, or would apart from any special relief or exemption fall, to be determined as at a time before the date on which import duties first become chargeable (whether that time is before or after the passing of this Act), then in relation to those goods this repeal shall not affect the operation of any enactment relating to duties chargeable under the Import Duties Act, 1932, or under any provision specified in the Second Schedule to this Act until the end of the year nineteen hundred and sixty-three.

SCHEDULES

FIRST SCHEDULE

PROVISIONS AS TO COMMONWEALTH PREFERENCE IN THE CASE OF DUTIES OTHER THAN IMPORT DUTIES

Section 2.

1.—(1) In subsection (1) of section eight of the Finance Act, 1919 (which provides for charging certain customs duties at preferential rates on Empire products), and in any other enactment referring to Empire products within the meaning of that section, for the references to Empire products there shall be substituted references to goods qualifying for Commonwealth preference, and (subject to the following sub-paragraph) for references in the said section eight to the British Empire there shall be substituted references to the Commonwealth preference area.

(2) The second paragraph of subsection (1) of the said section eight (which defines the expression “the British Empire” and makes provision for determining whether goods are deemed to be manufactured in the British Empire) shall cease to have effect.

(3) Subsections (2) to (9) of section two of this Act shall apply for the purposes of the said section eight as they apply for the purposes of that section of this Act.

2. In subsection (6) of section six of the Finance Act, 1952 (which relates to the special preference for certificated colonial sugar), for the second paragraph there shall be substituted—

“The countries and territories referred to in this subsection are those for the time being included in the Commonwealth preference area under paragraphs (c) and (d) of subsection (3) of section two of the Import Duties Act, 1958.”

3.—(1) In the case of coffee, not kiln-dried, roasted or ground, the preferential rate under section eight of the Finance Act, 1919, shall be a rate representing the full rate of duty reduced by two shillings and fourpence per hundredweight or, if the Treasury by order so direct, by nine shillings and fourpence per hundredweight; but for the rates of drawback on coffee and mixtures of coffee and chicory specified in subsection (4) of section three of the Finance Act, 1924, there shall, if a duty of customs was paid on the coffee, or on the coffee or any part of the coffee contained in the mixture, as the case may be, at a preferential rate representing the full rate reduced by nine shillings and fourpence per hundredweight, be substituted the following reduced rates, that is to say:—

	£	s.	d.
Coffee, for every one hundred pounds		4	8
Mixtures of coffee and chicory—			
For every one hundred pounds of coffee contained in the mixture on which a duty of customs was paid as aforesaid		4	8
For every one hundred pounds of the other components of the mixture			

The rate payable under the said subsection (4) for every one hundred pounds of the whole mixture.

(2) In the case of light wines, each of the rates specified in the third column of the Second Schedule to the Finance Act, 1949 (being the rates for wines qualifying for Commonwealth preference), shall be increased by one shilling, unless the Treasury by order direct otherwise.

1st SCH.
—cont.

(3) The foregoing provisions of this paragraph shall have effect in lieu of subsections (2) and (3) of section four of the Ottawa Agreements Act, 1932, and in lieu of subsection (2) of section four of the Finance Act, 1949.

SECOND SCHEDULE

Section 3

SUPERSEDED PROVISIONS IMPOSING CUSTOMS DUTIES

1. The Safeguarding of Industries Act, 1921.
2. Section four of the Finance Act, 1925, section five of the Finance Act, 1932, and section nine of the Finance Act, 1933 (which imposed the silk and artificial silk duties).
3. The Ottawa Agreements Act, 1932, section six of the Finance Act, 1934, and section eight of the Finance Act, 1935 (which imposed certain duties for the purpose of conferring imperial preference).
4. The Beef and Veal Customs Duties Act, 1937.
5. Subsection (4) of section three of the Eire (Confirmation of Agreements) Act, 1938 (which conferred power to impose duty on eggs or poultry from Eire in certain circumstances).
6. The Schedule to the Customs Tariff Act, 1876, so far as it relates to figs, fig cake, plums or raisins, and section three of the Customs and Inland Revenue Act, 1890 (which relates to currants).
7. Subsection (2) of section eighty-one of the Finance (1909-10) Act, 1910 (which relates to chloroform and certain other articles containing or made from spirits).

THIRD SCHEDULE

Section 5.

CONDITIONAL RELIEFS UNDER TREASURY ORDER

1. Ships, and goods imported in a ship and forming part of its equipment or machinery, may be relieved from import duties if the ship is imported for the purpose of being broken up.
2. Goods of any description may be relieved from import duties if imported for use as exhibits or specimens in such galleries or museums as may be determined by or under the order, and not imported for sale.
3. Works of art of any description may be relieved from import duties if certified as provided by the order to be works of art of the relevant description, and any such relief may be restricted to a specified number of replicas or impressions of any article.
4. Exposed cinematograph film may be relieved from import duties if certified as provided by the order to be of an educational character, and any such relief may be further restricted with a view to securing reciprocity in countries outside the United Kingdom.

3RD SCH.
—cont.

5. Articles recorded with sound, other than exposed cinematograph film, may be relieved from import duties (other than those chargeable on similar articles not so recorded), if the articles are not produced in quantity for general sale as so recorded.

6. Apples may be relieved from import duties, if imported for use in making cider.

7. Paper may be relieved from import duties, if imported for the purpose of being spun into yarn.

8. Goods of any description may be relieved from import duties if and in so far as the relief appears to the Treasury to be necessary or expedient with a view to conforming with an international agreement relating to matters other than commercial relations.

Section 6.

FOURTH SCHEDULE

GOODS QUALIFYING FOR EXEMPTION UNDER TREASURY DIRECTIONS

1. Any of the following articles shall qualify for relief if similar articles are not for the time being procurable in the United Kingdom, that is to say,—

- (a) aircraft intended to be used in maintaining overseas services, and spare parts and equipment for incorporation in or use on aircraft manufactured outside the United Kingdom and used or intended to be used as aforesaid ;
- (b) machinery (other than aircraft and parts or equipment for incorporation in or use on aircraft) ;
- (c) the instruments and apparatus mentioned in this subparagraph and parts thereof, namely, optical and scientific instruments and apparatus, measuring and checking instruments and apparatus, apparatus based on the use of X-rays or of the radiations from radioactive substances, thermionic, cold-cathode and photo-cathode valves and tubes, discharge lamps ;
- (d) organic products, being either—
 - (i) synthetic organic dyestuffs (including pigment dyestuffs) ;
 - (ii) synthetic organic products of a kind used as luminophores ;
 - (iii) products of the kind known as optical bleaching agents, substantive to the fibre ;
 - (iv) mixtures of stabilised diazonium salts and coupling compounds for the production of insoluble azoic dyestuffs on the fibre ;
 - (v) preparations based on synthetic organic dyestuffs (including pigment dyestuffs) of a kind used for colouring in the mass artificial plastics, rubber or similar materials or as ingredients in preparations for printing textiles ; or
 - (vi) organic intermediate products used in the manufacture or production of any of the products specified in sub-paragraphs (i), (ii) and (iii) of this paragraph.

2. Articles intended and reasonably required for the purpose of subjecting the articles, or any material or component in the articles, to examination or tests with a view to promoting or improving the manufacture in the United Kingdom of goods similar to those articles or to that material or component, as the case may be, or for the purpose of subjecting goods capable of use with those or similar articles (including goods which might be used as materials or components in such articles or in which such articles might be used as materials or components) to examination or tests with a view to promoting or improving the manufacture in the United Kingdom of those or similar goods, shall qualify for relief.

4TH SCH.
—cont.

3. Articles intended to be used in scientific research, or for a purpose connected with the advancement of any branch of learning or art or with the promotion of any sport, and not intended to be sold, or to be used for any purpose which is substantially a commercial purpose, shall qualify for relief.

FIFTH SCHEDULE

Section 9.

PROVISIONS AS TO DRAWBACK ORDERS

1.—(1) Drawback may be allowed either—

- (a) in accordance with paragraph 2 of this Schedule on the exportation of the imported articles or of goods incorporating those articles; or
- (b) in accordance with paragraph 3 of this Schedule on the exportation of goods produced or manufactured from the imported articles.

(2) For the purposes of this Schedule any process whereby the form or character of any goods is changed shall be treated as producing other goods from them.

(3) Any order may provide for allowing drawback subject to restrictions not specifically provided for by this Schedule.

2. Any order providing for drawback to be allowed in accordance with this paragraph shall be taken as providing that—

- (a) the drawback shall be of an amount equal to the duty shown to have been paid in respect of the imported articles;
- (b) the drawback shall not be allowed on an exportation by a person other than the importer of the imported articles or some person who has taken delivery of those articles or of goods incorporating them directly from him;
- (c) the drawback shall not be allowed if since the duty became chargeable on the imported articles those articles or any goods for the time being incorporating them have been used otherwise than by being incorporated in other goods, or if the imported articles have ceased, otherwise than by undergoing some process not changing their form or character, to be in the same state as they were in at the time when the duty became chargeable on them.

3.—(1) Where drawback is to be allowed in accordance with this paragraph—

- (a) the rate of drawback shall not be such as appears calculated on the average to result in the duty drawn back amounting to more than the duty paid;

5TH SCH.
—cont.

- (b) subject to paragraph (a) of this sub-paragraph, the drawback may be allowed at such rate or rates as appear appropriate and convenient, but so that any rate of drawback shall be fixed by reference either to the quantity of the imported articles (or any goods produced or manufactured from those articles) actually contained in the exported goods or to that of the exported goods ;
- (c) where the drawback is to be allowed in the case of any exported goods at more than one rate according to the duty charged on the imported articles or according to the value by reference to which duty was paid on those articles, provision may be made for determining any question as to the quantity to which any rate is to apply.

(2) Any order for drawback to be allowed in accordance with this paragraph shall be taken, except in so far as it provides to the contrary, as providing that—

- (a) any rate of drawback shall, in relation to imported articles charged with duty at a preferential rate, be reduced so as to bear to the full rate of drawback the proportion which the duty charged bore to the full duty;
- (b) no drawback shall be allowed in respect of any imported articles if relief from duty was allowed in the case of those articles under the provisions of this Act relating to goods re-imported after processing.

(3) Any order providing for drawback to be allowed in accordance with this paragraph shall be taken as providing that the drawback shall not be allowed if since the duty became chargeable on the imported articles those articles or any goods produced or manufactured from them have been used otherwise than for the production or manufacture of other goods from them.

Section 16.

SIXTH SCHEDULE

TRANSITIONAL PROVISIONS

1. Any of the duties ceasing to be chargeable under the Import Duties Act, 1932, or under any provision specified in the Second Schedule to this Act (in this Schedule referred to as "the former duties"), as in force immediately before the beginning of the year nineteen hundred and fifty-nine, may be re-imposed from the beginning of that year as import duties under section one of this Act (with such modifications, if any, as appear to the Treasury on the recommendation of the Board of Trade to be expedient for the purpose of facilitating the introduction of a comprehensive form of tariff under subsection (4) of that section), whether or not those duties are such as might apart from this provision be imposed in accordance with the said section one.

2.—(1) Notwithstanding anything in subsection (2) of section nine of this Act or in paragraph (a) of sub-paragraph (1) of paragraph 3 of the Fifth Schedule to this Act, any order made before the

6TH SCH.
—cont.

beginning of the year nineteen hundred and fifty-nine for allowing drawback in accordance with the said paragraph 3 may provide for such drawback as appears to the Treasury on the recommendation of the Board of Trade substantially to continue (having regard to any alteration in the duties chargeable) any drawback allowed immediately before the beginning of that year as respects any of the former duties.

(2) Until the end of the year nineteen hundred and sixty any such order made as aforesaid may be amended in such manner as appears appropriate to take account of alterations in duty or in other material circumstances on the assumption that the drawback originally conformed with paragraph (a) of sub-paragraph (1) of paragraph 3 of the Fifth Schedule to this Act.

(3) Any provision made under section nine of this Act for allowing drawback as respects import duties in accordance with paragraph 3 of the Fifth Schedule to this Act may be extended so as to apply until the end of the year nineteen hundred and sixty-three to all or any of the former duties; and, notwithstanding the proviso to subsection (4) of section sixteen of this Act, no drawback as respects the former duties shall be allowed by virtue of the enactments mentioned below in this sub-paragraph (which provide for drawback in respect of imported materials used in the manufacture or preparation of exported goods) if the right to drawback has not accrued before the beginning of the year nineteen hundred and fifty-nine.

The enactments above referred to are paragraphs 1 and 3 of Part II of the Second Schedule to the Finance Act, 1925, section nine of the Finance Act, 1932 (as originally enacted or as applied by any subsequent enactment), and section two hundred and thirty-two of the Customs and Excise Act, 1952.

3.—(1) Any document or form printed or duplicated for use in connection with any of the former duties may where suitable be used in connection with import duties; and where any such document or form is so used any reference therein to the former duties or to any enactment repealed by this Act shall, unless the contrary intention appears, be construed as referring to import duties or to the corresponding provision of this Act.

(2) Any bond or undertaking entered into before the passing of this Act with reference to any of the former duties, so far as it has reference to a period after the beginning of the year nineteen hundred and fifty-nine and is applicable to import duties, shall have effect in relation to those duties in like manner as if entered into after the passing of this Act on a form to which sub-paragraph (1) of this paragraph applies.

(3) Where by virtue of any document issued under any of the enactments mentioned below in this sub-paragraph (which in relation to the former duties made provision corresponding to provision made or authorised by section five, six or seven of this Act) any goods would have been exempt from any of the former duties, the goods shall be exempt from import duties.

6TH SCH.
—cont

The enactments above referred to are—

- (a) section ten of the Finance Act, 1932 ;
- (b) subsection (5) of section five and section eight of the Finance Act, 1936 ;
- (c) section sixteen of the Finance Act, 1949 ;
- (d) section eleven of the Finance Act, 1950 ;
- (e) section twelve of and paragraph 1 of the Third Schedule to the Finance Act, 1951.

Section 16.

SEVENTH SCHEDULE

REPEALS

Session and Chapter	Short Title	Extent of Repeal
39 & 40 Vict. c. 35.	The Customs Tariff Act, 1876.	In the Schedule the entries relating to figs, fig cake, plums and raisins.
53 & 54 Vict. c. 8.	The Customs and Inland Revenue Act, 1890.	Section three.
1 Edw. 7. c. 7. 10 Edw. 7 and 1 Geo. 5. c. 8.	The Finance Act, 1901 ... The Finance (1909-10) Act, 1910.	Subsection (2) of section two. In section eighty-one, subsection (2); in section ninety-six, in subsection (2) the words " Part VI ", and subsection (6); in the Third Schedule, Part II.
9 & 10 Geo. 5. c. 32.	The Finance Act, 1919 ...	In section eight, subsection (1) from " For the purposes of this section " onwards, and subsection (4); the Second Schedule, except as respects cocoa and coffee.
10 & 11 Geo. 5. c. 77.	The Dyestuffs (Import Regulation) Act, 1920.	The section inserted as section three by the Dyestuffs (Import Regulation) Act, 1934.
11 & 12 Geo. 5. c. 47.	The Safeguarding of Industries Act, 1921.	The whole Act.
12 & 13 Geo. 5. c. 17.	The Finance Act, 1922 ...	Section ten; in subsection (1) of section forty-nine the words from " duties of customs " to " and so far as it relates to ".
15 & 16 Geo. 5 c. 36.	The Finance Act, 1925 ...	Section four; section nine; subsection (1) of section twenty-eight; the Second and Third Schedules.
16 & 17 Geo. 5. c. 22.	The Finance Act, 1926 ...	Sections five, ten and twelve and subsection (1) of section forty-seven.
22 & 23 Geo. 5. c. 8.	The Import Duties Act, 1932.	The whole Act.
22 & 23 Geo. 5. c. 25.	The Finance Act, 1932 ...	Section five; sections seven to ten; in section thirty-one, subsections (1) and (4).

Session and Chapter	Short Title	Extent of Repeal
22 & 23 Geo. 5. c. 53.	The Ottawa Agreements Act, 1932.	The whole Act, except— section seven; in section ten, subsection (1) (with the omission of the words “ by the Treasury ” and the words from “ with respect to ” to “ by the Treasury or ”), subsection (3) (with the omission of paragraphs (a), (b) and (c)) and subsection (4); section twelve; subsection (2) of section thirteen; in the First Schedule, article 6 of the agreement in Part II, together with Schedule H referred to in that article, and article 4 of the agreement in Part III, together with the letter referred to in that article.
23 & 24 Geo. 5. c. 19.	The Finance Act, 1933 ...	Section nine; sections thirteen to twenty; the Fifth Schedule and Part II of the Sixth Schedule.
24 & 25 Geo. 5. c. 6.	The Dyestuffs (Import Regulation) Act, 1934	Section four.
24 & 25 Geo. 5. c. 32.	The Finance Act, 1934 ...	Sections four to eleven; in section thirty, subsections (2) and (5); the Second Schedule.
25 & 26 Geo. 5. c. 24.	The Finance Act, 1935 ...	Sections seven, eight, nine and eleven; in section thirty-five, subsections (2) and (5).
26 Geo. 5 and 1 Edw. 8. c. 34.	The Finance Act, 1936 ...	Sections five to eight; in section thirty-five, subsections (2) and (5); the First Schedule.
1 Edw. 8 and 1 Geo. 6. c. 8.	The Beef and Veal Customs Duties Act, 1937.	The whole Act.
1 Edw. 8 and 1 Geo. 6. c. 54.	The Finance Act, 1937 ...	Sections three and four; subsection (2) of section thirty-four; the First Schedule.
1 & 2 Geo. 6. c. 25.	The Eire (Confirmation of Agreements) Act, 1938.	Subsection (4) of section two; in subsection (4) of section three, the words from “ and in the event ” to “ of the Treasury ” and from the first “ shall ” in the proviso to “ so made under that Act.”
1 & 2 Geo. 6. c. 46.	The Finance Act, 1938 ...	Sections six, seven and nine; in subsection (2) of section fifty-five the words from “ duties of customs ” to “ and so far as it relates to ”.

7TH SCH.
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7TH SCH.
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Session and Chapter	Short Title	Extent of Repeal
2 & 3 Geo. 6. c. 41.	The Finance Act, 1939 ...	Sections three, four, seven and eight; subsection (2) of section thirty-eight; the Third, Sixth and Seventh Schedules.
2 & 3 Geo. 6. c. 97.	The Import Duties (Emergency Provisions) Act, 1939.	The whole Act.
3 & 4 Geo. 6. c. 29.	The Finance Act, 1940 ...	Section seven; subsection (2) of section sixty-five.
4 & 5 Geo. 6. c. 30.	The Finance Act, 1941 ...	Section two; subsection (2) of section fifty-two.
10 & 11 Geo. 6. c. 35.	The Finance Act, 1947 ...	Sections five and seven.
10 & 11 Geo. 6. c. 39.	The Statistics of Trade Act, 1947.	In section nine, in paragraph (a) of subsection (1), the words "or to the Import Duties Advisory Committee", and the words "or Committee".
11 & 12 Geo. 6. c. 3.	The Burma Independence Act, 1947.	In subsection (1) of section three the words "including the enactments relating to customs".
11 & 12 Geo. 6. c. 7.	The Ceylon Independence Act, 1947.	In paragraph 2 of the Second Schedule the words "section four of the Import Duties Act, 1932, and".
11 & 12 Geo. 6. c. 49.	The Finance Act, 1948 ...	Sections eight to eleven.
12, 13 & 14 Geo. 6. c. 47.	The Finance Act, 1949 ...	In section four, in subsection (1) the words "subject to the next following subsection", subsection (2) and paragraph (b) of subsection (4); section sixteen.
14 Geo. 6. c. 15.	The Finance Act, 1950 ...	Sections nine to twelve.
14 & 15 Geo. 6. c. 43.	The Finance Act, 1951 ...	Subsection (5) of section six; sections seven, eight, nine, eleven and twelve; the Third and Fourth Schedules.
15 & 16 Geo. 6 and 1 Eliz. 2. c. 44.	The Customs and Excise Act, 1952.	Section two hundred and thirty-two; in subsection (1) of section two hundred and sixty, in paragraph (a) the words from "or as to" to "that Act"; in subsection (3) of section two hundred and seventy-one, the words following paragraph (v) in the proviso.
1 & 2 Eliz. 2. c. 34.	The Finance Act, 1953 ...	Section four; the First Schedule.
2 & 3 Eliz. 2. c. 44.	The Finance Act, 1954 ...	Sections four, five and six.
4 & 5 Eliz. 2. c. 54.	The Finance Act, 1956 ...	Sections four and six.

Session and Chapter	Short Title	Extent of Repeal
5 & 6 Eliz. 2. c. 6.	The Ghana Independence Act, 1957.	In paragraph 3 of the Second Schedule the words "section four of the Import Duties Act, 1932 and".
5 & 6 Eliz. 2. c. 18.	The Customs Duties (Dumping and Subsidies) Act, 1957.	In subsection (4) of section two the words from "the provisions" to "1932, or of"; subsection (3) of section four.
5 & 6 Eliz. 2. c. 49.	The Finance Act, 1957 ...	Sections four and six.
5 & 6 Eliz. 2. c. 60.	The Federation of Malaya Independence Act, 1957.	In paragraph 7 of the First Schedule the words "section four of the Import Duties Act, 1932, and".
<i>Act of the Parliament of Northern Ireland</i>		
12 & 13 Geo. 6. c. 9 (N.I.).	The Statistics of Trade Act (Northern Ireland), 1949.	In section seven, paragraph (c) of subsection (1).

7TH SCH.
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Table of Statutes referred to in this Act

Short Title	Session and Chapter
Customs Tariff Act, 1876	39 & 40 Vict. c. 35.
Customs and Inland Revenue Act, 1890	53 & 54 Vict. c. 8.
Finance (1909-10) Act, 1910	10 Edw. 7. & 1 Geo. 5. c. 8.
Finance Act, 1919	9 & 10 Geo. 5. c. 32.
Safeguarding of Industries Act, 1921	11 & 12 Geo. 5. c. 47.
Finance Act, 1924	14 & 15 Geo. 5. c. 21.
Finance Act, 1925	15 & 16 Geo. 5. c. 36.
Finance Act, 1928	19 & 20 Geo. 5. c. 21.
Import Duties Act, 1932	22 & 23 Geo. 5. c. 8.
Finance Act, 1932	22 & 23 Geo. 5. c. 25.
Ottawa Agreements Act, 1932	22 & 23 Geo. 5. c. 53.
Finance Act, 1933	23 & 24 Geo. 5. c. 19.
Finance Act, 1934	24 & 25 Geo. 5. c. 32.
Finance Act, 1935	25 & 26 Geo. 5. c. 24.
Finance Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 34.
Beef and Veal Customs Duties Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 8.
Eire (Confirmation of Agreements) Act, 1938... ..	1 & 2 Geo. 6. c. 25.
Finance Act, 1944	7 & 8 Geo. 6. c. 23.
Finance Act, 1949	12, 13 & 14 Geo. 6. c. 47.
Finance Act, 1950	14 Geo. 6. c. 15.
Finance Act, 1951	14 & 15 Geo. 6. c. 43.
Finance Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 33.
Customs and Excise Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 44.
Customs Duties (Dumping and Subsidies) Act, 1957	5 & 6 Eliz. 2. c. 18.
Finance Act, 1957	5 & 6 Eliz. 2. c. 49.

CHAPTER 7

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 fifty-eight.

[20th February, 1958]

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 Queen'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:—

Issue of
£54,108,813 out
of the Consolidated
Fund for the service
of the year ending
31st March, 1958.

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

Power for
the Treasury
to borrow.

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

40 & 41 Vict.
c. 2.

(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 fifty-eight, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills) shall not apply with respect to those bills.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with any interest payable thereon, out 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.

Short title.

3. This Act may be cited as the Consolidated Fund Act, 1958.

CHAPTER 8

Trustees Savings Banks Act, 1958

ARRANGEMENT OF SECTIONS

Section

1. Rate of interest payable to banks.
2. Powers of investing moneys received for special investment.
3. Miscellaneous amendments as to management of Fund for the Banks for Savings.
4. Amendments as to land and buildings, and as to advances out of closed banks fund.
5. Minor amendments as to management of banks.
6. Reckoning for superannuation of certain service with savings bank not certified as trustee savings bank.
7. Increase in charge on Consolidated Fund.
8. Short title, extent, etc.

SCHEDULES:

First Schedule—Securities permitted for special investments.

Second Schedule—Amendments consequential on partial abolition of separate surplus fund.

Third Schedule—Provisions of principal Act repealed by ss. 2 and 3 of this Act.

An Act to amend the law relating to trustee savings banks.

[20th February, 1958]

BE it enacted by the Queen'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 maximum rate of interest which may be fixed by order of the Treasury under subsection (2) of section twenty-seven of the Trustee Savings Banks Act, 1954 (in this Act referred to as "the principal Act") as the rate at which interest is to be paid or credited on sums standing to the credit of trustee savings banks in the Fund for the Banks for Savings shall be three pounds two shillings and sixpence per cent., instead of two pounds seventeen shillings and sixpence per cent.

Rate of interest payable to banks.

(2) So long as there is in operation a scheme prepared by the Trustee Savings Banks Association and approved by the National Debt Commissioners for mutual assistance between trustee savings banks in the United Kingdom, the rate so fixed shall not apply to banks qualified to participate but not participating in that scheme, and in the case of any such bank the rate of interest under the said subsection (2) shall be such rate (not exceeding the rate so fixed) as the Treasury may from time to time direct, having regard in particular to the expenses of management of that bank.

(3) The interest to be credited to the mutual assistance account under subsection (2) of section fifty-three of the principal Act shall, notwithstanding subsection (2) of this section, continue to be credited at the rate fixed by order of the Treasury under

subsection (2) of section twenty-seven of that Act; and in addition to that interest there shall be credited to that account on the twenty-first day of each November and May a sum equal to that by which the interest credited to trustee savings banks for the preceding six months is reduced in consequence of subsection (2) of this section, and the sum so credited shall be treated as if it were interest credited to that account.

(4) The foregoing provisions of this section shall not apply to interest for any period before the twenty-first day of May, nineteen hundred and fifty-eight; but the interest to be credited to the mutual assistance account on that day shall be increased by such amount not exceeding three hundred thousand pounds as the Treasury may direct, having regard in particular to the previous limit on the rate of interest under subsection (2) of section twenty-seven of the principal Act.

(5) Notwithstanding subsection (2) of this section, the interest to be paid by the Commissioners to the account of the Minister of Transport and Civil Aviation on money representing deposits in seamen's savings banks under subsection (2) of section one hundred and forty-nine of the Merchant Shipping Act, 1894 (which requires interest to be paid at the same rate as on the money received from trustee savings banks), shall continue to be paid at the rate fixed by order of the Treasury under subsection (2) of section twenty-seven of the principal Act.

Powers of
investing
moneys
received for
special
investment.

2.—(1) Subject to any regulations made in that behalf by the Treasury by statutory instrument and to the powers of control conferred on the Commissioners by section forty of the principal Act, the trustees of a trustee savings bank may invest moneys received for special investment in any such security as is mentioned in the First Schedule to this Act.

(2) Notwithstanding anything in the principal Act, the Commissioners may, on the application of the trustees of a trustee savings bank, authorise all or any of the moneys received by the trustees for special investment to be paid to and received by the trustees of another trustee savings bank for special investment, but subject to the following conditions:—

- (a) a bank shall not be permitted to make a payment under this subsection if its total liabilities to depositors in respect of special investments apart from this subsection are more than one million pounds or if the amounts standing to its credit with other banks under this subsection would with that payment be more than two hundred thousand pounds;

- (b) a bank shall not be permitted to receive a payment under this subsection if its total liabilities to depositors in respect of special investments apart from this subsection are less than four million pounds or less than ten times the amount which its total liabilities to other banks in respect of special investments under this subsection would attain with that payment ;
- (c) the terms of any investment by one bank with another under this subsection shall be stated in the application to the Commissioners and shall be such as may be agreed between the banks concerned, except that—
- (i) the money shall be repayable by the bank receiving it on six months or some shorter notice, and on one month or some shorter notice if the trustees of the other bank certify that it is necessary for them to call in investments in order to meet an unusual demand on the bank ; and
 - (ii) the rate of interest shall be not less than that from time to time allowed by the bank receiving the money on moneys which are received on the same date for special investment apart from this subsection and are repayable on one month's notice ;
- (d) a bank shall at any time withdraw any money invested by it or repay any money invested with it under this subsection if so directed by the Commissioners.

For the purpose of paragraphs (a) and (b) of this subsection the amount of a bank's liability to any person in respect of special investments shall be taken to be the amount for the time being standing to his credit in respect thereof in the books of the bank.

(3) The trustees of a trustee savings bank shall have power to deposit moneys received by them for special investment in a bank other than a savings bank, either on deposit account or on current account.

(4) Money received for special investment shall not be invested except in accordance with this section ; and the trustees of a trustee savings bank shall not have power under subsection (2) of section eleven of the principal Act to receive money for special investment except by way of deposit repayable in cash and not otherwise.

(5) The provisions of this section and of paragraph (a) of subsection (2) of section forty of the principal Act as to the investment of moneys received for special investment shall be taken to apply to the investment of any moneys forming part of the assets held by a bank on account of special investments.

(6) In the principal Act, the sections or parts of sections specified in Part I of the Third Schedule to this Act are hereby repealed.

(7) Nothing in this section shall apply to or affect any investment made before the date on which regulations under subsection (1) first come into force, or any investment authorised by the Commissioners under section forty-one of the principal Act before that date.

Miscellaneous
amendments
as to
management
of Fund for
the Banks for
Savings.

3.—(1) The following provisions of the principal Act shall cease to have effect, that is to say,—

- (a) section twenty-eight (which relates to the making to the Fund for the Banks for Savings of payments by a central bank on behalf of a branch);
- (b) sections twenty-nine to thirty-one (which provide for the time and manner of crediting interest to banks in that Fund, and for withdrawals from that Fund);
- (c) section thirty-eight (which provides for a bank's surplus arising from ordinary deposits to be carried in that Fund to a distinct account called the separate surplus fund).

(2) All sums credited to the account of a trustee savings bank in the books of the Commissioners shall carry interest (at the rate for the time being fixed for such of those sums as represent payments under section twenty-six of the principal Act) from the day at which they are credited to the account to the day preceding that at which they are debited to it; but no interest shall be allowed on any fraction of a pound of the balance for the time being standing to the credit of the account.

(3) The officer of the Commissioners shall, within six weeks from the twentieth day of each November and May, calculate the interest due on the said sums for the six months ending with that day, and that interest shall be credited to the account as at the following day (any fraction of a penny being disregarded); and within sixty days from the twentieth day of each November and May he shall issue, in a form approved by the Commissioners, a receipt signed by him for the amount of the interest so credited as if that amount had been a payment made by the trustees of the bank under section twenty-six of the principal Act on the twenty-first day of that month.

(4) The Commissioners with the concurrence of the Treasury may by statutory instrument make regulations as to the manner in which sums standing to the credit of the account of a trustee savings bank in the books of the Commissioners may be withdrawn, the manner in which payments may be made on any such withdrawal and the manner in which a valid discharge is to be given to the Commissioners for any such payment.

In section seventy-four of the principal Act, a reference to this subsection shall be substituted for the reference to section thirty of that Act.

(5) On the coming into force of this section, any money standing to the credit of a bank (other than a closed bank) in the separate surplus fund shall cease to be separated and distinguished from the other moneys standing to the credit of the bank in the books of the Commissioners, but the part of the separate surplus fund standing to the credit of closed banks shall continue to form a distinct account, to be called the "closed banks fund"; and accordingly the principal Act shall be amended in accordance with the Second Schedule to this Act.

(6) In the principal Act, the sections or parts of sections specified in Part II of the Third Schedule to this Act are hereby repealed.

(7) In subsection (3) of section nine of the Finance Act, 1956 (which, in connection with the relief from income tax given to interest on deposits with savings banks maintained under local Acts, applies certain provisions of the principal Act to those banks), the reference to sections twenty-five to thirty-eight of the principal Act shall not include the provisions repealed by this section, but shall include a reference to subsections (2) and (3) of this section; and for any bank or department of a bank for the time being certified under subsection (3) of the said section nine the Treasury may by order under that subsection make the like provision as may be made for trustee savings banks by regulations under subsection (4) of this section.

(8) This section shall come into force on the twenty-first day of May, nineteen hundred and fifty-eight; but nothing in this section shall affect the operation of section thirty of or the Second Schedule to the principal Act until the coming into force of regulations under subsection (4) of this section, or affect the operation of subsection (3) of section nine of the Finance Act, 1956, in relation to a bank or department of a bank certified thereunder at the beginning of that day, until the coming into operation for the bank or department of an order made by virtue of subsection (7) of this section.

4.—(1) The cost to a trustee savings bank of purchasing any land or erecting any building for the purpose of the bank under section ten of the principal Act may be defrayed out of—

Amendments
as to land
and buildings,
and as to
advances out
of closed
banks fund.

(a) surplus moneys forming part of the assets of the bank in respect of ordinary deposits, including moneys received by way of advance or grant from another trustee savings bank, from the mutual assistance account or from the closed banks fund;

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(b) moneys applied for the purpose under section forty-five of the principal Act (which authorises the use of part of a bank's special investment surplus);

or partly in one way and partly in the other.

(2) The power of the trustees of a trustee savings bank under section ten of the principal Act to purchase land or erect buildings for the purpose of the bank shall include power to incur expenditure of a capital nature on the doing of work to land or buildings provided for the purpose of the bank, and any such expenditure shall be treated for the purposes of the principal Act and this section as incurred on the purchase of the land or erection of the building.

(3) Where the whole or part of the cost to a trustee savings bank of purchasing any land or erecting any building is defrayed out of an advance from another trustee savings bank, the repayment of the sum advanced and the payment of any sums payable under the terms of the advance by way of interest or otherwise to the bank making the advance may be secured by mortgage of or charge on the land or building; and in relation to moneys which by virtue of any such mortgage or charge ought to be paid to the trustees of the bank making the advance the reference to the custodian trustees in subsection (2) of section ten of the principal Act (which makes the receipt of the custodian trustees a good discharge for all moneys accruing from or in connection with a sale, exchange or lease) shall be construed as referring to the custodian trustees of that bank.

(4) If, in the case of a bank making special investments, the cost of purchasing any land or erecting any building is or has been defrayed partly but not wholly out of moneys applied under section forty-five of the principal Act, then the provisions of that section relating to the application of moneys accruing from or in connection with the sale, exchange or lease of land purchased or buildings provided under the section, and to the inclusion of the value of any such land or buildings in the annual valuation, shall apply to such part of the moneys or value referred to as appears to the trustees, with the approval of the Commissioners, to be referable on a just apportionment to the sums applied under that section.

(5) In the case of a bank making special investments, the whole or part of the cost of any land purchased or buildings erected for the purpose of the bank may, with the consent of the Commissioners, be transferred to or from moneys applied under the said section forty-five by applying a sum representing the whole or a proportionate part of the value of the land or buildings out of moneys available for the purchase of land under the said section forty-five or out of moneys otherwise

available for the purchase of land, as the case may be ; and, in the case of a transfer from moneys applied under the said section forty-five, that sum shall be invested as if it were money received for special investment.

(6) For the purposes of sections fifty-two and seventy-five of the principal Act (which authorise advances to be made by a trustee savings bank or out of the closed banks fund for the purpose of providing for expenses in connection with the formation and the initial working of a new bank) expenses incurred in the purchase of land or erection of buildings for the purpose of a new bank shall be deemed to be incurred in connection with the formation and initial working of the bank.

(7) In subsection (1) of the said section seventy-five, after the words " the formation and the initial working of the bank ", there shall be inserted the words " and the Commissioners may also, after consultation with the Association, advance to the trustees of a trustee savings bank out of the closed banks fund such sums as the Commissioners think fit for the purpose of enabling the operations of that bank to be extended ".

(8) The amount for the time being outstanding in respect of advances from the closed banks fund under the said section seventy-five shall not be treated as forming part of that fund for the purposes of section forty-two of the principal Act (under which the fund forms part of the guarantee fund to provide for any deficiency arising in respect of special investments made by trustee savings banks).

(9) In this section " land " has the same meaning as in section ten of the principal Act ; and any reference in this section to section forty-five of the principal Act includes, in relation to moneys applied before the coming into force of that Act, a reference to section eight of the Savings Banks Act, 1929.

5.—(1) Documents executed and things done (including those executed or done before the coming into force of this section) by the custodian trustees of a trustee savings bank in relation to property vested in those trustees for the bank, or on or in connection with the acquisition of property to be so vested, shall be conclusively presumed to be or have been executed or done by them by the direction and on behalf of the trustees of the bank.

Minor amendments as to management of bank.

(2) Any document to be executed by the custodian trustees of a trustee savings bank may be executed by any three in the name of all of them.

(3) Notwithstanding anything in section nine of the principal Act, on any amalgamation of two or more trustee savings banks which is to be effected not by merging with one of the existing banks the other or others of them, but by establishing a new bank, the special resolutions for the amalgamation shall appoint four of the trustees of the amalgamated bank to be the custodian trustees of that bank; and in subsection (1) of section fifty-one of the principal Act for the words "all the funds and property of the banks shall become vested in the amalgamated bank" there shall be substituted the words "all the funds and property of the banks, so far as not already vested in the custodian trustees of the amalgamated bank, shall become vested in them".

(4) In subsection (2) of section ten of the principal Act (under which no purchaser, assignee or tenant is bound to inquire as to the authority for, or consent of the Commissioners to, any sale, exchange or lease by the trustees of a trustee savings bank) for the word "bound" there shall be substituted the word "entitled".

(5) Subsection (4) of the said section ten (which makes unnecessary provision as to the effect of conveyances, etc.) shall cease to have effect, and is hereby repealed.

(6) In subsection (5) of the said section ten (under which a certificate of the Comptroller-General of the National Debt Office is conclusive evidence of certain matters connected with a purchase of land for a trustee savings bank) after the words "Comptroller-General" there shall be inserted the words "or Assistant Comptroller".

(7) In subsection (3) of section twenty-two of the principal Act (under which, in the case of deposits by one person as trustee for another, receipts for repayments must be given by both of them in person or by agent appointed by power of attorney) for the words "or by agent appointed by power of attorney" there shall be substituted the words "or, unless the person giving the receipt is under the age of fourteen, by agent appointed in writing in a form approved by the trustees of the bank"; and accordingly subsection (4) of that section (which enabled a power of attorney to be given for the purposes of subsection (3) by an infant of or exceeding the age of fourteen years) is hereby repealed.

(8) In section eight of the Savings Banks Act, 1920 (which relates to the transfer of Government stock on the production of probate or letters of administration granted by a court in the Isle of Man or one of the Channel Islands), the expression

“savings bank authority”, in relation to stock inscribed or registered in the part of the Post Office register kept by the trustees of any trustee savings bank, shall include and be deemed always to have included the trustees of that bank.

(9) Where any payment is or has before the coming into force of this section been made or act done by the trustees of a trustee savings bank in accordance with the enactments and regulations relating to trustee savings banks for the time being in force, and in accordance with the rules of the bank, the trustees of the bank are hereby indemnified against all claims on the part of any person in respect of the payment or act, but any person may nevertheless recover any sum lawfully due to him from the person to whom the trustees of the bank have paid it.

6.—(1) Where an institution established as a savings bank (as defined in section one of the principal Act) is certified under that Act as a trustee savings bank, and a person is serving as an officer of the bank both immediately before and immediately after the time when it is certified, his service as an officer of the bank before that time may, to such extent as the Commissioners with the approval of the Treasury may determine, be reckoned for the purpose of sections sixty-four to sixty-seven of the principal Act (which relate to the superannuation of officers of trustee savings banks or of the Inspection Committee otherwise than under contributory schemes) as if it were a period of service as an officer of the trustee savings bank; and in section sixty-nine of the principal Act (which relates to contributory superannuation schemes) the reference in paragraph (a) of subsection (2) to the amounts which could be paid under the said section sixty-four shall be construed accordingly.

Reckoning for superannuation of certain service with savings bank not certified as trustee savings bank

(2) In the foregoing subsection the reference to sections sixty-four to sixty-seven of the principal Act shall include any order modifying those sections under the Trustee Savings Banks (Pensions) Act, 1955, except in so far as the contrary is provided by any order made under the latter Act after the coming into force of this section; and any order under that Act modifying section sixty-nine of the principal Act may adapt the reference in the foregoing subsection to paragraph (a) of subsection (2) of section sixty-nine.

7. There shall be charged on the Consolidated Fund of the United Kingdom any increase attributable to this Act in the sums payable out of the Consolidated Fund under section thirty-six of the principal Act.

Increase in charge on Consolidated Fund.

Short title,
extent, etc.

8.—(1) This Act may be cited as the Trustee Savings Banks Act, 1958, and this Act, the principal Act and the Trustee Savings Banks (Pensions) Act, 1955, may be cited together as the Trustee Savings Banks Acts, 1954 to 1958.

(2) It is hereby declared that this Act extends to Northern Ireland, and this Act shall also extend to the Isle of Man and the Channel Islands.

(3) In the principal Act, and in particular in the provisions of that Act relating to the interpretation of it, references to that Act or to any provision of it which is amended by this Act shall, except in so far as the context otherwise requires, be construed as including a reference to this Act, or as referring to that provision as so amended, as the case may be.

SCHEDULES

FIRST SCHEDULE

Section 2.

SECURITIES PERMITTED FOR SPECIAL INVESTMENTS

1. Securities of the following descriptions which will mature for repayment not later than forty years after the date of investment, namely—

- (a) securities of which principal and interest are charged on the Consolidated Fund of the United Kingdom or of Northern Ireland, whether directly or by virtue of any guarantee ;
- (b) stock to which the Colonial Stock Act, 1877, as amended or extended by or under any subsequent enactment applies, being stock registered in the United Kingdom and included in the list kept by the Treasury under section two of the Colonial Stock Act, 1900 ;
- (c) in the case of a bank in the island of Jersey or Guernsey, securities issued by the States of that island of which principal and interest are charged on the general revenues of the States ;
- (d) stock issued by any local authority in Great Britain or Northern Ireland or by any body incorporated to provide a water supply otherwise than for profit and having power to raise revenue by means of a rate, being stock for the time being authorised for the investment of trust funds under the general law of Great Britain and Northern Ireland or any part thereof ;

(e) debentures or debenture stock of the Agricultural Mortgage Corporation or of the Scottish Agricultural Securities Corporation.

1ST SCH.
—cont.

2. Loans to any local authority in Great Britain, Northern Ireland or the Isle of Man, being loans made repayable on six months or some shorter notice to the authority and secured on revenues raised by means of a rate.

In this Schedule any reference to raising revenue by means of a rate includes raising revenue by means of a precept, requisition or other document calling for a payment which is or can be raised ultimately out of a rate.

SECOND SCHEDULE

Section 3.

AMENDMENTS CONSEQUENTIAL ON PARTIAL ABOLITION OF SEPARATE SURPLUS FUND

1. The following provisions referring to the separate surplus fund shall be omitted from the principal Act, that is to say, subsection (3) of section ten, subsections (2) and (3) of section fifty-two, subsections (5) and (6) of section fifty-three and subsection (2) of section sixty-four.

2. The words "the closed banks fund" shall in the principal Act be substituted—

- (a) in paragraph (b) of subsection (2) of section forty-two for the words "such part of the separate surplus fund as stands to the credit of closed trustee savings banks";
- (b) in paragraph (a) of subsection (3) of section forty-two for the words "the part of the separate surplus fund standing to the credit of the guarantee fund";
- (c) in subsection (4) of section forty-three for the words "the separate surplus fund and be treated as an amount standing to the credit of a closed trustee savings bank";
- (d) in subsections (3) and (4) of section fifty-five and in subsection (5) of section fifty-six for the words "the separate surplus fund";
- (e) in subsection (1) of section seventy-five for the words "such part of the separate surplus fund as stands to the credit of closed banks".

3. In subsection (5) of section fifty-five of the principal Act for the words "out of money standing to the credit of the bank in the separate surplus fund" there shall be substituted the words "out of money which would otherwise be carried to the closed banks fund under this section".

Sections 2, 3.

THIRD SCHEDULE

PROVISIONS OF PRINCIPAL ACT REPEALED BY SS. 2 AND 3
OF THIS ACT

PART I

Provisions repealed by s. 2

In section forty, subsection (3).

Section forty-one.

In section forty-two, subsection (4).

In section forty-three, subsection (6).

In section forty-four, the proviso.

PART II

Provisions repealed by s. 3

In section ten, subsection (3).

In section twenty-seven, the words "from the day of payment" in subsection (2), subsection (3) from the beginning to the second "and" and subsection (5).

Sections twenty-eight to thirty-one.

Section thirty-eight.

In section forty-nine, in subsection (8), the words "whether involving the withdrawal of any part of the separate surplus fund under subsection (4) of section thirty-eight of this Act or not".

In section fifty-two, subsections (2) and (3).

In section fifty-three, subsections (5) and (6).

In section sixty-four, subsection (2).

In section eighty-one, the definition of "separate surplus fund".
The Second Schedule.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Colonial Stock Act, 1877	40 & 41 Vict. c. 59
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60
Colonial Stock Act, 1900	63 & 64 Vict. c. 62
Savings Banks Act, 1920	10 & 11 Geo. 5. c. 12
Savings Banks Act, 1929	19 & 20 Geo. 5. c. 27
Trustee Savings Banks Act, 1954	2 & 3 Eliz. 2. c. 63
Trustee Savings Banks (Pensions) Act, 1955	3 & 4 Eliz. 2. c. 12
Finance Act, 1956	4 & 5 Eliz. 2. c. 54

CHAPTER 9*Entertainments Duty Act, 1958*

ARRANGEMENT OF SECTIONS

Section

1. Charge and rate of entertainments duty.
2. Chargeable entertainments.
3. Collection of duty.
4. Special provisions as to payments for admission by lump sum, &c.
5. Special provisions as to combined payments for admission and other benefits.
6. Regulations.
7. Power of Commissioners to delegate functions to local or police authorities.
8. Powers of entry.
9. Interpretation.
10. Application of Act, repeals and savings.
11. Short title and extent.

SCHEDULES:

First Schedule—Exemptions from entertainments duty.

Second Schedule—Enactments repealed.

An Act to consolidate the enactments relating to entertainments duty.

[20th February, 1958]

BE it enacted by the Queen'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, there shall be charged, levied and paid on all payments for admission to chargeable entertainments an excise duty (in this Act referred to as “entertainments duty”) of the amount (if any) by which the amount of a payment, excluding the amount of the duty, exceeds eleven pence.

Charge and rate of entertainments duty.

(2) The entertainments duty chargeable in respect of any entertainment shall be reduced by one third if the Commissioners of Customs and Excise (hereinafter referred to as “the Commissioners”), on an application made in such manner as they may direct, are satisfied that—

- (a) the entertainment consists partly of an item or items which make it a chargeable entertainment and partly of other items, but is all given in one auditorium; and
- (b) not less than one quarter of the total time taken by the entertainment (excluding intervals) is taken by those other items.

(3) The provisions of the First Schedule to this Act shall have effect for the purpose of conferring exemptions from entertainments duty.

B*

Chargeable entertainments. 2. The entertainments which are chargeable entertainments for the purposes of this Act are entertainments which consist wholly or partly of a cinematograph show or a television show:

Provided that an entertainment shall not be a chargeable entertainment by reason of the inclusion in it of any cinematograph or television show which is merely ancillary to a lecture or exhibition or designed to give instruction or information relevant to the purposes of a lecture or exhibition.

Collection of duty

3.—(1) Entertainments duty shall be charged in respect of each person admitted for payment, and—

- (a) in the case of admission by stamped ticket, shall be paid by means of a stamp on the ticket of admission; and
- (b) in the case of admission otherwise than by stamped ticket, shall be calculated and paid on the number of admissions.

(2) Entertainments duty, in the case of admission otherwise than by stamped ticket, shall be recoverable from the proprietor of the entertainment, and may, if the amount of duty is less than fifty pounds, without prejudice to any other means of recovery, be recoverable by the Commissioners summarily as a civil debt.

(3) No person shall be admitted for payment to any entertainment where the payment is subject to entertainments duty except—

- (a) with a ticket stamped with a stamp (not before used) denoting that the proper entertainments duty has been paid; or
- (b) in special cases with the approval of the Commissioners, through a barrier which, or by means of a mechanical contrivance which, automatically registers the number of persons admitted;

unless the proprietor of the entertainment has made arrangements approved by the Commissioners for furnishing returns of the payments for admission to the entertainment and has given security up to an amount and in a manner approved by the Commissioners for the payment of duty.

(4) If any person is admitted for payment to any place of entertainment and the provisions of this section are not complied with, the person admitted and the proprietor of the entertainment to which he is admitted shall be liable in respect of each offence to a penalty, in the case of the person admitted of five pounds, and in the case of the proprietor of fifty pounds, and the proprietor shall in addition be liable to pay any duty which should have been paid.

(5) The provisions (including the penal provisions) of the Stamp Duties Management Act, 1891, as amended by any subsequent Act, and the provisions set out in the Second Schedule to the Post Office Act, 1953, shall apply to the stamps used for denoting entertainments duty.

4.—(1) Where the payment for admission to an entertainment is made by means of a lump sum paid as a subscription or contribution to any club, association or society, or for a season ticket or for the right of admission to a series of entertainments or to any entertainment during a certain period of time, then subject to the provisions of this section the entertainments duty shall be paid on the amount of the lump sum. Special provisions as to payments for admission by lump sum, &c.

(2) Where payment for admission to two or more entertainments is made by means of a lump sum within the meaning of the foregoing subsection and the Commissioners are satisfied—

(a) that the lump sum constitutes full payment for admission to each of the entertainments in respect of which it is paid; and

(b) that all of those entertainments are to take place within a period of one year,

the amount of the duty to be charged in respect of that sum shall be an amount equal to the aggregate of the amounts (if any) which would be charged by way of duty if separate payments were made for admission to each of those entertainments, being payments of such amounts as appear to the Commissioners to be proportionate respectively to the values of the rights of admission to those entertainments, and of which the aggregate is equal to the said lump sum.

(3) Where payment for admission to two or more entertainments is made by means of a single payment representing the aggregate of separate prices of admission to those entertainments respectively, and not being a lump sum within the meaning of subsection (1) of this section, and the Commissioners are of opinion that the said prices of admission as taken for the purpose of arriving at the single payment are not substantially proportionate to the respective values of the rights of admission to the entertainments to which they relate, the Commissioners may direct that the amount of the duty to be charged in respect of the said payment shall be ascertained in accordance with the provisions of the last foregoing subsection as if that payment were a payment to which that subsection applies, and those provisions shall have effect accordingly.

5. Where the Commissioners are of opinion that the payment of a lump sum or any payment for a ticket represents payment for other privileges, rights or purposes besides the admission to an entertainment, the entertainments duty shall be charged on such an amount as appears to the Commissioners to represent the right of admission to entertainments. Special provisions as to combined payments for admission and other benefits.

Regulations.

6.—(1) The Commissioners may make regulations for securing the payment of entertainments duty and generally for carrying the provisions of this Act into effect, and in particular—

- (a) for the supply and use of stamps or stamped tickets, or for the stamping of tickets sent to be stamped;
- (b) for securing the defacement of stamps when used;
- (c) for the use of tickets covering the admission of more than one person and the calculation of the duty thereon;
- (d) for the payment of duty on the transfer from one part of a place of entertainment to another; and
- (e) for controlling the use of barriers or mechanical contrivances (including the prevention of the use of the same barrier or mechanical contrivance for payments of a different amount) and for securing proper records of admission by means of barriers or mechanical contrivances.

(2) The power to make regulations conferred by this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) If any person acts in contravention of or fails to comply with regulations under this section he shall be liable in respect of each offence to a penalty of fifty pounds.

Power of Commissioners to delegate functions to local or police authorities.

7.—(1) The Commissioners may, if they think fit, by agreement in writing with any local authority, or police authority, arrange for the exercise by that authority, either concurrently with the Commissioners or to the exclusion of the Commissioners, of any powers of the Commissioners with respect to entertainments and entertainments duty; and so far as required for the purpose of giving effect to any such arrangement the provisions of this Act and any regulations made thereunder shall have effect as if the local authority or police authority and any officer authorised by that authority were mentioned therein in addition to, or substituted for, the Commissioners and an officer of the Commissioners.

(2) Any arrangement under this section may provide for the payment out of moneys provided by Parliament of any expenses incurred by the local authority or police authority in carrying out the arrangement.

(3) For the purposes of this section the expression “local authority” means—

- (a) as respects the administrative county of London, excluding the City of London, the London County Council;

- (b) as respects the City of London, the Common Council in relation to television entertainments and the London County Council in relation to cinematograph entertainments;
- (c) as respects any borough in England or Wales outside the administrative county of London, the borough council;
- (d) as respects any urban district in England or Wales with a population of over ten thousand, the urban district council;
- (e) as respects any administrative county in England or Wales (excluding the area of any such borough or urban district), the county council;
- (f) as respects any burgh in Scotland, the town council;
- (g) as respects any county in Scotland (excluding the area of any burgh), the county council:

Provided that where the council of any borough in England or Wales (not being a county borough), or of any urban district in England or Wales, or the council of any burgh in Scotland, agree in writing with the county council that the area of the first-mentioned council should be included in the area of the county for the purposes of this subsection, that area shall be so included.

8.—(1) Any officer of the Commissioners authorised by them ^{Powers of entry.} for the purpose may enter any place of entertainment while the entertainment is proceeding, and any place ordinarily used as a place of entertainment at any reasonable times, with a view to seeing whether the provisions of this Act or any regulations made thereunder are being complied with.

(2) If any person prevents or obstructs the entry of any officer authorised as aforesaid he shall be liable on summary conviction to a fine not exceeding twenty pounds.

9.—(1) For the purposes of this Act:—

Interpretation.

“ admission to an entertainment ” includes admission to any place in which the entertainment is held;

“ admission ” means admission as a spectator or one of an audience.

(2) For the purposes of this Act “ payment on admission ” includes any payment made by a person who, having been admitted to one part of a place of entertainment, is subsequently admitted to another part thereof for admission to which a payment involving duty or more duty is required; and where a person

who has made a payment for admission to an entertainment subsequently on being admitted to another part of the place of entertainment makes a further payment for admission in respect of the same entertainment, there shall, for the purposes of entertainments duty, be deemed to have been one payment equal to the aggregate amount of the several payments.

(3) Entertainments duty is chargeable on a payment irrespective of the person to whom the payment is made.

(4) Entertainments duty is chargeable on payments of rent made in respect of an interest in any premises which is primarily acquired for the purpose of securing admission to an entertainment.

(5) In this Act references to the proprietor of an entertainment include references to any person responsible for the management thereof, and also include references to any person on whose behalf payments for admission to an entertainment are received.

Application of
Act, repeals
and savings.

10.—(1) The foregoing provisions of this Act shall apply, and be deemed to have applied, to payments (whenever made) for admission to entertainments given after the thirty-first day of December, nineteen hundred and fifty-seven.

(2) As respects payments (whenever made) for admission to entertainments given as aforesaid the enactments specified in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(3) The repeals effected by this Act shall not affect any agreement, allowance, application, approval, arrangements, authorisation, claim, decision, direction, regulations, stamp or other thing made, given, issued or done under or in pursuance of any of the repealed enactments, but any such thing if having effect at the coming into operation of the repeal shall continue to have effect as if made, given, issued or done under or in pursuance of the corresponding provision of this Act.

(4) Nothing in the foregoing subsection shall be taken as prejudicing the operation of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

Short title and
extent.

11.—(1) This Act may be cited as the Entertainments Duty Act, 1958.

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

SCHEDULES

FIRST SCHEDULE

Section 1.

EXEMPTIONS FROM ENTERTAINMENTS DUTY

PART I

QUALIFICATIONS FOR EXEMPTION

Educational Entertainments

1. An entertainment shall qualify for exemption from entertainments duty if it is wholly educational.

2. An entertainment shall qualify for exemption from entertainments duty if it is provided by a non-profit-making body established and conducted for partly educational purposes.

Charitable Entertainments

3. An entertainment shall qualify for exemption from entertainments duty if it is provided by a non-profit-making body of a permanent character established and conducted wholly for charitable purposes consisting in the provision of entertainments.

4. An entertainment shall qualify for exemption from entertainments duty if the net takings are wholly devoted to philanthropic or charitable purposes and either—

(a) the expenses do not amount to more than one half of the gross takings; or

(b) the entertainment is provided—

(i) by a body of a permanent character established and conducted wholly or partly for philanthropic or charitable purposes and not regularly engaged in providing entertainments by way of business; or

(ii) by a miners' welfare institute established and conducted for the purpose of social welfare activities within the meaning of the Miners' Welfare Act, 1952;

and the expenses added to the duty chargeable apart from the exemption are less than the gross takings by at least one twentieth of the latter.

For the purposes of this paragraph "expenses" means the expenses incurred in connection with the entertainment by the person providing it, whether in respect of the production of the entertainment or any other matter (but not including the duty which is in question nor any sums required under section one of the Sunday Entertainments Act, 1932, to be paid to any person for the purpose of being applied to charitable objects nor any part of the expenses so incurred which is met otherwise than out of the gross takings): "gross takings" means the sums received by that person in connection with the entertainment, whether payments for admission, for programmes, refreshments or the like, for rights of reproduction or for any other matter (but not including any donation made towards defraying the costs of the entertainment): and "net takings" means the gross takings so far as not used to meet expenses.

1ST SCH.
—cont.

Indoor Entertainments in rural Areas

5. Any entertainment shall qualify for exemption from entertainments duty if it is given in a borough, urban district or rural parish within the meaning of the Local Government Act, 1933 (or, in Scotland, a small burgh within the meaning of the Local Government (Scotland) Act, 1947, landward parish or landward part of a parish partly landward and partly burghal) with a population of not more than three thousand or (if it is more than three thousand) not more than six hundred and forty to the square mile, except—

- (a) entertainments given elsewhere than in a building attached to permanent foundations; and
- (b) entertainments at which seating accommodation is provided for more than four hundred people.

For the purposes of this paragraph, the population of any area shall be taken according to the last published census as it would be taken for the purposes of the said Act of 1933 or 1947, as the case may be, unless since the date of that census there has been a movement of population into or out of the area on such a scale as substantially to alter the character of the area as a whole.

PART II

SUPPLEMENTARY PROVISIONS AS TO EXEMPTIONS

Interpretation of Provisions conferring Exemption

6. For the purposes of any exemption from entertainments duty, "non-profit-making body" means a body of persons (whether incorporated or not) which is not established or conducted for profit.

7. Where the conditions on which an entertainment qualifies for exemption include any condition relating to the person providing the entertainment, then, for an entertainment to qualify which is provided by two or more persons in combination, the condition must be satisfied in relation to each of those persons.

Procedure for obtaining and giving Effect to Exemption

8. Except as otherwise provided, exemption from duty shall not be allowed in respect of any entertainment unless, before the entertainment is given, it is shown to the satisfaction of the Commissioners that the entertainment qualifies for exemption; but where exemption is allowed after the entertainment is given, effect shall be given to it by repayment of duty.

9. Exemption from duty may be allowed after the entertainment is given in any case where the Commissioners are satisfied that there is sufficient reason for the delay in making or establishing the claim for exemption.

10. A claim for exemption under paragraph 4 of this Schedule may be made either before or after the entertainment is given; and where the claim is made beforehand, the Commissioners may allow the exemption if in their opinion the entertainment will qualify for it according to the probable amounts of the gross takings and expenses, or may postpone a decision on the claim until those amounts are ascertained.

11. If on a claim for exemption under paragraph 1 of this Schedule there is any dispute whether the entertainment is wholly educational, that question shall be decided by the Minister of Education or, in the case of entertainments in Scotland, by the Secretary of State for Scotland.

1st SCH.
—cont.

SECOND SCHEDULE

Section 10.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
6 & 7 Geo. 5. c. 11.	The Finance (New Duties) Act, 1916.	The whole Act.
12 & 13 Geo. 5. c. 17.	The Finance Act, 1922 ...	Section eleven; in section forty-nine, subsection (1).
14 & 15 Geo. 5. c. 21.	The Finance Act, 1924 ...	Section six.
14 Geo. 6. c. 15	The Finance Act, 1950 ...	The Fourth Schedule.
1 & 2 Eliz. 2. c. 34.	The Finance Act, 1953 ...	Section nine.
5 & 6 Eliz. 2. c. 49.	The Finance Act, 1957 ...	Section one; the First Schedule; in the Ninth Schedule, Part I.



Table of Statutes referred to in this Act

Short Title	Session and Chapter
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Stamp Duties Management Act, 1891... ..	54 & 55 Vict. c. 38.
Sunday Entertainments Act, 1932	22 & 23 Geo. 5. c. 51.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Miners Welfare Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 23.
Post Office Act, 1953	1 & 2 Eliz. 2. c. 36.

CHAPTER 10

An Act to amend the British Nationality Act, 1948, by making provision in relation to the Federation of Rhodesia and Nyasaland and to Ghana, by extending the provisions for registering persons as citizens of the United Kingdom and Colonies, by extending and providing for the discharge of the functions in Commonwealth countries of High Commissioners for Her Majesty's Government in the United Kingdom, and for purposes connected therewith.

[20th February, 1958]

BE it enacted by the Queen'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:—

Position of
Federation of
Rhodesia and
Nyasaland
and its
component
territories.

1.—(1) Subject to the following provisions of this section—

- (a) the Federation of Rhodesia and Nyasaland shall be substituted for Southern Rhodesia in subsection (3) of section one of the principal Act (which lists Commonwealth countries with separate citizenship from that of the United Kingdom and Colonies);
- (b) the protectorates of Northern Rhodesia and Nyasaland shall be excepted from the operation of any reference in the principal Act to a protectorate.

(2) Paragraph (a) of subsection (1) of this section shall not extend the meaning of the term "colony" in the principal Act to include Southern Rhodesia.

(3) Paragraph (b) of subsection (1) of this section shall not affect the meaning of the term "British protected person" or "Crown service under Her Majesty's government in the United Kingdom" in the principal Act, or affect the operation of subsection (1) of section thirty of the principal Act (which enables Orders in Council to be made as respects protectorates and protected states and on which the meaning of the term "protectorate" partly depends); nor shall that paragraph be taken as applying to references to a protectorate in any enactment or document in which the meaning of the term depends on its meaning in the principal Act.

(4) Nothing in this section shall affect any provision of the principal Act in so far as it operates with reference to a state of affairs existing before the coming into operation of this section.

(5) This section shall come into operation on such date as the Secretary of State may appoint by order made by statutory instrument at the request of the government of the Federation of Rhodesia and Nyasaland.

2.—(1) Subject to the provisions of this section, any person who is a citizen of the United Kingdom and Colonies immediately before the date on which this section comes into operation shall on that date cease to be a citizen of the United Kingdom and Colonies if—

Certain citizens of Ghana to cease to be citizens of the United Kingdom and Colonies.

(a) he is then a citizen of Ghana: and

(b) he, his father or his father's father was born in Ghana.

(2) Subject to subsection (7) of this section, a person shall not cease to be a citizen of the United Kingdom and Colonies under this section if he, his father or his father's father—

(a) was born in the United Kingdom or in a colony; or

(b) is or was a person naturalised in the United Kingdom and Colonies; or

(c) was registered as a citizen of the United Kingdom and Colonies; or

(d) became a British subject by reason of the annexation of any territory included in a colony.

(3) A person shall not cease to be a citizen of the United Kingdom and Colonies under this section if he was born in a protectorate, protected state or United Kingdom trust territory, or if his father or his father's father was so born and is or at any time was a British subject.

(4) A woman who is the wife of a citizen of the United Kingdom and Colonies shall not cease to be a citizen of the United Kingdom and Colonies under this section unless her husband does so.

(5) Subsection (2) of section six of the principal Act (which provides for the registration as a citizen of the United Kingdom and Colonies of a woman who has been married to such a citizen) shall not apply to a woman by virtue of her marriage to a person who ceases to be a citizen of the United Kingdom and Colonies under this section, or who would have done so if living on the date on which this section comes into operation.

(6) Subject to subsection (7) of this section, the reference in paragraph (b) of subsection (2) of it to a person naturalised in the United Kingdom and Colonies shall include a person who would, if living immediately before the commencement of the principal

Act, have become a person naturalised in the United Kingdom and Colonies by virtue of subsection (6) of section thirty-two of that Act (which relates to persons given local naturalisation before that commencement in a colony or protectorate).

(7) Any reference in this section to any country, or to countries or territories of any description, shall (subject to subsection (8) of this section) be construed as referring to that country or description as it exists at the date of the coming into operation of this section; and subsection (2) shall not apply to a person by virtue of any certificate of naturalisation granted or registration effected by the governor or government of a country or territory outside the United Kingdom which is not at that date a colony, protectorate, protected state or United Kingdom trust territory.

(8) The protectorates of Northern Rhodesia and Nyasaland shall be excepted from the operation of any reference in this section to a protectorate.

Extension of powers to register persons as citizens of United Kingdom and Colonies.

3.—(1) Subsection (6) of section twelve of the principal Act (which made temporary provision for the registration as citizens of the United Kingdom and Colonies of certain persons who would have been citizens thereof but for their citizenship or potential citizenship of a country mentioned in subsection (3) of section one of that Act) shall be amended as follows:—

- (a) the words “ before the first day of January, nineteen hundred and fifty ” (which limited the time within which applications for registration must be made) shall be omitted, but except as provided by paragraph (c) below no person shall be registered under the subsection on an application made after the end of the year nineteen hundred and sixty-two;
- (b) an applicant (and any of his minor children) may be registered under the subsection if, as an alternative to satisfying the Secretary of State of the facts specified in paragraph (a) of the subsection as to his descent, he satisfies the Secretary of State either—
- (i) that he was born, or is descended in the male line from a person born, within the territory comprised at the coming into operation of this section in the Republic of Ireland; or
 - (ii) that he became, or is descended in the male line from a person who became, a British subject by virtue of a certificate of naturalisation granted under section eight of the British Nationality and Status of Aliens Act, 1914, by the government of a country mentioned

in subsection (3) of section one of the principal Act, as originally enacted; or

(iii) that having been at the date of the commencement of the principal Act a citizen of such a country, or having (whether before or after the coming into operation of this section) been made one by the coming into operation of any law of such a country, he has lost that citizenship otherwise than by his own act done for the purpose, and has thereby ceased to be a British subject;

- (c) an applicant (and any of his minor children) may, if he satisfies the Secretary of State of the facts mentioned in sub-paragraph (iii) of paragraph (b) above, be registered under the subsection on an application made at any time and without showing (as required by paragraph (b) of that subsection) that he intends to make his ordinary place of residence within the United Kingdom and Colonies, and as regards registration by virtue of the said sub-paragraph (iii) references to the Secretary of State (including those in this subsection) shall include references to the governor of a colony, of a protectorate (except Northern Rhodesia or Nyasaland) or of a United Kingdom trust territory.

(2) A person may be registered as a citizen of the United Kingdom and Colonies under subsection (1) of section six of the principal Act (which makes permanent provision for so registering a British subject or citizen of the Republic of Ireland ordinarily resident in the United Kingdom or in Crown service under Her Majesty's government in the United Kingdom), if—

(a) he is serving either—

(i) under an international organisation of which Her Majesty's government in the United Kingdom is a member; or

(ii) in the employment of a society, company or body of persons established in the United Kingdom; and

(b) he would be entitled to be so registered if the period during which he has been in that service had been a period of ordinary residence in the United Kingdom; and

(c) it seems to the Secretary of State fitting that he should be so registered by reason of his close connection with the United Kingdom and Colonies.

In relation to registration in a colony, protectorate or United Kingdom trust territory under subsection (1) of the said section

six as applied by subsection (1) of section eight of the principal Act, this subsection shall have effect with the substitution of references to that colony, protectorate or territory for the references to the United Kingdom in sub-paragraph (ii) of paragraph (a) and in paragraph (b), and of a reference to the governor for the reference to the Secretary of State.

(3) This section shall come into operation at the end of two months beginning with the date of the passing of this Act.

Functions
of High
Commissioner
in countries
mentioned in
s. 1 (3) of
principal
Act.

4.—(1) The power of the Secretary of State to make regulations under paragraph (f) of subsection (1) of section twenty-nine of the principal Act (which enables provision to be made for consular or other officers to register births and deaths in a protected state or foreign country) shall include power to make provision for the births and deaths of persons of any class or description born or dying in a country mentioned in subsection (3) of section one of the principal Act to be registered there by the High Commissioner for Her Majesty's government in the United Kingdom or by members of his official staff.

(2) The power of Her Majesty under subsection (2) of the said section twenty-nine to provide for the application of certain enactments to births and deaths registered by a High Commissioner or members of his official staff in accordance with regulations made by virtue of subsection (1) of this section shall extend also to births and deaths registered by a High Commissioner or members of his official staff in accordance with instructions of the Secretary of State.

(3) In the principal Act and in this section, "High Commissioner" shall include acting High Commissioner.

Supplemental.

5.—(1) This Act may be cited as the British Nationality Act, 1958, and this Act and the principal Act may be cited together as the British Nationality Acts, 1948 and 1958.

11 & 12 Geo. 6.
c. 56.

(2) In this Act "the principal Act" means the British Nationality Act, 1948, and Part III of that Act (which contains supplemental provisions) shall have effect as if any reference in it to that Act, except one referring to the date of the commencement of that Act, included a reference to this Act.

(3) For the purposes of the principal Act references to an international organisation of which Her Majesty's government in the United Kingdom is a member (including the reference in subsection (2) of section three of this Act) shall have effect, and be deemed always to have had effect, as references to international organisations of which the United Kingdom or Her Majesty's government therein is a member, and any reference to an international organisation of which the government of any part of Her Majesty's dominions is a member shall be similarly construed.

CHAPTER 11

An Act to repeal certain enactments relating to the Isle of Man; to empower the Court of Tynwald to make provision with regard to customs and harbours; to provide for the payment to the Isle of Man of a share of certain duties; and for purposes connected therewith.
[20th February, 1958]

BE it enacted by the Queen'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 enactments specified in Part I of the Schedule to this Act (being enactments making provision for the application of the duties of customs collected in the Isle of Man, the variation of those duties and of harbour dues, the borrowing of money by the Government and other authorities of the Island, and, so far as they apply to the Isle of Man, for the regulation of mines and quarries in the Island) are hereby repealed to the extent specified in the third column of that Part; and the enactments specified in Part II of that Schedule (which confer power on the Government of the Island to provide for the registration and transfer of securities created by it and power on trustees and other persons to invest in such securities but, to the extent specified in the third column of that Part, restrict those powers) are hereby repealed to the extent specified in that column.

Repeal of certain enactments relating to Isle of Man and power of Tynwald to make provision with respect to customs and harbours.

(2) The enactments specified in Part III of the Schedule to this Act (being obsolete enactments relating to the calculation of superannuation allowances payable to persons who have served both under the Government of the Isle of Man and in the civil service of the State) are hereby repealed.

(3) Provision may be made by or under an Act of Tynwald for amending or repealing the Isle of Man Harbours Acts, 1872 to 1947, and, so far as it relates to customs in the Isle of Man, any provision contained in or made by virtue of an Act of Parliament passed before the commencement of this Act.

(4) The moneys and securities forming the Isle of Man Accumulated Fund created under section nine of the Isle of Man Customs, Harbours, and Public Purposes Act, 1866, shall be dealt with in such manner as may be provided by or under an Act of Tynwald; and until such provision is made the said

29 & 30 Vict. c. 23.

moneys and securities and any income therefrom shall be applied in such manner as the Government of the Isle of Man may direct.

(5) Until other provision is made by or under an Act of Tynwald the law relating to customs in the Isle of Man and, in particular, the duties chargeable on goods removed or imported into the Isle of Man shall be the same as if this Act had not been passed.

Isle of Man
share of equal
duties.

15 & 16 Geo. 6.
& 1 Eliz. 2.
c. 44.

2.—(1) Of the moneys standing to the credit of the General Account of the Commissioners of Customs and Excise an amount ascertained for each financial year in accordance with the next following subsection shall not be paid into the Exchequer as required under subsection (3) of section eleven of the Customs and Excise Act, 1952, but shall be paid by the Commissioners, at such times and in such manner as the Treasury may direct, to the Government of the Isle of Man, together with any duties collected by them in the Island.

(2) There shall be calculated, in such manner as the Treasury may direct,—

- (a) the amount of equal duties, whether collected in the Isle of Man or in the United Kingdom, which is attributable to goods consumed or used in the Island;
- (b) the cost incurred by the Commissioners in collecting the amount so attributable and in collecting in the Isle of Man any duties other than equal duties, together with the amount of any drawback or repayment referable to the said amount or duties,

and the amount arrived at by deducting from the amount calculated under paragraph (a) of this subsection the amount calculated under paragraph (b) thereof shall be known as the net Isle of Man share of equal duties; and the amount mentioned in subsection (1) of this section is the excess of the net Isle of Man share of equal duties over the equal duties collected in the Island.

(3) The Commissioners of Customs and Excise shall for each financial year prepare, in such form and manner as the Treasury may direct, an account showing the payments made by them under this section and shall send it, not later than the end of November in the following financial year, to the Comptroller and Auditor General, who shall examine and certify it and send it, together with his report on it, to the Treasury; and the Treasury shall lay the account and report before Parliament and send copies thereof to the Government of the Island.

(4) In this section “ equal duties ” means—

- (a) duties of customs chargeable on goods imported or removed into the Isle of Man at rates equal to those at which duties of customs are chargeable on like goods imported into the United Kingdom or at which duties of excise are chargeable on like goods produced in the United Kingdom;
- (b) duties of customs chargeable on goods imported into the United Kingdom or duties of excise chargeable on goods produced in the United Kingdom at rates equal (in either case) to those at which duties of customs are chargeable on like goods imported or removed into the Isle of Man;
- (c) purchase tax chargeable in either country at rates equal to those at which it is chargeable in the other.

3. This Act may be cited as the Isle of Man Act, 1958.

Short title.

SCHEDULE

Section 1.

ENACTMENTS REPEALED

PART I

Session and Chapter	Short Title	Extent of Repeal
29 & 30 Vict. c. 23.	The Isle of Man Customs, Harbours, and Public Purposes Act, 1866.	The whole Act.
35 & 36 Vict. c. 77.	The Metalliferous Mines Regulation Act, 1872.	The whole Act so far as it applies to the Isle of Man.
38 & 39 Vict. c. 39.	The Metalliferous Mines Regulation Act, 1875.	The whole Act so far as it applies to the Isle of Man.
43 & 44 Vict. c. 8.	The Isle of Man Loans Act, 1880.	The whole Act except sections six and seven.
50 & 51 Vict. c. 5.	The Isle of Man (Customs) Act, 1887.	The whole Act.
51 & 52 Vict. c. 39.	The Public Works Loans Act, 1888.	Section eight.
54 & 55 Vict. c. 47.	The Metalliferous Mines (Isle of Man) Act, 1891.	The whole Act.
57 & 58 Vict. c. 42.	The Quarries Act, 1894 ...	The whole Act so far as it applies to the Isle of Man.
60 & 61 Vict. c. 51.	The Public Works Loans Act, 1897.	Section ten.
21 & 22 Geo. 5. c. 38.	The Isle of Man Loans Act, 1931.	The whole Act.
3 & 4 Eliz. 2. c. 17.	The Isle of Man (Customs) Act, 1955.	The whole Act.

SCH.
—cont.

PART II

Session and Chapter	Short Title	Extent of Repeal
43 & 44 Vict. c. 8.	The Isle of Man Loans Act, 1880.	In section six the words "with the approval of the Treasury", the words "created in pursuance of this Act" and the words "acting with the approval of the Treasury." In section seven the words "under this Act."
56 & 57 Vict. c. 53.	The Trustee Act, 1893 ...	In section five, in subsection (4), the words "under the Isle of Man Loans Act, 1880."
11 & 12 Geo. 5. c. 58.	The Trusts (Scotland) Act, 1921.	In section twelve, in subsection (3), the words "under the Isle of Man Loans Act, 1880."
15 & 16 Geo. 5. c. 19.	The Trustee Act, 1925 ...	In section five, in subsection (5), the words "under the Isle of Man Loans Act, 1880."

PART III

Session and Chapter	Short Title	Extent of Repeal
39 & 40 Vict. c. 43.	The Isle of Man (Officers) Act, 1876.	The whole Act.
45 & 46 Vict. c. 46.	The Isle of Man (Officers) Act, 1882.	The whole Act.



CHAPTER 12

An Act to increase the aggregate amount of the advances which may be made to development corporations under subsection (1) of section twelve of the New Towns Act, 1946; and to amend section thirteen of that Act in respect of the reports and accounts to be laid before Parliament. [20th February, 1958]

BE it enacted by the Queen'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 the proviso to subsection (1) of section twelve of the New Towns Act, 1946, as amended by the New Towns Act, 1955 (which, as so amended, limits to two hundred and fifty million pounds the aggregate amount of the advances which may be made to development corporations under that subsection for defraying expenditure properly chargeable to capital account), there shall be substituted the words “three hundred million pounds”.

Advances to Development Corporations. 9 & 10 Geo. 6. c. 68. 3 & 4 Eliz. 2. c. 4.

(2) The New Towns Act, 1955, is hereby repealed.

2.—(1) The annual report to be made to the Minister by a development corporation and laid by him before Parliament in pursuance of subsection (6) of section thirteen of the New Towns Act, 1946, shall include a copy of the audited accounts of the corporation for the relevant financial year.

Amendment of New Towns Act, 1946, s. 13.

(2) In subsection (5) of the said section thirteen (which provides for the transmission of certain accounts to the Comptroller and Auditor-General, and requires him to lay before Parliament, among other things, copies of the audited accounts of development corporations) the words “and copies of the audited accounts prepared by the development corporation” are hereby repealed.

3. This Act may be cited as the New Towns Act, 1958, and the New Towns Act, 1946, and this Act may be cited together as the New Towns Acts, 1946 and 1958.

Short title and citation.

CHAPTER 13

An Act to separate the Turks and Caicos Islands from the colony of Jamaica and to make fresh provision for the government of those Islands and of the Cayman Islands. [20th February, 1958]

BE it enacted by the Queen'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:—

Separation of
Turks and
Caicos Islands
from colony
of Jamaica.

1. On such day as Her Majesty may by Order in Council appoint (in this Act referred to as the "appointed day") the Turks and Caicos Islands shall cease to be part of the colony of Jamaica.

Provisions as
to government
of Cayman
Islands and
Turks and
Caicos Islands.
26 & 27 Vict.
c. 31.
36 & 37 Vict.
c. 6.
4 & 5 Eliz. 2.
c. 63.

2.—(1) On the appointed day the Cayman Islands Act, 1863, and the Order in Council made under the Turks and Caicos Islands Act, 1873, shall cease to have effect.

(2) Her Majesty may by Order in Council make such provision as appears to Her expedient for the government on and after the appointed day of the Cayman Islands and the Turks and Caicos Islands as part of the West Indies (that is to say, the Federation established under the British Caribbean Federation Act, 1956), and any such Order may, in so far as may be consistent with the provisions of any Order in Council in force under section one of that Act,—

- (a) confer power to make laws for any of the said Islands on authorities established under the Order, on the legislature of Jamaica, and on any other authority;
- (b) confer or provide for conferring on any court of Jamaica original or other jurisdiction over matters arising in any of the said Islands;
- (c) confer powers and impose duties on any authorities established under the Order or any other authorities of any of the said Islands or any authorities of Jamaica;
- (d) make or provide for the making of such incidental, consequential or transitional provisions as may appear to Her Majesty to be necessary or expedient.

(3) The cesser of the provisions mentioned in subsection (1) of this section shall not affect the continued operation of any other law in force in any of the said Islands immediately before the appointed day; but an Order in Council under this section may make or provide for the making of such modifications or adaptations in, and such repeals of, any such laws as may appear to Her Majesty to be necessary or expedient in consequence of the passing of this Act.

(4) An Order in Council under this section made before the appointed day may be so framed as to enable any authority upon whom power is thereby conferred to make any provision or to adapt, modify or repeal any law to exercise that power before that day with effect from that or a later day.

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

3.—(1) Notwithstanding anything in section two of this Act or any Order in Council made under that section, Her Majesty may by Order in Council confer power on any authority to make, in relation to periods of emergency, such laws for any of the said Islands, to have effect notwithstanding the provisions of any other law, as may appear to that authority to be necessary or expedient for securing the public safety, the defence of that Island or the maintenance of public order or for maintaining supplies and services essential to the life of the community; but any power so conferred shall be exercisable only to the same extent and subject to the same restrictions as the power of the legislature of the Island to make laws in similar circumstances.

Power to
authorise
making of
emergency
laws.

(2) In this section “ period of emergency ” means, in relation to any of the said Islands, a period beginning with a declaration made by such authority and in such manner as may be prescribed by an Order in Council under this section that a public emergency exists in that Island and ending with a declaration so made that a public emergency no longer exists therein.

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

4. This Act may be cited as the Cayman Islands and Turks and Caicos Islands Act, 1958.



CHAPTER 14

Overseas Service Act, 1958

ARRANGEMENT OF SECTIONS

Section

1. Appointment of officers available for public service overseas.
2. Superannuation in respect of service as officer to whom Act applies.
3. Provisions as to superannuation under other enactments.
4. Further provisions as to superannuation.
5. Special provisions as to police officers.
6. Financial provisions.
7. Interpretation.
8. Short title.

SCHEDULES:

First Schedule—Amendments of section two of Superannuation (Miscellaneous Provisions) Act, 1948.

Second Schedule—Modifications of Police Pensions Act, 1948.

An Act to authorise the Secretary of State to appoint officers available for civilian employment in public services overseas; to make provision as to superannuation in respect of officers so appointed, and to make further provision with respect to the overseas service of police officers; and for purposes connected with the matters aforesaid. [13th March, 1958]

BE it enacted by the Queen'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:—

Appointment of officers available for public service overseas.

1.—(1) For the purpose of giving effect to arrangements made by the Secretary of State (whether before or after the passing of this Act) with Governments of overseas territories, the Secretary of State may appoint officers to be available for civilian employment in the public services of those territories in accordance with any such arrangements.

(2) The power to appoint officers under this section shall not be exercisable except with the consent of the Treasury, which may be given either unconditionally or subject to such conditions as the Treasury may determine.

(3) Any such consent (whether conditional or unconditional) may either be given in respect of the appointment of a particular officer, or may be given generally in respect of the appointment (within such limits as may be specified in the consent) of officers of such description, or for such purposes, as may be so specified, or for giving effect to arrangements with a Government so specified, or otherwise as the Treasury may consider appropriate.

(4) A person shall not be appointed by the Secretary of State under this section at a time when he is employed in any capacity under the Government of an overseas territory, unless—

- (a) the appointment is made for giving effect to arrangements made (whether before or after the passing of this Act) with that Government, or
- (b) in any other case, the appointment is made with the consent of that Government.

(5) A person shall not be taken to be appointed under this section unless a statement to that effect, expressly referring to this Act, is contained in his instrument of appointment.

(6) Subject to the preceding provisions of this section, an officer may be appointed by the Secretary of State under this section subject to such conditions as the Secretary of State may determine, and either for a limited period or indefinitely; and an officer appointed under this section, howsoever he may be employed from time to time, shall continue to hold his appointment thereunder until his appointment is terminated by the Secretary of State, whether on retirement or otherwise, or he resigns or dies, or (in the case of an officer appointed for a limited period) that period comes to an end, whichever first occurs.

(7) In the following provisions of this Act any reference to an officer to whom this Act applies is a reference to an officer who has been appointed by the Secretary of State under this section and for the time being continues to hold that appointment; and for the purposes of this Act a person shall be taken to be serving as an officer to whom this Act applies at any time when, having been so appointed, he continues to hold that appointment, and any reference in this Act to service as such an officer shall be construed accordingly.

(8) An officer to whom this Act applies, in the absence of suitable employment of the kind specified in subsection (1) of this section, may with the consent of the Treasury be made available by the Secretary of State for other employment, while continuing to serve as an officer to whom this Act applies.

2.—(1) The Secretary of State with the consent of the Treasury may by order make provision for the payment of pensions in respect of service as an officer to whom this Act applies, or for providing and maintaining one or more pension schemes (whether contributory or not) in respect of such service; and any such provision may be made with a view to the payment of pensions either to or in respect of the persons to whom it relates.

Superannuation in respect of service as officer to whom Act applies.

(2) An order made under this section may include provision whereby, for the purpose of determining whether a person is eligible for a pension thereunder, or for the purpose of calculating the amount of such a pension, there shall be taken into account

such service or employment (other than service as an officer to whom this Act applies) as may be prescribed by or under the order.

(3) An order under this section may be made so as to provide for the exclusion from the operation of the order of particular cases or classes of cases, or so as to provide for the operation of the order to be different in relation to different cases or classes of cases.

(4) Any order under this section may be varied or revoked by a subsequent order thereunder.

(5) The power to make orders under this section shall be exercisable by statutory instrument; and any instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Provisions
as to super-
annuation
under other
enactments.

3.—(1) Notwithstanding anything in the Superannuation Acts, 1834 to 1950, service as an officer to whom this Act applies shall not be taken, for the purposes of those Acts, to be service or employment (whether in an established or an unestablished capacity) in the civil service of the State.

(2) For the purposes of those Acts, service as an officer to whom this Act applies shall be deemed to be service in a public office within the meaning of the Superannuation Act, 1892, if apart from this subsection it would not be service in such a public office.

(3) Section two of the Superannuation (Miscellaneous Provisions) Act, 1948 (which relates to pensions of persons transferring to different employment) shall have effect subject to the amendments specified in the First Schedule to this Act, being amendments for extending the provisions of that section to service as an officer to whom this Act applies.

(4) Without prejudice to any power exercisable by virtue of section eleven of the said Act of 1948 (which enables rules to be made for treating certain overseas employments as approved external service in relation to teachers), the Minister of Education may, with the consent of the Treasury, by rules provide that—

(a) for the purposes of section thirteen of the Teachers (Superannuation) Act, 1925 (which relates to the treatment of approved external service as contributory service in certain circumstances), service as an officer to whom this Act applies shall be treated as approved external service;

(b) for the purposes of section twenty-three of, and the Second Schedule to, the Teachers (Superannuation) Act, 1956 (which makes further provision as to approved external service), service as an officer to whom this Act applies shall be treated as if it were approved external

service as defined in subsection (1) of section thirteen of the said Act of 1925;

and any rules made by virtue of this subsection may include provisions modifying the said section thirteen, or the Second Schedule to the said Act of 1956, in its application to service as such an officer.

(5) Section fifteen of the said Act of 1948 (which contains general provisions as to rules under that Act) shall apply in relation to rules made under the last preceding subsection as it applies in relation to rules under that Act.

(6) Service as an officer to whom this Act applies, in so far as (apart from this subsection) it would not be service in the overseas civil service within the meaning of the Governors' Pensions Act, 1957, shall be deemed to be service in the overseas civil service within the meaning of that Act.

(7) Any Firemen's Pension Scheme brought into operation, whether before or after the passing of this Act, under section twenty-six of the Fire Services Act, 1947, may include, or be varied so as to include, provision whereby, in such circumstances as may be specified in the Scheme, pensions (including allowances and gratuities) may be paid thereunder to or in respect of persons who—

- (a) have after the passing of this Act retired from employment as members of fire brigades maintained in pursuance of that Act, or from other employment treated for the purposes of the Scheme as if it were employment as a member of such a fire brigade, and
- (b) after so retiring have served as officers to whom this Act applies;

and so much of subsection (3) of the said section twenty-six as relates to the circumstances in which a pension may be provided under such a Scheme shall not apply to any pension for which provision is made in accordance with this subsection.

4.—(1) Where an officer to whom this Act applies is a participant in any pension provision made otherwise than by virtue of this Act, the Secretary of State may pay any contribution which, in accordance with the terms of that pension provision, is payable by or in respect of that officer as a participant therein. Further provisions as to superannuation.

(2) The Secretary of State may pay, to or in respect of persons who are serving or have served as officers to whom this Act applies, such pensions or contributions in respect of pensions (not being pensions or contributions payable by the Secretary of State by virtue of any enactment other than this subsection) as may appear to him to be appropriate for giving effect to any such arrangements as are mentioned in subsection (1) of section one of this Act.

C

(3) In this section “pension provision” means any law, scheme or instrument whereby provision is made for the payment of pensions, and “participant”, in relation to a pension provision, means a person to whom, or in respect of whom, a pension may become payable thereunder.

Special provision as to police officers.

5.—(1) Where a member of a home police force is, with the consent of the appropriate authority, appointed under section one of this Act for a limited period, the Secretary of State may direct that the provisions of this section shall have effect in respect of his service in pursuance of that appointment as an officer to whom this Act applies.

(2) Where by virtue of such a direction the provisions of this section have effect in respect of a person’s service as an officer to whom this Act applies—

- (a) the provisions of section two of the Police (Overseas Service) Act, 1945 (which relates to members of home police forces who engage for a period of overseas service within the meaning of that Act), and
- (b) where applicable, the provisions of subsections (2) to (5) of section fourteen of the Police Act, 1946, or the provisions of section twenty-three of the Police (Scotland) Act, 1956 (which relate respectively to a member of a home police force who engages for such a period of overseas service, where, during that engagement, his force is transferred under an amalgamation scheme),

shall apply to him, in respect of that service, as they would have applied if that service had been a period of overseas service, within the meaning of the said Act of 1945, for which that person had engaged as mentioned in subsection (1) of section two of that Act:

Provided that, in the application of subsection (2) of section two of that Act to a person’s service as an officer to whom this Act applies, any reference to a disciplinary authority established by regulations made under section one of that Act shall be construed as a reference to such authority as, whether before or during that service, may be designated in that behalf by the Secretary of State.

(3) For the purposes of the application of the Police Pensions Act, 1948, to a person in respect of whom a direction has been given under this section, the provisions of that Act shall be construed subject to the modifications set out in the Second Schedule to this Act.

(4) In this section “home police force” and “appropriate authority” have the same meanings as in the Police (Overseas Service) Act, 1945.

6.—(1) All expenses incurred by the Secretary of State in consequence of the provisions of this Act or of any order made thereunder shall be defrayed out of moneys provided by Parliament. Financial provisions.

(2) All sums received by the Secretary of State in consequence of the provisions of this Act or of any order made thereunder, or in pursuance of any such arrangements as are referred to in subsection (1) of section one of this Act, shall be paid into the Exchequer.

(3) There shall also be paid out of moneys provided by Parliament, or paid into the Exchequer, as the case may be, any increase attributable to the provisions of this Act in the sums which, under any other enactment, are payable out of moneys so provided, or payable into the Exchequer, as the case may be.

7.—(1) In this Act “overseas territory” means any territory or country outside the United Kingdom; “civilian employment” means employment otherwise than in military, naval or air force duties; and “pension”, in relation to a person, means any contributory or non-contributory pension, of any kind whatsoever, payable to or in respect of him, or a lump sum or gratuity so payable, whether by way of compensation or otherwise, or a return of contributions, with or without interest thereon or any other addition thereto. Interpretation.

(2) For the purposes of this Act a person shall be taken to be employed in the public services of an overseas territory at any time when—

- (a) he is employed in any capacity under the Government of that territory, or under any municipal or other local authority therein, or
- (b) he is employed, in circumstances not falling within the preceding paragraph, by a body corporate established for any public purpose in that territory by an enactment of a legislature empowered to make laws for that territory, or
- (c) he is the holder of a public office in that territory, in circumstances not falling within either of the preceding paragraphs.

(3) References in this Act to the Government of an overseas territory include references to a Government constituted for two or more overseas territories, and to any authority established for the purpose of providing or administering services which are common to, or relate to matters of common interest to, two or more such territories.

(4) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment.

8. This Act may be cited as the Overseas Service Act, 1958. Short title.

SCHEDULES

FIRST SCHEDULE

AMENDMENTS OF SECTION TWO OF SUPERANNUATION (MISCELLANEOUS PROVISIONS) ACT, 1948

In subsection (2), at the end of paragraph (e), there shall be added the words “ and

(f) employment as an officer to whom the Overseas Service Act, 1958, applies ”.

In subsection (3), after paragraph (v), there shall be inserted—

“ (vi) in relation to the class specified in paragraph (f) of the said subsection (2), the Secretary of State acting with the consent of the Treasury ”.

In subsection (4), in paragraph (b), after the words “ paragraph (a) ” there shall be inserted the words “ or paragraph (f) ”.

After subsection (8), there shall be added the following subsection:—

“ (9) For the purposes of this section any person who, for the purposes of the Overseas Service Act, 1958, is for the time being serving as an officer to whom that Act applies (as defined in subsection (7) of section one of that Act) shall be deemed (whatever his employment) to be employed as an officer to whom that Act applies ”.

Section 5.

SECOND SCHEDULE

MODIFICATIONS OF POLICE PENSIONS ACT, 1948

Any reference (however expressed) to membership of a police force, or to service or employment in a police force, shall be construed as including a reference to service as an officer to whom this Act applies, being service in respect of which the provisions of section five of this Act have effect.

Any reference to the police authority, in relation to a period of service as an officer to whom this Act applies, being service in respect of which the provisions of section five of this Act have effect, shall be construed as a reference to the Secretary of State.

Any reference to a person such as is mentioned in subsection (1) of section one of the Police (Overseas Service) Act, 1945, shall be construed as including a reference to an officer to whom this Act applies, whose service as such an officer is for the time being service in respect of which the provisions of section five of this Act have effect.



Table of Statutes referred to in this Act

Short Title	Session and Chapter
Superannuation Act, 1892... ..	55 & 56 Vict. c. 40.
Teachers (Superannuation) Act, 1925	15 & 16 Geo. 5. c. 59.
Police (Overseas Service) Act, 1945	9 & 10 Geo. 6. c. 17.
Police Act, 1946	9 & 10 Geo. 6. c. 46.
Fire Services Act, 1947	10 & 11 Geo. 6. c. 41.
Police Pensions Act, 1948	11 & 12 Geo. 6. c. 24.
Superannuation (Miscellaneous Provisions) Act, 1948	11 & 12 Geo. 6. c. 33.
Police (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 26.
Teachers (Superannuation) Act, 1956	4 & 5 Eliz. 2. c. 53.
Governors' Pensions Act, 1957	5 & 6 Eliz. 2. c. 62.

CHAPTER 15

An Act to make provision as to the areas in which the Colonial Development Corporation may operate, and to increase the sums which may be borrowed by the Corporation or advanced to them by the Secretary of State.
[13th March, 1958]

BE it enacted by the Queen'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) For the purposes of the Overseas Resources Development Acts, 1948 to 1956, the expression "colonial territory" shall not include any country or territory which becomes or has become an independent sovereign country, or which for the time being forms part of an independent sovereign country or is administered by the government of any such country outside the United Kingdom.

Amendments
as to areas
in which
Colonial
Development
Corporation
may operate.

(2) Where a country or territory ceases or has ceased to be a colonial territory, that shall not affect the powers exercisable by the Colonial Development Corporation in or in relation to the country or territory for any purpose for which the approval of the Secretary of State had been obtained while it was a colonial territory, except that the Corporation shall not apply to any such purpose any capital sum in excess of the amount for which the approval of the Secretary of State had been so obtained and such further amounts, if any, as are shown to his satisfaction to be expedient:

Provided that where it appears to the Secretary of State to be expedient for the powers exercisable by the Corporation by virtue of this subsection in or in relation to any country or territory to

be enlarged by modifying or extending any such purpose as aforesaid, he may approve the modification or extension notwithstanding that the country or territory is no longer a colonial territory, and this subsection shall apply as if that approval had been obtained while it was a colonial territory.

(3) The Colonial Development Corporation may undertake, in or in relation to any Commonwealth country which is not a colonial territory, or any territory administered by the government of such a country, to act as managing agents or perform advisory functions for any purpose for which they could do so in a colonial territory, and having undertaken to act as managing agents or perform advisory functions for any purpose in or in relation to any country or territory by virtue of this subsection the Corporation may exercise in that behalf the same powers as in the case of a colonial territory:

Provided that, except as may be agreed between the Corporation and the Secretary of State in relation to the performance of advisory functions—

- (a) the Corporation shall not undertake under this subsection to act for any purpose in or in relation to any country or territory without the prior approval of the Secretary of State given by agreement with the government of that country or the government by which that territory is administered, as the case may be; and
- (b) the Corporation shall make for any services rendered by them in the exercise of the powers conferred by this subsection charges estimated to be not less than sufficient to defray any additional expense falling on them by reason of their rendering those services.

(4) The agreement required by proviso (a) to subsection (3) of this section to approval of activities in or in relation to any part of a country which has a central government, but comprises separate provinces, states or other territories having their own governments in addition to the central government, shall be agreement with the central government.

11 & 12 Geo.
6. c. 15.

(5) Section seven of the Overseas Resources Development Act, 1948 (which imposes certain obligations on the Corporation in determining their policy as to the activities to be carried on by them in any territory and as to the manner in which the activities are to be carried on), shall not apply to any activity of the Corporation under subsection (2) or (3) of this section; but the Secretary of State may direct the Corporation to cease any activity under subsection (3), and the Corporation shall comply with any such direction.

(6) The Secretary of State shall not make any agreement with the Corporation under subsection (3) of this section, or give any approval under subsection (3) or direction under subsection (5) of this section, except with the consent of the Treasury.

2.—(1) The Colonial Development Corporation may exercise the power to borrow conferred by section eleven of the Overseas Resources Development Act, 1948, so as to have outstanding at any time in respect of sums borrowed otherwise than temporarily an aggregate amount up to, but not exceeding, the sum of one hundred and fifty million pounds (instead of the one hundred million pounds laid down by paragraph (b) of subsection (3) of that section). Borrowing by and advances to Colonial Development Corporation.

(2) The power of the Secretary of State, with the consent of the Treasury, to make advances to the Colonial Development Corporation under section twelve of the Overseas Resources Development Act, 1948, shall extend to the making of advances up to amounts such that the aggregate outstanding at any time in respect of advances under that section shall not exceed one hundred and thirty million pounds (instead of the one hundred million pounds laid down by subsection (1) of that section).

3.—(1) This Act may be cited as the Overseas Resources Development Act, 1958, and this Act and the Overseas Resources Development Acts, 1948 to 1956, may be cited together as the Overseas Resources Development Acts, 1948 to 1958. Short title, citation and repeal.

(2) Subsection (4) of section three of the Ghana Independence Act, 1957, is hereby repealed. 5 & 6 Eliz. 2.
c. 6.

CHAPTER 16

Commonwealth Institute Act, 1958

ARRANGEMENT OF SECTIONS

Section

1. The Commonwealth Institute, and the Trustees.
2. Change of membership in Trustees, and consequential provisions.
3. Provisions as to new building.
4. Surrender of Trustees' interest in Imperial Institute Building.
5. Power of lending and disposing of objects.
6. Expenses.
7. Minor and consequential amendments.
8. Short title, interpretation and repeals.

SCHEDULES:

First Schedule—Description of land on which new building is to be erected.

Second Schedule—Minor and consequential amendments of principal Act.

Third Schedule—Enactments repealed.

An Act to amend the law with respect to the Imperial Institute.
[13th March, 1958]

BE it enacted by the Queen'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:—

The Commonwealth Institute, and the Trustees.

15 & 16 Geo. 5. c. xvii.

2 Edw. 7. c. cxxxix.

Change of membership in Trustees, and consequential provisions.

Provisions as to new building.

1.—(1) The organisation which exists by virtue of the Imperial Institute Act, 1925 (in this Act referred to as "the principal Act") shall be known as the Commonwealth Institute.

(2) The body which was constituted by subsection (1) of section nine of the Imperial Institute (Transfer) Act, 1902, under the name of the Imperial Institute Trustees and re-constituted by subsection (1) of section two of the principal Act, shall subsist under the name of the Commonwealth Institute Trustees and is in this Act referred to as "the Trustees".

2.—(1) As from the passing of this Act, the persons who constitute the Trustees shall, in lieu of being those specified in subsection (1) of section two of the principal Act, be the Secretary of State for Commonwealth Relations, the Secretary of State for the Colonies, the Minister of Education and three persons appointed by that Minister.

(2) The Minister of Education shall be the responsible Minister for the purposes of the principal Act.

(3) Such of the persons constituting the Trustees as, on the passing of this Act, hold office by virtue of appointment under the said subsection (1) shall be deemed to have been appointed under this section.

(4) The Trustees shall be a body corporate with perpetual succession and a common seal and power to hold land without licence in mortmain.

3. Whereas by a lease dated the ninth day of January, nineteen hundred and fifty-eight (hereafter in this Act referred to as "the lease") the Right Honourable Giles Stephen Holland, Earl of Ilchester, demised to the Minister of Works certain land in the Royal Borough of Kensington (which is more particularly described in the First Schedule to this Act) for a term of nine hundred and ninety-nine years from the first day of August, nineteen hundred and fifty-seven, in consideration of the payment of a premium of two hundred and fifteen thousand pounds and the reservation of a rent of ten pounds a year:

And whereas the grant to the said Minister was made, in the contemplation of the parties to the lease, with a view to the transfer by this Act from that Minister to the Trustees of his

interest in the premises demised by the lease, to the intent that the Trustees should erect thereon a building (in this section referred to as "the new building") in substitution for the Imperial Institute Building, and accordingly by the lease that Minister covenanted to erect such a building:

Now, therefore:—

- (1) on the passing of this Act, the premises demised by the lease shall vest in the Trustees for the unexpired residue of the term created thereby and thereupon the Minister of Works shall stand discharged from all obligations imposed on him by or by virtue of the lease;
- (2) the new building shall be erected in accordance with plans and specifications approved by the Minister of Education and have floor space of an area of approximately one hundred and twenty-five thousand square feet;
- (3) the premises demised by the lease (including the new building and any building erected in substitution therefor) shall be under the management of the Minister of Education.

4. The Trustees shall, at such times as the Minister of Education requires, surrender to the Minister of Works their interest in such portions of the Imperial Institute Building as are specified in the requisition, and accordingly references in the principal Act to that building shall be construed as references to as much thereof as the Trustees have for the time being an interest in.

Surrender of Trustees' interest in Imperial Institute Building.

5.—(1) The Minister of Education may—

- (a) lend for public exhibition in the United Kingdom or elsewhere any object comprised in the collections maintained for the purposes of the Commonwealth Institute;

Power of lending and disposing of objects.

- (b) sell, or otherwise dispose of, any such object as aforesaid which appears to him to have become useless for the purposes aforesaid.

(2) The said Minister may, if requested so to do by the Government of any part of the Commonwealth outside the United Kingdom, sell or give to it for exhibition in that part of the Commonwealth any such object as aforesaid, if he is of opinion that it is more appropriate for it to be exhibited there than in the United Kingdom.

(3) Any sums received by the said Minister in consequence of an exercise of the powers conferred on him by this section shall be paid into the Exchequer.

C *

Expenses.

6.—(1) Any expenses incurred by the Trustees in performing the obligations imposed, or exercising the rights conferred, on them by or by virtue of the lease shall be defrayed by the Minister of Education.

(2) Any expenses defrayed by the said Minister under the foregoing subsection and any expenses incurred by him in connection with the Commonwealth Institute shall, except in so far as they are defrayed out of the income of the Endowment Fund or out of sums received by him for the purposes of the Institute or otherwise in the exercise of his powers and duties under the principal Act, be paid out of moneys provided by Parliament.

Minor and consequential amendments.

7.—(1) The provisions of the principal Act specified in the first column of the Second Schedule to this Act shall have effect subject to the amendments respectively specified in relation thereto in the second column of that Schedule (being minor amendments and amendments consequential on the foregoing provisions of this Act).

**5 & 6 Eliz. 2.
c. 20.**

(2) Part III of the First Schedule to the House of Commons Disqualification Act, 1957 (which specifies certain offices the holders of which are disqualified under that Act) shall have effect, in its application to the House of Commons of the Parliament of the United Kingdom, as if for the words “ Director of the Imperial Institute ” there were substituted the words “ Director of the Commonwealth Institute ”.

**Short title,
interpretation
and repeals.**

8.—(1) This Act may be cited as the Commonwealth Institute Act, 1958.

(2) In this Act “ the Imperial Institute Building ” means the land referred to by that name in the principal Act and “ the Endowment Fund ” means the fund so referred to.

(3) References in this Act to the principal Act shall be construed as references to that Act as amended by the Imperial Institute (Variation of the Act of 1925) Order, 1949, and the Imperial Institute (Variation of the Act of 1925) Order, 1953 (made under section eight of the principal Act) and by the Transfer of Functions (Imperial Institute) Order, 1949 (made under subsection (1) of section one of the Ministers of the Crown (Transfer of Functions) Act, 1946).

**9 & 10 Geo. 6.
c. 31.**

(4) The enactments mentioned in the first and second columns of the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

SCHEDULES

FIRST SCHEDULE

Section 3.

DESCRIPTION OF LAND ON WHICH NEW BUILDING IS TO BE ERECTED

All that piece of land having an area of three and a quarter acres or thereabouts situate on the north-west side of Kensington High Street in the Royal Borough of Kensington in the County of London, bounded on the south-east by Kensington High Street and on the north-east by the entrance drive leading to Holland Park Open Space and having a frontage to Kensington High Street of one hundred and twenty-four feet or thereabouts and with a further frontage of twenty-five feet or thereabouts, being half the width of the private road adjoining Number 240 Kensington High Street.

SECOND SCHEDULE

Section 7

MINOR AND CONSEQUENTIAL AMENDMENTS OF PRINCIPAL ACT

<i>Provision amended and subject matter thereof</i>	<i>Amendment</i>
Section two (The Trustees)	For the words "the Imperial Institute Trustees", wherever they occur, there shall be substituted the words "the Commonwealth Institute Trustees".
Section four (Application of property).	For the words "the purposes of the Imperial Institute" there shall be substituted the words "the purposes of the Commonwealth Institute" and for the words "the Imperial Institute Trustees" there shall be substituted the words "the Commonwealth Institute Trustees".
Section five (Powers of management).	For the words "the Imperial Institute" there shall be substituted the words "the Commonwealth Institute".

2ND SCH.
—cont.

*Provision amended and
subject matter thereof*

Amendment

Section eight (Power to vary provisions of Act).

For the words “ the self-governing Dominions and India ” there shall be substituted the words “ any of the countries mentioned in subsection (2) of this section ”, for the words “ the Imperial Institute ”, wherever they occur, there shall be substituted the words “ the Commonwealth Institute ”, and at the end of the section there shall be added the following subsection:—

“(2) The countries hereinbefore referred to are Canada, Australia, New Zealand, the Union of South Africa, India, Pakistan, Ceylon, Ghana and the Federation of Malaya.”

First Schedule (Purposes of the Imperial Institute).

For the words “ the Imperial Institute ”, wherever they occur, there shall be substituted the words “ the Commonwealth Institute ”.

Section 8.

THIRD SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
2 Edw. 7. c. cxxxix.	The Imperial Institute (Transfer) Act, 1902.	The whole Act, so far as unrepealed.
15 & 16 Geo. 5. c. xvii.	The Imperial Institute Act, 1925.	Section one. In section two, subsection (1). Section six. Section seven. Section nine. In section ten, subsections (2) and (3).

CHAPTER 17

An Act to declare charitable under the law of England and Wales the provision in the interests of social welfare of facilities for recreation or other leisure-time occupation, to make similar provision as to certain trusts heretofore established for carrying out social welfare activities within the meaning of the Miners' Welfare Act, 1952, to enable laws for corresponding purposes to be passed by the Parliament of Northern Ireland, and for purposes connected therewith.

[13th March, 1958]

BE it enacted by the Queen'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, it shall be and be deemed always to have been charitable to provide, or assist in the provision of, facilities for recreation or other leisure-time occupation, if the facilities are provided in the interests of social welfare: General provision as to recreational and similar trusts, etc.

Provided that nothing in this section shall be taken to derogate from the principle that a trust or institution to be charitable must be for the public benefit.

(2) The requirement of the foregoing subsection that the facilities are provided in the interests of social welfare shall not be treated as satisfied unless—

- (a) the facilities are provided with the object of improving the conditions of life for the persons for whom the facilities are primarily intended; and
- (b) either—
 - (i) those persons have need of such facilities as aforesaid by reason of their youth, age, infirmity or disablement, poverty or social and economic circumstances; or
 - (ii) the facilities are to be available to the members or female members of the public at large.

(3) Subject to the said requirement, subsection (1) of this section applies in particular to the provision of facilities at village halls, community centres and women's institutes, and to the provision and maintenance of grounds and buildings to be used for purposes of recreation or leisure-time occupation, and extends to the provision of facilities for those purposes by the organising of any activity.

Miners' welfare trusts.

15 & 16 Geo. 6.
& 1 Eliz. 2.
c. 23.

2.—(1) Where trusts declared before the seventeenth day of December, nineteen hundred and fifty-seven, required or purported to require property to be held for the purpose of activities which are social welfare activities within the meaning of the Miners' Welfare Act, 1952, and at that date the whole or part of the property held on those trusts or of any property held with that property represented an application of moneys standing to the credit of the miners' welfare fund or moneys provided by the Coal Industry Social Welfare Organisation, those trusts shall be treated as if they were and always had been charitable.

(2) For the purposes of this section property held on the same trusts as other property shall be deemed to be held with it, though vested in different trustees.

Savings and other provisions as to past transactions.

3.—(1) Nothing in this Act shall be taken to restrict the purposes which are to be regarded as charitable independently of this Act.

(2) Nothing in this Act—

- (a) shall apply to make charitable any trust, or validate any disposition, of property if before the seventeenth day of December, nineteen hundred and fifty-seven, that property or any property representing or forming part of it, or any income arising from any such property, has been paid or conveyed to, or applied for the benefit of, the persons entitled by reason of the invalidity of the trust or disposition; or
- (b) shall affect any order or judgment made or given (whether before or after the passing of this Act) in legal proceedings begun before that day; or
- (c) shall require anything properly done before that day, or anything done or to be done in pursuance of a contract entered into before that day, to be treated for any purpose as wrongful or ineffectual.

(3) Except as provided by subsections (4) and (5) of this section, nothing in this Act shall require anything to be treated for the purposes of any enactment as having been charitable at a time before the date of the passing of this Act, so as to invalidate anything done or any determination given before that date.

(4) For the purposes of income tax, this Act shall not require anything to be treated as having been charitable at a time before the date of the passing of this Act unless it would have been so treated in accordance with the practice applied by the Commissioners of Inland Revenue immediately before the eighteenth day of December, nineteen hundred and fifty-two; but, subject to that and to paragraphs (a) and (b) of subsection (2) of this section, there shall be made all such adjustments, whether by way of repayment of tax, additional assessment or otherwise,

as are made necessary in relation to income tax by the retrospective operation of sections one and two of this Act, and nothing in the Income Tax Act, 1952, shall preclude the repayment by virtue of this Act of tax for the year 1946-47 or a subsequent year of assessment if a claim is made in that behalf to the Commissioners of Inland Revenue within two years from the date of the passing of this Act. 15 & 16 Geo. 6. & 1 Eliz. 2. c. 10.

(5) As respects stamp duty on any instrument executed before the date of the passing of this Act, this Act shall not require anything to be treated as having been charitable for the purposes of subsection (1) of section fifty-four of the Finance Act, 1947 (which excepted instruments in favour of charities from certain increases of stamp duty under that Act), unless it would have been so treated in accordance with the practice applied by the Commissioners of Inland Revenue immediately before the eighteenth day of December, nineteen hundred and fifty-two; but subject to that and to paragraphs (a) and (b) of subsection (2) of this section, where more stamp duty has been paid on an instrument executed on or after the said eighteenth day of December and before the date of the passing of this Act than ought to have been paid having regard to sections one and two of this Act, the provisions of sections ten and eleven of the Stamp Duties Management Act, 1891, shall apply as if a stamp of greater value than was necessary had been inadvertently used for the instrument, and relief may be given accordingly, and may be so given notwithstanding that, in accordance with the provisions of section twelve of the Stamp Act, 1891, the instrument had been stamped before the passing of this Act with a particular stamp denoting that it was duly stamped. 10 & 11 Geo. 6. c. 35. 54 & 55 Vict. c. 38. 54 & 55 Vict. c. 39.

An application for relief under the said section ten as applied by this subsection may be made at any time within two years from the date of the passing of this Act, notwithstanding that it is made outside the time limited by that section.

4. Nothing in the Government of Ireland Act, 1920, shall preclude the Parliament of Northern Ireland from making, in relation to the law of charity in Northern Ireland, laws for purposes similar to the purposes of section one of this Act. Powers of Parliament of Northern Ireland. 10 & 11 Geo. 5. c. 67.

5. This Act, and (except in so far as the contrary intention appears) any enactment of the Parliament of Northern Ireland passed for purposes similar to section one of this Act, shall bind the Crown. Application to Crown.

6.—(1) This Act may be cited as the Recreational Charities Act, 1958. Short title and extent.

(2) Sections one and two of this Act shall affect the law of Scotland and Northern Ireland only in so far as they affect the operation of the Income Tax Acts or of other enactments in which references to charity are to be construed in accordance with the law of England and Wales.

CHAPTER 18

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 fifty-seven, one thousand nine hundred and fifty-eight and one thousand nine hundred and fifty-nine.

[26th March, 1958]

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 sums hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen'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:—

Issue of
£106,858,877 15s. 0d.
out of the
Consolidated Fund
for the service of
the years ending
31st March, 1957
and 1958.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to Her Majesty for the service of the years ending on the thirty-first day of March, one thousand nine hundred and fifty-seven and one thousand nine hundred and fifty-eight, the sum of one hundred and six million, eight hundred and fifty-eight thousand, eight hundred and seventy-seven pounds and fifteen shillings.

Issue of
£1,855,920,100
out of the
Consolidated Fund
for the service of
the year ending
31st March, 1959.

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

Power for
the Treasury
to borrow.

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 sums, any sum or sums not exceeding in the whole one thousand nine hundred and sixty-two million, seven hundred and seventy-eight thousand, nine hundred and seventy-seven pounds and fifteen shillings.

(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 fifty-nine, 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 any interest payable thereon, out 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.

4. This Act may be cited as the Consolidated Fund (No. 2) Short title Act, 1958.

CHAPTER 19

An Act to continue until the end of August, nineteen hundred and fifty-eight, the power to make advances under section forty-two of the Finance Act, 1956.

[26th March, 1958]

BE it enacted by the Queen'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. In subsection (3) of section forty-two of the Finance Act, 1956 (which limits to seven hundred million pounds the total of the advances which may be made under that section and prohibits the making of such advances after the end of March, nineteen hundred and fifty-eight) for the word " March " there shall be substituted the word " August ".

Continuance
of Exchequer
advances
to certain
nationalised
industries and
undertakings.
4 & 5 Eliz. 2.
c. 54.

2. This Act may be cited as the Nationalised Industries Loans Act, 1958.

CHAPTER 20

An Act to increase the rates of national health service contributions, and for purposes connected therewith.

[30th April, 1958]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards providing such sums as may be required for the national health service in England and Wales, and in Scotland, have freely and voluntarily resolved to give and grant unto Your Majesty the increased contributions hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen'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:—

Higher rates of national health service contributions. 5 & 6 Eliz. 2. c. 34.

1.—(1) In the National Health Service Contributions Act, 1957 (in this Act referred to as “the principal Act”), the provisions set out in the Schedule to this Act shall be substituted, as from the appointed day, for the provisions set out in the First Schedule to that Act (which specifies the rates of national health service contributions).

(2) As from the appointed day, any reference in the principal Act to a column or paragraph of the First Schedule to that Act shall be construed as a reference to the corresponding column or paragraph of the provisions substituted by the preceding subsection for the provisions set out in that Schedule.

(3) Subsection (6) of section three of the principal Act (which relates to the Crown) and section five of the principal Act (which relates to Northern Ireland) shall apply in relation to this Act as they apply in relation to that Act.

(4) There shall be paid out of moneys provided by Parliament any increase attributable to the provisions of this Act in—

- (a) the administrative expenses so payable under subsection (3) of section four of the principal Act;
- (b) the sums so payable under subsection (4) of that section (which relates to financial adjustments with Northern Ireland and the Isle of Man).

(5) In this Act “the appointed day” means such day as the Minister of Health and the Secretary of State may jointly appoint by order made by statutory instrument.

2.—(1) This Act may be cited as the National Health Service Short title, Contributions Act, 1958; and the principal Act and this Act citation and may be cited together as the National Health Service Contribu- extent. tions Acts, 1957 and 1958.

(2) This Act, except subsection (3) of the preceding section, shall not extend to Northern Ireland.

SCHEDULE

Section 1.

PROVISIONS TO BE SUBSTITUTED IN FIRST SCHEDULE TO NATIONAL HEALTH SERVICE CONTRIBUTIONS ACT, 1957

RATES OF NATIONAL HEALTH SERVICE CONTRIBUTIONS

<i>Description of person</i>	<i>Weekly rate of contribution</i>	
	<i>s.</i>	<i>d.</i>
1. Employed men between the ages of 18 and 70, not including men over the age of 65 who have retired from regular employment	1	10½
2. Employed women between the ages of 18 and 65, not including women over the age of 60 who have retired from regular employment	1	4½
3. Employed boys and girls under the age of 18 ...		10½
4. Employers		5½
5. Self-employed men between the ages of 18 and 70, not including men over the age of 65 who have retired from regular employment	2	2
6. Self-employed women between the ages of 18 and 65, not including women over the age of 60 who have retired from regular employment	1	8
7. Self-employed boys and girls under the age of 18 ...	1	2
8. Non-employed men between the ages of 18 and 65	2	2
9. Non-employed women between the ages of 18 and 60	1	8
10. Non-employed boys and girls under the age of 18...	1	2

CHAPTER 21

An Act to make provision for the creation of life peerages carrying the right to sit and vote in the House of Lords.
[30th April, 1958]

BE it enacted by the Queen'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 create life peerages carrying right to sit in the House of Lords.

1.—(1) Without prejudice to Her Majesty's powers as to the appointment of Lords of Appeal in Ordinary, Her Majesty shall have power by letters patent to confer on any person a peerage for life having the incidents specified in subsection (2) of this section.

(2) A peerage conferred under this section shall, during the life of the person on whom it is conferred, entitle him—

(a) to rank as a baron under such style as may be appointed by the letters patent; and

(b) subject to subsection (4) of this section, to receive writs of summons to attend the House of Lords and sit and vote therein accordingly,

and shall expire on his death.

(3) A life peerage may be conferred under this section on a woman.

(4) Nothing in this section shall enable any person to receive a writ of summons to attend the House of Lords, or to sit and vote in that House, at any time when disqualified therefor by law.

Short title.

2. This Act may be cited as the Life Peerages Act, 1958.

CHAPTER 22

An Act to amend sections two and three of the Road Transport Lighting Act, 1957, so as to permit the use of amber coloured reflectors on the pedals of bicycles and tricycles.
[30th April, 1958]

BE it enacted by the Queen'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:—

Reflectors on bicycles and tricycles.

1.—(1) Section two of the Road Transport Lighting Act, 1957, shall have effect as if the following subsection were inserted therein:—

5 & 6 Eliz. 2.
c. 51.

“(3) Paragraph (b) of subsection (1) of this section shall not prevent a bicycle or tricycle from carrying amber coloured

reflectors which are attached to or incorporated in or form part of the pedals of such bicycle or tricycle notwithstanding that any of such reflectors show a light to the rear.”

(2) Section three of the Road Transport Lighting Act, 1957, shall have effect as if the following proviso were inserted therein:—

“ Provided that in the case of a bicycle or tricycle the provisions of this section shall not apply to amber coloured reflectors which are attached to or incorporated in or form part of the pedals of such bicycle or tricycle.”

2.—(1) This Act may be cited as the Road Transport Lighting **Short title, citation and extent.**
(Amendment) Act, 1958.

(2) The Road Transport Lighting Act, 1957, and this Act may be cited together as the Road Transport Lighting Acts, 1957 and 1958.

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

CHAPTER 23

Milford Haven Conservancy Act, 1958

ARRANGEMENT OF SECTIONS

Establishment and general duty and powers of Milford Haven Conservancy Board

Section

1. Establishment and duty of Conservancy Board.
2. Protection of amenities.
3. Powers with respect to land.
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5. Powers with respect to dredging, etc.
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7. Protection of Crown interests in wrecks.
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Powers with respect to dues, charges and fees

11. Power to levy dues, charges and fees.
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General

Section

- 20. Local inquiries.
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SCHEDULES:

First Schedule—Milford Haven Conservancy Board.

Part I—Constitution of the Board.

Part II—Officers, procedure, etc., of Board.

Part III—Voters and votes in elections to Board.

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Second Schedule—Subsection to be substituted for s. 4 (1) of Milford Docks Act, 1957.

Third Schedule—Authorised rates of dues.

Fourth Schedule—Provisions with respect to stock of the Board.

An Act to make provision with respect to the maintenance, improvement, protection and regulation of the navigation of Milford Haven; and for purposes connected therewith. [30th April, 1958]

BE it enacted by the Queen'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:—

Establishment and general duty and powers of Milford Haven Conservancy Board

Establishment
and duty of
Conservancy
Board.

1.—(1) There shall be a Milford Haven Conservancy Board (in this Act referred to as “the Board”) who shall be charged with the duty of taking such steps as the Board may from time to time consider necessary or expedient to maintain, improve, protect and regulate the navigation, and in particular the deep-water facilities, in the area bounded by—

- (a) a straight line drawn from the south-western extremity of St. Anne's Head to the southern extremity of Studdock Point; and
- (b) high water mark on the shores of Milford Haven and the approaches thereto within the straight line aforesaid, including all bays, creeks, pools, inlets and rivers, as far as the tide flows,

which area is in this Act referred to as “the haven”.

(2) The provisions of the First Schedule to this Act shall have effect with respect to the Board.

(3) The Board shall not, except with the express consent of the Admiralty and in compliance with any condition or restriction attached to any such consent, exercise any of their powers

in any part of the haven falling within the limits for the time being established by Order in Council under the Dockyard Ports Regulation Act, 1865, of any dockyard port, and—

- (a) shall not elsewhere in the haven exercise or continue in the exercise of any of their powers in such manner as to contravene any direction with respect to the exercise of those powers which the Admiralty may from time to time deem it necessary or expedient to give to the Board in the interests of national defence; and
- (b) generally in performing their functions under this Act shall have regard to any representations made to them by the Admiralty with respect to the requirements of national defence.

(4) Without prejudice to any restriction imposed by any other provision of this Act, the Board shall not exercise any of their powers within the limits for the time being established by or under any enactment of any harbour, pier or dock undertaking carried on wholly or partly within the haven by any person other than the Board without the prior agreement of the undertakers except so far as may be necessary or expedient for the purpose of maintaining, improving, protecting or regulating the navigation within the haven outside, or between points outside, those limits, and any dispute arising under this subsection shall be referred to and determined by the Minister, whose decision shall be binding on all parties.

(5) The Milford Docks Acts, 1874 to 1957, shall have effect with the substitution for subsection (1) of section four of the Milford Docks Act, 1957 (which defines the limits of the Milford Docks Company's undertaking) of the subsection set out in the Second Schedule to this Act.

(6) For the avoidance of doubt, the Board are hereby declared to be a harbour authority within the meaning of the Petroleum (Consolidation) Act, 1928, and a harbour undertaking within the meaning of the Transport Charges &c. (Miscellaneous Provisions) Act, 1954, and to be statutory undertakers within the meaning of the Town and Country Planning Act, 1947, by virtue of carrying on a harbour undertaking; and for the purposes of this Act all parts of the haven shall be treated as forming part of the county of Pembroke.

2. In formulating or considering any proposals relating to **Protection of** their functions under this Act, the Board shall have regard to **amenities.** the desirability—

- (a) of preserving natural beauty;
- (b) of conserving flora, fauna and geological or physiological features of special interest; and
- (c) of ensuring an easy passage at all times through the waters of the haven for ascending salmon and sea-trout.

Powers with
respect to land.

3.—(1) The Board may—

- (a) acquire by agreement, whether by way of purchase, lease or exchange, or by gift, any land, whether within or outside the haven, which they may require for the purposes of their functions under this Act ;
- (b) retain any land acquired by them for such time as they think fit ; and
- (c) sell, lease, exchange, whether with or without paying or receiving any money for equality of exchange, or otherwise dispose of any land acquired by them which is no longer required for the purposes aforesaid :

Provided that the Board shall not without the consent of the Minister dispose of any land otherwise than for a consideration worth not less than the current market value of that land, so, however, that a person acquiring any land from the Board shall not be concerned to inquire whether that consent is necessary or has been obtained.

(2) Any capital money received by the Board in respect of any transaction under this section shall be applied in or towards the repayment of moneys borrowed by the Board or for other purposes of the Board for which capital money may properly be applied.

(3) For the purposes of their incorporation with this Act, the Lands Clauses Acts shall have effect as if sections one hundred and twenty-seven to one hundred and thirty-one of the Lands Clauses Consolidation Act, 1845, were omitted therefrom and as if the expression “lands” in the said Acts included any interest in lands and any easement or right in, to or over lands.

Powers with
respect to
works and
cables.

4.—(1) The Board may construct, whether within or outside the haven, any works required for the purposes of their functions under this Act, including any moorings, and from time to time alter or extend any such works :

Provided that—

- (a) no works below high water mark shall be constructed, altered or extended except in accordance with plans and sections approved by the Minister and subject to any conditions or restrictions imposed by the Minister before the works are begun ;
- (b) the Board shall not exercise their powers under this subsection within such limits of such an undertaking as are mentioned in subsection (4) of section one of this Act without the consent of the undertakers unless, on an application made to him for the purpose, the Minister certifies that in his opinion that consent has been unreasonably withheld.

(2) Notwithstanding any powers conferred, and without prejudice to any other restrictions imposed, by or under any other enactment, no person other than the Board shall construct, alter or extend any works within the haven below high water mark, including any moorings, or lay any submarine cable in or across the bed or foreshore of the haven, except after giving not less than fourteen days' notice in writing to the Board, and the Board may by instrument in writing—

- (a) at any time before the notice expires, require the carrying out of the operations in question to be postponed until the Board notify the person by whom the notice was given whether or not they propose to exercise their powers under the next following paragraph ;
- (b) at any time before the notice expires or, where they have made a requirement under the foregoing paragraph, in giving the notification referred to in that paragraph, prohibit or impose conditions or restrictions with respect to those operations :

Provided that—

- (i) this subsection shall not apply to any operations specifically authorised by any enactment passed before this Act, or to any operations carried out by the South West Wales River Board upstream of a straight line across the River Dauceddau drawn due east from Black Tar Point or in any part of the River Cresswell ;
- (ii) any person aggrieved by any requirement, prohibition, condition or restriction imposed under this subsection may appeal against it to the Minister, whose decision shall be binding on both parties.

(3) Any works which are constructed, altered or extended, and any cable which is laid, in contravention of, or of any prohibition imposed under, this section or in respect of which any condition or restriction imposed under this section is not complied with may be abated and removed and the site thereof restored to its former condition—

- (a) in a case arising under subsection (1) of this section, by the Minister ;
- (b) in a case arising under the last foregoing subsection, by the Board,

and any expenditure incurred by the Minister or, as the case may be, by the Board in any such abatement, removal or restoration shall be recoverable as a simple contract debt from the Board or, as the case may be, from the person by whom the operations in question were carried out.

(4) So much of any works constructed by the Board under subsection (1) of this section as is not within the area of any county district within the meaning of the Local Government Act, 1933, shall be deemed to be within such of the adjacent

county districts as is nearest thereto or, in case of dispute, as the Minister may determine.

**Powers with
respect to
dredging, etc.**

5.—(1) The Board may from time to time deepen, dredge, scour and improve the bed and foreshore of the haven and the bed of the sea in or near any approach to the haven, and blast any rock within the haven and any rock in the sea in or near any approach to the haven, and any material taken up or collected in the course of any such operations shall be the property of the Board and may be used, sold, removed, deposited, or otherwise disposed of as the Board may think fit:

Provided that—

(a) no such materials shall be laid down or deposited—

(i) in any place or manner such as to cover any submarine cable placed or maintained by the Postmaster-General or by an Electricity Board or to impede in any way the inspection, maintenance, removal or renewal of any such cable; or

(ii) in any other place, being a place below high water mark, except in such position as the Minister may approve and subject to such conditions or restrictions as he may impose; or

(iii) in any other place in such manner as to prejudice the powers of any authority under sections thirty-nine to forty-one of the National Parks and Access to the Countryside Act, 1949, with respect to the establishment of the Pembrokeshire Coastal Footpath as defined by the National Parks Commission and approved by the Minister of Housing and Local Government under section fifty-two of the said Act of 1949;

(b) the Board shall not exercise their powers under this subsection within such limits of such an undertaking as are mentioned in subsection (4) of section one of this Act without the consent of the undertakers unless, on an application made to him for the purpose, the Minister certifies that in his opinion that consent has been unreasonably withheld.

(2) In the exercise of the powers conferred by the foregoing subsection the Board may, subject to subsection (4) of this section, remove or resite submarine cables in or across the bed or foreshore of the haven or the bed of the sea doing as little damage as may be and making good all damage done.

(3) Notwithstanding any powers conferred, and without prejudice to any other restrictions imposed, by or under any other enactment, no person other than the Board shall carry out within the haven any such operations as are mentioned in subsection (1) of this section except after giving not less than

fourteen days' notice in writing to the Board, and the Board may by instrument in writing—

- (a) at any time before the notice expires, require the carrying out of those operations to be postponed until the Board notify the person by whom the notice was given whether or not they propose to exercise their powers under the next following paragraph ;
- (b) at any time before the notice expires or, where they have made a requirement under the foregoing paragraph, in giving the notification referred to in that paragraph, prohibit or impose conditions or restrictions with respect to those operations :

Provided that—

- (i) this subsection shall not apply to any operations necessary for the purpose of the maintenance of any such undertaking as is mentioned in subsection (4) of section one of this Act or for any construction, alteration or extension of works which is specifically authorised by any enactment passed before this Act, or to any operations carried out by the South West Wales River Board upstream of a straight line across the River Dauceddau drawn due east from Black Tar Point or in any part of the River Cresswell ;
- (ii) any person aggrieved by any requirement, prohibition, condition or restriction imposed under this subsection may appeal against it to the Minister, whose decision shall be binding on both parties.

(4) Nothing in this section shall authorise any interference with any submarine cable placed or maintained by the Postmaster-General or by an Electricity Board ; and as early as possible, and in any event not less than twenty-eight days, before any exercise of their powers under subsection (1) of this section within a distance of fifty yards or, in the case of blasting operations, one hundred and fifty yards of any such cable, the Board shall give notice in writing to the Postmaster-General or Electricity Board of their intention so to do.

6.—(1) In their application to the Board, sections five hundred and thirty and five hundred and thirty-two of the Merchant Shipping Act, 1894 (which confer powers on the Board with respect to, and with respect to anything in or on, any vessel sunk, stranded or abandoned in such manner as to be an obstruction or danger to navigation in the haven or in or near any approach thereto) shall have effect—

- (a) subject to the provisions of the next following section ; and
- (b) in relation to a vessel sunk, stranded or abandoned before, as well as after, the passing of this Act.

Powers with respect to disposal of wrecks.

(2) Without prejudice to any other restrictions imposed by or under any other enactment, any person other than the Board upon whom powers with respect to vessels sunk, stranded or abandoned as aforesaid have been conferred by or under any enactment shall in exercising those powers comply with any directions for the prevention of interference with navigation which may from time to time be given to him by the Board.

(3) Subject to subsection (5) of this section, the Board may recover as a simple contract debt from the owner of any vessel in relation to which they have exercised their powers under the said section five hundred and thirty, being a vessel sunk, stranded or abandoned after the passing of this Act, any expenses reasonably incurred by them under that section in relation to that vessel which are not reimbursed out of any proceeds of sale within the meaning of that section or, in the case of an appeal under the next following subsection against the amount demanded, such sum, if any, as may be awarded under that subsection.

(4) At any time before the expiration of fourteen days from the date of service on the owner of a vessel of a demand for the payment of any amount under the last foregoing subsection, he may, if he is dissatisfied with the amount demanded, appeal to the Minister, who shall appoint an arbitrator to determine whether any, and if so what, sum should properly be payable by the owner in respect of the Board's expenses aforesaid; and the decision of the arbitrator shall be final and binding on both parties, and the costs of the appeal and award shall be borne by the parties in such manner as the arbitrator may determine and be recoverable as a simple contract debt.

(5) Except in a case which is in the opinion of the Board a case of emergency, subsection (3) of this section shall not apply in relation to any vessel unless, before exercising in relation to that vessel any of the powers conferred on them by the said section five hundred and thirty other than the power of lighting and buoing, the Board have given to the owner of the vessel not less than forty-eight hours' notice of their intention to do so; and if before the notice expires the Board receive from the owner counter-notice in writing that he desires to dispose of the vessel himself, and no direction is served in respect of the vessel under paragraph (b) of subsection (2) of the next following section, he shall be at liberty to do so, and the Board shall not exercise the powers aforesaid in relation to that vessel until the expiration of seven days from the receipt of the counter-notice and of any further continuous period thereafter during which the owner of the vessel proceeds with the disposal thereof with all reasonable diligence and in compliance with any directions for the prevention of interference with navigation which may be given to him by the Board.

(6) Notice under the last foregoing subsection to the owner of any vessel may be served by the Board either by delivering it to him or by sending it to him by post in a registered letter addressed to him at his last known place of business or abode in the United Kingdom or, if the owner or any such place of business or abode is not known to the Board, by displaying the notice at the offices of the Board for the period of its duration.

(7) In this section, the expression "owner" in relation to any vessel means the person who was the owner of the vessel at the time of the sinking, stranding or abandoning thereof.

7.—(1) Without prejudice to section seven hundred and forty-one of the Merchant Shipping Act, 1894 (which relates to the exemption from the provisions of that Act of vessels belonging to Her Majesty), as modified by any Order in Council made under section eighty of the Merchant Shipping Act, 1906, the powers conferred on the Board by sections five hundred and thirty and five hundred and thirty-two of the said Act of 1894 shall not be exercisable—

Protection of
Crown
interests in
wrecks.

- (a) in relation to any vessel sunk, stranded or abandoned by design by or under the orders of a person acting on behalf of Her Majesty or an officer or servant of the Crown acting in the course of his duty as such ;
- (b) except with the consent of the Admiralty, which may be given with or without such a direction as is referred to in paragraph (b) of the next following subsection, in relation to any vessel which is not excluded from the exercise of those powers by virtue of being a vessel belonging to Her Majesty but which, at the time when the vessel was sunk, stranded or abandoned—
 - (i) had been required to be placed at the disposal of Her Majesty or of a government department ; and
 - (ii) was appropriated to the service, under the direction and control of the Admiralty, of Her Majesty's ships of war.

(2) The Board shall give notice in writing to the Admiralty and to the Minister of any decision of the Board to exercise in relation to any vessel any of the powers aforesaid other than the power of lighting and buoying and, except in a case which is in the opinion of the Board a case of emergency, shall not proceed with the exercise thereof—

- (a) except with the consent of the Admiralty and the Minister, before the expiration of a period of fourteen days from the giving of the notice ; or
- (b) if before the expiration of the said period there is served on the Board a direction by the Admiralty or the Minister that those powers shall not be exercised in relation to that vessel except in such a case as aforesaid.

and where in any such case as aforesaid the Board proceed to exercise those powers without the consent and before the expiration of the period mentioned in paragraph (a) of this subsection or after a direction has been served on them as aforesaid, they shall not in the exercise of those powers use any explosives and, if before the expiration of the period aforesaid such a direction as aforesaid is served on them, shall not be entitled to exercise the power of sale conferred by the said section five hundred and thirty or the power conferred by subsection (3) of the last foregoing section :

Provided that—

- (i) the Board shall not be required to give notice under this subsection in respect of any vessel in respect of which they have received a consent under paragraph (b) of the foregoing subsection, but any direction such as is referred to in paragraph (b) of this subsection accompanying that consent shall be deemed for the purposes of this and the next following subsection and of subsection (5) of the last foregoing section to have been duly served under paragraph (b) of this subsection ;
- (ii) the prohibition on the use of explosives imposed by this subsection shall not apply to the use for cutting away the superstructure of a vessel of such small explosive charges as may for the time being be approved by the Minister for the purposes of this proviso.

(3) Where a direction is served in respect of any vessel under paragraph (b) of the last foregoing subsection the Board may from time to time apply to the authority by whom the direction was given for the reimbursement of any expenses reasonably incurred by the Board in marking, lighting, watching, buoying, controlling or giving warning to shipping of the presence of that vessel, and that authority may make to the Board such payments as the Treasury may determine.

(4) Without prejudice to the power of sale conferred on the Board by the said section five hundred and thirty, the Board shall hold and dispose of any wreck within the meaning of Part IX of the said Act of 1894 raised, removed or recovered under that section, and any surplus proceeds of sale within the meaning of that section, in accordance with such directions, if any, as may be given to them by the receiver of wreck ; and on exercising the said power of sale in the case of any property the Board shall discharge any sums payable in respect of that property by way of duties of customs or excise, purchase tax, or surcharge in respect of sugar or molasses, and any sums so discharged shall be deemed to be expenses incurred by the Board under that section.

(5) Any limitation on the powers of the Board in relation to any vessel arising by virtue of subsection (1) or subsection (2)

of this section shall not operate to authorise the exercise in relation to that vessel of the powers conferred on the Trinity House by section five hundred and thirty-one of the said Act of 1894.

8.—(1) In the performance of any functions with respect to the lighting and buoying of the haven, the Board shall be a local lighthouse authority for the purposes of the Merchant Shipping Act, 1894. Lighting and buoying.

(2) Section seventy-eight of the Harbours, Docks, and Piers Clauses Act, 1847 (which requires the sanction of the Trinity House for lighthouses, lights, beacons and sea-marks) is hereby incorporated with this Act as if the reference therein to the undertakers were a reference to the Board.

(3) The Board and the Trinity House may by agreement provide for the taking over and acquisition by the Board of any property of the Trinity House maintained for the purposes of navigation in the haven.

9.—(1) The Board may from time to time by byelaws confirmed by the Minister make provision for any matter falling within their duty under section one of this Act and in particular, but without prejudice to the generality of their power, provision— Power to make byelaws.

- (a) for regulating the use of the haven, including the movement of vessels therein and the time, manner and condition in which vessels shall enter or leave the haven or any installation therein, and the speed of vessels within the haven, and the laying down of moorings and the anchoring, mooring, unmooring and placing of vessels in the haven ;
- (b) with respect to the lights and signals to be carried, or the steps for avoiding collision to be taken, by vessels navigating in the haven ;
- (c) for regulating—
 - (i) the loading and unloading of goods ;
 - (ii) the embarkation and disembarkation of passengers ; or
 - (iii) the loading, removal and disposal of ballast, within the haven otherwise than at a dock or pier ;
- (d) for preventing and removing obstructions or impediments within the haven not authorised by or under any enactment ;
- (e) for the removal, placing and disposal of vessels laid by or neglected within the haven as unserviceable ;
- (f) for the protection of vessels in the haven from the dangers of fire ;
- (g) for regulating the conduct of boatmen, ferrymen and others plying in the haven and of persons resorting to any works constructed by the Board under section four of this Act ;

- (h) subject to subsection (4) of this section, for prohibiting vessels, or any class of vessels, not being vessels authorised so to do by or under any enactment, from plying for hire in the haven except under a licence granted by the Board and in accordance with any terms and conditions upon which the licence is granted ;
- (i) for empowering the Board's harbourmaster to give directions with respect to such matters dealt with by the byelaws or otherwise falling within the duty of the Board under section one of this Act as may be specified in the byelaws and to take any necessary action in default of compliance with any such directions ;
- (j) for imposing upon persons offending against the byelaws fines recoverable on summary conviction not exceeding fifty pounds and, in the case of a continuing offence, a further fine so recoverable not exceeding twenty pounds for each day during which the offence continues after conviction thereof.

(2) Any expenses incurred by the Board in respect of any obstruction, impediment or vessel under byelaws made by virtue of paragraph (d) or (e) of the foregoing subsection shall be recoverable by the Board as a simple contract debt from the owner or other person having the control of that obstruction, impediment or vessel.

(3) Without prejudice to any liability of any person for an offence against any byelaws of the Board, any person who fails to comply with any direction lawfully given by the Board's harbourmaster under those byelaws shall be liable on summary conviction to a fine not exceeding ten pounds.

(4) Any person aggrieved by the refusal, suspension or revocation of a licence such as is mentioned in paragraph (h) of subsection (1) of this section, or who alleges that any term or condition attached to such a licence or any fee demanded therefor under subsection (3) of section eleven of this Act is unreasonable, may make a complaint in respect thereof to a magistrates' court, who may make such order on the complaint as they think just, and any person aggrieved by the order may appeal against it to a court of quarter sessions.

(5) Subsections (2) to (7) and (10) of section two hundred and fifty and section two hundred and fifty-two of the Local Government Act, 1933 (which relate to the procedure for making, and evidence of, byelaws) shall apply to any byelaws made by the Board under this section as if the Board were a local authority and the secretary to the Board were the clerk to a local authority.

(6) In section eighty-five of the South Wales Railway Consolidation Act, 1855, the words from "and with" onwards (which

relate to the making of byelaws, rules and regulations with reference to the navigation, anchorage and mooring of vessels) are hereby repealed.

10.—(1) Any two justices of the peace may appoint such persons as may be nominated for the purpose by the Board to be special constables for the area of, and within one mile of, the haven and on any premises for the time being vested in the Board or under the Board's control. Power to appoint special constables.

(2) Every person so appointed shall be sworn in by the justices duly to execute the office of a constable within the area and on the premises aforesaid, and when so sworn in shall, within that area and on those premises, have the powers and privileges and be liable to the duties and responsibilities of a constable.

(3) Special constables appointed under this section shall be under the exclusive control of the Board, and the Board shall have power to suspend or terminate the appointment of any such special constable.

Powers with respect to dues, charges and fees

11.—(1) The Board may demand and take in respect of every vessel entering and in respect of every vessel departing from the haven dues at such rate not exceeding the appropriate rate specified in the Third Schedule to this Act as the Board may from time to time determine, being, subject to section eighty-five of the Merchant Shipping Act, 1894, dues calculated by reference to the vessel's tonnage: Power to levy dues, charges and fees.

Provided that no dues shall be demanded under this subsection in respect of—

- (a) any fishing boat within the meaning of Part IV of the said Act of 1894 ;
- (b) any vessel employed in the exercise of powers conferred by or under any enactment on any person other than the Board similar to the powers conferred on the Board by section five of this Act ;
- (c) any vessel of a tonnage of less than one hundred and fifty tons ; or
- (d) any vessel which, having left the haven, returns thereto only by reason of stress of weather or other sufficient emergency.

(2) In the exercise of their powers under the foregoing subsection, the Board may from time to time grant and revoke exemptions from, or compound with any person with respect to, the payment of dues authorised to be demanded by that subsection, but shall not give preference to any person over any other person in respect of like vessels in like circumstances.

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(3) The Board may demand and take in respect of the use of any facilities or services provided by them in the haven such reasonable charges, and, subject to subsection (4) of section nine of this Act, in respect of licences such as are mentioned in paragraph (h) of subsection (1) of that section such reasonable fees, as they may from time to time determine.

(4) Lists showing the rates of the dues and the charges and fees for the time being payable to the Board under this section or under section seven of the Transport Charges &c. (Miscellaneous Provisions) Act, 1954 (which relates to charges in respect of aircraft on the surface of the water) shall be open during reasonable hours for inspection by any person without charge at the offices of the Board, and copies of the various lists as revised from time to time shall be kept on sale at the said offices at a price not exceeding one shilling for each copy.

Collection
of dues.

12.—(1) Any amount payable in respect of any vessel by way of dues under subsection (1) of the last foregoing section shall be paid by the master of the vessel to the collector of dues at such place and time and in such manner as the Board may from time to time direct, and the collector may, either alone or with any other person authorised in that behalf by the Board, enter into any vessel within the haven in order to ascertain whether any, and if so what, amount is payable by way of such dues in respect of that vessel.

(2) The master of any vessel entering or departing from the haven shall, not later than twenty-four hours after the entry or, as the case may be, at an interval before the departure which is reasonable in the circumstances of the case, give notice thereof to the Board's harbourmaster, and if he fails so to do he shall be liable on summary conviction to a fine not exceeding ten pounds:

Provided that this subsection shall not apply in relation to any vessel such as is mentioned in paragraph (a), (b) or (c) of the proviso to subsection (1) of the last foregoing section.

(3) If any amount payable in respect of any vessel by way of such dues is not paid on demand the Board may recover that amount from the master of the vessel as a simple contract debt, or the collector of dues, taking such assistance as he thinks necessary, may at any time and at any place within the haven seize and detain that vessel, whether laden or empty, and the tackle and furniture thereof until that amount and the reasonable expenses of the collector have been paid; and if payment is not made before the expiration of seven days from the date of the seizure, then, subject to the next following subsection, the collector may cause the property seized to be sold and apply the proceeds of sale thereof towards payment of the amount and expenses aforesaid and of the expenses of the sale, paying over the residue, if any, to the owner of the vessel.

(4) If, where any property has been seized and detained under the last foregoing subsection, any dispute arises as to the sum payable in redemption thereof, the collector of dues may continue to detain, but shall not sell, the property until the dispute has been determined.

(5) If the person liable to pay any amount by way of such dues as aforesaid evades payment thereof the Board may recover from that person as a simple contract debt a sum equal to three times that amount.

(6) No vessel in respect of which any amount is payable by way of such dues as aforesaid shall depart from the haven until that amount has been paid or secured, and the collector or other proper officer of customs and excise for the haven may with the consent of the Commissioners of Customs and Excise refuse to receive any entry or give any discharge or clearance or take any report outwards of any such vessel until he is satisfied that that amount has been paid or that sufficient security has been given for the payment thereof and of any expenses arising from the non-payment thereof.

(7) This section shall have effect in relation to any aircraft on the surface of the water as if any reference therein to dues under subsection (1) of the last foregoing section were a reference to charges under section seven of the Transport Charges &c. (Miscellaneous Provisions) Act, 1954.

Financial provisions

13.—(1) Subject to any order made under section one of the Borrowing (Control and Guarantees) Act, 1946, the Board may from time to time borrow upon the security of all or any of the revenues and property of the Board or by the creation and issue of stock, or partly by one of those methods and partly by the other—

Borrowing
powers.

- (a) at any time before the expiration of the period of six years commencing with the date of the passing of this Act, any amounts not exceeding in the aggregate one hundred and fifty thousand pounds required for the payment of any expenses properly chargeable to revenue incurred by the Board during that period ;
- (b) any amounts required in the execution of the duty imposed upon the Board by section one of this Act for purposes to which capital money is properly applicable ;
- (c) any amounts for use within not more than twelve months of the date of borrowing for repayment before the expiration of the period fixed under subsection (4)

of this section of any sum for the time being outstanding by way of principal on any amount previously borrowed or for the purchase of any of the Board's stock, whether at par or at a price above or below par, by agreement with the holder thereof for the purpose of extinguishing that stock before the due date of redemption ;

- (d) any amounts required for replacing moneys expended by the Board during the twelve months preceding the borrowing, otherwise than out of such a sinking fund or by means of such an instalment as is mentioned in the said subsection (4) or out of moneys obtained by the sale of land, in making any such repayment or purchase as is mentioned in the last foregoing paragraph, being moneys intended at the time of the repayment or purchase to be replaced by borrowed money ;

and any amount borrowed under paragraph (c) or (d) of this subsection shall be deemed for the purposes of the said subsection (4) to form part of the amount originally borrowed under paragraph (a) or (b) of this subsection to which the borrowing under the said paragraph (c) or (d) is referable :

Provided that the aggregate amount outstanding by way of principal in respect of any amounts borrowed under, or referable to amounts borrowed under, the said paragraph (b), other than any amounts borrowed under the said paragraph (c) and not yet applied in such a repayment or purchase as is mentioned in that paragraph, shall not at any time exceed eight hundred and fifty thousand pounds.

(2) For the purposes of the foregoing subsection, there shall be treated as purposes to which capital money is properly applicable—

- (a) the payment of any interest falling due within the five years immediately following the date of the borrowing on any amount borrowed by the Board under paragraph (b) of that subsection before the expiration of the period referred to in paragraph (a) thereof ; and
- (b) the expenses of the creation and issue by the Board of any stock.

(3) Subject to the last foregoing subsection, any amount borrowed by the Board under this section shall be applied only for such purposes as are authorised in respect thereof by subsection (1) of this section :

Provided that the Board may, and if required by the Minister shall, from time to time invest temporarily in statutory securities

the whole or part of any such amount not for the time being required for the purposes for which it was borrowed.

(4) Any amount borrowed under paragraph (a) or (b) of subsection (1) of this section shall be finally paid off at the expiration of such period as the Board may in the case of that amount fix, being a period not exceeding, in the case of an amount borrowed under the said paragraph (a), twenty years or, in the case of an amount borrowed under the said paragraph (b), fifty years, and shall be so paid off, in the case of an amount borrowed by the creation and issue of stock, by means of a sinking fund and in any other case either by means of a sinking fund or by equal yearly or half-yearly instalments of principal or of principal and interest combined, or partly by one of those methods and partly by another or others of them ; and—

(a) where the amount is to be paid off by means of a sinking fund, then, so long as it is so paid off at the expiration of the fixed period, the first payment to the fund may be made—

(i) in the case of an amount borrowed under paragraph (a) of the said subsection (1) or borrowed under paragraph (b) of that subsection within the first two years of the period referred to in the said paragraph (a), at any time before the expiration of twelve months from the date when the period so referred to expires ;

(ii) in the case of an amount borrowed under the said paragraph (b) after the expiration of the two years aforesaid, at any time before the expiration of five years from the date of the borrowing ;

(b) where the amount is to be paid off by means of instalments, the first instalment shall be paid within twelve or, in the case of a half-yearly instalment, six months from the date of the borrowing.

(5) The Board shall keep at their offices a register of all charges created by them under this section, specifying in each case the revenues or property charged, the amount of the charge and the name of the person entitled thereto, and the said register shall be kept available during reasonable hours for inspection without charge by any creditor of the Board under this section and for inspection by any other person on payment of such fee, not exceeding one shilling for each inspection, as the Board may determine.

(6) The provisions of the Fourth Schedule to this Act shall have effect with respect to any stock created under this section.

(7) For the purposes of the making of any loan to the Board by any person and of any rights and liabilities with respect to that loan, a certificate signed at the time of the making of the loan by the secretary and any two members of the Board that the borrowing of that sum is authorised by this section shall be sufficient evidence of the validity of that loan.

Sinking
funds.

14.—(1) Any sinking fund established by the Board for the purposes of the last foregoing section shall be formed and maintained either—

- (a) as a non-accumulating fund by payment thereto throughout the period fixed under subsection (4) of that section (hereafter in this section referred to as “the fixed period”) of such equal annual sums as will be sufficient to repay the amount borrowed at the expiration of that period; or
- (b) as an accumulating fund by payment thereto throughout the fixed period of such equal annual sums as, with compound interest thereon at the rate on which the equal annual payments are based, will be sufficient as aforesaid:

Provided that, where the first payment to the fund is not made within twelve months of the date of borrowing, the references in this subsection to payments throughout the fixed period shall be construed as references to payments throughout the residue of that period commencing with the date of the first payment to the fund.

(2) Every sum paid to the fund and, where it is an accumulating fund, the interest on the investments thereof shall, unless applied in or towards repayment of the principal amount secured by any charge, or the purchase for extinction before the due date of redemption of any stock, in connection with which the fund is maintained, be immediately invested, and may thereafter from time to time be reinvested, in such statutory securities as the Board may think fit.

(3) When the fund is a non-accumulating fund, the interest on its investments may be applied by the Board towards the equal annual payments to the fund.

(4) The Board may at any time apply the whole or any part of the fund in or towards such a repayment or purchase as aforesaid:

Provided that—

- (a) where it is an accumulating fund the Board shall pay into the fund each year during the residue of the

fixed period, in addition to the equal annual payments, a sum equal to the interest which would have been produced by the fund or that part thereof if invested at the rate on which the equal annual payments to the fund are based ;

(b) where the fund is maintained in connection with any stock, in any year in which the fund or any part thereof has been applied in such a purchase as aforesaid at a price above par the Board shall pay into the fund, in addition to the annual payment, a sum equal to the difference between the price paid for that purchase and the par value of the stock purchased.

(5) If the fund is an accumulating fund and the income thereof at any time is less or greater than the income which would be derived from the sums invested if those sums were invested at the rate on which the equal annual payments to the fund are based, the deficiency shall be made good by the Board or, as the case may be, the Board may apply the excess towards those annual payments.

(6) If at any time it appears to the Board that the fund as for the time being maintained will not be sufficient to pay off the amount borrowed at the expiration of the fixed period, the Board shall make such adjustments in the payments to the fund as will cause the fund to be sufficient for that purpose.

(7) If at any time it appears to the Board that the fund as for the time being maintained will be more than sufficient, or is already sufficient, to pay off the amount borrowed at the expiration of the fixed period, the Board may make such adjustments in the payments to the fund (including suspension of such payments) as they think fit.

(8) If the Board desire to accelerate the paying off of the amount borrowed, they may with the approval of the Minister increase the amount of the payments to the fund.

(9) Any surplus remaining in the fund on the expiration of the fixed period after providing for the paying off of the amount borrowed shall be applied to such purposes of the Board to which capital moneys may properly be applied as the Board may think fit; and if at the expiration of five years after the expiration of the fixed period any sum remains in the fund which for any reason not due to the default of the Board it has not been possible to pay to the person entitled thereto by way of the repayment of the principal amount secured by any charge or the redemption of any stock in connection with which the fund was maintained, then, without prejudice to the rights of any such person, that sum may be applied as aforesaid.

Annual return with respect to borrowed moneys.

15.—(1) Not later than three months after the expiration of each financial year of the Board, the Board shall send to the Minister in such form as the Minister may approve a return certified by the person whose duty it is to keep the accounts of the Board showing the provision made during that year for the paying off of any amounts borrowed by the Board.

(2) If it appears to the Minister from any such return or otherwise that the Board have failed to make the provision required by section thirteen of this Act for the paying off of amounts borrowed by the Board or have applied any part of a sinking fund otherwise than as authorised by the last foregoing section, the Minister may direct that such sum as is specified in the direction not exceeding the sum in respect of which default has been made shall be paid or applied in such manner and by such date as may be so specified in making provision for the paying off of those amounts; and the Board shall comply with that direction and notify the Minister as soon as they have done so.

Appointment of receiver.

16.—(1) Where any sums accrued due by way of principal, interest or principal and interest combined in respect of amounts borrowed by the Board under section thirteen of this Act remain unpaid at the expiration of a period of, in the case of sums due by way of principal, six months or, in the case of sums due by way of interest or of principal and interest combined, thirty days after the date when payment became due and after demand therefor in writing has been made, and the sums so accrued due and unpaid amount in the aggregate to not less than ten per cent. of the aggregate amount for the time being outstanding by way of principal on all moneys borrowed by the Board or ten thousand pounds, whichever is the greater, the person or persons to whom those sums are owing may apply to the High Court for the appointment of a receiver.

(2) On any such application, the court may, if it is satisfied that the sums owing to the person or persons by whom the application is made amount in the aggregate to not less than the amount aforesaid, and after hearing the parties, appoint on such terms as the court may determine a person to receive on behalf of the applicants the whole or any part of any receipts of the Board on which the sums owing are secured until those sums, any expenses of the receiver and any costs of the application have been fully paid.

(3) No receiver shall be appointed in the case of any security given by the Board otherwise than as provided by the foregoing provisions of this section.

Board not bound to recognise trusts.

17. The Board shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any moneys payable by way of principal or interest in respect of any charge or stock created by the Board may be subject,

and the receipt of the person or persons in whose name the charge or stock for the time being stands in the books of the Board shall be a sufficient discharge to the Board for any such moneys paid by them notwithstanding any trust to which those moneys may then be subject and whether or not the Board have had notice of that trust.

18. All moneys in the nature of revenue received by the Board shall be applicable by them for the purposes and in the order following, that is to say— Application of revenue.

- (a) in payment of any expenses properly chargeable to revenue incurred by the Board in the execution of this Act ;
- (b) in payment year by year of the interest accruing on any moneys borrowed by the Board ;
- (c) in making the provision required by this Act for the repayment of moneys so borrowed ;

and any balance shall be applicable to such purposes of the Board in such manner as the Board may determine.

19.—(1) The Board shall keep proper accounts, and proper records in relation to those accounts, and shall prepare proper statements of account in respect of each financial year of the Board ; and the accounts of the Board for each such year shall be audited by auditors appointed by the Board for that year. Accounts of the Board.

(2) No person shall be qualified to be so appointed auditor unless he is a member of one or more of the following bodies, that is to say—

- (a) the Institute of Chartered Accountants in England and Wales ;
- (b) the Society of Incorporated Accountants ;
- (c) the Institute of Chartered Accountants of Scotland ;
- (d) the Association of Certified and Corporate Accountants ;
- (e) the Institute of Chartered Accountants in Ireland ;
- (f) any other body of accountants established in the United Kingdom and for the time being recognised for the purposes of paragraph (a) of subsection (1) of section one hundred and sixty-one of the Companies Act, 1948, by the Board of Trade.

(3) As soon as the accounts of the Board for any financial year of the Board have been audited, the Board shall transmit to the Minister three copies of their statements of account and the auditors' report for that year, and the Minister shall cause one of those copies to be laid before each House of Parliament ;

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and further copies shall be made and kept available at the offices of the Board for inspection by the public without charge during reasonable hours and for supply on demand—

- (a) free of charge to any person who is a creditor of the Board under section thirteen of this Act ; or
- (b) upon payment of such reasonable charge in respect of each copy as the Board may determine, to any other person.

(4) Where the auditors' report includes any recommendation with respect to the keeping of the Board's accounts or records or the preparation of their annual statements of account, the Minister may direct the Board to give effect to that recommendation subject to such modifications, if any, as the Minister may specify in his direction, and the Board shall comply with that direction.

General

Local
inquiries.

20. The Minister may cause a local inquiry to be held for the purpose of the exercise of any of his functions under this Act, and the provisions of subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the giving of evidence at, and defraying the cost of, local inquiries) shall apply to any such inquiry as if it were held by the Minister under subsection (1) of that section :

Provided that subsection (4) of that section (which requires the Minister's costs of such an inquiry to be defrayed by the parties thereto) shall not apply in relation to any inquiry unless it is so directed by the Minister.

Expenses.

21.—(1) Any expenses of the Admiralty or the Minister attributable to the provisions of this Act shall be defrayed out of moneys provided by Parliament.

(2) Any sums recovered by the Minister under this Act shall be paid into the Exchequer.

Interpretation,
etc.

22.—(1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

“the Board” means the Milford Haven Conservancy Board ;

“collector of dues” means any person authorised by the Board to demand and take on their behalf any dues

authorised by subsection (1) of section eleven of this Act or any charges authorised under section seven of the Transport Charges &c. (Miscellaneous Provisions) Act, 1954 ;

- “ the haven ” has the meaning assigned by subsection (1) of section one of this Act ;
- “ high water mark ” means the high water mark of ordinary spring tides ;
- “ land ” means any corporeal hereditament and includes any interest in land and any easement or right in, to or over land ;
- “ master ” in relation to any vessel includes the owner and agent or broker for the vessel and any charterer to whom the vessel is demised, and in the case of an aircraft includes the pilot and any other person having or taking the charge or command of the aircraft ;
- “ the Minister ” means the Minister of Transport and Civil Aviation ;
- “ statutory securities ” means any securities in which trustees are for the time being authorised by law to invest trust moneys and any mortgages, bonds, debentures, debenture stock, stock or other securities created by a local authority within the meaning of section thirty-four of the Local Loans Act, 1875, other than annuities, rentcharges or securities transferable by delivery ;
- “ tonnage ” in relation to a vessel, means the vessel’s tonnage as ascertained and registered according to the tonnage regulations of the Merchant Shipping Act, 1894, or, in the case of a vessel which is not registered under that Act, ascertained in like manner as if it were to be so registered ;
- “ the Trinity House ” means the master, wardens and assistants of the guild, fraternity or brotherhood of the most glorious and undivided Trinity and of St. Clement in the parish of Deptford Strond in the county of Kent, commonly called the corporation of the Trinity House of Deptford Strond ;
- “ vessel ” includes—
- (a) every description of vessel used in navigation, however propelled ;
 - (b) except in subsection (1) of section eleven of this Act, any aircraft on the surface of the water ;
 - (c) in sections six and seven of this Act, any aircraft.

(2) Save where the context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as amended by or under any other enactment, including any enactment contained in this Act.

(3) Without prejudice to any express provision of this Act, section two hundred and eighty-five of the Public Health Act, 1936 (which relates to the service of notices) shall apply to any notice or other document required or authorised by this Act to be given to or served on any person.

Short title and
savings.

23.—(1) This Act may be cited as the Milford Haven Conservancy Act, 1958.

(2) Nothing in the provisions of this Act or any instrument made thereunder shall prejudice any estate, right, power, privilege or exemption of the Crown, and in particular no such provision shall authorise the Board without the prior consent in writing of the Crown Estate Commissioners to take, use or in any manner interfere with any portion of the shore or bed of the sea or of the haven or any property or rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the said Commissioners.

(3) Section twenty-eight of the Harbours, Docks, and Piers Clauses Act, 1847 (which relates to the exemption of vessels in Her Majesty's or the public service) is hereby incorporated with this Act and as so incorporated shall be construed as if the reference therein to the special Act were a reference to this Act and as if the penalty provided thereby were expressed to be recoverable on summary conviction.

(4) Nothing in this Act shall prejudice or derogate from any of the rights or privileges, or the jurisdiction or authority, of the Trinity House.

(5) For the purposes of subsection (1) of section one hundred and eighteen of the Town and Country Planning Act, 1947 (which relates to the application of that Act to land regulated by special enactments) this Act shall be deemed to be an enactment in force at the passing of the said Act of 1947.

SCHEDULES

FIRST SCHEDULE

Section 1.

MILFORD HAVEN CONSERVANCY BOARD

PART I

CONSTITUTION OF THE BOARD

1. The Board shall be a body corporate with a common seal and power to hold land without licence in mortmain, and shall consist of a chairman and seventeen other members.

2. The chairman and ten other members of the Board shall be appointed as follows, that is to say—

- (a) the chairman and one other by the Minister ;
- (b) one by the Admiralty ;
- (c) one by the Trinity House ;
- (d) one by the local fisheries committee for the sea fisheries district constituted under the Sea Fisheries Regulation Act, 1888, in which the haven is situated ;
- (e) one by the Minister, after such consultations as he may consider appropriate, from among persons who are, or who are members of bodies corporate who are, owners of trawlers which trade regularly to the haven ;
- (f) one by the National Parks Commission ;
- (g) one by the Minister after consultation with such persons or bodies appearing to him to be representative of organised labour in Wales as he may consider appropriate ;
- (h) three by the county council of Pembroke.

3. Four members of the Board—

- (a) until the date appointed for the purposes of this paragraph under paragraph 16 of this Schedule, shall be appointed by the Minister, of whom three shall be appointed as follows, that is to say—
 - (i) one on the recommendation of the Milford Docks Company ;
 - (ii) one on the recommendation of Esso Petroleum Company Limited ;
 - (iii) one on the recommendation of BP Trading Limited ;
- (b) on and after the said date shall be elected in accordance with the provisions of Parts III and IV of this Schedule by persons other than the Admiralty providing within, or fronting on, the haven facilities for vessels to load or unload goods or embark or disembark passengers or for the building or repair of vessels (hereafter in this Schedule referred to as “waterside frontagers”).

4. Three members of the Board—

- (a) until the date appointed for the purposes of this paragraph under paragraph 16 of this Schedule, shall be appointed by the Minister after consultation with such organisations as appear to him to be representative of owners of British ships registered in the United Kingdom ;

1ST SCH.
—*cont.*

(b) on and after the said date, shall be elected in accordance with the provisions of Parts III and IV of this Schedule by persons, being British subjects resident in the United Kingdom or bodies incorporated in the United Kingdom, by whom or on whose behalf dues have been paid to the Board under subsection (1) of section eleven of this Act (hereafter in this Schedule referred to as “dues payers”).

5. A person appointed as a member of the Board shall cease to hold office at the expiration of the following period commencing with the date of his appointment, that is to say—

(a) in the case of the first appointment to each of the eighteen places on the Board, five years ;

(b) in the case of any other appointment by the Minister under any of the three last foregoing paragraphs, such period not exceeding five years as the Minister may in making the appointment specify ;

(c) in any other case, three years,

and upon so ceasing to hold office shall be eligible for reappointment.

6. A person appointed as a member of the Board under paragraph 3 or paragraph 4 of this Schedule who is in office immediately before the date appointed for the purposes of that paragraph under paragraph 16 of this Schedule shall cease to hold office on that date.

7. A person elected as a member of the Board under paragraph 3 or paragraph 4 of this Schedule shall cease to hold office on the fixed election date within the meaning of paragraph 17 of this Schedule next following his election, but upon so ceasing to hold office shall, if qualified, be eligible for re-election.

8. A member of the Board may at any time while he is in office, by notice in writing to the Board and, in the case of an appointed member, to the person by whom he was appointed, resign his membership.

PART II

OFFICERS, PROCEDURE, ETC., OF BOARD

9. The Board shall appoint a secretary, a harbourmaster and such other officers or servants as they may think necessary or expedient on such terms and conditions as they think fit.

10. The quorum required for a meeting of the Board shall be seven, and the Board shall meet at least once in each financial year of the Board.

11. The Board may pay to any member thereof any travelling or other expenses reasonably incurred by him in attending meetings of the Board or otherwise in the execution of his duties as a member of the Board.

12. If a member of the Board has any pecuniary interest in any contract or proposed contract to which the Board is or would be a party and is present at a meeting of the Board at which that contract is the subject of consideration, he shall at that meeting as soon as practicable after the commencement thereof disclose that fact and shall not vote on any question with respect to that contract.

13. The Board may act notwithstanding a vacancy in the membership thereof, and no act of the Board shall be invalidated by reason of any irregularity in the appointment or election of any member thereof or by reason of any person irregularly acting as a member thereof.

1st SCHED.
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14. Subject to the provisions of this Schedule, the procedure and business of the Board shall be regulated in such manner as the Board may from time to time determine.

15. The application of 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 in that behalf and of the secretary of the Board or some other person authorised by the Board to act in his stead in that behalf; and every document purporting to be an instrument issued by the Board and to be sealed as aforesaid or to be signed on behalf of the Board shall be received in evidence and be deemed to be such an instrument without further proof unless the contrary is shown.

PART III

VOTERS AND VOTES IN ELECTIONS TO BOARD

16.—(1) At any time after the expiration of seven years from the passing of this Act, the Minister may by order made by statutory instrument appoint a date for the purposes of either or both of paragraphs 3 and 4 of this Schedule, not being a date earlier than twelve months after the date of the making of the order, and the date so appointed shall be the date for the first election of members under the paragraph in question; and different orders may be made at different times and appointing different dates in respect of the said paragraphs 3 and 4 respectively.

(2) Before making an order appointing a date for the purposes of paragraph 3 or paragraph 4 of this Schedule, the Minister shall consult with the Board and with the persons on whose recommendation, or with the organisations after consultation with whom, members fall to be appointed under the paragraph in question; and he shall not make such an order unless—

(a) not less than three months before the making thereof, he has caused an advertisement to be published in such newspapers as appear to him appropriate and sufficient giving notice of his intention to make the order and specifying a period within which objections or other representations with respect thereto may be made to him; and

(b) he has considered any such objections or representations received by him within the period so specified;

and, before making any such order, he may, if he thinks fit, cause a local inquiry to be held.

17. In the following provisions of this Schedule—

(a) the expression “fixed election date” in relation to an election under paragraph 3 or 4 of this Schedule means the date

1st SCH.
—cont.

appointed under the last foregoing paragraph for the purposes of the said paragraph 3 or, as the case may be, paragraph 4 and the same day of the week occurring at the same place in sequence in the same month (as, for example, the second Tuesday in that month) in each third year thereafter ;

- (b) the expression “ relevant period ” means the period of twelve months ending with such last day of a month as falls not less than five nor more than six months before a fixed election date.

18. Subject to sub-paragraph (2) of paragraph 22 of this Schedule, a waterside frontager shall be qualified to vote at an election under paragraph 3 of this Schedule if the facilities provided by him or by any predecessor in title of his were used during the last relevant period by vessels in respect of whose arrival in the haven last before those facilities were so used by them dues have been paid to the Board under subsection (1) of section eleven of this Act and the aggregate of the tonnage by reference to which those dues were paid is not less than 100,000 tons, and shall be entitled to a number of votes in respect of each place to be filled determined by reference to the aggregate aforesaid in accordance with the following table:—

	Aggregate tonnage			Number of votes
Not less than	100,000 but less than	200,000	...	one
” ” ”	200,000 ” ” ”	300,000	...	two
” ” ”	300,000 ” ” ”	400,000	...	three
” ” ”	400,000 ” ” ”	500,000	...	four
” ” ”	500,000 ” ” ”	600,000	...	five
” ” ”	600,000 ” ” ”	700,000	...	six
” ” ”	700,000 ” ” ”	800,000	...	seven
” ” ”	800,000 ” ” ”	900,000	...	eight
” ” ”	900,000 ” ” ”	1,000,000	...	nine
” ” ”	1,000,000 ” ” ”	1,100,000	...	ten
” ” ”	1,100,000 ” ” ”	1,200,000	...	eleven
” ” ”	1,200,000 ” ” ”	1,300,000	...	twelve
” ” ”	1,300,000 ” ” ”	1,400,000	...	thirteen
” ” ”	1,400,000 ” ” ”	1,500,000	...	fourteen
” ” ”	1,500,000 ” ” ”	1,600,000	...	fifteen
” ” ”	1,600,000 ” ” ”	1,700,000	...	sixteen
” ” ”	1,700,000 ” ” ”	1,800,000	...	seventeen
” ” ”	1,800,000 ” ” ”	1,900,000	...	eighteen
” ” ”	1,900,000 ” ” ”	2,000,000	...	nineteen
	2,000,000 or more	...	...	twenty

19. Subject to sub-paragraph (2) of paragraph 22 of this Schedule, a dues payer shall be qualified to vote at an election under paragraph 4 of this Schedule if the aggregate amount of the dues paid to the Board by him or on his behalf under subsection (1) of section eleven of this Act in respect of the last relevant period was not less than £100, and shall be entitled to a number of votes in

respect of each place to be filled determined by reference to that aggregate amount in accordance with the following table:—

1st Sch.
—cont.

<i>Aggregate amount of dues paid</i>			<i>Number of votes</i>
Not less than	£100 but less than	£600	... one
" "	£600	" " " £1,400	... two
" "	£1,400	" " " £2,200	... three
" "	£2,200	" " " £3,000	... four
" "	£3,000	" " " £3,800	... five
" "	£3,800	" " " £4,600	... six
" "	£4,600	" " " £5,400	... seven
" "	£5,400	" " " £6,200	... eight
" "	£6,200	" " " £7,000	... nine
" "	£7,000	" " " £7,800	... ten
" "	£7,800	" " " £8,600	... eleven
" "	£8,600	" " " £9,400	... twelve
" "	£9,400	" " " £10,200	... thirteen
" "	£10,200	" " " £11,000	... fourteen
" "	£11,000	" " " £11,800	... fifteen
" "	£11,800	" " " £12,600	... sixteen
" "	£12,600	" " " £13,400	... seventeen
" "	£13,400	" " " £14,200	... eighteen
" "	£14,200	" " " £15,000	... nineteen
	£15,000 or more	... ..	... twenty

20. Not later than twelve weeks before each fixed election date, the secretary of the Board shall—

- (a) in relation to an election under paragraph 3 of this Schedule, compile a register of waterside frontagers showing in the case of each frontager the aggregate tonnage attributed to him for the purposes of paragraph 18 of this Schedule ;
- (b) in relation to an election under paragraph 4 of this Schedule, compile a register of dues payers showing in the case of each dues payer the aggregate amount attributed to him for the purposes of the last foregoing paragraph ;
- (c) prepare and cause to be printed an alphabetical list of the waterside frontagers or, as the case may be, dues payers appearing to be entitled to vote at elections under the said paragraph 3 or, as the case may be, paragraph 4, showing in the case of each person included therein the number of votes to which he appears to be entitled in respect of each place to be filled ;
- (d) send a copy of the list aforesaid to each person included therein, and make further copies available at the offices of the Board during reasonable hours for inspection by any person without charge and for purchase by any person at such charge not exceeding sixpence for each copy as the Board may deem reasonable ; and

1st SCH.
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- (e) give notice by advertisement in one or more newspapers circulating in the area in which the haven is situated of the completion of the list aforesaid and of the arrangements made for the inspection and purchase of copies thereof.

21.—(1) Not later than twelve weeks before each fixed election date, the Board shall appoint two of their members to examine and, if necessary, correct the list of waterside frontagers or, as the case may be, dues payers prepared under the last foregoing paragraph, and the two members of the Board so appointed shall, within seven days of being appointed, further appoint a third person to act with them in the examination of the list and to be their chairman for that purpose, being a person who is, or who is nominated for the purpose by a body corporate who are, included in that list, and the three persons so appointed are hereafter referred to as “the examiners”.

(2) The examiners shall carry out their examination of the list at the offices of the Board not later than eight weeks before the fixed election date after giving not less than seven days’ notice of their intention to do so by advertisement in one or more newspapers circulating in the area in which the haven is situated; and the Board shall make available to the examiners the relevant register and list and such accounts, books and other documents in the possession of the Board as the examiners may reasonably require, and shall afford the examiners all reasonable and proper facilities.

(3) At any such examination, any person may, either in person or by his agent, object—

(a) to the exclusion from or inclusion in the list of the name of that or any other person; or

(b) to the number of the votes shown in the list as attributable to that or any other person;

and the examiners shall make such, if any, corrections in the list, whether by way of additions or amendments thereto or deletions therefrom, as may be shown to the satisfaction of the examiners or a majority of them to be necessary.

(4) On the completion of their examination of the list, the examiners shall not later than seven weeks before the fixed election date sign and send to the secretary of the Board a copy of that list incorporating such corrections, if any, as they may have made therein; and the copy of the list so signed and sent is hereafter referred to as “the certified list”.

(5) In the event of the death or failure to act or to continue to act of any of the examiners, the remaining examiners or, if there is none remaining, a person appointed for the purpose by the Minister shall perform or complete the performance of the functions of the examiners under this paragraph.

22.—(1) The Board shall cause any certified list of waterside frontagers or, as the case may be, dues payers received by their secretary to be printed and, not later than six weeks before the fixed election date, shall send a copy thereof to each person included in the list and make further copies available for purchase by any person at the offices of the Board at such price not exceeding sixpence for each copy as the Board may deem reasonable.

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(2) The latest certified list of waterside frontagers or, as the case may be, dues payers shall be conclusive evidence of the persons for the time being qualified to vote at any election for the purposes of paragraph 3 or, as the case may be, paragraph 4 of this Schedule and of the number of votes to which each of those persons is entitled in respect of each place to be filled, and shall remain in force until the next such certified list is received by the secretary of the Board.

(3) Any document purporting to be a true copy of a certified list for the time being in force and to be signed by the secretary of the Board shall be received in evidence and be deemed to be such a true copy without further proof unless the contrary is shown.

23. Any two or more persons who are in partnership for purposes in the carrying out of which they are waterside frontagers or dues payers shall be treated for the purposes of this Schedule as carrying out those purposes as a single person, and anything required or authorised by this Schedule to be done by or towards the partners by virtue of the carrying out by them of those purposes shall be done by or towards that one of the partners who is authorised in writing in that behalf by the other or others of them or, in the absence of such authorisation, whose name stands first among the partners.

24. Any expenses incurred under Part III or IV of this Schedule by the secretary of the Board or by any person acting as an examiner shall be paid by the Board.

PART IV

HOLDING OF ELECTIONS TO BOARD

25. An election under paragraph 3 or, as the case may be, paragraph 4 of this Schedule shall be held on each fixed election date.

26. If by reason of his death or resignation or for any other reason any person elected as a member of the Board under the said paragraph 3 or 4 ceases to be a member of the Board not less than six months before the next fixed election date, the Board shall forthwith fix a date for an election to fill his place to be held within not less than six nor more than eight weeks and give not less than six weeks' notice thereof to each person included in the relevant certified list for the time being in force.

27.—(1) A person shall not be qualified to be a candidate at an election under paragraph 3 or 4 of this Schedule unless he is a British subject resident in the United Kingdom and not later than four weeks before the day of the election the secretary of the Board receives a document in writing nominating him as a candidate for election, and intimating his willingness to be elected, signed by or on behalf of a person included in the relevant certified list for the time being in force and, where he is not the same person, by the person nominated.

(2) A person shall not be qualified for nomination as a candidate at an election under the said paragraph 3 or, as the case may be, paragraph 4 if he is for the time being a duly nominated candidate for election under the other of those paragraphs.

28.—(1) If, when the time for lodging nominations for an election under paragraph 3 or 4 of this Schedule expires, the number of

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duly nominated candidates is greater than the number of places on the Board to be filled at the election, the secretary of the Board shall not later than fourteen days before the day of the election send to each person included in the relevant certified list for the time being in force a voting sheet showing the number of places to be filled, the name of each candidate duly nominated and the names of the persons by whom each such candidate was nominated.

(2) Every recipient of a voting sheet who desires to take part in the election shall fill in the voting sheet by placing one X against the name of each candidate for whom he wishes to vote, so, however, that he shall not vote for more candidates than there are places to be filled at the election, and shall sign the voting sheet so filled in and send it to the secretary of the Board.

(3) Between twelve noon and four o'clock in the afternoon on the day of the election the secretary of the Board shall count the votes on all voting sheets received by him before twelve noon of that day and duly filled in and signed, attributing to each X the number of votes attributed to the voter in question in the certified list aforesaid, and shall declare elected such of the candidates not exceeding in number the number of places to be filled as have received the most votes.

(4) Where, in the case of any one or more of the places to be filled, it is not possible under the last foregoing sub-paragraph by reason of an equality of votes to declare any person or persons as elected to fill the place or places in question, the person or persons to be declared elected shall be determined by lot from among the persons who received an equality of votes.

29.—(1) If, when the time for lodging nominations for an election under paragraph 3 or 4 of this Schedule expires, the number of duly nominated candidates is not more than the number of places to be filled, those candidates shall be declared elected.

(2) If the number of candidates declared elected under the foregoing sub-paragraph is insufficient to fill all the places to be filled, or if when the time aforesaid expires there are no duly nominated candidates, such of the persons retiring from the places to be filled not exceeding in number the number of places remaining unfilled as may be qualified and willing to be re-elected, determined if necessary by lot, shall be declared elected.

(3) If in any case to which the foregoing provisions of this paragraph apply the number of persons declared elected under those provisions is insufficient to fill all the places vacant, the Board shall forthwith proceed under paragraph 26 of this Schedule to fix a date for a further election to fill the remaining places in like manner as if those places had become vacant as mentioned in that paragraph.

30. As soon as may be after any person has been declared elected under this Part of this Schedule, the secretary of the Board shall give notice thereof to that person and to any unsuccessful candidate and shall also publish notice thereof by advertisement in one or more newspapers circulating in the area in which the haven is situated.

SECOND SCHEDULE

Section 1.

SUBSECTION TO BE SUBSTITUTED FOR S. 4 (1) OF
MILFORD DOCKS ACT, 1957

- (1) The limits of the Docks shall be those necessary to include—
- (a) the works of the Company authorised by the Milford Docks Acts, 1874 to 1957, and by any subsequent enactment; and
- (b) the area bounded—
- (i) on the east, by a straight line drawn from the point of intersection of longitude $5^{\circ} 01' 52''$ west with the high water mark of ordinary spring tides on the north shore of Milford Haven (hereinafter referred to as "Point A") in a south-easterly direction to the point of intersection of latitude $51^{\circ} 42' 08''$ north with longitude $5^{\circ} 01' 16''$ west (hereinafter referred to as "Point B");
 - (ii) on the south, by a straight line drawn from Point B in a westerly direction to the point of intersection of latitude $51^{\circ} 42' 04''$ north with longitude $5^{\circ} 02' 17''$ west (hereinafter referred to as "Point C");
 - (iii) on the west, by a straight line drawn from Point C in a north-westerly direction to the point of intersection of longitude $5^{\circ} 02' 38''$ west with the high water mark aforesaid (hereinafter referred to as "Point D");
 - (iv) on the north, by the high water mark of ordinary spring tides on the north shore of Milford Haven, including the shores of Hakin Point, Haven's Head Pill and Hubberston or Priory Pill, between Point D and Point A; and
- (c) so much, if any, of the following area as falls within two hundred and fifty yards of any part of any of the Company's piers, that is to say, the area bounded—
- (i) on the east, by a straight line drawn from Point D to Point C;
 - (ii) on the south, by a straight line drawn from Point C in a westerly direction to the point of intersection of latitude $51^{\circ} 42' 04''$ north with longitude $5^{\circ} 03' 00''$ west (hereinafter referred to as "Point E");
 - (iii) on the west, by a straight line drawn from Point E due north to the point where that line intersects the high water mark of ordinary spring tides on the north shore of Milford Haven (hereinafter referred to as "Point F");
 - (iv) on the north, by the high water mark aforesaid between Point F and Point D.

Section 11.

THIRD SCHEDULE

AUTHORISED RATES OF DUES

1. Subject to the two next following paragraphs, the maximum rate of the dues which may be demanded under subsection (1) of section eleven of this Act shall be—

- (a) in the case of a vessel entering the haven on arrival from or, as the case may be, departing from the haven for any place within the United Kingdom, the Channel Islands, the Isle of Man or the Republic of Ireland, one penny per ton ;
- (b) in the case of a vessel entering the haven on arrival from or, as the case may be, departing from the haven for any place outside the United Kingdom, the Channel Islands, the Isle of Man and the Republic of Ireland, fourpence per ton.

2. In the case of a vessel departing from the haven, the appropriate rates specified in the foregoing paragraph shall be increased by twopence in respect of every seven days or part of seven days by which the period between the entry into and departure from the haven of that vessel, after deducting any part of that period during which the vessel was within any such limits as are mentioned in subsection (3) or subsection (4) of section one of this Act, exceeds thirty days.

3. In the case of a vessel entering the haven for repairs or by reason only of stress of weather or other sufficient emergency and not loading or unloading any goods or embarking or disembarking any passengers, and in the case of a vessel entering the haven solely for the purpose of using oil reception facilities within the meaning of the Oil in Navigable Waters Act, 1955, the maximum rate aforesaid shall be one third of what it would otherwise be by virtue of the two foregoing paragraphs.

Section 13.

FOURTH SCHEDULE

PROVISIONS WITH RESPECT TO STOCK OF THE BOARD

Terms of issue, etc.

1. The stock may be created and issued by public tender or otherwise from time to time at such price, at such time, bearing such interest and, subject to the provisions of this Act, on such terms and conditions as the Board may by resolution respectively determine in the case of each portion of stock created and, together with the interest thereon, shall be a charge on the revenues and property of the Board.

2. The stock shall be redeemable by the Board at par in such manner and, subject to the provisions of this Act, at such time as the Board may by the resolution for the creation of the stock in question declare :

Provided that nothing in this paragraph shall prevent the Board from purchasing any stock, whether at par or at a price above or below par, by agreement with the holder thereof for the purpose of extinguishing that stock before the due date of redemption.

3. All the stock and the interest thereon shall rank *pari passu* regardless of the date of the issue thereof or of the resolution by which the creation and issue thereof was authorised and without

any preference or priority on any ground whatsoever, and notice of the effect of this paragraph shall be indorsed on every stock certificate issued under this Schedule.

4TH SCH.
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4. Any sum payable by way of interest on, or for the redemption of, any stock which for any reason not due to the default of the Board is not paid at the due date shall be paid on demand at any time thereafter to any person showing his right thereto, but no interest shall be payable thereon in respect of the period between the due date and the date of payment.

5. Where two or more persons are registered as joint holders of any stock, a receipt given by any one of those persons for any sum paid by way of interest on, or for the redemption of, that stock shall be effectual unless notice to the contrary has been given to the Board by any other of those persons.

6. The Board on redeeming or purchasing any stock shall forthwith pass a resolution directing the stock so redeemed or purchased to be cancelled and the stock register to be amended accordingly, and that stock and any interest thereon which has not already become payable shall thereupon be extinguished.

7. The Board may at any time by resolution revoke in whole or in part any resolution for the creation of any stock previously passed by the Board except in relation to any of that stock which has already been issued.

Stock register and stock certificates

8.—(1) The Board shall cause to be kept a stock register in which shall be entered—

- (a) the names and addresses of all persons who become holders of the stock and of the amount of the stock held by each such person ;
- (b) the date at which each such person was entered in the register as a holder of the stock ;
- (c) the date at which any such person ceased to be a holder of the stock.

(2) The stock register shall be prima facie evidence of all matters entered therein and of the title of the persons shown therein as being for the time being holders of any of the stock.

(3) The stock register shall be open during reasonable hours for inspection without payment by any holder of the stock or by any person duly authorised in writing in that behalf by any holder of the stock.

9.—(1) The Board shall cause to be issued to each holder of the stock a stock certificate, which shall be prima facie evidence of the title of the person named therein, his personal representatives or assigns, to the stock specified therein, but the want of a stock certificate, if accounted for to the satisfaction of the Board, shall not prevent the person entitled to the stock from disposing of and transferring it.

(2) Any stock certificate which is worn out or damaged may on production thereof to the Board be cancelled and replaced by a new certificate, and any stock certificate shown to the satisfaction of the Board to have been lost or destroyed may, on the giving

4TH SCH.
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of such guarantee or indemnity in respect thereof as the Board may require, be replaced as aforesaid, and in either case due entry of the issue of the new certificate shall be made in the stock register.

(3) The Board may charge such fee not exceeding five shillings as they may think fit for each stock certificate issued by them under this Schedule.

Transfer and transmission of stock

10.—(1) The stock shall be transferable in amounts of one pound or multiples of one pound by deed, but stock created at different dates shall not be included in the same deed of transfer and the Board shall not be bound to register any transfer except on production of the stock certificate relating to the stock to be transferred or on its absence being accounted for to their satisfaction.

(2) Any deed of transfer of stock when duly executed shall be delivered to and kept by the Board who shall enter particulars of the transfer in a register of transfers and indorse on the deed a notice of that entry; and until the deed has been so delivered the Board shall not be affected thereby and the transferee shall not be entitled to receive any interest on the stock.

(3) The Board may charge such fee not exceeding five shillings as they may think fit in respect of any entry made by them in the register of transfers.

(4) The Board shall on demand, subject to delivery up of the old stock certificate or to its absence being accounted for to their satisfaction and to the giving of such guarantee or indemnity in respect thereof as they may require—

(a) in the case of the sub-division of any holding of stock, issue to each person entitled to any part of that holding a new certificate of the stock to which he is entitled;

(b) in any other case, as the transferee may elect, either issue a new certificate or make an indorsement of the transfer on the old certificate.

11.—(1) Where the person shown in the stock register as the holder of any stock is dead, his personal representatives shall be the only persons recognised by the Board as having any title to that stock or any interest thereon.

(2) The Board shall not be required to allow the personal representatives aforesaid to transfer any such stock until there has been produced to the Board a document which is by law sufficient evidence of the grant of probate of the will, or letters of administration of the estate, or confirmation as executor, of that deceased person, and the Board may require all the executors who have proved the will or all the administrators to join in the transfer.

12.—(1) Any person becoming entitled to any stock in consequence of the bankruptcy of the holder thereof or otherwise than by the death of the holder or the transfer of the stock shall produce such evidence of his title as may be reasonably required by the Board, and until such evidence has been produced the Board shall not be affected by the transmission and any person claiming by virtue thereof shall not be entitled to receive any interest on the stock.

(2) Subject to the foregoing sub-paragraph, the name of the person entitled under such a transmission as aforesaid shall be entered in the stock register.

(3) The two foregoing sub-paragraphs shall apply to a change of name of the holder of any stock as if there had been a transmission of the stock.

(4) The Board may charge such fee not exceeding five shillings as they think fit for each entry made in the stock register under this paragraph.

13. The Board may in any year close the stock register and the register of transfers in respect of any portion of the stock for a period not exceeding fourteen days immediately preceding the due date for payment of interest on that portion of the stock and, notwithstanding the receipt by the Board during that period of any deed of transfer or of the evidence of any other transmission, any interest next payable in respect of that portion of the stock may be paid to the persons appearing to be entitled thereto by reference to the registers as at the date of the closing thereof.

4TH SCH.
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Table of Statutes referred to in this Act

Short Title	Session and Chapter
Lands Clauses Consolidation Act, 1845	8 & 9 Vict. c. 18.
Harbours, Docks, and Piers Clauses Act, 1847	10 & 11 Vict. c. 27.
South Wales Railway Consolidation Act, 1855	18 & 19 Vict. c. xviii.
Dockyard Ports Regulation Act, 1865	28 & 29 Vict. c. 125.
Local Loans Act, 1875	38 & 39 Vict. c. 83.
Sea Fisheries Regulation Act, 1888	51 & 52 Vict. c. 54.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Merchant Shipping Act, 1906	6 Edw. 7. c. 48.
Petroleum (Consolidation) Act, 1928	18 & 19 Geo. 5. c. 32.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 49.
Borrowing (Control and Guarantees) Act, 1946	9 & 10 Geo. 6. c. 58.
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
National Parks and Access to the Countryside Act, 1949	12, 13 & 14 Geo. 6. c. 97.
Transport Charges &c. (Miscellaneous Provisions) Act, 1954	2 & 3 Eliz. 2. c. 64.
Oil in Navigable Waters Act, 1955	3 & 4 Eliz. 2. c. 25.
Milford Docks Act, 1957	5 & 6 Eliz. 2. c. xxxix.

CHAPTER 24*Land Drainage (Scotland) Act, 1958*

ARRANGEMENT OF SECTIONS

Section

1. Application for improvement order and making of order by Secretary of State.
2. Contents of improvement order.
3. Improvement committee.
4. Repair of damage and compensation.
5. Provisions regarding liability of authorised persons under improvement order.
6. Variation in rent of agricultural holding in consequence of execution of works thereon.
7. Secretary of State may execute works by agreement.
8. Secretary of State may require execution or maintenance of works.
9. Exchequer grants in respect of cost of improvement.
10. Secretary of State may require certain information.
11. Provisions as to entry and inspection.
12. Notices, etc.
13. Miscellaneous provisions as to orders.
14. References to Land Court.
15. Financial provisions.
16. Crown rights.
17. Provision as to work involving alteration of telegraphic lines.
18. Interpretation.
19. Short title, repeal and extent.

SCHEDULES:

First Schedule—Procedure for making improvement orders and orders varying or revoking improvement orders and as to the validity of orders.

Second Schedule—Provisions which may be incorporated in improvement orders. _____

An Act to make provision with respect to the drainage of agricultural land in Scotland and for purposes connected therewith. [14th May, 1958]

BE it enacted by the Queen'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:—

Application for improvement order and making of order by Secretary of State.

1.—(1) The owner of any agricultural land may apply to the Secretary of State for an order (hereafter in this Act referred to as an "improvement order") authorising the execution of such drainage works as will improve the drainage of the said land or will prevent or mitigate flooding or erosion to which that land is subject.

(2) On receiving an application for an improvement order the Secretary of State, if he is satisfied—

(a) that it is in the interests of agricultural production that the drainage of an area consisting of or including the agricultural land to which such application relates

or any part of such land should be improved or that flooding or erosion to which that area is subject should be prevented or mitigated ; and

- (b) that such drainage could be improved or such flooding or erosion prevented or mitigated by the execution of drainage works at a cost which is reasonable having regard to the benefit to agricultural production likely to accrue therefrom ; and

- (c) that it is otherwise expedient for him to do so ;

shall have power to make an improvement order relating to the said area.

(3) In this Act the area to which an improvement order relates as aforesaid is, in relation to that order, referred to as the "improvement area".

(4) An improvement order shall be made in accordance with the provisions of Parts I and III of the First Schedule to this Act, and Part IV of that Schedule shall apply with respect to the validity of such an order.

2.—(1) An improvement order shall—

- (a) describe the improvement area by reference to a map and specify the extent of that area ;

Contents of
improvement
order.

- (b) describe particularly and by reference to a map, and specify the extent of, each portion of the agricultural land situated in the improvement area which is in separate ownership or, where the whole of such land is in the ownership of one person, that land, and specify the name and address of the owner of each of such portions or of such land ;

- (c) contain provisions empowering the authorised persons to execute, in accordance with the order, such drainage works as may be specified therein, being works, whether on land situated in the improvement area or on other land, which in the opinion of the Secretary of State will improve the drainage of that area or will prevent or mitigate flooding or erosion to which the area is subject, and refer to such plans and specifications as may be necessary for the purpose of specifying the said works adequately ;

- (d) specify such other works (hereafter in this Act referred to as "protective works"), whether on land situated in the improvement area or on other land, as in the opinion of the Secretary of State will be necessary for the protection of land (hereafter in this Act referred to as "endangered land") specified in the order as being likely to suffer injury in consequence of the execution of the said drainage works, refer to such plans and specifications as may be necessary for the

purpose of specifying such protective works adequately, and provide that the authorised persons shall, on executing any of the drainage works specified in the order, execute also such of the protective works specified therein as have become necessary, in consequence of the execution of those drainage works, for the protection of any endangered land ;

- (e) provide that where a grant has been made under section nine of this Act in respect of the cost of improvement under the order, the authorised persons shall be obliged to maintain in a good and effective condition any drainage works executed in pursuance of the order, and provide also that the authorised persons shall in any case maintain in a good and effective condition any protective works executed in pursuance of the order so far as such works continue to be necessary for the protection of any endangered land ;
- (f) specify the estimated cost of improvement ;
- (g) provide that the cost of improvement and the cost of maintaining any drainage or protective works executed in pursuance of the order shall be borne by the authorised persons and, unless there is only one authorised person, specify the proportions in which, subject to any apportionment made under subsection (3) of section five of this Act, the said persons are to bear such costs ;
- (h) if the Secretary of State thinks it necessary, prescribe the procedure to be followed by the authorised persons in taking any decision relating to the discharge of their functions under the order ; and
- (i) incorporate, subject to such modifications as may be specified in the order, such of the provisions of the Second Schedule to this Act as the Secretary of State may consider appropriate.

(2) In this Act references to the authorised persons shall, in relation to an improvement order, be construed as references to the owners for the time being of each portion of the agricultural land situated in the improvement area which is in separate ownership or, so long as such land is in the ownership of one person, as references to the owner for the time being of such land.

(3) In this Act “ cost of improvement ” means, in relation to an improvement order, any cost incurred by the authorised persons for the purpose of, or in the course of, the discharge by the said persons of their functions under such order or this Act, but does not include any cost incurred by those persons for the purpose of, or in the course of, maintaining any drainage or protective works executed in pursuance of the order.

(4) Before fixing, for the purposes of an improvement order, the proportions in which the authorised persons are to bear the cost of improvement and the cost of maintaining any drainage or protective works executed in pursuance of the order, the Secretary of State shall consult each of the said persons, and in fixing the proportion of such costs to be borne by any one of those persons he shall have regard—

- (a) to the extent of the agricultural land owned by that person which is situated in the improvement area, being land the productivity of which is likely to be improved in consequence of the execution of the drainage works specified in the order, and
- (b) to the improvement in productivity which is likely to result to the said land from the execution of the drainage works specified in the order, and
- (c) to any damage which that person is likely to suffer as owner of the said land by reason of the discharge by the authorised persons of any of their functions under the order in relation to a matter as to which such person has not himself been in default.

(5) A provision in an improvement order specifying the proportions in which the authorised persons are to bear the cost of improvement and the cost of maintaining any drainage or protective works executed in pursuance of the order shall, subject to the provisions of this Act, have effect for the purpose of regulating the liability of the said persons to bear such costs only in a question arising between those persons or any of them.

3.—(1) An improvement order may, where the whole of the agricultural land situated in the improvement area is not in the ownership of one person, provide for the establishment of a committee (hereafter in this Act referred to as an “improvement committee”) which shall have the duty of discharging on behalf of the authorised persons such of their functions as may be specified in the order.

(2) The members of an improvement committee shall be appointed by the authorised persons from among their number, and an improvement order providing for the establishment of such a committee may also—

- (a) contain provisions regarding the constitution of the committee including, without prejudice to the foregoing generality, provisions as to the number of members of the committee and their appointment and tenure of office, the filling of casual vacancies in the committee and the appointment of a chairman thereof;
- (b) prescribe the procedure of the committee and fix their quorum;

- (c) provide that the proceedings of the committee shall not be invalidated by reason of any vacancy therein or any defect in the appointment of a member thereof ;
- (d) provide that the committee may from time to time levy on and recover from the authorised persons such sums as are, or in the opinion of the committee will be, necessary for the purpose of enabling the committee to meet the cost of improvement or the cost of maintaining any drainage or protective works executed in pursuance of the order, and provide that such sums shall be levied according to the proportions in which the said persons are liable, whether under the order or by virtue of an apportionment made under subsection (3) of section five of this Act, to bear such costs ;
- (e) provide that the committee may engage and remunerate a secretary and such other servants as they consider necessary ;
- (f) provide for the keeping of accounts by the committee, for the auditing of such accounts, and for the submission thereof to the authorised persons at such times as may be specified in the order ;
- (g) contain provisions for the making of such administrative arrangements as may be necessary or desirable for enabling the committee properly to discharge their functions under the order ; and
- (h) contain such incidental, consequential and supplemental provisions as may be necessary for the foresaid purposes.

Repair of
damage and
compensation.

4.—(1) The authorised persons under an improvement order shall, so far as is reasonably practicable,—

- (a) make good any damage suffered by any land in consequence of the discharge by those persons of any of their functions under such order, and
- (b) replace any fences or other structures removed by them in the discharge of any of the said functions or erect adequate fences or structures in substitution therefor :

Provided that paragraph (b) of this subsection shall not apply in relation to fences or other structures removed by the authorised persons which have become unnecessary in consequence of the execution of any of the drainage or protective works specified in the order.

(2) Compensation shall be payable by the authorised persons under an improvement order to the owner of any land, other than agricultural land situated in the improvement area, and to the occupier of any land, in respect of any damage suffered by such owner or occupier by reason of the discharge by the

authorised persons of any of their functions under such order in relation to a matter as to which the owner or occupier has not himself been in default :

Provided that compensation shall not be payable under this subsection to the tenant of an agricultural holding in respect of any damage suffered by him, being damage due to factors which, on a requisition made under subsection (1) or (2) of section six of this Act, would fall to be taken into account in assessing any increase or diminution in the rental value of the holding.

(3) A claim under this section for the making good of any damage to land, for the replacement of any fences or other structures, or for compensation, shall not be maintainable if it is made to the authorised persons after the expiry of two years from the date of the completion of the drainage and protective works specified in the improvement order in question or, where the claim arises out of a particular exercise by the said persons of their functions relating to the maintenance of such works, after the expiry of two years from the date of that particular exercise of those functions.

(4) Any question arising under this section between the authorised persons and the owner or occupier of any land shall be determined, if such land is agricultural land, by the Land Court, and in any other case by a single arbiter agreed upon by the parties or, in default of such agreement, appointed by the sheriff on the application of any of the parties.

5.—(1) The liability to pay any sum falling on the authorised persons under an improvement order, whether by virtue of such order or this Act, shall fall upon the persons who are the authorised persons at the time when such sum becomes due for payment.

Provisions regarding liability of authorised persons under improvement order.

(2) Any sum payable by the authorised persons under an improvement order, whether by virtue of such order or this Act, shall, if it is included in a levy made by an improvement committee in pursuance of the order, be deemed for the purposes of this Act to become due for payment on the date on which notice of such levy is served on the said persons.

(3) Where any agricultural land situated in an improvement area is in the ownership of one person and such land comes on any date to be held by two or more separate owners, the liability to bear the cost of improvement under the improvement order and the cost of maintaining any drainage or protective works executed in pursuance of such order, so far as falling on the first-mentioned person immediately before the said date, shall on and after that date fall on the said owners in such proportions as may be determined by agreement between them or, in default of such agreement, by the Land Court, and such

owners shall at their own expense cause a notice in the prescribed form of any apportionment made under this section to be recorded in the Register of Sasines.

(4) In this section "prescribed" means prescribed by regulations made by the Secretary of State by statutory instrument.

Variation in rent of agricultural holding in consequence of execution of works thereon.

6.—(1) Where the drainage and protective works specified in an improvement order have been completed in pursuance of such order, the rent of any agricultural holding situated wholly or partly in the improvement area shall, if the landlord by notice served on the tenant within six months from the date of the completion of the said works so requires, be increased as from the said date by an amount equal to the increase in the rental value of the holding attributable to the execution of those works:

Provided that where any grant has been made under section nine of this Act in respect of the cost of improvement under the said order, the increase in rent provided for by the foregoing provisions of this subsection shall be reduced proportionately.

(2) Where in pursuance of an improvement order any drainage or protective works are executed on agricultural land situated outside the improvement area, the rent of any agricultural holding in which such land is comprised shall, if the tenant by notice served on the landlord within six months from the date of the execution of the said works so requires, be reduced as from the said date by an amount equal to the diminution in the rental value of the holding attributable to the execution of those works.

(3) In assessing, for the purposes of either of the foregoing subsections, any increase or diminution in the rental value of an agricultural holding account shall not be taken of any injury to fixtures, buildings or other improvements which the tenant of the holding would be entitled under the Agricultural Holdings (Scotland) Act, 1949, to remove, or for which he would be entitled as aforesaid to be paid compensation by his landlord, on the termination of his tenancy.

(4) Any question arising under this section between the landlord and the tenant of an agricultural holding shall be determined by the Land Court.

Secretary of State may execute works by agreement.

7. The Secretary of State may, at the request of and by agreement with the authorised persons under an improvement order, execute, in such manner as may be agreed between him and those persons, such of the drainage or protective works specified in the said order as may be so agreed, and may recover from those persons the cost of executing the said works.

8.—(1) Where the Secretary of State is satisfied—

Secretary of
State may
require
execution or
maintenance
of works.

(a) that in consequence of the execution of any drainage works specified in an improvement order the execution of any protective works specified in such order is necessary for the protection of any land, and that the protective works necessary for that purpose have not been executed, or have not been properly executed, by the authorised persons ;

(b) that, where a grant has been made under the next following section in respect of the cost of improvement under such an order, any drainage works executed in pursuance of such order are not being maintained in a good and effective condition, or that any protective works executed in pursuance of such an order continue to be necessary for the protection of any endangered land and are not being so maintained ;

he may serve on the authorised persons a notice requiring them, within such reasonable period as may be specified in the notice, not being less than four weeks, to take such steps as may be specified therein for the purpose of executing or properly executing or, as the case may be, maintaining such works as may be specified therein, and stating that those persons may, within twenty-one days of the service of the notice, make representations to the Secretary of State against the requirements thereof ; and the Secretary of State shall consider any representations so made and may thereafter withdraw the notice or confirm it.

(2) Where the requirements of any notice served under this section, against which no representations have been made as aforesaid, or of any such notice which has been confirmed as aforesaid, have not been complied with, the Secretary of State may himself take the steps specified in the notice, and for the purpose of taking such steps shall have and may exercise any of the powers conferred by the improvement order on the authorised persons.

(3) The Secretary of State may recover from the authorised persons the reasonable cost of taking any such steps as aforesaid, and any question arising under this subsection as to what is the reasonable cost of taking any such steps shall be determined, in default of agreement, by the Land Court.

(4) Anything done under subsection (2) of this section by the Secretary of State shall, for the purposes of this Act other than this section, be deemed to have been done by the authorised persons in the discharge of their functions under the improvement order in question.

Exchequer grants in respect of cost of improvement.

9.—(1) The Secretary of State may, in accordance with arrangements made by him with the approval of the Treasury, make grants towards any expenditure incurred by the authorised persons in meeting the cost of improvement under an improvement order.

(2) The amount which may be paid by way of grant in respect of the cost of improvement under an improvement order shall not exceed one-half of that cost so far as approved by the Secretary of State as having been reasonably incurred.

(3) A grant in respect of the cost of improvement under an improvement order may be paid either after the completion of the drainage and protective works specified in such order or partly in instalments from time to time as the works progress and as to the balance after the completion of the works.

(4) The Secretary of State may, if it appears to him that the drainage and protective works specified in an improvement order are unlikely to be completed, or if those works are not completed to his satisfaction, recover from the authorised persons, according to the proportions in which the said persons are liable, whether under such order or by virtue of an apportionment made under subsection (3) of section five of this Act, to bear the cost of improvement, any payment made by him under this section by way of grant in respect of the cost of improvement under such order.

(5) The Secretary of State shall, when the drainage and protective works specified in an improvement order have been completed to his satisfaction, certify accordingly and shall specify in such certificate the date of the completion of the said works and shall cause the certificate to be recorded in the Register of Sasines.

Secretary of State may require certain information.

10.—(1) For the purpose of enabling him to perform any of his functions under this Act the Secretary of State may require the owner or occupier of any land to state in writing the nature of his own interest in such land and the name and address of any other person known to him as having an interest therein and to furnish the Secretary of State with a particular description of the land, and the Secretary of State may also require any local authority, public undertaker or other person to furnish him with such information as he may specify, being information which in his opinion is necessary for the purpose of enabling him properly to discharge his functions under this Act.

(2) If any person fails to comply with a requirement of the Secretary of State under this section, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds in the case of a first conviction or twenty pounds in the case of a second or any subsequent conviction.

11.—(1) Any person authorised by the Secretary of State in that behalf shall have power at all reasonable times to enter on, inspect and survey any land for the purpose of determining whether, and if so in what manner, any of the powers conferred on the Secretary of State by this Act are to be exercised in relation to that or any other land, or whether, and if so in what manner, any requirement given under any such power has been complied with. Provisions as to entry and inspection.

(2) Any person authorised as aforesaid who proposes to exercise any power of entry, inspection or survey conferred by the foregoing subsection shall if so required produce some duly authenticated document showing his authority to exercise such power.

(3) Admission to any land shall not be demanded as of right in the exercise of any such power as aforesaid unless fourteen days' notice of the intended entry has been given to the occupier of the land.

(4) If any person obstructs any person authorised by the Secretary of State in the exercise of any such power as aforesaid, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds in the case of a first conviction or twenty pounds in the case of a second or any subsequent conviction.

12.—(1) Any notice for the purposes of this Act shall be in writing, and, except as otherwise provided in paragraph 5 of the First Schedule to this Act, any notice or other document required or authorised by or under this Act to be served on any person shall be duly served if it is delivered to him or left at his proper address or sent to him by post. Notices, etc.

(2) Any such notice or other document required or authorised to be served on the authorised persons under an improvement order shall, if an improvement committee has been established under such order, be duly served if it is served on the secretary of that committee, and any such notice or other document required or authorised to be served on a local authority, a public undertaker or an incorporated company or body shall be duly served if it is served on the clerk or secretary of such authority, undertaker, company or body.

(3) For the purposes of this section and section twenty-six of the Interpretation Act, 1889, the proper address of any person on whom any such notice or other document is to be served shall, in the case of the clerk or secretary of any local authority, public undertaker, or incorporated company or body, be that of the registered or principal office of such authority, undertaker, company or body, and in any other case be the last known address of the person in question.

(4) Where any notice or other document is to be served on a person as being the person having any interest in land and it is not practicable after reasonable inquiry to ascertain his name or address, the notice or document may be served by addressing it to him by the description of the person having that interest in the land (naming it) and delivering the notice or document to some responsible person on the land or by affixing it, or a copy of it, to some conspicuous object on the land.

Miscellaneous provisions as to orders.

13.—(1) The Secretary of State may, on the application of any of the authorised persons under an improvement order, make an order varying or revoking such improvement order, and an order under this subsection shall be made in accordance with the provisions of Parts II and III of the First Schedule to this Act, and Part IV of that Schedule shall apply with respect to the validity of any such order.

(2) An improvement order, or an order varying or revoking an improvement order, may contain such incidental, consequential and supplemental provisions as appear to the Secretary of State to be necessary or expedient for the purposes of the order.

References to Land Court.

14. The provisions of the Small Landholders (Scotland) Acts, 1886 to 1931, with regard to the Land Court shall, with any necessary modifications, apply for the determination of any matter which they are required by or under this Act to determine in like manner as those provisions apply for the determination by the Land Court of matters referred to them under those Acts.

Financial provisions.

15.—(1) All expenses incurred by the Secretary of State under the provisions of this Act shall be defrayed out of monies provided by Parliament.

(2) All sums received by the Secretary of State under the provisions of this Act shall be paid into the Exchequer.

Crown rights.

16.—(1) Subject to the provisions of this section, nothing in this Act or in any order made thereunder shall affect prejudicially any estate, right, power, privilege or exemption of the Crown.

(2) Except with the consent of the appropriate authority, nothing in this Act or in any improvement order made thereunder shall authorise—

(a) the inclusion of any Crown land in an improvement area ; or

(b) the execution of any works on Crown land ; or

(c) the entry of any person on Crown land.

(3) In this section the expression “ Crown land ” means land an interest in which belongs to Her Majesty in right of the Crown or land an interest in which belongs to a government department

or is held in trust for Her Majesty for the purposes of a government department; and the expression "appropriate authority" means—

- (a) in the case of land belonging to Her Majesty in right of the Crown, the Crown Estate Commissioners or other government department having the management of that land;
- (b) in the case of land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, that department;

and, if any question arises as to the authority which is the appropriate authority in relation to any land, the question shall be determined by the Treasury.

17. Section seven of the Telegraph Act, 1878 (which makes provision as to work proposed to be done or done in the execution of certain undertakings, being work which involves alteration in telegraphic lines), shall apply in relation to work proposed to be done or done in pursuance of an improvement order as it applies in relation to work proposed to be done or done in the execution of such an undertaking as is mentioned in the said section seven, and the said section seven shall accordingly have effect, subject to any necessary modifications, as if references therein to undertakers included references to the authorised persons under an improvement order.

Provision as to work involving alteration of telegraphic lines.

18.—(1) In this Act, unless the context otherwise requires,— Interpretation.

- "agricultural holding" means an agricultural holding within the meaning of the Agricultural Holdings (Scotland) Act, 1949;
- "agricultural land" means agricultural land as defined in the Agriculture (Scotland) Act, 1948, and includes any dwelling-house or other building occupied for the purpose of farming any land;
- "authorised persons" has the meaning assigned to it by subsection (2) of section two of this Act;
- "cost of improvement" has the meaning assigned to it by subsection (3) of section two of this Act;
- "drainage works" means any works for the purpose of draining land or of preventing or mitigating flooding or erosion to which land is subject, and includes the construction, cleansing, scouring, deepening, widening, straightening or diverting of any watercourse or outfall for water, the construction, installation, alteration or repair of any pump, pump machinery or pump house, the removal of any obstruction, natural or artificial, in any watercourse, and the construction, repair, raising, lowering, widening, strengthening, altering or

removal of any embankment, dam, barrier, sluice, weir, wall, culvert or groyne or of any structure or erection for the purpose of defence against water ;

“endangered land” has the meaning assigned to it by paragraph (d) of subsection (1) of section two of this Act ;

“functions” includes powers and duties ;

“improvement area” has the meaning assigned to it by subsection (3) of section one of this Act ;

“improvement committee” means a committee established under an improvement order as provided in subsection (1) of section three of this Act ;

“improvement order” has the meaning assigned to it by subsection (1) of section one of this Act ;

“land” includes land covered by water and includes also salmon fishings ;

“Land Court” means the Scottish Land Court ;

“long lease” means a lease which has been, or is capable of being, recorded in the Register of Sasines under the Registration of Leases (Scotland) Act, 1857 ;

“owner” in relation to any land—

(a) unless the land is held on a long lease, means, if the land is feudal property, the proprietor of the *dominium utile* or, if the land is not feudal property, the owner of the land ;

(b) if the land is held on a long lease, means the lessee under that lease ;

and includes any other person who under the Lands Clauses Acts would be entitled to sell and convey or assign the land or the interest of lessee under such long lease, as the case may be, to the promoters of an undertaking, and “ownership” and “owns” shall be construed accordingly ;

“protective works” has the meaning assigned to it by paragraph (d) of subsection (1) of section two of this Act ;

“watercourse” includes any estuary, river, stream, ditch, drain (whether open or closed), cut, culvert, dyke or sluice.

(2) For the purpose of construing references in this Act to agricultural land situated in an improvement area a change in the use of any land so situated occurring after the making of the improvement order in question shall be disregarded.

(3) References in this Act to the date of the completion of the drainage and protective works specified in an improvement

order shall be construed as references to the date certified by the Secretary of State under subsection (5) of section nine of this Act as being the date of the completion of the said works.

(4) References in this Act to any enactment shall, unless the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment, including this Act.

19.—(1) This Act may be cited as the Land Drainage (Scotland) Act, 1958. Short title,
repeal and
extent.

(2) Section twenty-nine of the Agriculture (Miscellaneous War Provisions) Act, 1940, is hereby repealed.

(3) This Act shall extend to Scotland only.

SCHEDULES

FIRST SCHEDULE

Sections 1, 12,
13.

PROCEDURE FOR MAKING IMPROVEMENT ORDERS AND ORDERS VARYING OR REVOKING IMPROVEMENT ORDERS AND AS TO THE VALIDITY OF ORDERS

PART I

Procedure for making improvement orders

1. Before making an improvement order the Secretary of State shall prepare a draft order and shall—

(a) serve on—

(i) every owner and every occupier of land situated in the proposed improvement area, and

(ii) every owner and every occupier of land (other than land so situated) on which the execution of drainage or protective works is proposed to be authorised or required by the order, and

(iii) any local authority or other statutory body which in the opinion of the Secretary of State may be affected by the making of the order,

a copy of the draft order together with a notice stating that such owner, occupier, authority or body may, within twenty-eight days of the service of the notice, object in such manner as may be specified in the notice to the making of the order or to any provision contained therein ; and

(b) in two successive weeks publish in one or more newspapers circulating in the locality in which the proposed improvement area is situated a notice stating that the draft order has been prepared, describing the said area, specifying the land on which the execution of drainage or protective works is proposed to be authorised or required by the order, naming a place within the locality where a copy of the

draft order and of any maps, plans or specifications referred to therein may be inspected at all reasonable hours, and stating that any person may, within twenty-eight days of the first publication of such notice, object in such manner as may be specified in the notice to the making of the order or to any provision contained therein.

In this Schedule—

“ local authority ” means any county, town or district council ;

“ statutory body ” means any body exercising functions conferred on it by or under any enactment.

2. If no objection is duly made under the foregoing paragraph or if all objections so made are withdrawn, the Secretary of State may, subject to the provisions of paragraph 4 of this Schedule, proceed with the draft order with or without modifications.

3. If any objection duly made as aforesaid is not withdrawn, the Secretary of State shall, before deciding whether to proceed with the draft order, cause a public local inquiry to be held, and after considering the objection and the report of the person who held the inquiry may, if he thinks fit and subject to the provisions of the next following paragraph, proceed with the draft order with or without modifications.

4. Where the Secretary of State proposes to make any modification in the draft order by virtue either of paragraph 2 of this Schedule or of the last foregoing paragraph he shall, before deciding to proceed with the draft order as so modified, serve on each of the persons referred to in sub-paragraph (a) of paragraph 1 of this Schedule and on any other person who in his opinion may be affected by such modification a notice specifying the modification and stating that such person may, within fourteen days of the service of the notice, make representations in writing concerning the modification to the Secretary of State, and the Secretary of State shall consider any representations so made before he decides whether to proceed with the draft order as so modified.

5. Where the Secretary of State decides to proceed with a draft order, he shall serve on every owner of agricultural land situated in the proposed improvement area a notice stating that he proposes to make the order on the expiry of twenty-eight days from the service of such notice and requesting that such owner shall, within the said period, inform the Secretary of State in writing in a registered letter addressed to the Secretary of State whether he agrees with the proposal to make the order or objects to such proposal, and the Secretary of State shall, if he has modified the draft order under paragraph 2 or 3 of this Schedule, serve a copy of the draft order as so modified along with any notice under this paragraph.

6. On the expiry of the period of twenty-eight days referred to in the last foregoing paragraph the Secretary of State shall make the order if and only if—

(a) every owner on whom a notice has been served under that paragraph has informed the Secretary of State in compliance with the request contained in such notice that he agrees with the proposal to make the order ; or

(b) a majority of such owners have informed the Secretary of State in compliance with the said request that they agree with such proposal and—

1ST SCH.
—cont.

(i) the owners who have so informed the Secretary of State will, if the order is made, be together liable thereunder to bear more than one half of the cost of improvement, and

(ii) the estimated cost of improvement specified in the draft order does not exceed an amount equal to twenty pounds for each acre of agricultural land situated in the proposed improvement area.

7. Where any owner on whom a notice has been served under paragraph 5 of this Schedule fails to comply with the request contained in such notice, he shall for the purposes of the last foregoing paragraph be deemed to have informed the Secretary of State in compliance with the said request that he agrees with the proposal to make the order.

8. The Secretary of State may, if it appears to him that the figure of twenty pounds specified in sub-paragraph (b) of paragraph 6 of this Schedule ought to be altered, by order amend that paragraph by substituting for the said figure such higher or lower figure as may be specified in the order.

An order made under this paragraph may be varied or revoked by a subsequent order made thereunder, and the power to make orders under this paragraph shall be exercisable by statutory instrument and no such order shall be made unless a draft thereof has been laid before Parliament and has been approved by a resolution of each House of Parliament.

PART II

Procedure for making orders varying or revoking improvement orders

9. Before making an order varying or revoking an improvement order the Secretary of State shall prepare a draft order and shall—

(a) serve on—

(i) every owner and every occupier of land situated in the improvement area to which the improvement order relates, and

(ii) every owner and every occupier of land (other than land so situated) on which the execution of drainage or protective works is authorised or required by the improvement order, and

(iii) any local authority or other statutory body which in the opinion of the Secretary of State may be affected by the making of the order varying or revoking the improvement order, and

(iv) every other person who in the opinion of the Secretary of State may be affected by the order varying or revoking the improvement order,

a copy of the draft order together with a notice stating that such owner, occupier, authority, body or other person may,

E*

1ST SCH.
—cont.

within twenty-eight days of the service of the notice, object in such manner as may be specified in the notice to the making of the order or to any provision contained therein ; and

- (b) in two successive weeks publish in one or more newspapers circulating in the locality in which the said improvement area is situated a notice stating the general effect of the draft order, naming a place within the locality where a copy of the draft order and of any maps, plans or specifications referred to therein may be inspected at all reasonable hours, and stating that any person may, within twenty-eight days of the first publication of such notice, object in such manner as may be specified in the notice to the making of the order or to any provision contained therein.

10. If no objection is duly made under the foregoing paragraph or if all objections so made are withdrawn, the Secretary of State may, subject to the provisions of paragraph 12 of this Schedule, make the order with or without modifications.

11. If any objection duly made as aforesaid is not withdrawn, the Secretary of State shall, before deciding whether to make the order, cause a public local inquiry to be held, and after considering the objection and the report of the person who held the inquiry may, if he thinks fit and subject to the provisions of the next following paragraph, make the order with or without modifications.

12. Where the Secretary of State proposes to make any modification in the draft order by virtue either of paragraph 10 of this Schedule or of the last foregoing paragraph he shall, before deciding to make the order as so modified, serve on each of the persons referred to in sub-paragraph (a) of paragraph 9 of this Schedule and on any other person who in his opinion may be affected by such modification a notice specifying the modification and stating that such person may, within fourteen days of the service of the notice, make representations in writing concerning the modification to the Secretary of State, and the Secretary of State shall consider any representations so made before he decides whether to make the order as so modified.

PART III

General procedural provisions

13. Notwithstanding anything in paragraph 3 or 11 of this Schedule, the Secretary of State may require any person who has made an objection to state in writing the grounds thereof, and may disregard the objection for the purposes of this Schedule if he is satisfied that the objection is frivolous or is concerned exclusively with matters relating to the payment of compensation.

14. The provisions of subsections (2) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947, (which relate to the holding of local inquiries) shall apply in relation to a public local inquiry held under paragraph 3 or 11 of this Schedule as they apply in relation to local inquiries held under the said section three hundred and fifty-five.

PART IV

1st Sch.

—cont.

Provisions as to the validity of improvement orders and of orders varying or revoking improvement orders

15. On making an improvement order or an order varying or revoking an improvement order the Secretary of State shall forthwith—

- (a) serve on every person on whom a notice was required to be served under sub-paragraph (a) of paragraph 1 or paragraph 4 or, as the case may be, sub-paragraph (a) of paragraph 9 or paragraph 12 of this Schedule a notice stating that the order has been made ; and
- (b) publish in one or more newspapers circulating in the locality in which the improvement area to which the improvement order relates is situated a notice stating that the order has been made and naming a place within the locality where a copy of the order and of any maps, plans or specifications referred to therein may be inspected at all reasonable hours ; and
- (c) cause the order to be recorded in the Register of Sasines.

16. If any person aggrieved by an improvement order or by an order varying or revoking an improvement order desires to question its validity on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with, he may within six weeks from the date of the first publication of the notice referred to in sub-paragraph (b) of the last foregoing paragraph make an application for the purpose to the Court of Session, and if any such application is duly made the Court, if satisfied that the order is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by a failure to comply with any requirement of this Act, may quash the order either generally or in so far as it affects any property of the applicant ; but except as aforesaid the order shall not at any time be questioned in any proceedings whatsoever.

SECOND SCHEDULE

Section 2.

PROVISIONS WHICH MAY BE INCORPORATED IN IMPROVEMENT ORDERS

1. In this Schedule, unless the context otherwise requires,— Definitions.

“ the Act ” means the Land Drainage (Scotland) Act, 1958 ;

“ the order ” means the improvement order with which any of the provisions of this Schedule are incorporated, with or without modifications, and includes those provisions as so incorporated ;

“ the works ” means the drainage and protective works authorised or required to be executed by the order ;

and other expressions have respectively the same meanings as in the Act.

2. In the construction of the works the authorised persons may deviate laterally from the lines and may deviate vertically from the levels to any extent not exceeding the limits of lateral and vertical deviation respectively shown on the plans and specifications referred to in the order. Permissible limits of deviation.

2ND SCH.
—cont.
Temporary
works.

3. In addition to executing the works the authorised persons may, in, on or over any land situated within the limits of lateral deviation shown on the plans and specifications referred to in the order or any land shown on the said plans which, being situated outwith those limits, is required for the purpose, construct, lay or erect and maintain any temporary works, that is to say, any coffer dams, flumes, diversion channels, culverts, engines, pumps, plant, machinery, roads, fences, stores, offices or other buildings, or any other works or things required for the purposes of or connected with the works:

Provided that any electrical works or apparatus constructed, laid or erected under this paragraph shall be so constructed, laid or erected, and so maintained and used, as to prevent interference with any telegraphic line as defined in the Telegraph Act, 1878, belonging to or used by the Postmaster General, or with telegraphic communication by means of any such line.

Powers of entry.

4.—(1) The authorised persons, or any person to whom they have given authority in that behalf, shall for the purpose of executing or maintaining the works or of executing any temporary works have power at all reasonable times to enter on any land situated within the limits of lateral deviation shown on the plans and specifications referred to in the order or any land shown on the said plans which, being situated outwith those limits, is required for the purpose of executing any temporary works, and for the purpose of obtaining access to any such land may enter on any land in the ownership of a person who owns land situated in the improvement area or on any of whose land the execution of drainage or protective works is authorised or required by the order.

(2) Any power of entry under the foregoing sub-paragraph shall include power to authorise the entry or passage of such persons, vehicles, plant, machinery, supplies or materials as may be necessary, and to authorise the carrying out of work for the purpose of facilitating their passage.

(3) Any person entitled to enter upon any land by virtue of any right of entry under this paragraph shall, if so required, produce evidence of his authority before entering on such land and shall not demand admission as of right unless fourteen days' notice of the intended entry has been given to the occupier.

Power to
cut bushes and
scrub and to
take down
fences.

5. The authorised persons may, for the purpose of executing or maintaining the works or of executing any temporary works, cut and lay aside, or cut and use for the foresaid purposes, any bushes or scrub timber growing on land situated within the limits of lateral deviation shown on the plans and specifications referred to in the order or on any land shown on the said plans which, being situated outwith those limits, is required for the purpose of executing any temporary works, and may take down and lay aside any fences on such land, take down any dykes thereon, cut and grub out any hedges thereon and generally clear and level such land and remove any obstructions.

Fencing of
land, etc.

6. The authorised persons shall, so far as is necessary for the protection of any persons or animals, fence any land on which the works or any temporary works are being executed, and shall take

such measures as may be practicable to prevent stock from straying in consequence of the discharge by them of any of their functions under the order. 2ND SCH.
—cont.

7. Except as otherwise provided under the order, the authorised persons may dispose of excavated spoil, so far as not required for the purpose of executing the works or any temporary works, by constructing spoil banks along the natural banks of any watercourse situated within the limits of lateral deviation shown on the plans and specifications referred to in the order, or by spreading the spoil on the land adjacent to the natural banks of any such watercourse, or by carrying the spoil away for disposal at a tip or for sale. Disposal of
spoil.

8. If any person obstructs the authorised persons in the discharge of any of their functions under the order, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds in the case of a first conviction and twenty pounds in the case of a second or any subsequent conviction. Penalty for
obstructing
authorised
persons in
exercise of
powers.

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Table of Statutes referred to in this Act

Short Title	Session and Chapter
Registration of Leases (Scotland) Act, 1857 ...	20 & 21 Vict. c. 26.
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Agriculture (Miscellaneous War Provisions) Act, 1940	3 & 4 Geo. 6. c. 14.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Agriculture (Scotland) Act, 1948	11 & 12 Geo. 6. c. 45.
Agricultural Holdings (Scotland) Act, 1949 ...	12, 13 & 14 Geo. 6. c. 75.

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CHAPTER 25

An Act to enable Her Majesty to place Christmas Island under the Authority of the Commonwealth of Australia, and for purposes connected therewith.

[14th May, 1958]

WHEREAS by the Christmas Island Order in Council, 1957, made under the Straits Settlements (Repeal) Act, 1946, ^{9 & 10 Geo. 6. c. 37.} the island named Christmas Island, situated in the Indian

Ocean in or about the thirtieth minute of the tenth degree of South Latitude and the fortieth minute of the one hundred and fifth degree of East Longitude, was constituted as a separate colony under the name of the Colony of Christmas Island:

And whereas the Parliament and Government of the Commonwealth of Australia have requested and consented to the enactment of this Act:

And whereas by section one hundred and twenty-two of the Constitution of the Commonwealth of Australia it is provided that the Parliament of the said Commonwealth may make laws for the government of any territory placed by the Queen under the authority of and accepted by the Commonwealth.

Be it therefore enacted by the Queen'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:—

Transfer of
Christmas
Island to
Australia.

1.—(1) Her Majesty may by Order in Council direct that Christmas Island shall, on such date as may be specified in the Order, be placed under the authority of the Commonwealth of Australia.

(2) As from the date specified as aforesaid, the Straits Settlements (Repeal) Act, 1946, and the British Settlements Acts, 1887 and 1945, as applied by that Act, shall have effect as if references in the said Act of 1946 to Christmas Island were omitted, and (subject to such provision as may be made in pursuance of subsection (3) of this section) the Christmas Island Order in Council, 1957, shall cease to have effect.

(3) Her Majesty may by Order in Council make provision—

(a) for the transfer, subject to such exceptions as may be specified in the Order, of property, rights, powers, obligations or liabilities held, enjoyed or incurred by or on behalf of Her Majesty in right of Her Government in the United Kingdom or of the Government of the Colony of Singapore or of Christmas Island, or by or on behalf of any of those governments, being property, rights, powers, obligations or liabilities held, enjoyed or incurred in or in connection with Christmas Island and subsisting on the date specified as aforesaid;

(b) for the exercise on and after the date so specified of—

(i) the jurisdiction in Christmas Island of any court outside that Island in relation to proceedings pending on that date;

(ii) any powers of Her Majesty in respect of sentences imposed before that date by any court having jurisdiction in Christmas Island;

(iii) any powers or duties conferred or imposed by or under the law of Singapore in relation to persons

lawfully removed from Christmas Island to Singapore before that date,

and for the continuance, with any necessary modification, of any provisions of the said Order of 1957 relating to such jurisdiction, powers or duties;

- (c) for such other purposes, if any, not being purposes of the government of Christmas Island, as appear to Her Majesty to be expedient in consequence of its being placed under the authority of the said Commonwealth.

2. This Act may be cited as the Christmas Island Act, 1958. Short title.

CHAPTER 26

House of Commons (Redistribution of Seats) Act, 1958

ARRANGEMENT OF SECTIONS

Section

1. Constitution of Boundary Commissions.
2. Boundary Commissions' reports.
3. Electoral quotas.
4. Procedure of Boundary Commissions.
5. Application of principal Act to Monmouthshire.
6. Consequential amendments.
7. Short title, repeal and extent.

SCHEDULE—Consequential amendments of principal Act.

An Act to amend the House of Commons (Redistribution of Seats) Act, 1949. [14th May, 1958]

BE it enacted by the Queen'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 deputy chairman of each Boundary Commission under the House of Commons (Redistribution of Seats) Act, 1949 (hereinafter referred to as "the principal Act"), shall be a judge who—

Constitution of Boundary Commissions. 12, 13 & 14 Geo. 6. c. 66.

- (a) in the case of the Commission for England shall be a judge of the High Court appointed by the Lord Chancellor,
- (b) in the case of the Commission for Scotland shall be a judge of the Court of Session appointed by the Lord President of the Court of Session,

- (c) in the case of the Commission for Wales shall be a judge of the High Court appointed by the Lord Chancellor,
- (d) in the case of the Commission for Northern Ireland shall be a judge of the High Court in Northern Ireland appointed by the Lord Chief Justice of Northern Ireland,

and each deputy chairman shall hold his appointment for such term and on such conditions as may be determined before his appointment by the person appointing him.

(2) The officers of each Commission shall include two assessors who shall be—

- (a) in the case of the Commission for England, the Registrar General for England and Wales and the Director General of Ordnance Survey,
- (b) in the case of the Commission for Scotland, the Registrar General of Births, Deaths and Marriages in Scotland and the Director General of Ordnance Survey,
- (c) in the case of the Commission for Wales, the Registrar General for England and Wales and the Director General of Ordnance Survey,
- (d) in the case of the Commission for Northern Ireland the Registrar General of Births, Deaths and Marriages for Northern Ireland and the Commissioner of Valuation for Northern Ireland,

and those persons shall cease to be members of the Commissions.

**Boundary
Commissions'
reports.**

2.—(1) After the coming into force of this Act a Boundary Commission's report under subsection (1) of section two of the principal Act shall be submitted not less than ten or more than fifteen years from the date of the submission of the Commission's last report under that subsection; and subsection (2) of that section (which in general requires reports to be made not less than three or more than seven years from the date of the submission of the Commission's last report) shall cease to have effect.

(2) It shall not be the duty of a Boundary Commission, in discharging their functions under the said section two, to aim at giving full effect in all circumstances to the rules set out in the Second Schedule to the principal Act, but they shall take account, so far as they reasonably can, of the inconveniences attendant on alterations of constituencies other than alterations made for the purposes of rule 4 of those rules, and of any local ties which would be broken by such alterations; and references in that section to giving effect to those rules shall be construed accordingly.

3. In the application of rule 5 of the rules set out in the Electoral Second Schedule to the principal Act (under which the electorate of a constituency is to be brought as near the electoral quotas. as is practicable having regard to the other rules in that Schedule) to a constituency in any of the several parts of the United Kingdom for which there is a Boundary Commission, the expression "electoral quota" shall mean a number obtained by dividing the electorate for that part of the United Kingdom by the number of constituencies in it existing on the enumeration date (and not, as at present in Great Britain, a number obtained by reference to Great Britain as a whole).

4.—(1) Where a Boundary Commission revise any proposed recommendations after publishing a notice of them under paragraph 3 of Part III of the First Schedule to the principal Act, the Commission shall comply again with that paragraph in relation to the revised recommendations, as if no earlier notice had been published. Procedure of Boundary Commissions.

(2) Where, on the publication of the notice under the said paragraph 3 of a recommendation of a Boundary Commission for the alteration of any constituencies, the Commission receive any representation objecting to the proposed recommendation from an interested authority or from a body of electors numbering one hundred or more, the Commission shall not make the recommendation unless, since the publication of the said notice, a local inquiry has been held in respect of the constituencies under paragraph 4 of the said Part III:

Provided that, where a local inquiry was held in respect of the constituencies before the publication of the said notice, this subsection shall not apply if the Commission, after considering the matters discussed at the local inquiry, the nature of the representations received on the publication of the said notice and any other relevant circumstances, are of opinion that a further local inquiry would not be justified.

(3) In the last foregoing subsection, "interested authority" and "elector" respectively mean, in relation to any recommendation, a local authority whose area is wholly or partly comprised in the constituencies affected by the recommendation, and a parliamentary elector for any of these constituencies; and for this purpose "local authority" means the council of any county, or any borough (including a metropolitan borough) or of any urban or rural district.

(4) In the application of the last foregoing subsection to Scotland, for the reference to a borough there shall be substituted a reference to a burgh, and for the reference to an urban or rural district there shall be substituted a reference to a district.

Application of principal Act to Monmouthshire.

5. In subsection (3) of section one of the principal Act (which provides that the administrative county of Monmouth shall be taken to be part of Wales for the purposes of that Act) for the words "the administrative county of Monmouth" there shall be substituted the word "Monmouthshire".

Consequential amendments.

6. The principal Act shall have effect subject to the amendments specified in the Schedule to this Act, being amendments consequent on the foregoing provisions of this Act.

Short title, repeal and extent.

7.—(1) This Act may be cited as the House of Commons (Redistribution of Seats) Act, 1958, and shall be included among the Acts which may be cited as the Representation of the People Acts, and this Act and the House of Commons (Redistribution of Seats) Act, 1949, may be cited together as the House of Commons (Redistribution of Seats) Acts, 1949 and 1958.

(2) In the principal Act, subsection (2) of section two and paragraph 6 of Part I of the First Schedule are hereby repealed.

(3) Nothing in this Act shall affect the law relating to the Parliament of Northern Ireland.

Section 6.

SCHEDULE

CONSEQUENTIAL AMENDMENTS OF PRINCIPAL ACT

1. In Part I of the First Schedule to the principal Act paragraph 6 shall cease to have effect and—

- (a) in paragraph 2 the words "a judge as deputy chairman" shall be substituted for the words "the Registrar General of Births, Deaths and Marriages in England, the Director General of Ordnance Survey",
- (b) in paragraph 3 the words "a judge as deputy chairman" shall be substituted for the words "the Registrar General of Births, Deaths and Marriages in Scotland, the Director General of Ordnance Survey",
- (c) in paragraph 4 the words "a judge as deputy chairman" shall be substituted for the words "the Registrar General of Births, Deaths and Marriages in England, the Director General of Ordnance Survey", and
- (d) in paragraph 5 the words "a judge as deputy chairman" shall be substituted for the words "the Registrar General of Births, Deaths and Marriages for Northern Ireland, the Commissioner of Valuation for Northern Ireland".

2. For rule 7 in the Second Schedule to the principal Act there shall be substituted the following rule—

"7. In the application of these rules to each of the several parts of the United Kingdom for which there is a Boundary Commission—

- (a) the expression "electoral quota" means a number obtained by dividing the electorate for that part of the United Kingdom by the number of constituencies in it existing on the enumeration date;

- (b) the expression "electorate" means—
- (i) in relation to a constituency, the number of persons whose names appear on the register of parliamentary electors in force on the enumeration date under the Representation of the People Acts for the constituency;
 - (ii) in relation to the part of the United Kingdom, the aggregate electorate as hereinbefore defined of all the constituencies therein;
- (c) the expression "enumeration date" means, in relation to any report of a Boundary Commission under this Act, the date on which the notice with respect to that report is published in accordance with section two of this Act."

CHAPTER 27

An Act to amend the Industrial Assurance and Friendly Societies Act, 1948, by increasing the limit on the amount of insurances on the life of a parent or grandparent.
[7th July, 1958]

BE it enacted by the Queen'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 (2) of section two of the Industrial Assurance and Friendly Societies Act, 1948 (which imposes a limit of twenty pounds as the maximum sum that any person is to be entitled to receive from any registered friendly society or industrial assurance company, either taken alone or when added to any sum or sums for the time being insured to be paid to that person on the death of any one of his parents or grandparents) and in the First Schedule to that Act (which concerns the making of payments referred to in the said subsection (2) of section two) "thirty pounds" shall be substituted for "twenty pounds".

Increase in maximum amount of insurance allowable on life of parent or grandparent.
11 & 12 Geo. 6. c. 39.

(2) In the Second Schedule of the said Act of 1948 (which makes consequential amendments to the Friendly Societies Act, 1896, and the Industrial Assurance Act, 1923), after each reference to "section two of the Industrial Assurance and Friendly Societies Act, 1948", the words "as amended by the Industrial Assurance and Friendly Societies Act, 1948 (Amendment) Act, 1958" shall be inserted or added.

59 & 60 Vict. c. 29.
13 & 14 Geo. 5. c. 8.

2. This Act shall extend to Great Britain, the Isle of Man and the Channel Islands but shall not extend to Northern Ireland. Extent.

Short title,
citation,
construction
and
commence-
ment.

3.—(1) This Act may be cited as the Industrial Assurance and Friendly Societies Act, 1948 (Amendment) Act, 1958.

(2) This Act and the Industrial Assurance Acts, 1923 to 1948, may be cited together as the Industrial Assurance Acts, 1923 to 1958, and this Act and the Friendly Societies Acts, 1896 to 1955, may be cited together as the Friendly Societies Acts, 1896 to 1958.

(3) This Act, in its application to collecting societies and industrial assurance companies, shall be construed as one with the Industrial Assurance Acts, 1923 to 1948, and, in its application to friendly societies, not being collecting societies, shall be construed as one with the Friendly Societies Acts, 1896 to 1955.

(4) This Act shall come into force at the expiration of the period of two months beginning with the date of its passing.

CHAPTER 28

Solicitors (Scotland) Act, 1958

ARRANGEMENT OF SECTIONS

Admission of Solicitors

Section

1. Qualification for admission as solicitor.
2. Fee payable on admission as solicitor.

Practising Certificates

3. Power of Council of Society to withdraw practising certificate on failure to comply with Accounts Rules.
4. List of solicitors holding practising certificates for Keeper of Registers of Scotland.

Discipline

5. Power of Discipline Committee to order solicitor to be struck off roll, &c.
6. Restoration to roll of solicitors.
7. Appeal to Court of Session against decision of Discipline Committee.
8. Miscellaneous provisions with respect to discipline.
9. Power of Council of Society to deal with property in the hands of solicitor struck off roll or suspended.
10. Saving for jurisdiction of the Court of Session.

Notaries Public

11. Removal of notaries public from roll of notaries public.
12. Notaries public may administer oaths.

Accountant's Certificates

13. Provisions as to accountant's certificates.

Section

General

14. Amendments of Acts of 1933 and 1949.
15. Power of Council of Society to apply for appointment of judicial factor on estate of solicitor in certain cases.
16. Rights of clients in sum in client bank account in case of deficiency.
17. Provisions as to the keeping of the roll.
18. Repeals.
19. Interpretation, citation, construction and commencement.

SCHEDULES:

First Schedule—Miscellaneous provisions relating to Discipline.

Second Schedule:

Part I—Amendments of the Act of 1933.

Part II—Amendments of the Act of 1949.

Third Schedule—Enactments repealed.

An Act to amend the law relating to solicitors and notaries public in Scotland, and for purposes connected therewith. [7th July, 1958]

BE it enacted by the Queen'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:—

Admission of Solicitors

1.—(1) No person shall be admitted as a solicitor unless he has attained the age of twenty-one years and has satisfied the Council of the Society by affidavit or otherwise that he has complied with such requirements as the Council may by regulations made with the concurrence of the Lord President prescribe with respect to all or any of the following matters, that is to say:—

Qualification for admission as solicitor.

- (a) practical training, including service under indentures of apprenticeship,
- (b) attendance at a course of legal education, and
- (c) the passing of examinations,

and unless the Council are also satisfied that he is a fit and proper person to be a solicitor.

(2) Regulations under the foregoing subsection:—

- (a) may make such incidental, consequential and supplemental provisions as the Council consider necessary or proper in relation to the matters specified in the said subsection,

- (b) may make different provisions for different circumstances and may include provision for the charging by the Council of fees and the application thereof, and
- (c) shall make transitional provisions applicable in the case of persons who at the time this section comes into operation are in course of complying with the provisions of sections nine and twelve of the Act of 1933 and the regulations made thereunder.

(3) Nothing in the foregoing provisions of this section shall prejudice the power of the Court to admit a person as a solicitor in pursuance of the Colonial Solicitors Act, 1900, or under section fourteen or section fifteen of the Act of 1933.

63 & 64 Vict.
c. 14.

Fee payable
on admission
as solicitor.

2. No person shall be admitted as a solicitor unless he produces to the Court evidence that he has paid to the Society such sum not exceeding five pounds in respect of his admission as a solicitor as may be fixed by the Council of the Society with the approval of the Lord President.

Practising Certificates

Power of
Council of
Society to
withdraw
practising
certificate on
failure to
comply with
Accounts
Rules.

3.—(1) Where the Council of the Society are satisfied, after inquiry and after giving a solicitor an opportunity of being heard, that he is failing to comply with the Scottish Solicitors Accounts Rules, or the provisions of section thirteen of this Act or the Accountant's Certificate Rules, or the Rules made under subsection (3) of the said section thirteen so far as applicable, the Council may, without prejudice to the provisions of subsection (3) of section twenty of the Act of 1949 and subject to the provisions of this section, withdraw the practising certificate held by the solicitor, and such certificate shall thereupon cease to have effect and he shall be suspended from practice as a solicitor until he satisfies the Council that he is able and willing to comply with the said Rules and the said section thirteen. On being so satisfied the Council shall terminate the suspension from practice of the solicitor unless they are of opinion that for some other competent reason he is liable to proceedings under the provisions of this Act relating to discipline, and shall restore to him any practising certificate held by him for the practice year then current.

(2) Within twenty-one days after receiving written notice of a decision of the Council under the immediately preceding subsection to withdraw his practising certificate, or to refuse to terminate his suspension from practice, the solicitor may appeal to the Court against the decision; and on any such appeal the Court may give such directions in the matter, including directions as to the expenses of the proceedings before the Court, as they think fit, and the order of the Court shall be final.

4. It shall be the duty of the Council of the Society to furnish to the Keeper of the Registers of Scotland as soon as practicable after the first day of December in each year a list of solicitors holding practising certificates for the practice year then current and also from time to time throughout the said year a note of any additions to or amendments of the said list.

List of solicitors holding practising certificates for Keeper of Registers of Scotland.

Discipline

5. Subject to the provisions of section thirty-three of the Act of 1933 and to the provisions of this Act relating to discipline, the Discipline Committee—

Power of Discipline Committee to order

- (a) if, after holding an inquiry into a complaint against a solicitor, they are of opinion that the solicitor has been guilty of professional misconduct ; or
- (b) if a solicitor has, whether before or after enrolment as a solicitor been convicted by any court of an act involving dishonesty or is sentenced to a term of imprisonment of not less than two years ;

solicitor to be struck off roll, &c.

may, if they think fit, order that the solicitor be struck off the roll of solicitors, or be suspended from practice as a solicitor for such time as they may determine, or may censure the solicitor, or may impose on the solicitor a fine not exceeding two hundred and fifty pounds (which shall be forfeit to Her Majesty), or may both censure the solicitor and impose on him such a fine as aforesaid :

Provided that in any case to which paragraph (b) of this section applies the said Committee shall not impose a fine under this section.

6.—(1) A person who has been struck off the roll of solicitors or whose name has been removed at his own request under section nineteen of the Act of 1933 shall not be entitled to have his name restored—

Restoration to roll of solicitors.

- (a) if he was struck off the roll under an order made by the Court, except in pursuance of an order made by the Court on the petition of the solicitor, which petition shall be intimated to the Discipline Committee, who shall be entitled to appear and be heard thereon ;
- (b) in any other case, except by order of the Discipline Committee made on the application of the solicitor and after such inquiry as seems proper to the Committee.

(2) Rules under section thirty-three of the Act of 1933 may regulate the making, hearing, and determining of applications to the Discipline Committee by persons to have their names restored to the roll of solicitors under this section, and such rules may provide for payment by the solicitor to the registrar of such fee in respect of restoration as may be prescribed therein.

Appeal to
Court of
Session
against
decision of
Discipline
Committee.

7. Any person aggrieved by a decision of the Discipline Committee under the provisions of this Act relating to discipline may, within twenty-one days of the date on which the decision of the Committee is intimated to him, appeal against the decision to the Court, and on any such appeal the Court may give such direction in the matter as they think fit, including directions as to the expenses of the proceedings before the Court and as to any order by the Discipline Committee relating to expenses, and the order of the Court shall be final.

Miscellaneous
provisions
with respect
to discipline.

8. The provisions of the First Schedule to this Act shall have effect with respect to complaints to the Discipline Committee and the powers, decisions, and expenses of the Discipline Committee.

Power of
Council of
Society to
deal with
property in
the hands of
solicitor
struck off roll
or suspended.

9.—(1) Where under any provision of the Act of 1949 or this Act a solicitor is struck off the roll of solicitors or is suspended from practice as a solicitor, he shall within twenty-one days of the material date satisfy the Council of the Society that he has made suitable arrangements for making available to his clients or to some other solicitor or solicitors instructed by his clients or by himself:—

- (a) all deeds, wills, securities, papers, books of accounts, records, vouchers and other documents in his or his firm's possession or control which are held on behalf of his clients or which relate to any trust of which he is sole trustee or co-trustee only with one or more of his partners, clerks or servants; and
- (b) all sums of money due from him or his firm or held by him or his firm on behalf of his clients or subject to any such trust as aforesaid;

and if he fails to satisfy the Council, the provisions of paragraphs 5 and 6 of the Sixth Schedule to the Act of 1949 (which relate to the production or delivery of documents by, and to payments out of any banking account in the name of, a solicitor in certain circumstances) shall apply in relation to that solicitor, notwithstanding that the Council may not have reasonable cause to believe that he has been guilty of any such dishonesty as is mentioned in subsection (2) of section twenty-two of that Act.

(2) In this section the expression "material date" means whichever is the latest of the following dates, that is to say:—

- (a) the date when the order of the Discipline Committee or of the Court by or in pursuance of which the solicitor is struck off the roll or suspended from practice is to take effect;

- (b) the last date on which an appeal against that order may be lodged ;
- (c) the date on which any such appeal is dismissed or abandoned.

10. Save as otherwise expressly provided, nothing in the provisions of this Act relating to discipline shall affect the jurisdiction exercisable by the Court or any judge thereof over solicitors. Saving for jurisdiction of the Court of Session.

Notaries Public

11.—(1) Any solicitor struck off the roll of solicitors under the provisions of this Act relating to discipline or having his name removed from the said roll at his own request under section nineteen of the Act of 1933 shall, in the case of a solicitor who is also a notary public, be struck off the roll or register of notaries public or have his name removed from that roll or register ; and similarly any person who, having been struck off the roll of solicitors as aforesaid or having had his name removed from that roll at his own request, has had his name restored to the roll of solicitors under the provisions of this Act relating to discipline shall have his name restored to the roll or register of notaries public. Removal of notaries public from roll of notaries public.

(2) In the case of a solicitor who is also a notary public, the registrar shall forthwith intimate to the keeper of the roll or register of notaries public any order striking such a solicitor off the roll of solicitors or any removal from that roll at his own request of the name of such a solicitor ; and in the case of a person who while on the roll of solicitors was also a notary public the registrar shall forthwith intimate to the keeper of the roll or register of notaries public any order under the provisions of this Act relating to discipline restoring the name of such a solicitor to the roll of solicitors.

12.—(1) Without prejudice to any other statutory provision relating to the administration of oaths by notaries public, it shall be lawful for any notary public to administer or receive any oath, affidavit or solemn affirmation relating to any matter or thing, not being a matter or thing relating to the preservation of the peace or to the prosecution, trial or punishment of offences or to any proceedings before either House of Parliament or any committee thereof. Notaries public may administer oaths.

(2) Nothing in this section shall be construed as authorising the administration or the receipt of an oath, affidavit or affirmation otherwise than in a case where the administration or the receipt of an oath, affidavit or affirmation is authorised by or under any enactment.

Accountant's Certificates

Provisions as to
accountant's
certificates.

13.—(1) Subject to the provisions of subsection (6) of this section, every solicitor to whom the provisions of the Scottish Solicitors Accounts Rules apply shall, in accordance with the rules made under subsection (2) of this section but not oftener than once in each practice year, deliver to the registrar a certificate by an accountant in accordance with the provisions of this section, which certificate is in this section referred to as “an accountant’s certificate”:

Provided that an accountant’s certificate shall not be required in the case of—

- (a) a solicitor who in agreement with the Council of the Society furnishes to the Council and keeps in force a fidelity bond by an insurance office or other institution accepted by the Court as cautioners for a judicial factor appointed by the Court for such amount as the Council may determine, guaranteeing the intromissions of the solicitor or his firm with money held by him or them for or on behalf of clients ; or
- (b) a solicitor who satisfies the Council that during the accounting period to which the accountant’s certificate would ordinarily relate he has not in the course of his practice held or received any moneys on behalf of clients ; or
- (c) a solicitor who satisfies the Council that he is complying with the rules made under subsection (3) of this section and for the time being in force.

(2) The Council of the Society shall make rules (in this Act referred to as the “Accountant’s Certificate Rules”)—

(a) prescribing:—

(i) the qualifications to be held by an accountant by whom an accountant’s certificate may be given ;

(ii) the nature and extent of the examination to be made by an accountant of the books and accounts of a solicitor or his firm and of any other relative documents with a view to the signing of a certificate to be delivered by the solicitor under this section ;

(iii) the form and content of the accountant’s certificate ; and

(iv) the intervals at which an accountant’s certificate shall be delivered to the registrar ; and

(b) making provision with respect to :—

(i) the accounting period for which an accountant's certificate shall be delivered or the different accounting periods for which in different circumstances an accountant's certificate shall be delivered, and

(ii) the period within which an accountant's certificate shall be delivered ;

and such rules may include such other provisions as the Council consider necessary or proper for the purpose of giving effect to the foregoing provisions of this section and for regulating any matters incidental, consequential or supplemental in relation thereto.

(3) The Council may, if they are of opinion that satisfactory evidence of compliance with the Scottish Solicitors Accounts Rules will be secured by some method other than by delivery of an accountant's certificate under subsection (1) of this section, make rules prescribing that other method, the terms and conditions to be observed in connection therewith, and the procedure to be followed by solicitors desiring to adopt that other method, and such rules may contain such incidental, consequential and supplementary provisions relative thereto as the Council may consider necessary or proper.

(4) Failure to comply with any of the provisions of this section or of the Accountant's Certificate Rules or of the rules made under subsection (3) of this section, so far as applicable, may be treated as professional misconduct for the purposes of the provisions of this Act relating to discipline.

(5) A certificate under the hand of the Secretary of the Society shall, until the contrary is proved, be evidence that the solicitor has or has not, as the case may be, delivered to the registrar an accountant's certificate or supplied any evidence required under this section or the Accountant's Certificate Rules or the rules made under subsection (3) of this section.

(6) This section shall not come into operation until such date as the Secretary of State may by order made by statutory instrument appoint, being a date not earlier than six months after the Council have given written notice to the members of the Society of their intention to apply to the Secretary of State for the making of such order. The accidental omission to give such written notice to any member of the Society shall not invalidate an order made under this subsection.

General

Amendments
of Acts of
1933 and
1949.

14.—(1) The Act of 1933 shall have effect subject to the amendments set out in Part I of the Second Schedule to this Act.

(2) The Act of 1949 shall have effect subject to the amendments set out in Part II of the Second Schedule to this Act.

Power of
Council of
Society to
apply for
appointment
of judicial
factor on
estate of
solicitor in
certain cases.

15. Where the Council of the Society are satisfied on a report of an investigation of the books, accounts and other documents of a solicitor made on behalf of the Council in exercise of their powers under the Scottish Solicitors Accounts Rules—

(a) that the solicitor has failed to a material extent to comply with the provisions of the said Rules ; and

(b) that in connection with his practice as a solicitor either—

(i) his liabilities exceed his assets in the business ;
or

(ii) his books, accounts and other documents are in such a condition that it is not reasonably practicable to ascertain definitely whether his liabilities exceed his assets,

the Council may apply to the Court for the appointment of a judicial factor on the estate of the solicitor ; and the Court, on consideration of the said report and after giving the solicitor an opportunity of being heard, may appoint a judicial factor on his estate or do otherwise as seems proper to them.

Rights of
clients in sum
in client bank
account in
case of
deficiency.

16.—(1) Where upon the estate of a solicitor being sequestrated or upon a solicitor granting a trust deed for behoof of his creditors or upon a judicial factor being appointed on the estate of a solicitor the sum at the credit of the client account kept by the solicitor at a bank in terms of the Scottish Solicitors Accounts Rules, or where more than one such account are kept the total of the sums at the credit of the said accounts, is less than the total of the sums received by the solicitor in the course of his practice on behalf of his clients and remaining due by him to them, then, notwithstanding any rule of law to the contrary, the sum at credit of the said client account, or where more than one such account are kept the total of the sums at the credit of the said accounts, shall be divisible proportionately amongst the clients of the solicitor according to the respective sums received by the solicitor in the course of his practice on their account and remaining due by him to them :

Provided that no account shall be taken for the purposes of this section—

(a) of any account at a bank kept by the solicitor in his own name for a specified client ; or

(b) of sums received by the solicitor in the course of his practice on behalf of that client and remaining due by him to the client so far as represented by the sum in the bank account in name of the solicitor for the client.

(2) For the purposes of this section any reference to an account at a bank shall include a reference to a deposit receipt at a bank.

17.—(1) The power conferred by subsection (1) of section eighteen of the Act of 1933 on the Lord President to give directions to the registrar as to the keeping of the roll shall include power to authorise the registrar, for the purpose of maintaining the roll in as up-to-date a state as is reasonably practicable,—

Provisions as to the keeping of the roll.

- (a) to remove from the roll the name of any solicitor enrolled thereon who has died ;
- (b) to send to any solicitor enrolled thereon at his address as shown in the roll a letter inquiring whether he wishes that his name shall continue to be included in the roll and intimating that if no reply is returned to any such letter within the period of six months beginning with the date of the posting of the letter, his name may be removed from the roll ; and
- (c) if no reply is returned as aforesaid by any solicitor to whom a letter has been so sent, to remove the name of that solicitor from the roll.

(2) The Council of the Society may, on the application of a solicitor whose name has been removed from the roll in pursuance of paragraph (c) of the foregoing subsection and on payment by him to the registrar of such reasonable fee in respect of restoration as the Council may fix, order that his name shall be restored.

(3) Any person aggrieved by a decision of the Council under the last foregoing subsection may appeal against the decision to the Court, and the provisions of section seven of this Act shall, subject to any necessary modifications, apply to any such appeal.

(4) The power conferred by subsection (3) of the said section eighteen on the Court of Session to fix fees payable to the registrar in respect of the statutory duties of the registrar shall include power to fix a fee to be payable annually to the registrar in respect of the cost of maintaining the roll by every solicitor whose name is for the time being included in the roll.

18. The enactments specified in the Third Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

Interpretation,
citation,
construction
and com-
mencement.
23 & 24 Geo. 5.
c. 21.
12, 13 & 14
Geo. 6. c. 63.

- 19.—(1) In this Act, unless the context otherwise requires—
- “ Act of 1933 ” means the Solicitors (Scotland) Act, 1933 ;
 - “ Act of 1949 ” means the Solicitors (Scotland) Act, 1949 ;
 - “ practice year ” means the period of twelve months ending on the thirty-first day of October ;
 - “ The Scottish Solicitors Accounts Rules ” means the rules relating to accounts made by the Council of the Society under section twenty of the Act of 1949 and for the time being in force ;
 - “ The Society ” means the Law Society of Scotland.

(2) This Act may be cited as the Solicitors (Scotland) Act, 1958, and shall be construed as one with the Solicitors (Scotland) Acts, 1933 to 1949, and those Acts and this Act may be cited together as the Solicitors (Scotland) Acts, 1933 to 1958.

(3) Subject to the provisions of section thirteen, this Act shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different provisions.

SCHEDULES

FIRST SCHEDULE

MISCELLANEOUS PROVISIONS RELATING TO DISCIPLINE

Section 8.

Power of
Discipline
Committee to
make orders
as to payment
of expenses.

1. Subject to the provisions of section thirty-three of the Act of 1933 and to the provisions of this Act relating to discipline, the Discipline Committee may make in relation to any complaint against a solicitor such order as seems fit to them as to the payment by the complainer or by the solicitor of the expenses incurred by the other party to the complaint and by the Discipline Committee, or of a reasonable contribution towards such expenses ; and on the application of the person in whose favour the order is made and on production of a certificate by the clerk of the Discipline Committee that the days of appeal to the Court against the order have expired without an appeal being lodged or, where such an appeal has been lodged, that the appeal has been dismissed or withdrawn, the Court may grant warrant authorising that person to recover the expenses awarded to him from the person against whom the order was made ; and such warrant shall have effect for execution and for all other purposes as if it were an extracted decree of Court awarded against the last-mentioned person.

Provisions as
to complaints
to Discipline
Committee

2.—(1) The making of a complaint to the Discipline Committee or the giving of any information in connection therewith shall confer qualified privilege.

(2) A complaint made to the Discipline Committee shall not be withdrawn except with the sanction of the Committee and subject to such conditions with respect to expenses or otherwise as the Committee think fit to impose.

3. Subject to the provisions of this Act relating to discipline, the Discipline Committee may dismiss a complaint against a solicitor—

Power of
Discipline
Committee
to dismiss
complaint
without
inquiry.

- (a) without requiring the solicitor to answer the allegations made against him or without holding any inquiry, if they are of opinion that the complaint discloses no *prima facie* case of professional misconduct on the part of the solicitor, or if the complainer fails to comply with any of the rules made under the Act of 1933 regulating the making of complaints to the Committee; or
- (b) without hearing parties, if they are of opinion, upon consideration of the complaint and other documents, that they disclose no case of professional misconduct on the part of the solicitor.

4.—(1) The Discipline Committee shall set forth in their decision—

Provisions as
to decisions of
Discipline
Committee

- (a) in the case of a complaint, the facts proved,
and
- (b) in the case of a conviction, particulars of the conviction
and sentence.

and shall in the case of a complaint add to their decision a note stating the grounds on which the decision has been arrived at.

(2) Every decision by the Discipline Committee shall be signed by the chairman or other person presiding and may be published in such manner as the Committee may determine.

(3) A copy of every decision by the Discipline Committee certified by the clerk of the Committee shall be sent forthwith by the clerk to the solicitor and to the complainer with an intimation of the right of appeal competent under the provisions of this Act relating to discipline.

(4) In the case of a decision by the Discipline Committee ordering a solicitor to be struck off the roll of solicitors or to be suspended from practice or censuring or fining a solicitor, on the expiration of the days of appeal without an appeal being lodged, or in the case of such a decision against which an appeal has been lodged, if and so soon as the appeal is withdrawn or a decision by the Court is given whereby the solicitor is ordered to be struck off the roll of solicitors or to be suspended from practice or is censured or fined, the clerk of the Discipline Committee shall send to the registrar a copy certified by him of the decision of the Discipline Committee and a copy of the decision by the Court in any appeal, and the registrar shall forthwith give effect to any order as to striking the solicitor off the roll of solicitors, and in any other case shall cause a note of the effect of the decision to be entered against the name of the solicitor in the roll. The registrar shall forthwith intimate any order striking a solicitor off the roll of solicitors or suspending a solicitor from practice to each sheriff clerk and also, in the case of a solicitor who carried on business in Edinburgh immediately before the order, to the Principal Clerk of Session, and shall cause a notice of the operative part of the order to be published in the Edinburgh Gazette and in such other manner, if any, as the Discipline Committee may direct.

1st SCH.
—cont.

(5) On a solicitor being suspended from practice as a solicitor the practising certificate held by him at the time shall cease to have effect:

Provided that if he ceases to be so suspended during the period for which the practising certificate would otherwise have continued in force, the certificate shall thereupon again have effect.

(6) The file of orders under this Act or the Act of 1933 striking solicitors off the roll of solicitors, suspending solicitors from practice or restoring persons to the roll of solicitors shall be open for inspection at the office of the Society at any reasonable hour by any person without payment of any fee.

Expenses of
Discipline
Committee.

5. The expenses of the Discipline Committee, so far as not otherwise defrayed, shall be paid by the Society as part of the expenses of the Society.

Section 14 (1).

SECOND SCHEDULE

PART I

AMENDMENTS OF THE ACT OF 1933

1. In section seven—

(a) in the first paragraph after the words “this Act or” there shall be inserted the words “of section one of the Solicitors (Scotland) Act, 1958, and the regulations made thereunder applicable in his case, or the provisions”; and

(b) in the second paragraph for the words “this Act with respect to subscribing the list of solicitors directed to be kept by section twenty of this Act” there shall be substituted the words “the Solicitors (Scotland) Act, 1949, with respect to practising certificates.”

2. In section eleven for the words from “and that” to the end of the section there shall be substituted the words “or of section one of the Solicitors (Scotland) Act, 1958, and the regulations made thereunder applicable in his case.”

3. In section fourteen after the words “under section nine of this Act” there shall be inserted the words “or under section one of the Solicitors (Scotland) Act, 1958, and the regulations made thereunder.”

4. In section fifteen after the words “provisions of this Act” there shall be inserted the words “or of section one of the Solicitors (Scotland) Act, 1958, and the regulations made thereunder applicable in his case.”

5. For section twenty there shall be substituted the following section—

“20.—(1) It shall be the duty of the Council of the Society to furnish as soon as practicable after the first day of December in each year—

(a) to the Principal Clerk of Session, a list of solicitors holding practising certificates for the practice year then current and carrying on business in Edinburgh, and

(b) to each sheriff clerk a list of all solicitors holding practising certificates for that practice year ;

and also from time to time throughout the practice year to furnish to the Principal Clerk of Session and to each sheriff clerk a note of any additions to or amendments of the lists furnished as aforesaid."

(2) A reference in any enactment to a solicitor's being entitled to practise in the Court of Session or in any other court, or to act in any matter, by reason of his being enrolled in, or of his having subscribed, the list of solicitors practising in the Court of Session or the list of solicitors practising in any sheriffdom shall be construed as a reference to his being entitled so to practise or act by reason of his name being included in the appropriate list furnished under the foregoing subsection.

6. In section twenty-nine the words " on the recommendation of the Discipline Committee and " shall be omitted and after the words " to whom the same relates " there shall be inserted the words " and on production to the court of copies (certified by the clerk of the Discipline Committee) of the complaint and answers (if lodged) together with a statement signed by the clerk of the said Committee specifying the place and date of the hearing of the complaint and certifying that notice to that effect has been given to the complainer and to the solicitor concerned, and on being satisfied that it would be proper to compel the giving of evidence by any witness or the production of documents by any haver."

7. In section thirty-nine after the words " Faculty of Advocates " there shall be inserted the word " or ", the words " or a notary public " shall be omitted, and after the words " legal proceeding " there shall be inserted the words " or any papers on which to found or oppose an application for a grant of confirmation in favour of executors."

8. In section forty in subsection (1) for the words " fifty pounds " there shall be substituted the words " one hundred pounds."

9. In section forty-five after the words " this Act " there shall be inserted the words " or under the provisions of the regulations made under section one of the Solicitors (Scotland) Act, 1958, applicable in his case."

10. In section forty-six for the words " is entitled to practise " there shall be substituted the words " has a place of business."

PART II

Section 14 (2).

AMENDMENTS OF THE ACT OF 1949

1. In section eighteen—

(a) for the proviso to subsection (2) there shall be substituted the following proviso—

" Provided that a person who is suspended from practice as a solicitor under any enactment in force at the time of suspension shall, while so suspended, be treated as if he were not a member of the Society " ; and

F

2ND SCH.
—cont.

(b) after subsection (2) the following subsection shall be inserted—

“(2A) Notwithstanding anything in this section or in any other provision of this Act the Council of the Society may, if they think fit, admit as a member of the Society any solicitor who has not in force at the time a practising certificate on such terms and conditions (including the payment by him of a reduced annual subscription) as they may determine.”

2. In section nineteen, after subsection (4) the following subsection shall be added—

“(5) Without prejudice to any proceedings under subsection (1) of this section, failure on the part of a solicitor in practice to have in force a practising certificate may be treated as professional misconduct for the purposes of the provisions of the Solicitors (Scotland) Act, 1958, relating to discipline.”

3. In section twenty, in paragraph (c) of subsection (1) the words “subject to the provisions of the Sixth Schedule to this Act” shall be omitted, and in subsection (3) for the words “Part V of the principal Act” there shall be substituted the words “the provisions of the Solicitors (Scotland) Act, 1958, relating to discipline.”

4. In section twenty-two, in subsection (2) after the word “solicitor” where it first occurs there shall be inserted the words “in practice in the United Kingdom”, and for the words “any solicitor in connection with the practice of the solicitor or any trust of which the solicitor was or is a trustee” there shall be substituted the words “such a solicitor in connection with the practice of the solicitor”.

5. In section twenty-five, in subsection (3) for the words “Part V of the principal Act” there shall be substituted the words “the provisions of the Solicitors (Scotland) Act, 1958, relating to discipline.”

6. In Part 1 of the Fourth Schedule, for the proviso to paragraph 2 there shall be substituted the following proviso—

“Provided that the sum payable by a solicitor in respect of the year in which he is first included in the roll of solicitors and in respect of each of the two years immediately following shall be one-half of the annual subscription which would otherwise be payable by him.”

7. In paragraph 6 of the Sixth Schedule for the word “satisfied” there shall be substituted the words “of opinion,” after the word “banker” there shall be inserted the words “building society or other body”, and after the words “banking account” there shall be inserted the words “or any sum deposited.”

THIRD SCHEDULE
ENACTMENTS REPEALED

Section 18.

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 21.	The Solicitors (Scotland) Act, 1933.	Sections nine, ten, twelve and thirteen. In section eighteen, in subsection (1) the words "shall strike any solicitor off the roll on an order of the Court to that effect, and". Sections twenty-one and twenty-two. In section twenty-five the words "or in the investigation of his conduct by the Discipline Committee." Sections twenty-six to twenty-eight and sections thirty to thirty-two.

CHAPTER 29

An Act to enable certain places of worship to be registered for marriages less than twelve months after first being used for worship; and for purposes connected with the matter aforesaid. [7th July, 1958]

BE it enacted by the Queen'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) Section forty-one of the Marriage Act, 1949 (which sets out the general conditions for the registration of a building for the solemnization of marriages therein) shall be amended as follows:—

(a) the following subsection shall be substituted for subsection (2) of the said section, that is to say—

"(2) Any person making such an application as aforesaid shall deliver to the superintendent registrar a certificate, signed in duplicate by at least twenty householders and dated not earlier than one month before the making of the application, stating that the building is being used by them as their usual place of public religious worship and that they desire that the building should be registered as aforesaid, and both certificates shall be countersigned by the proprietor or trustee by whom they are delivered.";

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(b) the following subsection shall be substituted for subsection (7) of the said section, that is to say—

“(7) For the purpose of being registered for the solemnization of marriages under this section, any building used for public religious worship as a Roman Catholic chapel exclusively shall be deemed to be a separate building notwithstanding that it is under the same roof as another building or forms part only of a building.”;

and accordingly the following provisions of section forty-two of the said Act of 1949 (which relate to the registration of one building in substitution for another) are hereby repealed, that is to say, in subsection (1) the words from “and if it is proved” onwards, subsection (2), in subsection (3) the words “or registers any building in substitution for another”, the words “or the substitution and registration” and the word “original”, subsection (4), and in subsection (5) the words “or any building has been registered in substitution for another”.

(2) At the end of subsection (1) of section forty-three of the said Act of 1949 (which relates to the appointment of persons in whose presence a marriage may be solemnized in a registered building) there shall be inserted the following proviso, that is to say—

“Provided that, in relation to a building which becomes registered after the thirty-first day of December, nineteen hundred and fifty-eight, the power conferred by this subsection to authorise a person to be present as aforesaid shall not be exercisable before the expiration of one year from the date of registration of the building or, where the congregation on whose behalf the building is registered previously used for the purpose of public religious worship another building of which the registration has been cancelled not earlier than one month before the date of registration aforesaid, one year from the date of registration of that other building.”;

and accordingly in Part III of the Fourth Schedule to the said Act of 1949 (which sets out the provisions of that Act which are not to apply to naval, military and air force chapels) after the words “Section forty-two” there shall be inserted the words “The proviso to subsection (1) of section forty-three”.

Short title,
citation and
commence-
ment.

2.—(1) This Act may be cited as the Marriage Acts Amendment Act, 1958, and the Marriage Acts, 1949 and 1954, and this Act may be cited together as the Marriage Acts, 1949 to 1958.

(2) This Act shall come into operation on the first day of January, nineteen hundred and fifty-nine.

CHAPTER 30*Land Powers (Defence) Act, 1958*

ARRANGEMENT OF SECTIONS

Termination of certain powers under emergency legislation

Section

1. Revocation of certain Defence Regulations and termination of certain other powers.

Facilities for manœuvres

2. Orders in Council authorising manœuvres.
3. Manœuvres commissions.
4. Powers of manœuvres commission to give directions.
5. Supplementary provisions as to commission's directions.

Occasional use of land for defence training purposes

6. Power to require use of land for limited training purposes.

Use of sea areas for defence purposes

7. Power to make byelaws over sea areas.

Stopping up and diversion of highways

8. Stopping up and diversion of highways.
9. Supplementary provisions with respect to stopping up and diversion of highways.

Prevention of interference with certain defence installations

10. Prevention of obstruction of airfields.
11. Prevention of interference with operation of electrical apparatus.

Storage and transmission of oil

12. Extension of provisions of Requisitioned Land and War Works Acts.
13. Acquisition of land for oil installations.
14. Wayleave orders for oil pipe-lines and accessory works.
15. Supplementary provisions as to wayleave orders.
16. Protection of oil pipe-lines and accessory works.
17. Registration of wayleave orders and restrictions under s. 16.
18. Compensation in respect of wayleave orders and restrictions under s. 16.

Provisions relating to Postmaster-General

19. Acquisition of land by Postmaster-General.
20. Deep telegraphic lines.

Miscellaneous and general

21. Power to enter and survey land.
22. Abolition and transfer of jurisdiction of General Claims Tribunal.
23. Provisions as to service.
24. Regulations and orders.
25. Interpretation—general and in relation to Scotland and Northern Ireland.
26. Expenses.
27. Short title and extent.

SCHEDULES:

First Schedule—Minor Amendments to Military Manœuvres Acts, 1897 and 1911.

Second Schedule—Provisions with respect to certain orders.

Part I—Procedure for making certain orders.

Part II—Acquisition of land, etc., under certain orders.

Third Schedule—Stopping up and diversion of highways in Northern Ireland.

Fourth Schedule—Supplementary provisions as to exercise of certain powers.

An Act to provide for the termination of certain emergency powers and to make certain provision in substitution therefor; and for purposes connected with the matters aforesaid. [7th July, 1958]

BE it enacted by the Queen'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:—

Termination of certain powers under emergency legislation

Revocation
of certain
Defence
Regulations
and
termination
of certain other
powers.

1.—(1) The following Regulations of the Defence (General) Regulations, 1939, namely—

Regulation 50 (power to do work on land) ;

Regulation 51 (taking possession of land) ;

Regulation 51A (power to work minerals) ;

Regulation 52 (use of land for purposes of H.M. forces) ;

Regulation 85 (entry upon, and inspection of, land),

if and so far as they remain in force on the thirty-first day of December, nineteen hundred and fifty-eight, shall cease to have effect at the end of that day.

(2) For the purposes of the Requisitioned Land and War Works Act, 1945, the war period (except for any purposes of that Act for which that period has come to an end before the passing of this Act) shall end with the said thirty-first day of December.

(3) The power to make orders under subsection (1) of section two of the Supplies and Services (Defence Purposes) Act, 1951 (which relates to the stopping up of highways for defence purposes) shall not be exercisable after the said thirty-first day of December ; and accordingly, in subsection (4) of that section, for

the words "on the expiry of the Supplies and Services (Transitional Powers) Act, 1945" there shall be substituted the words "at the end of the year nineteen hundred and fifty-eight", and for the words "expiry of that Act" there shall be substituted the words "end of that year".

Facilities for manœuvres

2.—(1) Any Order in Council authorising the execution of manœuvres made under section one of the Military Manœuvres Act, 1897 (in this Act referred to as a "manœuvres Order")—

Orders in Council authorising manœuvres.

- (a) in specifying the limits within which the execution of the manœuvres is authorised, shall define those limits both by description and by reference to a map, the latter definition prevailing in the case of any discrepancy;
- (b) in specifying the period during which the manœuvres are authorised, shall specify a period beginning not less than nine months after the date on which the Order is made; and
- (c) without prejudice to the power of Her Majesty to authorise any persons to take part in the manœuvres, shall indicate the description of military, naval or air force formations, and the number of such formations of each description, which, at the time when notice of the intention to make the Order was first published, were intended so to take part.

(2) For the purposes of any manœuvres Order, any reference in the said Act of 1897 to authorised lands, authorised roads or authorised sources of water shall be construed as a reference to all lands (including any enclosed wood or plantation and any park), all highways or all sources of water, as the case may be, which are within the limits specified in the Order; and accordingly, in section two of the Military Manœuvres Act, 1911, the proviso to subsection (1) and in subsection (2) the words from "if" onwards (by virtue of which paragraph (1) of the proviso to section two of the said Act of 1897 prohibits entry on or interference with any enclosed wood or plantation or any park unless the wood, plantation or park is included amongst the authorised lands by a manœuvres commission) shall cease to have effect:

Provided that nothing in this subsection shall affect—

- (a) any other restriction imposed by the proviso to section two of the said Act of 1897; or

(b) any restriction imposed under section four of this Act, or, where any such restriction applies to any land or source of water, subject any person to any penalty by virtue of section four of the said Act of 1911 by reason of the erection or display of a notice or mark indicating that restriction.

(3) No recommendation shall be made to Her Majesty in Council to make a manœuvres Order unless—

(a) not less than two months before the date on which the Order is to be made, a draft of the Order has been sent—

(i) to each of the following authorities any part of whose area is comprised within the limits specified in the Order, that is to say, any local authority, any river board, the Conservators of the River Thames, the Lee Conservancy Catchment Board, any parish council in England or Wales, and any district council in Scotland ; and

(ii) if any part of the New Forest is so comprised, to the Verderers of the New Forest ; and

(iii) except where those limits are situated wholly in Scotland, to the National Parks Commission,

and notice of the intention to make the Order has been published in local newspapers which between them circulate in all local authority areas falling wholly or partly within those limits ; and

(b) a draft of the Order has been laid before, and approved by a resolution of, each House of Parliament ;

and accordingly subsections (2) and (3) of section one of the said Act of 1897 and subsection (3) of section one of the said Act of 1911 are hereby repealed.

(4) In this section and section five of this Act, and in the amendments made by the next following section in the said Act of 1897, the expression “ local authority ” means the council of a county, county borough or county district or, in relation to Scotland, a county or town council ; and in subsection (1) of section one of the said Act of 1911 the reference to the council of a county or borough shall be construed as a reference to the council of a county or county borough or, in relation to Scotland, to a county or town council ; and accordingly paragraph (1) of section eight of the said Act of 1897 from the beginning to the word “ exists ” and section five of the said Act of 1911 are hereby repealed.

(5) The said Acts of 1897 and 1911 shall cease to extend to Northern Ireland, and accordingly section nine of the said Act of 1897 is hereby repealed.

(6) The said Acts of 1897 and 1911 shall have effect subject to the amendments specified in the First Schedule to this Act,

being amendments of a minor nature or expedient for the purpose of facilitating the consolidation of the said Acts and this and the three next following sections.

3.—(1) In subsection (1) of section four of the *Military Manœuvres Act, 1897* (which relates to the formation of a commission, in this Act referred to as a “manœuvres commission”, in connection with any manœuvres Order), for the words from “consisting” to the end of the subsection there shall be substituted the words “consisting (subject to subsection (4) of this section) of—

- (a) a chairman appointed by the Lord Chancellor ;
- (b) four members appointed by the Minister of Agriculture, Fisheries and Food as follows, namely—
 - (i) one from amongst persons appearing to that Minister to have had wide experience of, and shown capacity in, matters relating to agriculture ;
 - (ii) one from amongst persons appearing to that Minister to have had wide experience of, and shown capacity in, matters relating to forestry ;
 - (iii) one on the nomination of such organisation as may appear to that Minister to represent the interests of farmers ; and
 - (iv) one on the nomination of such organisation as may appear to that Minister to represent the interests of owners of agricultural land ;
- (c) four members appointed by the Minister of Housing and Local Government, of whom—
 - (i) three shall be appointed after consultation with such organisations of local authorities as that Minister considers appropriate and shall include at least one person appearing to that Minister to be specially qualified to watch over the amenities of the area in which the manœuvres are to be held ; and
 - (ii) one shall be appointed on the nomination of the National Parks Commission ; and
- (d) three members appointed by the Secretary of State for War.”

(2) The following subsections shall be added at the end of the said section four :—

“ (4) Where an Order in Council under this Act authorises the execution of manœuvres in an area the whole of which is in Scotland, the provisions of subsection (1) of this section shall apply with the following modifications, that is to say—

- (a) in paragraphs (a) and (b) of that subsection, for any reference to any Minister therein mentioned there shall be substituted a reference to the Secretary of State for Scotland ; and

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(b) for paragraph (c) of that subsection there shall be substituted the following paragraph:—

“(c) three members appointed by the Secretary of State for Scotland after consultation with such organisations of local authorities as he considers appropriate and including at least one person appearing to that Secretary of State to be specially qualified to watch over the amenities of the area in which the manœuvres are to be held.”

(5) Where an Order in Council under this Act authorises the execution of manœuvres in an area of which part but not the whole is in Scotland, two separate commissions shall be formed, of which—

(a) one shall be formed in accordance with subsection (1) of this section for so much of the area as is not in Scotland; and

(b) the other shall be formed in accordance with that subsection modified in the manner provided by paragraphs (a) and (b) of the last foregoing subsection for so much of the area as is in Scotland;

and where two commissions are formed in accordance with this subsection, the functions of a commission formed in accordance with the said subsection (1) shall be exercisable by each of them in relation to their respective parts of the area:

Provided that each commission shall consult the other in matters appearing to them to be of common concern to them both.”

(3) The Secretary of State may make to all or any of the chairman and the other members of any manœuvres commission such payments by way of remuneration or allowances as the Treasury may approve, and any expenses incurred by a manœuvres commission in the exercise of their functions shall be paid by the Secretary of State.

Powers of
manœuvres
commission
to give
directions.

4.—(1) Subject to the next following section, a manœuvres commission formed in connection with a manœuvres Order may issue such directions as the commission may consider necessary or expedient for the purpose of avoiding damage or disturbance in consequence of the execution of the manœuvres authorised by the Order beyond what is necessary for the effective carrying out of those manœuvres.

(2) Any such directions shall be so framed as to impose requirements either on the persons taking part in the manœuvres or on, or on any class of, occupiers of land, being land comprised within the limits specified in the Order or land in the vicinity of land so comprised.

(3) Requirements imposed by the directions on persons taking part in the manœuvres may, where the commission consider it necessary or expedient for avoiding damage or disturbance, include provisions precluding those persons from entering upon land specified in the directions or from using a source of water so specified, or restricting entry upon such land or the use of such land or such a source of water by those persons, notwithstanding that the land or source of water is within the limits specified in the Order; and it shall be the duty of the officer directing the manœuvres to issue such instructions to the persons taking part in them as, in the opinion of that officer, will secure compliance with any such requirements.

(4) If, where a requirement has been imposed by any such directions on the occupier of any land, that occupier without reasonable cause refuses or fails to comply with that requirement and in consequence thereof any livestock of his is injured, or any other property of his is damaged, he shall not be entitled to compensation under section six of the Military Manœuvres Act, 1897, in respect of that injury or damage; and in subsection (4) of that section (which relates to the determination of questions with respect to the amount of compensation) for the words "the amount of" there shall be substituted the words "any claim for".

(5) Where, by virtue of subsection (2) of the last foregoing section, two commissions have been formed in connection with any manœuvres Order, the power to issue directions conferred by this section may be exercised by those commissions either separately in relation to their respective parts of the area in which the manœuvres are authorised to be executed or jointly in relation to the whole of that area.

(6) Section five of the said Act of 1897 (which empowers a manœuvres commission to make orders and regulations) is hereby repealed.

5.—(1) Where a manœuvres commission formed in connection with a manœuvres Order propose to issue any directions under the last foregoing section, the commission shall consult the Secretary of State for War and such other authorities or organisations as they consider appropriate, and shall send to every local authority any part of whose area is comprised within the limits specified in the Order the following documents, that is to say—

- (a) a draft of the directions; and
- (b) a copy of the Order,

together with a notice specifying the time (not being less than twenty-one days) within which, and the manner in which, representations may be made to the commission with respect to the draft directions.

Supplementary provisions as to commission's directions.

(2) A local authority, upon receiving the documents and notice aforesaid, shall make the documents available for a period of not less than two weeks for inspection by the public during reasonable hours at the offices of the authority or at such other place, being a place within their area, as they may consider appropriate, and shall cause to be published in each week of that period in one or more local newspapers circulating in their area notice of the receipt of those documents stating—

- (a) the place at which and the hours during which the documents may be inspected ; and
- (b) in accordance with the notice sent to the local authority, the time within which, and the manner in which, representations may be made to the commission with respect to the draft directions.

(3) Where any such representations are duly made, the commission shall, after giving not less than fourteen days' notice by advertisement in such local newspapers as appear to them to be appropriate, hold a public inquiry (or, if they think fit, two or more public inquiries) into those representations, and shall make such alterations, if any, in the draft directions as they may think fit having regard to those representations and to the results of any such inquiry.

(4) Not later than four months before the commencement of the manœuvres, the commission shall transmit the draft directions with any alterations made under the last foregoing subsection to the Secretary of State for War.

(5) Where any draft directions transmitted to the Secretary of State under this section include any such provisions as are mentioned in subsection (3) of the last foregoing section, and the Secretary of State is satisfied that any of those provisions would be likely to have the effect of frustrating all or some of the purposes of the manœuvres Order, the Secretary of State may not later than three months before the commencement of the manœuvres by notice in writing to the commission (a copy of which he shall cause to be laid before each House of Parliament) require the draft directions to be varied by deleting those provisions or by modifying them in such manner as may be specified in the notice :

Provided that any variation required by the Secretary of State by virtue of this subsection shall be the minimum which in his opinion is necessary to prevent any of the purposes of the Order from being frustrated.

(6) Where the Secretary of State determines that no variation of the draft directions is required, he shall as soon as may be give notice to the commission of that determination.

(7) As soon as may be after receipt of a notice under either of the two last foregoing subsections or, if by the date falling

three months before the commencement of the manœuvres no such notice has been received, as soon as may be after that date, the commission shall issue the directions in the form of the draft transmitted to the Secretary of State with any variations required by the Secretary of State under subsection (5) of this section; and where any directions are issued with any such variation the directions shall indicate the nature and extent of the variation.

(8) On the issue of the directions the commission shall publish them in such manner as they may consider most suitable for giving notice of the directions to all persons likely to be affected by them.

(9) Where, in a case to which subsection (5) of the last foregoing section applies, directions fall to be issued separately for different parts of the area authorised for the execution of the manœuvres, the reference in subsection (1) of this section to the limits specified in the manœuvres Order shall be construed as a reference to the part of the area comprised within those limits in relation to which the functions of the commission in question fall to be exercised.

(10) In this section any reference to the commencement of the manœuvres is a reference to the beginning of the period specified in the manœuvres Order relating thereto as the period during which the manœuvres are authorised by the Order.

Occasional use of land for defence training purposes

6.—(1) Subject to the provisions of Part I of the Second Schedule to this Act, a Secretary of State or the Admiralty may by order direct that any land specified in the order shall, during such period of twelve months as may be so specified, be subject to occasional use under the authority of the Minister making the order for any one or more of the following purposes so specified, that is to say—

Power to require use of land for limited training purposes.

- (a) the encampment of persons in transit to or from a training area;
- (b) the carrying out of signalling exercises;
- (c) in the case of land consisting of or including cliffs on the seashore, the carrying out of cliff assault exercises;
- (d) the affording of access to and from other land which by virtue of that or another order under this section is subject to occasional use for one or more of the foregoing purposes:

Provided that an order under this section shall not be made for the occasional use of the whole or any part of the same land during the whole or any part of the same period as is specified in any other such order.

(2) Subject to the two next following subsections, where an order is in force under this section in respect of any land, any

persons authorised for the purpose by the Minister by whom the order was made may—

- (a) at any time within the period specified in the order, enter upon that land, with or without equipment, for the purposes specified in the order in relation to that land, and make use of the land, and carry out any work on, over or below the surface of the land, for those purposes ;
- (b) at any time before or during the period specified in the order, display notices on that land with respect to the exercises or operations to be carried out thereon and make other preparations on that land for those exercises or operations, and for that purpose enter upon the land, with or without equipment.

(3) The powers conferred by the last foregoing subsection shall not be exercisable unless, not less than fourteen days before the time at which entry is to be made on any land in pursuance thereof, the Minister by whom the order in question was made has given notice of the intended entry to any occupier of that land or any part thereof, specifying in the notice the period, not exceeding a continuous period of seventy-two hours, during which those powers are to be exercisable by virtue of the notice ; and notice for the purposes of paragraph (a) of that subsection shall not be given—

- (a) more than six times during the period specified in the order ; or
- (b) so as to expire less than twenty-one days after the expiration of the period specified in a previous notice given for the purposes of that paragraph ;

and the powers conferred by the last foregoing subsection shall not be exercisable in respect of any period during which the use for the time being for defence training purposes of the land in question is the subject of a manœuvres Order.

(4) Nothing in subsection (2) of this section shall authorise any person—

- (a) to enter upon any land or premises which would be exempted from entry by virtue of paragraph (1) of the proviso to section two of the Military Manœuvres Act, 1897, if the order under this section were a manœuvres Order ; or
- (b) to injure or deface any monument which is included in a list published under section twelve of the Ancient Monuments Consolidation and Amendment Act, 1913, or which is shown by a notice fixed thereon to be comprised in a preservation order or interim preservation notice under Part II of the Historic Buildings and Ancient Monuments Act, 1953 ;

but the powers conferred by the said subsection (2) shall be exercisable notwithstanding any other restriction affecting the use of the land in question.

(5) The provisions of subsections (1), (3) and (4) of section six and section seven of the Military Manœuvres Act, 1897 (which relate to compensation and penalties for obstruction) shall apply for the purposes of this section as if any reference in those provisions—

- (a) to a manœuvres Order were a reference to an order under this section ;
 - (b) to the said Act of 1897 were a reference to this section ;
 - (c) to authorised forces were a reference to persons authorised under subsection (2) of this section ;
 - (d) to the execution, or to the purposes, of the manœuvres were a reference to the exercise, or, as the case may be, to the purposes, of any rights conferred by virtue of this section ;
 - (e) to the commission or to the compensation officer were a reference to the Minister by whom the order under this section in question was made.
- (6) For the purposes of this section—
- “encampment” includes operations incidental to encampment (including the taking of water for use by persons or animals or in mechanically-propelled vehicles) and the carrying out of training exercises in the defence of the camp and operations incidental to such exercises ;
 - “equipment” (without prejudice to the generality of that expression) includes weapons, vehicles, aircraft and animals ;
 - “training area” means any area for the time being available for use for the training of Her Majesty’s forces ;
 - “signalling exercises” includes operations incidental to such exercises, including the erection of poles and the laying of wires and cables on or over land.

Use of sea areas for defence purposes

7. Where in the case of any area of sea, tidal water or shore used or to be used for defence purposes by one of the following Ministers, that is to say, a Secretary of State, the Admiralty or the Minister of Supply, being an area lying wholly or partly within the limits of the territorial waters of the United Kingdom, it appears to that Minister to be necessary or expedient to make provision for regulating the use of that area for those purposes or for securing the public against danger arising from that use, the powers conferred by subsection (2) of section two of the Military Lands Act, 1900 (which enables byelaws to be made in relation to such areas where they abut on, or are subject to

Power to
make byelaws
over sea areas.

rifle or artillery practice from, land appropriated or used for defence purposes) shall be exercisable in relation to the area in question whether or not it abuts on or is subject to such practice from any such land.

Stopping up and diversion of highways

Stopping up
and diversion
of highways.

8.—(1) The powers conferred on the Minister of Transport and Civil Aviation by section forty-nine of the Town and Country Planning Act, 1947 (which empowers that Minister to authorise by order the stopping up or diversion of a highway where he is satisfied that it is necessary to do so to enable land to be developed) shall also be exercisable where—

- (a) land is, or is to be, used by a Secretary of State, the Admiralty or the Minister of Supply for the purposes of an installation provided or to be provided for defence purposes, or is used by a manufacturer of aircraft as an airfield wholly or mainly in connection with the manufacture of aircraft for defence purposes; and
- (b) the Minister of Transport and Civil Aviation is satisfied that, for the land to be so used efficiently without danger to the public, it is necessary that a highway should be stopped up or diverted.

(2) Where, in the circumstances specified in paragraphs (a) and (b) of the foregoing subsection, it appears to the Minister of Transport and Civil Aviation that it is not necessary that the highway should be stopped up or diverted for more than a limited period, an order under the said section forty-nine, including an order made by virtue of subsection (7) of that section (which authorises the stopping up or diversion of a highway temporarily stopped up or diverted under any other enactment) instead of providing for the permanent stopping up or diversion of the highway may provide for its stopping up or diversion during such period as may be prescribed by or under the order and for its restoration at the expiration of that period:

Provided that, for the purposes of any subsequent order by virtue of the said subsection (7), any order made by virtue of the foregoing provisions of this subsection shall be regarded as having been made otherwise than under the said section forty-nine.

(3) Any order made by virtue of the last foregoing subsection which provides for the provision of another highway in substitution for a highway stopped up by the order may also contain such provisions as appear to the Minister of Transport and Civil Aviation to be expedient for the stopping up, at the expiration of the period prescribed by or under the order, of that other highway and for the original highway to be reconstructed at the expense of such of the Ministers referred to in paragraph (a) of subsection (1) of this section as may be specified in the order and thereafter maintained by any person who would

for the time being have been liable for its maintenance if it had never been stopped up.

(4) For the purposes of the making of any order under the said section forty-nine—

- (a) by virtue of subsection (1) or (2) of this section ; or
- (b) by virtue of subsection (7) of the said section forty-nine for the permanent stopping up or diversion of a highway temporarily stopped up or diverted by virtue of the said subsection (2),

the Sixth Schedule to the said Act of 1947 (which relates to the procedure to be followed in connection with the making of orders under that section) shall have effect as if—

- (i) in sub-paragraph (b) of paragraph 1 of that Schedule (which requires a copy of the draft order and of any relevant map or plan to be available for inspection during a period of three months); and
- (ii) in paragraph 4 of that Schedule (which relates to procedure where an objection is received before the end of that period),

for the words “ three months ” there were substituted the words “ thirty days ”.

(5) In the application of this section to Scotland, for references to the Minister of Transport and Civil Aviation, to the Town and Country Planning Act, 1947, and to section forty-nine of that Act there shall be substituted respectively references to the Secretary of State, to the Town and Country Planning (Scotland) Act, 1947, and to section forty-six of that Act.

(6) In the application of this Act to Northern Ireland, the provisions of the Third Schedule to this Act shall have effect in lieu of the foregoing provisions of this section.

9.—(1) The powers to make orders conferred on the Minister of Transport and Civil Aviation—

- (a) by section fifteen of the Requisitioned Land and War Works Act, 1945, with respect to the permanent stopping up or diversion of a highway which has been stopped up or diverted in the exercise of emergency powers or as respects which a Minister has certified as mentioned in subsection (1) of section three of the Requisitioned Land and War Works Act, 1948 ; and
- (b) by section sixteen of the said Act of 1945 with respect to the use and maintenance until other provision is made by or under any Act of certain works placed along, across, over or under a highway in the exercise of emergency powers or for war purposes,

Supplementary provisions with respect to stopping up and diversion of highways.

shall include power to vary or revoke any previous order made under the section in question ; and subsection (1) of section twenty of the said Act of 1945 (which restricts the period during which orders may be made under the said section fifteen or

sixteen) shall not apply to any order so far as it is made by virtue of this subsection.

(2) Where on the thirty-first day of December, nineteen hundred and sixty—

- (a) an order under the said section fifteen provides for the permanent stopping up or diversion of a highway conditionally upon the completion of the diversion or of the provision or improvement of another highway in substitution for the original highway; and
- (b) that condition has not been satisfied; and
- (c) by virtue of the foregoing subsection, proposals for the variation of that order have been published in accordance with the provisions of Part III of the said Act of 1945,

the prevention of the exercise of the right to use that highway may be continued pending the coming into operation of an order made in pursuance of the said proposals or, if those proposals are abandoned, whether by reason of an adverse report of the War Works Commission or otherwise, until six months after the abandonment.

(3) Any person authorised in that behalf by the Minister of Transport and Civil Aviation or a local authority may enter on any land for the purpose of surveying it in connection with, or with proposals for, the diversion, provision or improvement of any highway by virtue of an order under the said section fifteen, and the provisions of the Fourth Schedule to this Act shall have effect in relation to the powers conferred by this subsection.

In this subsection and in the said Fourth Schedule the expression "local authority" means the council of a county, borough or urban district or, in relation to Scotland, a county or town council.

(4) In the following provisions, in their application to Scotland, that is to say—

- (a) this and the last foregoing section;
- (b) sections fifteen and sixteen of the said Act of 1945;
- (c) section twenty-eight of the Civil Aviation Act, 1949;
- (d) section two of the Supplies and Services (Defence Purposes) Act, 1951; and
- (e) section thirty-two of the Mineral Workings Act, 1951, and in section forty-six of the Town and Country Planning (Scotland) Act, 1947 (all of which provisions relate to the stopping up of highways) the expression "highway" shall be deemed to include any public right of way:

Provided that nothing in this subsection shall authorise the imposition upon any person of responsibility for the provision, maintenance or management of any highway over which there is not a right of way for vehicles and for the repair and maintenance of which that person has not previously been under any liability.

(5) In the application of this section to Scotland or to Northern Ireland, for references to the Minister of Transport and Civil Aviation there shall be substituted references to the Secretary of State.

Prevention of interference with certain defence installations

10.—(1) Where any land is, or is to be, used by a Minister to whom this section applies as an airfield for defence purposes, and it appears to that Minister that any object of a description specified in the next following subsection which is situated within two miles of any part of the boundary of the airfield is in such a position, or of such a height, as to interfere or be likely to interfere with the safe and efficient use of the airfield for defence purposes, then, subject to the provisions of Part I of the Second Schedule to this Act, that Minister may by order require the occupier of the land on which that object is situated to take within such period (not being less than twenty-one days from the date when notice of the making of the order is served on that occupier) as may be specified in the order such action by way of removing, resiting or reducing the height of that object as may be so specified, or such other action as may be agreed between the Minister and the occupier, to prevent any such interference.

Prevention of
obstruction
of airfields.

(2) The said descriptions of objects are trees, hedges, fences, poles, masts, cables, wires, walls (other than a wall forming part of a roofed structure) and moveable structures.

(3) If the person to whom an order under this section is directed fails to comply therewith within the period specified therein, the Minister who made the order may take the action specified in the order, and for that purpose any person authorised in that behalf by that Minister may enter upon any land upon which the person to whom the order is directed is entitled or permitted to enter; and paragraphs 1 and 2 of the Fourth Schedule to this Act shall apply for the purpose of the exercise of the powers conferred by this subsection.

(4) Where notice of a Minister's proposal to make an order under this section requiring the removal of a tree is served under paragraph 2 of the Second Schedule to this Act and—

- (a) the tree is situated on land used (otherwise than as woodlands) as agricultural land; and
- (b) the draft order does not require the tree to be removed in such manner as not to leave any stump; and
- (c) any person upon whom the said notice is required by the said paragraph 2 to be served duly makes an objection that, if the tree is to be removed, it should be removed in such manner as aforesaid, and that objection is not withdrawn; and
- (d) the person conducting the inquiry into that proposal under paragraph 4 of the said Second Schedule reports

to the Minister that in his opinion it is desirable in the interests of good husbandry and reasonable in all the circumstances of the case that the objection should be met,

then, if the order as made requires the removal of that tree, it shall require its removal in such manner as aforesaid; and any Minister exercising the powers conferred by the last foregoing subsection for the purpose of causing any tree or hedge to be removed, lopped or cut shall issue instructions with a view to securing that the removal, lopping or cutting will be carried out in a woodmanlike manner, and so as to cause as little damage as possible to other trees or hedges and to fences and growing crops.

(5) Subject to the next following subsection, the person to whom an order under this section is directed shall be entitled to compensation from the Minister who made the order in respect of any expenses reasonably incurred by that person in complying with the order or in selling or otherwise disposing of any materials under the next following subsection; and any person who, in consequence of the taking of any action required by the order, suffers loss by reason of damage to, or is disturbed in the enjoyment of, any land or chattels, or would, but for subsection (7) of this section, have been entitled to a remedy for the breach of a covenant or agreement prohibiting or restricting the taking of that action, shall be entitled to compensation from that Minister in respect of that damage or disturbance or in respect of the loss of that remedy; and if, in consequence of the order or of the taking of any action required thereby, any interest in land which comprises, or is held with, the land on which the object to which the order relates is situated, being an interest subsisting at the time when the order was made, is depreciated in value, there shall be payable by that Minister in respect of that interest compensation of an amount equal to the amount of the depreciation; and any dispute as to a right to compensation under this subsection or as to the amount thereof shall be determined by the Lands Tribunal.

(6) Where any timber or other materials require disposal in consequence of the taking of any action required by an order under this section and—

- (a) that action was taken in compliance with the order by a person who is not entitled to those materials; or
- (b) that action was taken by a Minister under subsection (3) of this section,

that person may, or, in a case falling within paragraph (b) of this subsection, that Minister may, and if so required by the person to whom the order is directed shall, sell or otherwise dispose of any of those materials of which the person entitled

thereto does not take possession within seven days from the completion of the action, and shall pay the proceeds of any such sale or disposal to the person so entitled; and any compensation in respect of the depreciation in the value of any interest in land falling to be paid to any person under the last foregoing subsection shall be reduced by—

- (i) the amount of any sum paid to that person in pursuance of this subsection; and
- (ii) an amount equal to the value of any such timber or other materials as aforesaid to which that person is entitled which are not sold or otherwise disposed of under this subsection.

(7) The taking of any action required by an order under this section shall not subject any person to any liability by reason of any enactment, covenant or agreement prohibiting or restricting the taking of that action.

(8) This section applies to the following Ministers, that is to say, a Secretary of State, the Admiralty and the Minister of Supply.

11.—(1) Where any land is, or is to be, used by a Minister to whom the last foregoing section applies for the operation for defence purposes of any electrical apparatus for affording navigational aid to aircraft, or for communicating with, guiding or locating aircraft or missiles, and it appears to that Minister that any object of a description specified in the next following subsection which is situated within two miles of any part of the apparatus is in such a position, or of such a height, or is made of such materials, as to interfere with the efficient operation of the apparatus, then, subject to the provisions of Part I of the Second Schedule to this Act, that Minister may by order require the occupier of the land on which that object is situated to take within such period (not being less than twenty-one days from the date when notice of the making of the order is served on that occupier) as may be specified in the order such action by way of removing, replacing, resiting or reducing the height of that object as may be so specified, or such other action as may be agreed between that Minister and the occupier, to prevent any such interference.

Prevention of interference with operation of electrical apparatus.

(2) The said descriptions of objects are—

- (a) objects of any of the descriptions specified in subsection (2) of the last foregoing section;
- (b) moveable objects made wholly or mainly of metal;
- (c) parts of buildings or structures, being parts made wholly or mainly of metal, which, without appreciably affecting the subsequent use of the building or structure in question, can be either removed or replaced by parts made of other materials.

(3) Subsections (3) to (7) of the last foregoing section shall have effect for the purposes of this section as if any reference therein to that section were a reference to this section.

Storage and transmission of oil

Extension of provisions of Requisitioned Land and War Works Acts.

12.—(1) In the Requisitioned Land and War Works Acts, 1945 and 1948, the expression “government war works” shall include, and be deemed always to have included, any oil pipe-line or works accessory thereto laid, installed or constructed by or under the authority of a Minister—

(a) in pursuance of Regulation 50 of the Defence (General) Regulations, 1939; or

(b) in pursuance of an agreement in such circumstances that, if the agreement had not been made, the like pipe-line or works could have been laid, installed or constructed in pursuance of the said Regulation 50,

and completed before the end of the year nineteen hundred and fifty-eight; and the expression “government oil pipe-line” in the said Act of 1948 and in any regulations made thereunder shall be construed accordingly.

(2) In subsection (1) of section fourteen of the said Act of 1948 (which provides that, after the thirty-first day of December, nineteen hundred and forty-nine, section twelve of that Act shall not apply to any pipe-line or works accessory thereto unless the rights conferred by subsection (1) of the said section twelve have been registered in the appropriate register of local land charges), for the words “forty-nine” there shall be substituted the word “sixty”.

(3) In relation to any pipe-line or works accessory thereto with respect to which, at the date of the passing of this Act—

(a) rights conferred as aforesaid have not been registered as aforesaid; and

(b) no such evidence of endorsement of documents of title as is required by regulations made under subsection (2) of the said section fourteen has been produced in accordance with those regulations,

the date as from which the rights conferred by section thirteen of the said Act of 1948 (which relates to compensation) are to be substituted for the rights conferred by subsection (2) of section three of the Compensation (Defence) Act, 1939, shall be the date of the passing of this Act or the date of the completion of the pipe-line or works in question, whichever of those dates is the later, and accordingly, in relation to any such pipe-line or works—

(i) subsection (2) of the said section thirteen shall apply as if the said section twelve had come into operation at the later of the dates aforesaid;

(ii) in subsections (4) and (5) of the said section thirteen the references to the commencement of the said Act of 1948 shall be construed as references to the later of the dates aforesaid ; and

(iii) in subsection (6) of the said section thirteen, the reference to the exercise of the powers therein mentioned shall be construed as a reference to the exercise of those powers after the later of the dates aforesaid.

(4) Where under any agreement made before the passing of this Act—

(a) payments (whether referred to as compensation, rent or otherwise) are to be made in respect of a pipe-line or works to which the last foregoing subsection applies ; and

(b) any such payments become payable in respect of a period after the passing of this Act,

the right to those payments shall be taken to be in substitution for the right to any corresponding payment of compensation in respect of that period under section thirteen of the said Act of 1948.

(5) In the application of this section to Scotland, for any reference to the registration of rights in the appropriate register of local land charges there shall be substituted a reference to the recording in the appropriate register of sasines of a deed granting such rights.

13. The Minister of Power may acquire by agreement, or, subject to the provisions of Part I of the Second Schedule to this Act, may by order provide that Part II of that Schedule shall have effect for the purpose of the acquisition by him of—

Acquisition of land for oil installations.

(a) any land required for the construction of oil installations which in his opinion are essential for the defence of the realm ;

(b) any land on or under which there are oil installations which, immediately before the passing of this Act, were government war works for the purposes of Part II of the Requisitioned Land and War Works Act, 1945 ;

(c) any easement over or right restrictive of the user of any other land, being an easement or right which in the opinion of that Minister is essential to the full enjoyment of any land on or under which such an oil installation as is mentioned in either of the two foregoing paragraphs is to be or has been constructed.

14.—(1) Subject to the provisions of Part I of the Second Schedule to this Act, a Minister specified in subsection (3) of this section may, for any purpose specified in relation to him in that

Wayleave orders for oil pipe-lines and accessory works.

subsection, by order (in this Act referred to as a "wayleave order") and without further assurance vest in himself with respect to any land specified in the order the right—

(a) in such positions (subject to any minor deviations found to be necessary or expedient) under or above the surface of that land, or partly under and partly above the surface thereof, as may be specified by the order, to carry out all or any of the following operations, that is to say—

(i) the laying of an oil pipe-line ;

(ii) the installation or construction of such minor works accessory to an oil pipe-line, whether laid under that wayleave order or otherwise, as may be so specified,

and from time to time maintain or remove any pipe-line or works so laid, installed or constructed ;

(b) to use any such pipe-line or works for any purpose appearing to that Minister to be expedient and not to be inconsistent with the purposes for which the order was made.

(2) For the purposes of the foregoing subsection, the expression "minor works accessory to an oil pipe-line" shall include works so accessory of any of the following descriptions, that is to say—

(a) manholes, inspection pits and similar works ;

(b) electrical apparatus for the operation or maintenance of an oil pipe-line, and electric lines (within the meaning of the Electric Lighting Act, 1882) provided mainly for the purpose of supplying electricity to such apparatus ;

(c) markers for indicating the position of an oil pipe-line or of any such apparatus or electric line as is mentioned in the last foregoing paragraph, in so far as the pipe-line, apparatus or electric line is placed below the surface of the land ;

(d) stiles, bridges, gates or other works for affording access to an oil pipe-line.

(3) The Ministers and purposes referred to in subsection (1) of this section are—

(a) a Secretary of State or the Admiralty, for defence purposes ;

(b) the Minister of Power, for the purpose of the provision and maintenance of facilities which in his opinion are essential for the defence of the realm ;

(c) any of the Ministers aforesaid, for the purpose of any diversion appearing to that Minister to be necessary or expedient of an oil pipe-line which—

(i) is vested in or under the control of that Minister ; and

(ii) either is a government oil pipe-line within the meaning of the Requisitioned Land and War Works Act, 1948, or was laid under a wayleave order made by that Minister.

15.—(1) Any person authorised in that behalf by the Minister by whom a wayleave order was made may, for the purpose of—

Supplementary provisions as to wayleave orders.

- (a) exercising any rights under the order ; or
- (b) restoring land where a pipe-line or works laid, installed or constructed under the order are removed or abandoned ; or
- (c) inspecting any land, pipe-line or works to which the order relates,

enter upon any land of which that Minister is not in possession : and paragraphs 2 and 3 of the Fourth Schedule to this Act shall apply in relation to the powers conferred by this subsection :

Provided that—

- (i) except in a case of emergency or for the purpose of inspection by a person producing, if required, written evidence of his authority so to do, entry upon any land shall not be demanded as of right unless not less than seven days' notice in writing of the intended entry has been served on the occupier of the land ;
- (ii) where otherwise than for the purpose of inspection only any land has been entered upon in pursuance of this subsection without notice being served as aforesaid on the occupier of the land, that Minister shall forthwith cause notice in writing of the entry to be served on the occupier.

(2) Sections seventy-eight to eighty-five of the Railways Clauses Consolidation Act, 1845, as originally enacted (which restrict the working of minerals, subject to the payment of compensation) shall apply to any pipe-line or works laid, installed or constructed under a wayleave order as if—

- (a) any reference to the railway were a reference to the pipe-line or works in question ;
- (b) any reference to the company were a reference to the Minister by whom the wayleave order was made.

(3) The Treasury may make regulations—

- (a) for the protection of persons affected by the laying, installation, construction, maintenance or use under a wayleave order of pipe-lines or accessory works, and in particular for requiring the Minister by whom the order was made to keep in good repair any pipe-line or works laid, installed or constructed under the order,

to take such steps as may be prescribed by the regulations for restoring land where any such pipe-line or works are removed or abandoned, and to indemnify persons against loss or damage caused by any failure to keep any such pipe-line or works in good repair, and for relieving statutory undertakers and other persons of liabilities or obligations arising in consequence of any such failure or any exercise of the rights conferred by the wayleave order ;

(b) for requiring notice to be given where a pipe-line or works laid, installed or constructed under a wayleave order are removed or abandoned.

(4) In the application of this section to Scotland, for the reference to sections seventy-eight to eighty-five of the Railways Clauses Consolidation Act, 1845, there shall be substituted a reference to sections seventy-one to seventy-eight of the Railways Clauses Consolidation (Scotland) Act, 1845.

Protection
of oil pipe-
lines and
accessory
works.

16.—(1) Subject to the next following section, where, in the case of any oil pipe-line or works accessory thereto, rights are for the time being exercisable with respect thereto by a Minister under subsection (1) of section twelve of the Requisitioned Land and War Works Act, 1948, or under a wayleave order, no person shall without the consent of that Minister—

(a) erect or construct any building or structure, or execute any works providing passage or hard standing for vehicles, persons or animals, in such a way that any part of the building, structure or works is situated within an area falling within ten feet of, or of the portion of the surface of the land lying immediately above, any part of the pipe-line or accessory works or the proposed site thereof ; or

(b) carry out any excavation, or deposit any earth, refuse, spoil or other materials, on any land within such an area as aforesaid :

Provided that nothing in paragraph (b) of this subsection shall require the consent of that Minister to any agricultural operations other than—

- (i) operations for the storage of crops, grass or silage ; and
- (ii) ploughing for purposes of drainage.

(2) If the provisions of the foregoing subsection are contravened, the Minister concerned may remove anything erected, constructed or deposited, and fill in any excavation made, in contravention of those provisions, and carry out all such other work (if any) as may appear to him to be requisite in consequence of the contravention ; and for the purposes of the exercise of the powers conferred by this subsection any person authorised in that behalf by that Minister may enter upon

any land upon which the occupier of the land on which the contravention was committed is entitled or permitted to enter, and paragraphs 1 and 2 of the Fourth Schedule to this Act shall apply.

(3) Any expenses incurred by a Minister under the last foregoing subsection shall be recoverable by him from the occupier of the land on which the contravention was committed:

Provided that where the occupier occupies that land—

- (a) as tenant under a lease or as licensee under a licence to occupy that land for use as agricultural land and the contravention was committed by some other person who, at the time of its commission, was an owner or lessee of that land ; or
- (b) as tenant under a lease granted to the occupier and—
 - (i) the grantor has not given the occupier notice that subsection (1) of this section has taken effect as respects the land ; and
 - (ii) the occupier has not been served in connection with the land with any document such as is mentioned in sub-paragraph (i) or (ii) of paragraph (b) of subsection (2), (5) or (6) of the next following section,

the expenses aforesaid shall not be recoverable from the occupier, but, except where that other person or, as the case may be, the grantor is a person in relation to whom, by virtue of the said subsection (2), (5) or (6), the said subsection (1) has not taken effect, shall be recoverable from that other person or, as the case may be, from the grantor.

In this subsection the expression “ lease ” includes an agreement for a lease and the expression “ grantor ” shall be construed accordingly.

(4) Where anything has been done in contravention of subsection (1) of this section, the Minister concerned, instead of exercising the powers conferred by subsection (2) of this section, may, if he thinks fit, direct that, during such period and subject to such conditions as may be specified in the direction, that thing shall be deemed to have been done with his consent.

(5) In the Public Utilities Street Works Act, 1950—

- (a) subsection (8) of section four (which makes special provision in relation to the exercise of powers conferred by section twelve of the Requisitioned Land and War Works Act, 1948) shall have effect in relation to any rights exercisable under a wayleave order as it has effect in relation to any such power as is therein mentioned ; and
- (b) paragraph (iii) of the proviso to subsection (2) of section twenty-two (which relates to work involving a lateral diversion of an oil pipe-line to which section twelve

of the said Act of 1948 applies) shall have effect in relation to an oil pipe-line or works laid, installed or constructed under a wayleave order as it has effect in relation to an oil pipe-line or works to which the said section twelve applies.

(6) Subsection (6) of the said section twelve (which restricts the erection of buildings or structures over or near certain pipe-lines or works accessory thereto) shall cease to apply to any land as from the time when subsection (1) of this section takes effect as respects that land in accordance with the next following section.

Registration
of wayleave
orders and
restrictions
under s. 16

17.—(1) The rights conferred by a wayleave order shall not be exercisable against a purchaser for money or money's worth of a legal estate in any of the land to which the order applies unless, before the completion of the purchase, either—

(a) the order ; or

(b) the draft order referred to in the notice served in pursuance of paragraph 2 of the Second Schedule to this Act of the proposal to make the order,

has been registered in the prescribed manner in the register of local land charges of the council of the county borough, metropolitan borough or county district in which the land which is the subject of the purchase is situated ; and such a draft order as aforesaid may be so registered at any time after such a notice as aforesaid referring to it has been served :

Provided that the registration of a draft order shall not be effective for the purposes of this subsection in relation to any land to which the draft order did not apply.

(2) Except in the case of land to which a wayleave order applies, subsection (1) of the last foregoing section shall not take effect—

(a) as respects any land until notice of the restrictions imposed on that land by that subsection is registered in the prescribed manner in the register of local land charges of the council of the county borough, metropolitan borough or county district in which that land is situated ;

(b) in relation to any person who is an owner, lessee or occupier of that land at the time when the application for registration is made unless either—

(i) notice of the application or of the registration has been served on him ; or

(ii) the said restrictions arise from a wayleave order of which a copy was served on him under paragraph 7 of the Second Schedule to this Act.

(3) The power conferred by subsection (6) of section fifteen of the Land Charges Act, 1925, to make rules for giving effect

to the provisions of that section shall be exercisable for giving effect to the foregoing provisions of this section ; and in the said foregoing provisions the expression "prescribed" means prescribed by rules made in the exercise of that power.

(4) Any rules made under the said subsection (6) for the purposes of this section shall include provision—

- (a) for cancelling the registration under this section of a draft wayleave order in a case where it is decided not to make any order ;
- (b) for varying the registration of a draft wayleave order in a case where the order as made differs from that draft ;
- (c) for varying or cancelling any registration under this section in a case where—
 - (i) the wayleave order to which it relates is varied or revoked ; or
 - (ii) any restriction imposed by subsection (1) of the last foregoing section is modified or ceases to have effect.

(5) The foregoing provisions of this section shall not apply to Scotland, but as respects land in Scotland—

- (a) the Minister by whom a wayleave order is made shall as soon as may be record in the appropriate register of sasines the wayleave order and any order varying or revoking that order ; and the rights conferred by any such order shall not be exercisable against any person acquiring any interest in any land to which the order applies unless the order has been so recorded before the completion of the acquisition ;
- (b) except in the case of land to which a wayleave order applies, the Minister with whose consent restrictions imposed on any land by subsection (1) of the last foregoing section may be disregarded shall record as aforesaid notice of those restrictions and of any modification or cesser thereof, and the said subsection (1) shall not take effect as respects that land until the said notice has been so recorded and shall not take effect in relation to any person who is an owner, lessee or occupier of that land at the time when the notice is so recorded unless either—
 - (i) such a notice has also been served on him ; or
 - (ii) the restrictions arise from a wayleave order of which a copy has been served on him under paragraph 7 of the Second Schedule to this Act.

(6) The foregoing provisions of this section shall not apply to Northern Ireland, but as respects land in Northern Ireland—

- (a) a wayleave order and restrictions imposed by subsection (1) of the last foregoing section shall be included amongst the matters which are required to be registered in the Statutory Charges Register ; and accordingly the

following paragraph shall be added after paragraph (m) of subsection (1) of section two of the Statutory Charges Register Act (Northern Ireland), 1951, that is to say—

“(n) a wayleave order made under section fourteen of the Land Powers (Defence) Act, 1958, and restrictions imposed by subsection (1) of section sixteen of that Act”;

(b) except in the case of land to which a wayleave order applies, subsection (1) of the last foregoing section shall not take effect as respects any land until the restrictions imposed on that land by that subsection have been registered as aforesaid and shall not take effect in relation to any person who is an owner, lessee or occupier of that land at the time when the application for that registration is made unless either—

(i) there has been served on him notice either of the application or of the registration or of the giving of a priority notice in connection therewith under section four of the said Act of 1951; or

(ii) the said restrictions arise from a wayleave order of which a copy was served on him under paragraph 7 of the Second Schedule to this Act.

Compensation
in respect of
wayleave
orders and
restrictions
under s. 16.

18.—(1) If by virtue of a wayleave order the value of any interest in land which comprises, or is held with, land to which the order applies is depreciated, being an interest subsisting at the time when the order was made, there shall be payable in respect of that interest by the Minister by whom the order was made compensation of an amount equal to the amount of the depreciation.

(2) If, in the case of any land other than land which comprises, or is held with, land to which a wayleave order applies, the value of any interest in that land is depreciated in consequence of restrictions imposed by subsection (1) of section sixteen of this Act, being an interest subsisting at the time when that subsection takes effect as respects that land, there shall be payable in respect of that interest by the Minister with whose consent those restrictions may be disregarded compensation of an amount equal to the amount of the depreciation:

Provided that compensation under this subsection shall not be payable in respect of any land if compensation in respect of that land has been paid under section thirteen of the Requisitioned Land and War Works Act, 1948, and it is shown that the whole or part of that compensation is attributable to the provisions of subsection (6) of section twelve of that Act.

(3) Any person who, in consequence of the exercise of the rights conferred by a wayleave order, suffers loss by reason of damage to, or is disturbed in the enjoyment of, any land or chattels shall be entitled to compensation in respect of that damage or disturbance from the Minister by whom the order was made.

(4) The Treasury may by regulations require, as a condition of the payment of compensation under this section, that, except in such circumstances as may be prescribed by the regulations, a claim shall be made in the form and manner so prescribed, and within such period as may be determined by or under the regulations.

(5) Any dispute as to a right to compensation under this section, or as to the amount of any such compensation, shall be determined by the Lands Tribunal.

Provisions relating to Postmaster-General

19.—(1) Where the Postmaster-General is satisfied with respect to any land—

Acquisition
of land by
Postmaster-
General.

(a) that the land is needed for the purposes of an installation required for telegraphic or telephonic communications ;
and

(b) that the installation in question is or will be used wholly or mainly for defence purposes, or forms or will form part of a system essential for the defence of the realm,

then, subject to the provisions of Part I of the Second Schedule to this Act, the Postmaster-General may by order provide that Part II of that Schedule shall have effect for the purpose of the acquisition by him of that land.

(2) In this section “telegraphic or telephonic communications” includes communications by wireless telegraphy within the meaning of the Wireless Telegraphy Act, 1949.

20.—(1) Part IV of the Requisitioned Land and War Works Act, 1945 (which relates to telegraphic lines constructed by the Postmaster-General in the exercise of emergency powers) shall have effect in relation to any deep line constructed by the Postmaster-General after the twenty-fourth day of February, nineteen hundred and forty-six (being the end of the war period for the purposes of the said Part IV) in the exercise of powers conferred by the Defence (General) Regulations, 1939, as it has effect in relation to deep lines constructed by the Postmaster-General in the exercise of such powers before that day:

Deep
telegraphic
lines.

Provided that, for the purposes of the application of the said Part IV to a deep line by virtue of this section, the provisions of sections twenty-three and twenty-five of that Act shall apply with the omission—

(a) in the said section twenty-three, of the words “as from the end of the war period or such earlier date as may be fixed in relation thereto by the Postmaster-General”; and

(b) in subsection (2) of the said section twenty-five, of the words “after the end of the war period”.

(2) In this section, the expression “deep line” has the meaning assigned by subsection (5) of the said section twenty-five.

Miscellaneous and general

Power to enter and survey land.

21.—(1) Where by virtue of any of the provisions of this Act any duty is to be performed, or any power exercised, by a Minister, any person duly authorised in writing by that Minister may, at any reasonable time, enter upon any land, other than land covered by buildings, for the purpose of surveying that land in connection with, or with proposals for, the performance or exercise of that duty or power, and the provisions of the Fourth Schedule to this Act shall have effect in relation to the powers conferred by this subsection.

(2) Nothing in this section shall be construed as derogating from any right of entry under any other enactment, including any enactment contained in this Act.

Abolition and transfer of jurisdiction of General Claims Tribunal.

22.—(1) The General Claims Tribunal constituted under the Compensation (Defence) Act, 1939, shall cease to exist, and accordingly subsections (3) and (4) of section eight of that Act are hereby repealed; and any question which, but for the foregoing provisions of this subsection, would fall to be determined by the said Tribunal shall be referred to and determined by the Lands Tribunal.

(2) This section shall come into force on such day as Her Majesty may by Order in Council appoint, and any proceedings pending before the General Claims Tribunal immediately before the day so appointed shall be continued before the Lands Tribunal, who may give any necessary directions as to the manner in which any such proceedings are to be so continued.

Provisions as to service.

23.—(1) Any document required or authorised to be served on any person under this Act or, by virtue of this Act, under any other enactment may be served either by delivering it to that person, or by leaving it at his proper address, or by post, so, however, that the document shall not be duly served by post unless it is sent by registered letter.

(2) Any such document required or authorised to be served upon an incorporated company or body shall be duly served if it is served upon the secretary or clerk of the company or body.

(3) For the purposes of this section and of the application thereto of section twenty-six of the Interpretation Act, 1889, the proper address of any person upon whom any such document as aforesaid is to be served shall, in the case of the secretary or clerk of any incorporated company or body, be that of the registered or principal office of the company or body, and in any other case be the last-known address of the person to be served:

Provided that, where the person to be served has furnished an address for service, being an address in the United Kingdom, his proper address for the purposes aforesaid shall be the address furnished.

(4) Where any such document as aforesaid is to be served by a Minister upon the owner, lessee or occupier of any land and that Minister is satisfied in relation to that land that reasonable inquiry has been made and that it is not practicable to ascertain whether or not there is, or what is the name or address of, any person who is the owner, lessee or occupier of that land, the document shall be deemed to have been duly served on any such person on whom it has for that reason not been served in accordance with the foregoing provisions of this section if it is addressed to all or such as may be appropriate of the following, that is to say, "the owners", "any lessee" and "any occupier" of the land (describing it), and is delivered to some responsible person on the land or, where there is no such person on the land to whom it may be delivered, if the document or a copy thereof so addressed is affixed to some conspicuous object on the land.

24.—(1) Any power conferred by this Act to make regulations shall be exercisable by statutory instrument and any such instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament. Regulations and orders.

(2) Any power to make orders conferred by any provision of this Act shall include power to vary or revoke any previous order made under that provision.

25.—(1) In this Act, except in so far as the context otherwise requires, the following expressions have the following meanings respectively, that is to say:— Interpretation] —general and in relation to Scotland and Northern Ireland.

"defence purposes" includes any purpose of any of Her Majesty's naval, military or air forces, the service of any visiting force within the meaning of Part I of the Visiting Forces Act, 1952, and any purpose of the Minister of Supply connected with the service of any of the forces aforesaid;

"enactment" includes an enactment of the Parliament of Northern Ireland;

"land" includes land covered by water;

"manœuvres commission" has the meaning assigned by subsection (1) of section three of this Act;

"manœuvres Order" means an Order in Council authorising the execution of manœuvres made under section one of the Military Manœuvres Act, 1897;

"Minister" (except where the reference is to a particular Minister) means any Minister of the Crown or the Admiralty;

"occupier" in relation to any land which is not occupied means the person for the time being entitled to possession of that land;

“oil installations” means any works for the storage or transmission of oil (including oil pipe-lines and works accessory to oil pipe-lines) and any works for giving access to, or otherwise required in connection with, any such works ;

“oil pipe-line” means any main or pipe for the transmission of oil, or for the transmission of water or any other substance in connection with the storage or transmission of oil, or any part of such a main or pipe ;

“owner” in relation to any land—

(a) in the case of land other than land in Scotland, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement the unexpired term of which exceeds three years ;

(b) in the case of land in Scotland, includes any person who, under the Lands Clauses Acts, would be enabled to sell and convey the land to the promoters of an undertaking and a tenant of the land under a lease the unexpired term of which exceeds three years ;

“wayleave order” has the meaning assigned by subsection (1) of section fourteen of this Act.

(2) In the application of this Act to Scotland—

(a) the expression “chattels” means corporeal moveables ;

(b) the expression “easement” means a servitude or similar right ;

(c) for any reference to the Lands Tribunal there shall be substituted a reference to the Lands Tribunal for Scotland, so, however, that until sections one to three of the Lands Tribunal Act, 1949, come into force as regards Scotland, this Act shall have effect in relation to Scotland as if for any reference to the Lands Tribunal there were substituted a reference to an official arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, and sections three, five and six of the said Act of 1919 shall apply, subject to any necessary modifications, in relation to the determination of any dispute under this Act by an arbiter so appointed.

(3) In the application of this Act to Northern Ireland—

(a) for any reference to the Lands Tribunal there shall be substituted a reference to an official arbitrator appointed under section one of the Acquisition of Land (Assessment of Compensation) Act, 1919 ; and any such

arbitrator shall be selected in accordance with rules made by the reference committee under the said section one; and rules so made may make provision with respect to the reference and determination of any dispute under this Act falling to be determined by such an arbitrator and may apply any of the provisions of sections three to six of the said Act of 1919 with such modifications as may be necessary;

- (b) references to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland;
- (c) any reference to an enactment of the Parliament of Northern Ireland, or to an enactment which that Parliament has power to amend, shall be construed as a reference to that enactment as amended by any Act of that Parliament, whether passed before or after this Act, and to any enactment of that Parliament passed after this Act and re-enacting the said enactment with or without modifications.

(4) References in this Act to the maintenance of an oil pipeline or of works accessory thereto shall be construed as including references to the replacing thereof, and the provisions of this Act shall apply to anything laid, installed or constructed by way of replacement as they previously applied to the thing replaced.

(5) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any other enactment, including this Act.

26.—(1) There shall be defrayed out of moneys provided by Parliament— Expenses.

- (a) any expenditure attributable to the provisions of this Act incurred by any Minister of Her Majesty's Government in the United Kingdom or by the Admiralty; and
- (b) any increase so attributable in the sums payable out of moneys so provided under Part I of the Local Government Act, 1948, or the Local Government (Financial Provisions) (Scotland) Act, 1954, as amended by the Valuation and Rating (Scotland) Act, 1956.

(2) Any amount recovered under this Act by any such Minister as aforesaid or by the Admiralty shall be paid into the Exchequer.

27.—(1) This Act may be cited as the Land Powers (Defence) Act, 1958. Short title and extent.

(2) Sections two to six and twelve of this Act, except subsection (5) of the said section two, shall not extend to Northern Ireland.

SCHEDULES

FIRST SCHEDULE

Section 2.

MINOR AMENDMENTS TO MILITARY MANŒUVRES ACTS, 1897 AND 1911

The Military Manœuvres Act, 1897

(60 and 61 Vict., c. 43)

1. In sections one and two, subsection (1) of section six, and section seven, for the words "military manœuvres" wherever they occur there shall be substituted the words "defence manœuvres".

2. In paragraph (a) of section two, the word "military" in the first place where it occurs shall be omitted.

3. In section two and in subsection (2) of section three, for the words "officer in command of the authorised forces" there shall be substituted the words "officer directing the manœuvres".

4. In subsection (1) of section three—

(a) any reference to a road or to a footpath shall be construed as a reference to a highway, and the expression "highway" in its application to Scotland shall be deemed to include any public right of way ;

(b) for the words "military officers in command of the forces" in both places where they occur there shall be substituted the words "persons belonging to the authorised forces" ;

(c) for the words "commissioned officer in command of the authorised forces or of part thereof" there shall be substituted the words "person authorised in that behalf by the Secretary of State" ;

(d) for the words "a time", in both places where they occur, there shall be substituted the words "any part of the specified period" ;

(e) for the words "county, or main, or parish, road" there shall be substituted the words "highway which is a trunk road or a special road within the meaning of the Special Roads Act, 1949, or which is repairable by the inhabitants at large or, in Scotland, maintained and managed by a county or town council" ;

(f) for the words "sitting in petty sessions in the petty sessional division or divisions" there shall be substituted the words "sitting in petty sessions in the petty sessions area as defined by the Magistrates' Courts Act, 1952, or, in Scotland, sitting in justice of the peace court for the area" ;

(g) for the words "seven days notice" there shall be substituted the words "not less than seven days notice".

5. In subsection (2) of section three, for the word "give" there shall be substituted the words "provide for the giving of".

6. In subsection (4) of section six, the words from "and for this purpose" onwards shall be omitted.

7. In subsection (1) of section seven, after the word "vehicle" there shall be inserted the words "or other property".

8. In section eight, in paragraph (1) the words from "The expression" onwards shall be omitted and for paragraph (2) there shall be substituted the following paragraph—

1st SCH.
—cont.

"(2) Any question falling to be determined by arbitration shall be determined by a single arbiter appointed, in default of agreement, by the sheriff on the application of any party to the question".

The Military Manœuvres Act, 1911

(1 and 2 Geo. 5, c. 44)

9. In section one—

- (a) in subsection (1) for the words from "the consent" to "Verderers" there shall be substituted the words "the consent of the Verderers of the New Forest";
- (b) in subsection (2) for the words "military manœuvres" there shall be substituted the words "defence manœuvres".

10. In section three—

- (a) the expression "general or field officer" shall be deemed to include any officer of corresponding naval or air force rank;
- (b) after the word "day" there shall be inserted the words "of the specified period";
- (c) for the words "the use of" there shall be substituted the words "any right of way over";
- (d) any reference to a road or to a footpath shall be construed as mentioned in sub-paragraph (a) of paragraph 4 of this Schedule.

SECOND SCHEDULE

Sections 6, 10,
11, 13, 14, 17, 19.

PROVISIONS WITH RESPECT TO CERTAIN ORDERS

PART I

Procedure for making certain orders

1. The provisions of this Part of this Schedule shall have effect for the purpose of the making by any Minister of an order under section six, ten, eleven, thirteen, fourteen or nineteen of this Act.

2.—(1) Before making the order the Minister shall prepare a draft thereof, describing by reference to a map the land to which the draft order applies, and serve on every owner, lessee or occupier of any of that land (except tenants for a month or any period less than a month) notice that he proposes to make the order; and any such notice—

- (a) except where it is accompanied by a copy of the draft order, shall state the effect thereof and name a place where a copy may be inspected during reasonable hours, being a place reasonably near to and accessible from the land in question;
- (b) except where it is accompanied by a copy of the said map, shall name a place where a copy of that map may be inspected during reasonable hours, being such a place as aforesaid;

2ND SCH.
—cont.

(c) shall specify the time (not being less than twenty-one days from the service of the notice) within which, and the manner in which, objections to the order may be made.

(2) Where a notice is required to be served under this paragraph on the owner of any land which is ecclesiastical property, a like notice shall be served on the Church Commissioners.

In this sub-paragraph the expression "ecclesiastical property" means land (not being land in Scotland, Northern Ireland, Wales or Monmouthshire) belonging to any ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of a bishop of any diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.

3. If no objection is duly made by any such owner, lessee or occupier as aforesaid or if all objections so made are withdrawn, the Minister may make the order either in the form of the draft or, subject to paragraph 6 of this Schedule, with modifications.

4.—(1) If any objection duly made as aforesaid is not withdrawn, the Minister shall afford to the person by whom that objection was made an opportunity to appear before, and be heard by, a person appointed by the Lord Chancellor to hold an inquiry into the proposal to make the order :

Provided that the Minister shall not be required to afford any person an opportunity to appear and be heard as aforesaid otherwise than in private.

(2) The person holding an inquiry under the foregoing sub-paragraph shall report thereon to the Minister who, after considering the report and the objection, may make the order either in the form of the draft or, subject to paragraph 6 of this Schedule, with modifications.

(3) The Lord Chancellor shall by statutory instrument make rules of procedure for the purposes of inquiries held under this paragraph, including rules—

(a) as to the information with respect to the Minister's reasons for proposing to make the order, the findings and recommendations of the person holding the inquiry, the Minister's decision on those findings and recommendations, and the Minister's reasons for any departure from those recommendations, to be furnished by the Minister to persons afforded such an opportunity as aforesaid as being owners, lessees or occupiers of any land ;

(b) as to the furnishing by the Minister to the person holding the inquiry of explanations of the Minister's reasons for proposing to make the order and of evidence in support thereof.

(4) The person appointed to hold an inquiry under this paragraph shall be paid by the Minister such remuneration and allowances as the Lord Chancellor may, with the approval of the Treasury, determine.

5. The Minister may require any person who has made an objection to state in writing the grounds thereof, and any such objection which the Minister is satisfied relates exclusively to matters of compensation may be disregarded for the purposes of the two last foregoing paragraphs.

6. The order shall not be made with any modification from the draft unless either—

2ND SCH.
—cont.

- (a) every person who is an owner, lessee or occupier of any land to which the order applies which is affected by that modification, other than a tenant for a month or any period less than a month, has been served with notice of the proposal to make the modification and either has consented thereto or has not before the expiration of fourteen days from the service of the notice notified the Minister in writing that he objects thereto ; or
- (b) the modification arises from representations made at an inquiry into the proposal to make the order held under paragraph 4 of this Schedule or from the findings or recommendations of the person holding that inquiry, and every person such as is mentioned in the foregoing sub-paragraph was served with such a notice of that proposal as is mentioned in paragraph 2 of this Schedule and afforded an opportunity to appear and be heard at the inquiry.

7. If the order is made, the Minister shall serve on every person who is an owner, lessee or occupier of any land to which the order applies, and on any other person upon whom such a notice of the proposal to make the order as is mentioned in paragraph 2 of this Schedule was served, a copy of the order and either a copy of the map referred to in the order or a notice naming a place where that map may be inspected during reasonable hours, being a place reasonably near to and accessible from the land to which the order applies.

8. If, where the order is made; any person aggrieved thereby, being a person required to be served with a copy of the order under the last foregoing paragraph, desires to question the validity thereof or of any provision contained therein on the ground that the making of the order or the inclusion of that provision was not authorised by this Act or on the ground that any requirement of this Act or of any rules made under sub-paragraph (3) of paragraph 4 of this Schedule has not been complied with in relation to the order, he may, not later than the expiration of six weeks from the date on which he is served as aforesaid, make an application to the High Court, and on any such application the court—

- (a) may by interim order suspend the operation of the order or any provision contained therein, either generally or in so far as it affects any property of the applicant or a part of any such property, until the final determination of the proceedings ;
- (b) if satisfied that the making of the order or the inclusion of any provision therein was not authorised by this Act or that the interests of the applicant have been substantially prejudiced by failure to comply with any requirement of this Act or of any such rules as aforesaid in relation to the order, may quash the order or any provision contained therein, either generally or in so far as it affects any property of the applicant or a part of any such property.

9. Subject to the provisions of the last foregoing paragraph, the order shall not, either before or after it has been made, be questioned

2ND SCH.
—cont.

in any legal proceedings whatsoever, and shall become operative as soon as it is made.

10. In the application of this Part of this Schedule in relation to land in Scotland—

- (a) in sub-paragraphs (1) and (4) of paragraph 4 thereof, for references to the Lord Chancellor there shall be substituted references to the Secretary of State ;
- (b) in sub-paragraph (3) of the said paragraph 4, for the words “ Lord Chancellor ” there shall be substituted the words “ Secretary of State after consultation with the Lord President of the Court of Session ” ; and
- (c) in paragraph 8 thereof, for references to the High Court there shall be substituted references to the Court of Session.

11. In the application of this Part of this Schedule in relation to land in Northern Ireland—

- (a) in sub-paragraphs (1) and (4) of paragraph 4 thereof, for references to the Lord Chancellor there shall be substituted references to the Lord Chief Justice of Northern Ireland ;
- (b) in sub-paragraph (3) of the said paragraph 4, after the words “ Lord Chancellor ” there shall be inserted the words “ after consultation with the Lord Chief Justice of Northern Ireland ” ; and
- (c) in paragraph 8 thereof, references to the High Court shall be construed as references to the High Court in Northern Ireland.

PART II

Acquisition of land, etc., under certain orders

12. The provisions of this Part of this Schedule shall apply where an order is made under section thirteen or nineteen of this Act for the purpose of the acquisition of any land, or of any easement over or right restrictive of the user of any land, by the Minister of Power or, as the case may be, by the Postmaster-General.

13. The following enactments, that is to say—

- (a) the Defence Act, 1842, except sections five, six, eight, twenty-three, thirty-seven, thirty-nine and forty-one ;
- (b) the Defence Act, 1854 ;
- (c) the Defence Act, 1859 ;
- (d) section seven of the Lands Clauses Consolidation Acts Amendment Act, 1860, with the omission from the proviso thereto of the words from “ authorize ” to “ 1842, or ” ;
- (e) section forty-six of the Defence Act, 1860, and the provisions thereby applied ;
- (f) section seven of the Militia (Lands and Buildings) Act, 1873 ;
- (g) the Defence Acts Amendment Act, 1873 ;
- (h) Part VII of the Requisitioned Land and War Works Act, 1945,

shall have effect for the purpose of the acquisition, holding, management, use and disposal in any manner of the land, easement or

right to which the order applies as if references in those enactments in whatever terms to the principal officers of Her Majesty's ordnance or to the Secretary of State for the War Department or to the ordnance department included references to the Minister of Power, or, as the case may be, the Postmaster-General, and to his department.

2ND SCH.
—cont.

14. Notice to treat for the compulsory acquisition under the enactments aforesaid of any land, easement or right to which the order applies may be served notwithstanding that the provisions of section sixteen of the Defence Act, 1842, with respect to the surveying and marking out of land have not been complied with, and references in the enactments aforesaid to land surveyed and marked out under that section shall be construed as including references to land described in a notice to treat for the acquisition thereof.

15. At any time after serving any such notice to treat as aforesaid for the acquisition of any land, easement or right which falls to be served on any owner, lessee or occupier of any land affected and after serving on every owner, lessee or occupier of that land not less than fourteen days' notice, the Minister of Power or, as the case may be, the Postmaster-General may enter on and take possession of, or exercise any of the rights to be acquired with respect to, the land (or such part thereof as is specified in the last-mentioned notice) without previous consent or compliance with any relevant requirements of any of the enactments aforesaid, but subject to the payment of the like compensation as would have been payable if those requirements had been complied with, and, where possession is taken of the land, subject to the payment of interest on that compensation from the date of entry at the rate for the time being in force for the purposes of the following enactment, that is to say—

- (a) in the case of land in England or Wales, subsection (2) of section fifty-seven of the Town and Country Planning Act, 1947 ;
- (b) in the case of land in Scotland, subsection (2) of section fifty-four of the Town and Country Planning (Scotland) Act, 1947 ;
- (c) in the case of land in Northern Ireland, subsection (1) of section fourteen of the Administrative and Financial Provisions Act (Northern Ireland), 1956.

16. Where any such notice to treat or of intended entry as aforesaid is required to be served on an owner of land which is ecclesiastical property as defined in paragraph 2 of this Schedule, a like notice shall be served on the Church Commissioners ; and any compensation in respect of the acquisition which, apart from this paragraph, would have been payable to the owner of the land shall be paid to the Church Commissioners to be applied for the purposes for which the proceeds of a sale by agreement of the land would be applicable under any enactment or Measure authorising such a sale or disposing of the proceeds of such a sale.

Section 8.

THIRD SCHEDULE

STOPPING UP AND DIVERSION OF HIGHWAYS IN NORTHERN IRELAND

1. The powers exercisable by the Ministry of Commerce for Northern Ireland under section seventeen of the Roads Act (Northern Ireland), 1948 (which empowers that Ministry to authorise the stopping up or abandonment of a road, and the provision or improvement of another road or roads in substitution therefor, upon being notified of such a resolution as is referred to in subsection (1) of that section) shall also be exercisable without any such notification or resolution where—

- (a) land is, or is to be, used by a Secretary of State, the Admiralty or the Minister of Supply for the purposes of an installation provided or to be provided for defence purposes, or is used by a manufacturer of aircraft as an airfield wholly or mainly in connection with the manufacture of aircraft for defence purposes ; and
- (b) the Ministry of Commerce for Northern Ireland is satisfied that, for the land to be so used efficiently without danger to the public, it is necessary that a highway should be stopped up or abandoned.

2. Where, in the circumstances specified in sub-paragraphs (a) and (b) of the foregoing paragraph, it appears to the Ministry of Commerce for Northern Ireland that it is not necessary that the road should be stopped up for more than a limited period, the powers conferred by the said section seventeen shall be exercisable so as to provide for the stopping up of the road during such period as may be prescribed by or under an order made under that section and for the restoration of the road at the end of that period.

3. Any order made in accordance with the last foregoing paragraph which provides for the provision of another road in substitution for a road stopped up by the order may also contain such provisions as appear to the Ministry of Commerce for Northern Ireland to be expedient for the stopping up, at the expiration of the period prescribed by or under the order, of that other road and for the original road to be reconstructed at the expense of such of the Ministers referred to in sub-paragraph (a) of paragraph 1 of this Schedule as may be specified in the order and thereafter maintained by any person who would for the time being have been liable for its maintenance if it had never been stopped up.

4. The powers conferred on the Ministry of Commerce for Northern Ireland by virtue of this Schedule shall be exercisable for the purpose of authorising in the circumstances specified in sub-paragraphs (a) and (b) of paragraph 1 of this Schedule the stopping up or abandonment of a road which is temporarily stopped up or diverted under any enactment of the Parliament of the United Kingdom or which is temporarily stopped up under an order made by virtue of paragraph 2 of this Schedule.

5. Where, in the circumstances specified in the said sub-paragraphs (a) and (b), it is agreed between the Ministry of Commerce for Northern Ireland and such of the Ministers referred to in the said

sub-paragraph (a) as is concerned that another road ought to be provided or improved in substitution for the road to be stopped up or abandoned, the powers conferred upon the said Ministry by section thirty-four of the said Act of 1948 shall be exercisable for the purpose of acquiring any land required in connection with the provision or improvement of that other road, and any expenditure incurred by any person in acquiring such land and carrying out such works as may be agreed as aforesaid to be necessary for the provision or improvement of that other road shall be defrayed by the Minister aforesaid.

3RD SCH.
—cont.

FOURTH SCHEDULE

Sections 9, 10,
15, 16, 21.

SUPPLEMENTARY PROVISIONS AS TO EXERCISE OF CERTAIN POWERS

1. A person entering on any land in the exercise of powers in relation to which this paragraph applies shall, if so required, produce written evidence of his authority before so entering, and shall not demand admission as of right unless not less than seven days' notice in writing of the intended entry has been given to the occupier.

2. Any person who wilfully obstructs a person acting in the exercise of any powers in relation to which this paragraph applies shall be liable on summary conviction to a fine not exceeding twenty pounds.

3. Any person who, in consequence of the exercise of any power in relation to which this paragraph applies, suffers loss by reason of damage to, or is disturbed in the enjoyment of, any land or chattels shall be entitled to compensation in respect of that damage or disturbance from the Minister or local authority on whose behalf the power is exercised; and any dispute as to a right to compensation under this paragraph, or as to the amount of any such compensation, shall be determined by the Lands Tribunal.

4. Any power to survey land included in powers in relation to which this paragraph applies shall be construed as including power to search and bore for the purpose of ascertaining the nature of the subsoil:

Provided that, in relation to the exercise of the power to search and bore, paragraph 1 of this Schedule shall have effect as if for the reference to seven days' notice there were substituted a reference to twenty-eight days' notice.



Table of Statutes referred to in this Act

Short Title	Session and Chapter
Defence Act, 1842	5 & 6 Vict. c. 94.
Railways Clauses Consolidation Act, 1845 ...	7 & 8 Vict. c. 20.
Railways Clauses Consolidation (Scotland) Act, 1845	7 & 8 Vict. c. 33.
Defence Act, 1854	17 & 18 Vict. c. 67.
Defence Act, 1859	22 Vict. c. 12.
Lands Clauses Consolidation Acts Amendment Act, 1860	23 & 24 Vict. c. 106.
Defence Act, 1860	23 & 24 Vict. c. 112.
Militia (Lands and Buildings) Act, 1873 ...	36 & 37 Vict. c. 68.
Defence Acts Amendment Act, 1873 ...	36 & 37 Vict. c. 72.
Electric Lighting Act, 1882	45 & 46 Vict. c. 56.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Military Manœuvres Act, 1897	60 & 61 Vict. c. 43.
Military Lands Act, 1900	63 & 64 Vict. c. 56.
Military Manœuvres Act, 1911	1 & 2 Geo. 5. c. 44.
Ancient Monuments Consolidation and Amend- ment Act, 1913	3 & 4 Geo. 5. c. 32.
Acquisition of Land (Assessment of Compen- sation) Act, 1919	9 & 10 Geo. 5. c. 57.
Land Charges Act, 1925	15 & 16 Geo. 5. c. 22.
Compensation (Defence) Act, 1939	2 & 3 Geo. 6. c. 75.
Requisitioned Land and War Works Act, 1945	8 & 9 Geo. 6. c. 43.
Supplies and Services (Transitional Powers) Act, 1945	9 & 10 Geo. 6. c. 10.
Town and Country Planning Act, 1947 ...	10 & 11 Geo. 6. c. 51.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6. c. 53.
Requisitioned Land and War Works Act, 1948	11 & 12 Geo. 6. c. 17.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Special Roads Act, 1949	12, 13 & 14 Geo. 6. c. 32.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6. c. 42.
Wireless Telegraphy Act, 1949	12, 13 & 14 Geo. 6. c. 54.
Civil Aviation Act, 1949	12, 13 & 14 Geo. 6. c. 67.
Public Utilities Street Works Act, 1950 ...	14 Geo. 6. c. 39.
Supplies and Services (Defence Purposes) Act, 1951	14 & 15 Geo. 6. c. 25.
Mineral Workings Act, 1951	14 & 15 Geo. 6. c. 60.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.
Visiting Forces Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 67.
Historic Buildings and Ancient Monuments Act, 1953	1 & 2 Eliz. 2. c. 49.
Local Government (Financial Provisions) (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 13.
Valuation and Rating (Scotland) Act, 1956 ...	4 & 5 Eliz. 2. c. 60.

CHAPTER 31

An Act to restrict the imprisonment of first offenders.
[7th July, 1958]

BE it enacted by the Queen'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) A magistrates' court shall not pass sentence of imprisonment on a first offender of or over the age of twenty-one, unless the court is of opinion that no other method of dealing with him is appropriate; and subsection (2) of section seventeen of the Criminal Justice Act, 1948, shall apply for the purpose of determining whether any other method of dealing with such a person is appropriate as it applies for the purpose of determining whether any other method of dealing with a person under the age of twenty-one is appropriate.

Restriction on imprisonment of first offenders. 11 & 12 Geo. 6. c. 58.

(2) Subsection (3) of section one hundred and seven of the Magistrates' Courts Act, 1952 (which requires a magistrates' court which imposes imprisonment on a person under the age of twenty-one to state the reason for its opinion that no other method of dealing with him is appropriate and to cause that reason to be specified in the warrant of commitment and to be entered in the register) shall, with the necessary modifications, apply where a first offender of or over the age of twenty-one is sentenced to imprisonment as it applies where imprisonment is imposed on a person under that age.

15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.

(3) A person falling to be dealt with for an offence shall be treated for the purposes of this Act as a first offender if, but only if, he has not since attaining the age of seventeen been convicted of any other offence, except an offence not punishable with imprisonment; and the question whether he has been so convicted shall be determined without regard to section twelve of the Criminal Justice Act, 1948, or section nine of the Criminal Justice (Scotland) Act, 1949 (which relate to the effects of probation and discharge) or any corresponding enactment of the Parliament of Northern Ireland.

12, 13 & 14 Geo. 6. c. 94.

2.—(1) This Act may be cited as the First Offenders Act, 1958.

(2) This Act shall come into operation at the expiration of a period of one month beginning with the day on which it is passed.

Short title, commencement and extent.

(3) This Act does not extend to Scotland or Northern Ireland.

CHAPTER 32*Opticians Act, 1958*

ARRANGEMENT OF SECTIONS

The General Optical Council

Section

1. Establishment of General Optical Council.

Registration and training of opticians

2. Registers of opticians.
3. Qualifications for being registered.
4. Lists of bodies corporate carrying on business as opticians.
5. Approval of training institutions and qualifications.
6. Supervision of training institutions and qualifying examinations.
7. Supplementary provisions as to the registers and lists.
8. Publication of registers and lists.

Disciplinary Proceedings

9. Preliminary investigation of disciplinary cases.
10. The Disciplinary Committee.
11. Erasure from the register and list for crime, infamous conduct, etc.
12. Restoration of names erased as result of disciplinary cases, etc.
13. Erasure from register and list on grounds of fraud or error.
14. Appeals in disciplinary and other cases.
15. Procedure of Disciplinary Committee.
16. Assessors to Disciplinary Committee.

Committees of the Council

17. The Education Committee.
18. The Companies Committee.
19. General power to appoint committees.

Restrictions on testing of sight, supply of optical appliances and use of titles and descriptions

20. Restriction on testing of sight.
21. Restriction on sale and supply of optical appliances.
22. Penalty for pretending to be registered, etc.
23. Provision as to death or bankruptcy of registered optician.
24. Offences by bodies corporate.

*Miscellaneous***Section**

25. Miscellaneous matters with respect to which rules may be made.
26. The registrar.
27. Expenses and accounts of General Optical Council.
28. Powers of Privy Council on default by General Optical Council.
29. Exercise of powers conferred on Privy Council.
30. Interpretation.
31. Short title, extent and commencement.

SCHEDULE—Constitution, etc., of General Optical Council.

An Act to provide for the registration of opticians and the enrolment of bodies corporate carrying on business as opticians; to regulate the practice of opticians and the conduct by such bodies corporate of their business as opticians; to impose restrictions on the testing of sight and the supply of optical appliances; and for purposes connected therewith. [7th July, 1958]

BE it enacted by the Queen'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:—

The General Optical Council

1.—(1) There shall be a body to be called the General Optical Council which shall have the general function of promoting high standards of professional education and professional conduct among opticians and the additional functions assigned to the Council by or under this Act. Establishment of General Optical Council.

(2) The General Optical Council shall be constituted in accordance with the Schedule to this Act and the supplementary provisions contained in that Schedule shall have effect with respect to the Council.

Registration and Training of Opticians

2. The General Optical Council shall establish and maintain— Registers of opticians.
 - (a) two registers of ophthalmic opticians, one for the registration of persons engaged or proposing to engage both in the testing of sight and in the fitting and supply of optical appliances and the other for the registration of

persons engaged or proposing to engage in the testing of sight, but not in the fitting and supply of optical appliances ; and

(b) a register of dispensing opticians :

each containing the names, addresses and qualifications, and such other particulars as may be prescribed, of all persons who are entitled under the provisions of this Act to be registered therein and apply in the prescribed manner to be so registered.

Qualifications
for being
registered.

3.—(1) Any person who at the time of the establishment of the General Optical Council is entitled to have his name included in one of the health service ophthalmic lists, and whose name has not at that time been removed from one of those lists by direction of a health service tribunal, shall be entitled to be registered in the appropriate register

(2) Any person who on an application made not later than the day appointed for the coming into operation of the next following subsection satisfies the Council that he holds, or on an application made thereafter satisfies the Council that on that day he held, a qualification as an ophthalmic optician or dispensing optician recognised by them for the purposes of this subsection at the time of the application or on that day, whichever is the earlier, and that he has had adequate practical experience in the work of an ophthalmic or dispensing optician and is of good character shall be entitled to be registered in the appropriate register.

(3) Any person who after the day appointed for the coming into operation of this subsection satisfies the Council that he holds a qualification as an ophthalmic optician or dispensing optician for the time being approved by them under section five of this Act, being a qualification granted to him after receiving instruction from one or more of the institutions so approved, and that he has had adequate practical experience in the work of an ophthalmic or dispensing optician shall be entitled to be registered in the appropriate register.

(4) A person who at any time satisfies the Council that he holds a qualification as an ophthalmic optician or dispensing optician for the time being recognised by them for the purposes of this subsection, being a qualification granted outside the United Kingdom, and that he has had adequate practical experience in the work of an ophthalmic or dispensing optician and is of good character shall be entitled to be registered in the appropriate register.

(5) In the case of a person whose qualifications (including experience) are appropriate for an ophthalmic optician, both registers of ophthalmic opticians and the register of dispensing

opticians are appropriate registers for the purposes of this section and, in the case of a person whose qualifications (including experience) are only appropriate for a dispensing optician, the register of dispensing opticians is appropriate for those purposes, but a person shall not be registered at the same time in more than one register.

(6) Where the General Optical Council have refused to grant an application for registration under subsection (2) of this section, the Privy Council, on representations being made to them, may if they think fit, after considering the representations and after communicating with the General Optical Council, order the General Optical Council to grant the application.

4.—(1) The General Optical Council shall establish and maintain a list of bodies corporate carrying on business as ophthalmic opticians and a list of bodies corporate carrying on business as dispensing opticians, each containing the names, principal places of business and such other particulars as may be prescribed of the bodies which are entitled under the following provisions of this Act to be enrolled therein and apply in the prescribed manner to be so enrolled.

Lists of bodies corporate carrying on business as opticians.

(2) A body corporate shall be entitled to be enrolled in the appropriate list—

- (a) if it satisfies the General Optical Council that a majority of its directors are registered opticians or, in the case of a body corporate having only one director, that he is a registered optician ;
- (b) if its name or a name under which it carried on business was on the twentieth day of November, nineteen hundred and fifty-seven, included in one of the health service ophthalmic lists or if it subsequently came into existence on the reconstruction of a body corporate entitled to be enrolled by virtue of this paragraph ;
- (c) if it satisfies the Council that the greater part of its business consists of activities other than the testing of sight and the fitting and supply of optical appliances and that so much of its business as consists of the testing of sight is carried on under the management of a registered ophthalmic optician and that so much thereof as consists of the fitting and supply of optical appliances is carried on under the management of a registered optician ; or
- (d) if it is a society registered under the Industrial and Provident Societies Acts, 1893 to 1954, or the Industrial and Provident Societies Acts (Northern Ireland), 1893 to 1955, and if it satisfies the General Optical Council

that so much of its business as consists of the testing of sight, or of the fitting and supply of optical appliances, as the case may be, is carried on under such management as aforesaid:

Provided that a body corporate shall not be entitled to be enrolled by virtue of paragraph (b) of this subsection if its name, or the name of any body on whose reconstruction it came into existence, or a name under which it or any such body carried on business, has at any time been removed from one of the health service ophthalmic lists by direction of a health service tribunal or been erased from the list established under subsection (1) of this section on any ground mentioned in section eleven of this Act.

Approval
of training
institutions and
qualifications.

5.—(1) The General Optical Council may approve for the purposes of this Act any institution (hereafter in this Act referred to as “an approved training institution”) where the instruction given to persons training as opticians appears to the Council to be such as to secure to them adequate knowledge and skill for the practice of their profession.

(2) The General Optical Council may approve for the purposes of this Act any qualification (hereafter in this Act referred to as “an approved qualification”) which appears to the Council to be granted to candidates who reach such a standard of proficiency at a qualifying examination as to secure to them adequate knowledge and skill for the practice of their profession.

(3) An institution may be approved under this section as suitable for the giving of all, or some part of, the instruction necessary for the training of ophthalmic opticians or of dispensing opticians, or of both, and a qualification may be so approved as suitable to be granted to ophthalmic opticians or to dispensing opticians.

(4) Where the General Optical Council have refused to approve an institution or qualification under this section as suitable for any purpose, the Privy Council, on representations being made to them within one month of the refusal, may, if they think fit, after considering the representations and after communicating with the General Optical Council, order the General Optical Council to approve the institution or qualification as suitable for that purpose.

(5) The General Optical Council shall publish before the day appointed for the coming into operation of subsection (3) of section three of this Act, and from time to time thereafter, a list of approved training institutions and approved qualifications, indicating the purpose for which the approval was granted.

6.—(1) It shall be the duty of the General Optical Council to keep themselves informed of the nature of the instruction given by any approved training institution to persons training as opticians and of the examinations on the results of which approved qualifications are granted. Supervision
of training
institutions
and qualifying
examinations.

(2) For the purposes of their duty under the foregoing subsection the General Optical Council may appoint persons to visit approved training institutions and to attend at the examinations held by the bodies which grant approved qualifications.

(3) It shall be the duty of visitors appointed under the last foregoing subsection to report to the Council as to the sufficiency of the instruction given by the institutions visited by them, or of the examinations attended by them, and as to any other matters relating thereto which may be specified by the Council either generally or in any particular case, but no visitor shall interfere with the giving of any instruction or the holding of any examination.

(4) Where it appears to the Council (as a result of a report under the last foregoing subsection or otherwise) that the instruction given by any approved training institution to persons training as opticians or the examinations taken by such persons are not such as to secure the possession by them of adequate knowledge and skill for the practice of their profession and that by reason thereof the approval of the institution or qualification in question should be withdrawn, the Council shall give notice in writing to the institution or body of their opinion, sending therewith a copy of any report on which their opinion is based, and on the receipt of the notice the institution or body may, within such period (not being less than one month) as the Council may have specified in the notice, make to the Council observations on the notice and any report sent therewith or objections to the notice and report.

(5) As soon as may be after the expiration of the period specified under the last foregoing subsection the Council shall determine whether or not to withdraw their approval of the institution or qualification, as the case may be, taking into account any observations or objections duly made under that subsection.

(6) The Council shall give notice in writing of any decision under this section to withdraw approval of an institution or qualification to the institution or body concerned and the decision shall not take effect until the expiration of one month from the date of the giving of the notice or, if during that time the institution or body makes representations with respect to the decision to the Privy Council, until the representations are finally dealt with.

(7) Where an institution has been approved as suitable for more than one purpose, the Council may instead of entirely withdrawing approval of the institution withdraw approval in relation to one or some of the purposes only and references in the foregoing provisions of this section to the withdrawal of approval shall be construed accordingly.

(8) Where the General Optical Council have decided to withdraw approval of an institution or a qualification (whether entirely or to a limited extent), the Privy Council, on representations being made to them within one month from the giving of notice of the decision, may, if they think fit, after considering the representations and after communicating with the General Optical Council, order the General Optical Council to annul the withdrawal of approval or, in the case of an institution approved as suitable for more than one purpose, to withdraw approval in relation to one or some of the purposes only.

(9) The Council may pay to visitors appointed under this section such fees and such travelling and subsistence allowances, to be paid as part of the expenses of the Council, as the Council may with the approval of the Privy Council determine.

Supplementary provisions as to the registers and lists.

7.—(1) The General Optical Council may make rules with respect to the form and keeping of the registers and lists and the making of entries and alterations therein and, in particular,—

- (a) regulating the making of applications for registration or enrolment or for transfer from one register or list to another, and providing for the evidence to be produced in support of any such application ;
- (b) providing for the notification to the Council of any change in the particulars entitling a person to be registered or a body corporate to be enrolled ;
- (c) prescribing a fee to be charged on the entry of a name in, or the restoration of a name to, the register or list ;
- (d) prescribing a fee to be charged in respect of the retention in the register or list of any name in any year subsequent to the year in which that name was first entered in the register or list ;
- (e) providing for the entry in the register of qualifications (whether approved qualifications or not) possessed by persons whose names are registered therein and for the removal of such qualifications from the register, and prescribing a fee to be charged in respect of the entry ;
- (f) authorising the registrar of the General Optical Council to refuse to enter a name in, or restore it to, the register or list until a fee prescribed for the entry or restoration has been paid and to erase from the register or list

the name of a person who or body corporate which, after the prescribed notices and warnings, fails to pay the fee prescribed in respect of the retention of that name in the register or list ;

- (g) prescribing anything required or authorised to be prescribed by the provisions of this Act relating to the registers or lists.

(2) On registering the death of an ophthalmic or dispensing optician a registrar of births and deaths shall send forthwith by post to the registrar of the General Optical Council a copy certified under his hand of the entry relating to the death in the register of deaths ; and the cost of the certificate and of sending it by post shall be payable by the registrar of the Council to the registrar of births and deaths from whom it is received.

(3) Rules under this section which provide for the erasure of a name from the register or list on failure to pay a fee shall provide for its restoration thereto on the making of the prescribed application in that behalf and on payment of that fee and any additional fee prescribed in respect of the restoration.

(4) Rules under this section prescribing fees may provide for the charging of different fees in different classes of cases.

(5) Rules under this section shall not come into force until approved by order of the Privy Council, and the power to make any such order shall be exercisable by statutory instrument.

8.—(1) The General Optical Council shall cause the registers and lists to be printed and published within three years of the establishment of the Council and as often thereafter as they think fit. Publication of registers and lists.

(2) Where any of the registers or lists are not published in any year after the first publication thereof, the Council shall cause any alterations in the entries in that register or list which have been made since the last publication thereof to be printed and published within that year.

(3) A copy of any of the registers or lists purporting to be printed and published by the Council, shall, as altered by any alterations purporting to be printed and published by the Council, be evidence in all proceedings that the individuals specified in that register are registered therein or, as the case may be, that the bodies corporate specified in that list are enrolled therein ; and the absence of the name of any individual or body corporate from any such copy of a register or list shall be evidence, until the contrary is shown, that he is not registered or, as the case may be, that it is not enrolled therein.

(4) In the case of an individual whose name or a body corporate the name of which does not appear in any such copy

of a register or list as altered as aforesaid, a certified copy, under the hand of the registrar of the Council, of the entry relating to that individual or body corporate in the register or list shall be evidence of the entry.

Disciplinary Proceedings

Preliminary investigation of disciplinary cases.

9.—(1) The General Optical Council shall set up a committee, to be known as the Investigating Committee, for the preliminary investigation of cases in which it is alleged that an individual or body corporate is liable to have his or its name erased from the register or list on any ground specified in subsection (1), (2), (3) or (4) of section eleven of this Act.

Any such case is hereafter in this Act referred to as “a disciplinary case”.

(2) It shall be the function of the Investigating Committee to decide whether a disciplinary case ought to be referred to the Disciplinary Committee set up under the next following section to be dealt with by them in accordance with the following provisions of this Act.

(3) The General Optical Council shall make rules as to the constitution of the Investigating Committee, and any such rules shall include provision requiring the Investigating Committee, on the occasion of a disciplinary case involving an allegation against a body corporate or against a director or employee of a body corporate, to co-opt as a member of the committee for that occasion a person selected by them from whichever of the following panels is appropriate, that is to say, a panel of persons appointed by the General Optical Council as capable of representing the interests of bodies corporate carrying on business as ophthalmic opticians and a panel of persons appointed by the Council as capable of representing the interests of bodies corporate carrying on business as dispensing opticians, being, in either case, persons appointed after consultation with organisations appearing to the Council to represent the interests of a substantial number of the bodies concerned.

(4) Rules under this section shall not come into force until approved by order of the Privy Council, and the power to make any such order shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

The Disciplinary Committee.

10.—(1) The General Optical Council shall set up a committee, to be known as the Disciplinary Committee, for the consideration and determination of disciplinary cases referred to them under the last foregoing section and of any other cases of which they have cognizance under the following provisions of this Act.

(2) The General Optical Council shall make rules as to the constitution of the Disciplinary Committee, the times and places of the meetings of the Committee, the quorum and the mode of summoning the members thereof.

(3) Rules under this section shall secure that a person, other than the Chairman of the General Optical Council, who has acted in relation to any disciplinary case as a member of the Investigating Committee does not act in relation to that case as a member of the Disciplinary Committee.

(4) Rules under this section shall not come into force until approved by order of the Privy Council, and the power to make any such order shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

11.—(1) If any registered optician—

(a) is convicted by any court in the United Kingdom of any criminal offence, not being an offence which, owing to its trivial nature or the circumstances under which it was committed, does not render him unfit to have his name on the register, or

Erasure from the register and list for crime, infamous conduct, etc.

(b) is judged by the Disciplinary Committee to have been guilty of infamous conduct in any professional respect, the Committee may, if they think fit, direct that his name shall be erased from the register.

(2) If—

(a) an enrolled body corporate is convicted of an offence under this Act, or of aiding, abetting, counselling or procuring the commission of, or inciting another person to commit, such an offence, or

(b) in the case of a body corporate which is for the time being enrolled by virtue of paragraph (a), paragraph (c) or paragraph (d) of subsection (2) of section four of this Act, the Disciplinary Committee is of opinion that the condition, or any of the conditions, for the enrolment of the body corporate under that subsection is no longer satisfied,

the committee may, if they think fit, direct that the name of the body corporate shall be erased from the list.

Where a registered optician dies while he is either a director of an enrolled body corporate or the manager of that part of the business of an enrolled body corporate which consists of the testing of sight or the fitting and supply of optical appliances, he shall be deemed, for the purposes of this subsection, to have continued to be a director of that body or a manager of that part of its business, as the case may be, until the expiration of the three months beginning with the date of his death or until a

director or manager is appointed in his place, whichever occurs first.

(3) If it appears to the Disciplinary Committee that a registered optician or an enrolled body corporate has contravened or failed to comply with any rules made under section twenty-five of this Act and that the contravention or failure is such as to render the optician unfit to have his name on the register or the body corporate unfit to have its name on the list, the Disciplinary Committee may, if they think fit, direct that the name of the optician or body corporate shall be erased from the register or list.

(4) If it appears to the Disciplinary Committee that—

- (a) a registered optician or enrolled body corporate is engaged in the fitting and supply of optical appliances, and
- (b) that the arrangements made by the optician or body corporate for carrying on his practice or his or its business are not such as to secure that the fitting and supply of optical appliances in the course of that practice or business are carried out by, or under the supervision of, an ophthalmic optician registered in the register of ophthalmic opticians engaged or proposing to engage both in the testing of sight and in the fitting and supply of optical appliances or a registered dispensing optician,

the Committee may, if they think fit, direct that the name of the optician or body corporate shall be erased from the register or list.

(5) Where—

- (a) the name of a director of any such body corporate as aforesaid is erased from the register under subsection (1) of this section, or
- (b) a director of any such body corporate is convicted of an offence under this Act, or
- (c) the name of a registered optician employed by any such body corporate is erased from the register under subsection (1) of this section and the act or omission constituting the ground on which it was erased was instigated or connived at by a director of the body corporate, or, if the act or omission was a continuing act or omission, a director of the body corporate had or reasonably ought to have had knowledge of the continuance thereof,

the Disciplinary Committee may, if they think fit, direct that the name of the body corporate shall be erased from the list:

Provided that the Committee shall not take a case into consideration during any period within which proceedings by way

of appeal may be brought which may result in this subsection being rendered inapplicable in that case or while any such proceedings are pending.

(6) Where it appears to the Disciplinary Committee that a body corporate which carries on business as an ophthalmic or dispensing optician at more than one set of premises is liable to have its name erased from the list under this section and that the events giving rise to the liability were confined, or substantially confined, to a particular set of premises, the Committee may, instead of erasing the name of the body corporate from the list, direct that the body corporate shall not use the title of ophthalmic optician, dispensing optician, registered optician or enrolled optician in connection with that set of premises; and if at any time thereafter it appears to the Committee that the body corporate has contravened a direction in force under this subsection, the Committee may, if they think fit, erase the name of the body corporate from the list.

A direction under this subsection shall remain in force until revoked, on an application made to them in that behalf, by the Disciplinary Committee.

(7) When the Disciplinary Committee direct that the name of an individual or body corporate shall be erased from the register or list, or that a body corporate shall not use any of the titles specified in the last foregoing subsection in connection with a set of premises, the registrar shall serve on that individual or body a notification of the direction.

(8) A notification required to be served under the last foregoing subsection on an individual may be served by post in a registered letter addressed to him at his address in the register or at his last known address if that address differs from his address in the register and it appears to the registrar that service at his last known address would be more effective, and a notification required to be so served on a body corporate may be served by post in a registered letter addressed to it at its address in the list or at the address of its registered or principal office if that address differs from its address in the list and it appears to the registrar that service at its registered or principal office would be more effective.

12.—(1) Where the name of an individual or body corporate has been erased from one of the registers or lists in pursuance of a direction under the last foregoing section, the name of that individual or body corporate shall not again be entered in any of the registers or lists unless the Disciplinary Committee on application made to them in that behalf otherwise direct.

Restoration of names erased as result of disciplinary cases, etc.

(2) An application under the foregoing subsection for the restoration of a name to the register or list from which it has

been erased or for the entry of a name in one of the other registers or lists shall not be made to the Committee—

(a) within ten months of the date of erasure ; or

(b) within ten months of a previous application thereunder.

Erasure from register and list on grounds of fraud or error.

13.—(1) If it is proved to the satisfaction of the Disciplinary Committee that any entry in the register or list has been fraudulently or incorrectly made, the Committee may, if they think fit, direct that the entry shall be erased from the register or list.

(2) An individual may be registered or a company enrolled in pursuance of any provision of this Act notwithstanding that his or its name has been erased under this section, but if it was so erased on the ground of fraud, that individual or company shall not be registered or enrolled except on an application in that behalf to the Disciplinary Committee ; and on any such application the Committee may, if they think fit, direct that the individual or body corporate shall not be registered or enrolled, or shall not be registered or enrolled until the expiration of such period as may be specified in the direction.

(3) Where the Disciplinary Committee direct that the name of an individual or body corporate shall be erased from the register or list under this section, the registrar shall serve on that individual or body a notification of the direction, and subsection (8) of section eleven of this Act shall apply to any such notification as it applies to a notification required to be served under subsection (7) of that section.

Appeals in disciplinary and other cases.

14.—(1) At any time within twenty-eight days from the service of a notification that the Disciplinary Committee have under section eleven or section thirteen of this Act directed that the name of an individual or a body corporate be erased from the register or list or that a body corporate shall not use any of the titles specified in subsection (6) of the said section eleven in connection with a set of premises, that individual or body corporate may, in accordance with such rules as Her Majesty in Council may by Order provide for the purposes of this section, appeal to Her Majesty in Council ; and the Judicial Committee Act, 1833, shall apply in relation to the Disciplinary Committee as it applies to such courts as are mentioned in section three of that Act (which provides for the reference to the Judicial Committee of the Privy Council of appeals to Her Majesty in Council).

(2) The General Optical Council may appear as respondent on any such appeal, and for the purpose of enabling directions to be given as to the costs of any such appeal the Council shall be deemed to be a party thereto, whether they appear on the hearing of the appeal or not.

(3) Where no appeal is brought against a direction under section eleven or section thirteen of this Act or where such an appeal is brought but withdrawn or struck out for want of prosecution, the direction shall take effect on the expiration of the time for appealing or, as the case may be, on the withdrawal or striking out of the appeal.

(4) Subject as aforesaid, where an appeal is brought against a direction under either of those sections, the direction shall take effect if and when the appeal is dismissed and not otherwise.

15.—(1) For the purpose of any proceedings under this Act before the Disciplinary Committee (whether relating to disciplinary cases or otherwise) the Committee may administer oaths, and any party to the proceedings may sue out writs of subpoena ad testificandum and duces tecum, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.

Procedure of
Disciplinary
Committee.

Section forty-nine of the Supreme Court of Judicature (Consolidation) Act 1925 (which provides a special procedure for the issue of such writs so as to be in force throughout the United Kingdom) shall apply in relation to any such proceedings as aforesaid as it applies in relation to causes or matters in the High Court.

(2) The General Optical Council shall make rules as to the procedure to be followed and the rules of evidence to be observed in proceedings before the Disciplinary Committee, and in particular—

- (a) for securing that notice that the proceedings are to be brought shall be given, at such time and in such manner as may be specified in the rules, to the individual or body corporate alleged to be liable to have his or its name erased from the register or list ;
- (b) for securing that any party to the proceedings shall, if he so requires, be entitled to be heard by the Committee ;
- (c) for enabling any party to the proceedings to be represented by counsel or solicitor or (if the rules so provide and the party so elects) by a person of such other description as may be specified in the rules ;
- (d) for requiring proceedings before the Committee to be held in public except in so far as may be provided by the rules ;
- (e) for requiring, in cases where it is alleged that a registered optician has been guilty of infamous conduct in a professional respect, that where the Committee judge that the allegation has not been proved they shall record a

finding that the optician is not guilty of such conduct in respect of the matters to which the allegation relates ;

- (f) for requiring, in cases where it is alleged that a registered optician or enrolled body corporate is liable to have his or its name erased from the register or list under subsection (3) or subsection (4) of section eleven of this Act, that where the Committee judge that the allegation has not been proved they shall record a finding that the optician or body corporate is not guilty of the matters alleged :

Provided that as respects proceedings for the restoration of names to the register or list, or for the revocation of a direction under subsection (6) of section eleven of this Act, the Council shall have power to make rules with respect to all or any of the matters aforesaid, but shall not be required to do so, and separate rules under this section may be made as respects such proceedings.

(3) Before making rules under this section the Council shall consult such organisations representing the interests of opticians and bodies corporate carrying on business as opticians as appear to the Council requisite to be consulted.

(4) Rules under this section shall not come into force until approved by order of the Privy Council, and the Privy Council may approve rules under this section either as submitted to them or subject to such modifications as appear to them requisite :

Provided that where the Privy Council propose to approve any such rules subject to modifications they shall notify to the General Optical Council the modifications they propose to make and consider any observations of the General Optical Council thereon.

(5) The power to make orders conferred by the last foregoing subsection shall be exercisable by statutory instrument.

Assessors to
Disciplinary
Committee.

16.—(1) For the purpose of advising the Disciplinary Committee on questions of law arising in proceedings before them there shall in all such proceedings be an assessor to the Committee who shall be a barrister, advocate or solicitor of not less than ten years' standing.

(2) The power of appointing assessors under this section shall be exercisable by the General Optical Council, but if no assessor appointed by them is available to act at any particular proceedings the Disciplinary Committee may appoint an assessor under this section to act at those proceedings.

(3) The Lord Chancellor may make rules as to the functions of assessors appointed under this section, and, in particular, rules under this subsection may contain such provisions for securing—

- (a) that where an assessor advises the Committee on any question of law as to evidence, procedure or any other

matters specified in the rules, he shall do so in the presence of every party, or person representing a party, to the proceedings who appears thereat or, if the advice is tendered after the Committee have begun to deliberate as to their findings, that every such party or person as aforesaid shall be informed what advice the assessor has tendered ;

- (b) that every such party or person as aforesaid shall be informed if in any case the Committee do not accept the advice of the assessor on any such question as aforesaid,

and such incidental and supplementary provisions, as appear to the Lord Chancellor expedient.

(4) Subject to the provisions of this section, an assessor under this section may be appointed either generally or for any particular proceedings or class of proceedings, and shall hold and vacate office in accordance with the terms of the instrument under which he is appointed.

(5) Any remuneration paid by the General Optical Council to persons appointed to act as assessors shall be at such rates as the Privy Council may approve.

(6) The power to make rules conferred by this section shall be exercisable by statutory instrument.

Committees of the Council

17.—(1) The General Optical Council shall set up a committee, to be known as the Education Committee, to whom they shall refer for advice on all matters relating to optical training and examinations. The Education Committee.

(2) The Education Committee shall be constituted in accordance with rules made by the Council, but the rules shall secure that the Committee includes one person appearing to the Council to represent persons training student ophthalmic opticians, one person appearing to the Council to represent persons training student dispensing opticians and one person nominated by the Minister of Education, being in each case persons who are not members of the Council.

(3) Rules under this section shall not come into force until approved by order of the Privy Council, and the power to make any such order shall be exercisable by statutory instrument.

18.—(1) The General Optical Council shall set up a committee, to be known as the Companies Committee, to whom they shall refer for advice on all matters relating to bodies corporate carrying on business as ophthalmic or dispensing opticians, other than matters required by this Act to be referred to the Investigating Committee or the Disciplinary Committee. The Companies Committee.

(2) The Companies Committee shall be constituted in accordance with rules made by the Council, but the rules shall secure that the Committee includes at least one person appearing to the Council to represent the interests of bodies corporate carrying on business as ophthalmic opticians and at least one person appearing to them to represent the interests of bodies corporate carrying on business as dispensing opticians, being in each case persons who are not members of the Council.

(3) Before making rules under this section the Council shall consult organisations appearing to the Council to represent the interests of a substantial number of the bodies corporate carrying on business as ophthalmic opticians and as dispensing opticians respectively.

(4) Rules under this section shall not come into force until approved by order of the Privy Council, and the power to make any such order shall be exercisable by statutory instrument.

General
power to
appoint
committees.

19.—(1) The General Optical Council may set up a committee for any purpose (other than a purpose for which the Council are required to set up a committee under this Act) and may delegate to a committee set up under this section, with or without restrictions or conditions, as they think fit, any functions exercisable by them except the following—

- (a) the power to make rules under this Act,
- (b) any functions expressly conferred by this Act on any committee set up under any of the foregoing provisions of this Act, and
- (c) subject to any express provision for delegation in the rules, any functions expressly conferred on the Council by rules under this Act.

(2) The number of members of a committee set up under this section and their term of office shall be fixed by the Council.

(3) A committee set up under this section may include persons who are not members of the Council, but at least two-thirds of the members of every such committee shall be members of the Council.

(4) Every member of a committee set up under this section who at the time of his appointment was a member of the Council shall, upon ceasing to be a member of the Council, also cease to be a member of the committee :

Provided that for the purposes of this section a member of the Council shall not be deemed to have ceased by reason of retirement to be a member thereof if he has again been nominated or elected a member thereof not later than the day of his retirement.

*Restrictions on testing of sight, supply of optical appliances
and use of titles and descriptions*

20.—(1) Subject to the following provisions of this section, a person who is not a registered medical practitioner or registered ophthalmic optician shall not test the sight of another person. Restriction on testing of sight.

(2) The foregoing subsection shall not apply to the testing of sight by a person recognised by a medical authority as a medical student, if carried out as part of a course of instruction approved by that authority for medical students or as part of an examination so approved.

(3) The General Optical Council may by rules exempt from subsection (1) of this section the testing of sight by persons training as ophthalmic opticians, or any prescribed class thereof, in such cases and subject to compliance with such conditions as may be prescribed by the rules.

(4) Rules under the last foregoing subsection shall not come into force until approved by order of the Privy Council, and the power to make any such order shall be exercisable by statutory instrument.

(5) Any person who contravenes subsection (1) of this section shall be liable on summary conviction to a fine not exceeding one hundred pounds or on conviction on indictment to a fine not exceeding two hundred and fifty pounds.

21.—(1) Subject to the following provisions of this section, a person shall not sell any optical appliance unless the sale is effected by or under the supervision of a registered medical practitioner or registered optician. Restriction on sale and supply of optical appliances.

(2) The foregoing subsection shall apply to the supply of an optical appliance in the course of the practice or business of an ophthalmic optician or dispensing optician, whether by the person carrying on the practice or business or by a person employed by him, if the supply was effected in pursuance of arrangements made—

(a) with a Minister of the Crown or Government department (including a department of the Government of Northern Ireland); or

(b) with any body on whom functions are conferred by or by virtue of Part II or Part IV of the National Health Service Act, 1946, Part II or Part IV of the National Health Service (Scotland) Act, 1947, or Part II or Part III of the Health Services Act (Northern Ireland), 1948;

as it applies to the sale of an optical appliance.

(3) Subsection (1) of this section shall not apply to the sale of an optical appliance—

- (a) to a registered medical practitioner, registered optician or enrolled body corporate for the purposes of his practice or of his or its business ;
- (b) to a manufacturer of or dealer in optical appliances for the purposes of his business ;
- (c) to any authority or person carrying on a hospital, clinic, nursing home or other institution providing medical or surgical treatment ;
- (d) to a Minister of the Crown or Government department (including a department of the Government of Northern Ireland) ; or
- (e) for the purpose of its export.

(4) On any prosecution for selling an optical appliance in contravention of subsection (1) of this section it shall be a defence for the defendant to prove that he sold the appliance as an antique or second-hand article and that he did not know, and had no reason to believe, that the appliance was bought for the purpose of being used for correcting, remedying or relieving a defect of sight.

(5) A person who contravenes subsection (1) of this section shall be liable on summary conviction to a fine not exceeding one hundred pounds or on conviction on indictment to a fine not exceeding two hundred and fifty pounds.

Penalty for pretending to be registered, etc.

22.—(1) Any individual—

- (a) who takes or uses any of the following titles (either alone or in combination with any other words) in the circumstances mentioned in relation thereto, that is to say, the title of ophthalmic optician when he is not registered in either of the registers of ophthalmic opticians, or the title of dispensing optician when he is not registered in the register of dispensing opticians, or the title of registered optician or enrolled optician when he is not registered in any of the registers, or
- (b) who takes or uses any name, title, addition or description falsely implying, or otherwise pretends, that he is registered in any of the registers,

shall be liable on summary conviction to a fine not exceeding one hundred pounds or on conviction on indictment to a fine not exceeding two hundred and fifty pounds.

(2) Any body corporate—

- (a) which takes or uses any of the following titles (either alone or in combination with any other words) in the circumstances mentioned in relation thereto, that is to say, the title of ophthalmic optician when it is not

enrolled in the list of bodies corporate carrying on business as ophthalmic opticians or the title of dispensing optician when it is not enrolled in the list of bodies corporate carrying on business as dispensing opticians, or which takes or uses the title of registered optician or enrolled optician, when it is not enrolled in either of the lists, or

- (b) which takes or uses any name, title, addition or description falsely implying, or otherwise pretends, that it is enrolled in either of the lists,

shall be liable on summary conviction to a fine not exceeding one hundred pounds or on conviction on indictment to a fine not exceeding two hundred and fifty pounds.

23.—(1) Where a registered optician dies at a time when he is carrying on business or is in practice as an optician, then during the three years beginning with his death or such longer period as the General Optical Council may in any particular case allow, the last foregoing section shall not operate to prevent his personal representatives, his widow or any of his children or trustees on behalf of his widow or any of his children from taking or using in relation to that business or practice, but in conjunction with the name in which he carried it on, any title which he was entitled to take or use immediately before his death.

Provision as to death or bankruptcy of registered optician.

(2) Where a registered optician becomes bankrupt at a time when he is carrying on business or is in practice as an optician, then, during the three years beginning with the bankruptcy, the last foregoing section shall not operate to prevent his trustee in bankruptcy or, in Northern Ireland, the assignee in bankruptcy from taking or using in relation to that business or practice, but in conjunction with the name in which he carried it on, any title which he was entitled to take or use immediately before the bankruptcy.

(3) Where a person by virtue of subsection (1) or subsection (2) of this section takes or uses any title in relation to the business or practice of a deceased optician or of an optician who has become bankrupt and an offence under section twenty or section twenty-one of this Act is committed in the course of that business or practice, the Disciplinary Committee may, if they think fit, direct that the said subsection (1) or, as the case may be, the said subsection (2) shall cease to apply in relation to that business or practice; and this Act shall have effect in relation to any case in which it is alleged that there has been a conviction of any such offence and to any direction under this subsection as it has effect in relation to a disciplinary case and any direction that the name of a body corporate shall be erased from the list.

H

Offences by
bodies
corporate.

24. Where an offence under this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Miscellaneous

Miscellaneous
matters with
respect to
which rules
may be made.

25.—(1) Subject to the provisions of the next following subsection, the General Optical Council may make rules prohibiting or regulating—

- (a) the use by registered opticians and enrolled bodies corporate of any means of giving publicity, whether by advertisements or not, to their practice or business of ophthalmic or dispensing opticians ;
- (b) the carrying on of practice or business by registered opticians and enrolled bodies corporate under names other than those under which they are registered or enrolled ;
- (c) the administration of drugs by registered opticians, enrolled bodies corporate and their employees in the course of their practice or business of ophthalmic or dispensing opticians ;
- (d) the practice of orthoptics by registered opticians, enrolled bodies corporate and their employees ;
- (e) the prescription, supply and fitting by registered opticians, enrolled bodies corporate and their employees of contact lenses.

(2) The power of the General Optical Council to make rules by virtue of paragraph (a) of the foregoing subsection shall not include power to prohibit the display, for the purposes of the practice or business of a registered optician or enrolled body corporate, of optical appliances or parts of optical appliances on premises where the fitting and supply of optical appliances is being carried on as part of that business or practice or in any building comprising those premises.

(3) The General Optical Council shall as soon as practicable after the day appointed for the coming into operation of this section make and submit to the Privy Council rules providing that where it appears to a registered optician that a person consulting him is suffering from an injury or disease of the eye, the optician shall, except in an emergency or where that person is consulting him for the purpose of being given treatment in accordance with

rules under paragraph (d) of subsection (1) of this section or in such other cases as may be prescribed, being cases in which it is, owing to special circumstances, impracticable or inexpedient to do so, take the prescribed steps to refer that person to a registered medical practitioner for advice and treatment.

(4) Rules under this section may make different provision for different classes of cases.

(5) Rules under this section shall not come into force until approved by order of the Privy Council, and the power to make any such order shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

26.—(1) There shall be a registrar of the General Optical Council, and he shall hold and vacate office in accordance with the terms of his appointment. The registrar.

(2) The first registrar shall be appointed by the Privy Council and each of his successors shall be appointed by the General Optical Council.

27.—(1) The General Optical Council may, after paying their expenses, allocate any money received by them whether by way of fees or otherwise to purposes connected with optical education and research or any other public purposes connected with the profession of ophthalmic opticians or dispensing opticians in such manner as they may think fit. Expenses and accounts of General Optical Council.

(2) The Council shall keep accounts of all sums received or paid by them and the accounts for each financial year of the Council shall be audited by auditors to be appointed by them and shall as soon as may be after they have been audited be published and laid before Parliament.

(3) No person shall be qualified to be appointed auditor under the last foregoing subsection unless he is a member of one or more of the following bodies:—

the Institute of Chartered Accountants in England and Wales;

the Society of Incorporated Accountants;

the Institute of Chartered Accountants of Scotland;

the Association of Certified and Corporate Accountants;

the Institute of Chartered Accountants in Ireland;

any other body of accountants established in the United Kingdom for the time being recognised for the purposes of paragraph (a) of subsection (1) of section one hundred and sixty-one of the Companies Act, 1948, by the Board of Trade.

Powers of Privy Council on default by General Optical Council.

28.—(1) If at any time it appears to the Privy Council that the General Optical Council have failed, but ought, to discharge a function of theirs to which this section applies, the Privy Council may notify their opinion to the General Optical Council and may direct them to discharge such of those functions, and in such manner and within such time or times, as may be specified in the direction.

(2) If the General Optical Council fail to comply with any directions of the Privy Council under the last foregoing subsection, the Privy Council may themselves discharge any function of the General Optical Council to which this section applies.

(3) This section applies to all functions of the General Optical Council under this Act except their functions under sections one, three, five, six and sixteen, and subsection (1) of section twenty-seven and their power to make rules under subsection (2) of section fifteen as respects such proceedings as are mentioned in the proviso to that subsection.

Exercise of powers conferred on Privy Council.

29.—(1) For the purpose of exercising any powers conferred by this Act on the Privy Council (other than the power of hearing appeals against directions to erase names from the register or list) the quorum of the Privy Council shall be two.

(2) Any document purporting to be—

- (a) an instrument of appointment or approval made by the Privy Council under this Act or any other instrument so made ; and
- (b) signed by the Clerk of the Privy Council or by any other person authorised by the Privy Council in that behalf,

shall be evidence of the fact that the instrument was so made and of the terms of the instrument.

Interpretation.

30.—(1) In this Act, unless the context otherwise requires—

“ approved qualification ” and “ approved training institution ” have the meanings respectively assigned to them by section five of this Act ;

“ disciplinary case ” has the meaning assigned to it by section nine of this Act ;

“ dispensing optician ” means a person engaged or proposing to engage in the fitting and supply of optical appliances ;

“ enrolled ” means enrolled in either of the lists and “ enrolment ” shall be construed accordingly ;

“ functions ” includes powers and duties ;

- “health service ophthalmic lists” means the lists of ophthalmic opticians or dispensing opticians undertaking to provide supplementary ophthalmic services or supplementary eye services which are kept by virtue of section forty-one of the National Health Service Act, 1946, section forty-two of the National Health Service (Scotland) Act, 1947, or section twenty-two of the Health Services Act (Northern Ireland), 1948 ;
- “health service tribunal” means a tribunal constituted under the Seventh Schedule to the said Act of 1946, the Eighth Schedule to the said Act of 1947, or the Second Schedule to the said Act of 1948 ;
- “list” means the list of bodies corporate carrying on business as ophthalmic opticians or the list of bodies corporate carrying on business as dispensing opticians ;
- “medical authority” means one of the universities and other bodies who choose appointed members of the General Medical Council ;
- “ophthalmic optician” means a person engaged or proposing to engage in the testing of sight (otherwise than as a registered medical practitioner or a person recognised by a medical authority as a medical student), whether or not he is also engaged or proposing to engage in the fitting and supply of optical appliances ;
- “optical appliance” means an appliance designed to correct, remedy or relieve a defect of sight ;
- “prescribed” means prescribed by rules under this Act ;
- “register” means either of the registers of ophthalmic opticians or the register of dispensing opticians and, except when used in relation to medical practitioners, “registered” and “registration” shall have corresponding meanings ;
- “registered dispensing optician” means a person who is registered in the register of dispensing opticians, “registered ophthalmic optician” means a person who is registered in either of the registers of ophthalmic opticians and “registered optician” means a person who is registered in any of those registers.

(2) References in this Act to testing sight are references to testing sight with the object of determining whether there is any and, if so, what defect of sight and of correcting, remedying or relieving any such defect of an anatomical or physiological nature by means of an optical appliance prescribed on the basis of the determination.

(3) References in this Act to any other enactment (including an enactment of the Parliament of Northern Ireland) shall be

construed as references thereto, as amended, and as including references thereto as extended, by or under any subsequent enactment.

Short title,
extent and
commence-
ment.

31.—(1) This Act may be cited as the Opticians Act, 1958.

(2) It is hereby declared that this Act extends to Northern Ireland and for the purposes of section six of the Government of Ireland Act, 1920 (which precludes the Parliament of Northern Ireland from amending Acts of the Parliament of the United Kingdom passed after the day appointed for that section to come into operation) this Act shall be treated as passed before that day.

(3) This Act shall come into operation on such day as Her Majesty may by Order in Council appoint and different days may be appointed for different provisions.

Section 1.

SCHEDULE

CONSTITUTION, ETC., OF GENERAL OPTICAL COUNCIL

1. The General Optical Council shall consist of—

- (a) four persons nominated by the Privy Council ;
- (b) five persons chosen to represent registered ophthalmic opticians ;
- (c) two persons chosen to represent registered dispensing opticians ;
- (d) six persons nominated by the examining bodies hereinafter mentioned ;
- (e) six registered medical practitioners ; and
- (f) one person nominated by the Governor of Northern Ireland.

2.—(1) Subject to the provisions of the next following sub-paragraph, any person nominated by the Privy Council under sub-paragraph (a) of the last foregoing paragraph and the person nominated by the Governor of Northern Ireland shall not be a registered optician, a registered medical practitioner or a director of a body corporate carrying on business as opticians.

(2) One of the persons so nominated by the Privy Council shall be a person appearing to them to be specially qualified to advise the General Optical Council on educational problems generally and may be a registered optician or registered medical practitioner so long as he is not in practice as an optician or medical practitioner.

3.—(1) The persons chosen to represent the registered ophthalmic or dispensing opticians on the General Optical Council in the first instance shall be nominated by the Privy Council after consultation with organisations appearing to them to represent the interests of a substantial number of ophthalmic opticians and of dispensing opticians respectively.

(2) The persons chosen to represent the registered opticians on the General Optical Council after the retirement of those nominated under the foregoing sub-paragraph shall, subject to the provisions of this Schedule relating to casual vacancies, be elected in accordance with a scheme made by the Council, submitted by them to the Privy Council within two years of the establishment of the Council and approved with or without modifications by the Privy Council.

4. Of the persons nominated by the examining bodies one each shall be nominated by the following examining bodies, that is to say, the British Optical Association, the Worshipful Company of Spectacle Makers, the Institute of Optical Science, the Scottish Association of Opticians and the Association of Dispensing Opticians, and one shall be nominated jointly by the first four mentioned bodies and shall be a person engaged in the education or examination of persons training as ophthalmic opticians.

5. Of the six registered medical practitioners on the General Optical Council—

- (a) four shall be ophthalmologists and shall be nominated by the Faculty of Ophthalmologists and one of the four shall be a person appearing to the said Faculty to be a suitable person to represent ophthalmologists practising in Scotland ;
- (b) one shall be a medical practitioner engaged in the pre-clinical training of students and shall be nominated by the Privy Council after consultation with persons or bodies appearing to them to have special knowledge and experience of such training ;
- (c) one shall be a general medical practitioner nominated by the Privy Council after consultation with organisations appearing to the Privy Council to be representative of the medical profession.

6.—(1) Nominations of all the original members of the General Optical Council shall so far as practicable be made before the day appointed for the establishment of the Council in time to enable the persons nominated to assume membership on its establishment.

(2) At the expiration of three years from that day, and at the expiration of each succeeding period of five years, the following members of the Council shall retire, that is to say—

- (a) all the members chosen to represent registered opticians ;
- (b) two of the members nominated by the Privy Council under sub-paragraph (a) of paragraph 1 of this Schedule, being neither the first chairman nor the person appointed as specially qualified to advise on educational problems generally ;
- (c) the four ophthalmologists nominated by the Faculty of Ophthalmologists.

(3) At the expiration of five years from that day, and at the expiration of each succeeding period of five years, all the members of the General Optical Council (other than those to whom the last foregoing sub-paragraph applies) shall retire.

(4) Elections or nominations required to fill any vacancy occurring at the expiration of any period mentioned in sub-paragraph (2) or sub-paragraph (3) of this paragraph shall, so far as practicable, be held or made before the expiration of that period.

SCH.
—cont.

7.—(1) A member of the General Optical Council may at any time, by notice in writing addressed to the registrar, resign his office.

(2) Where a casual vacancy occurs among the members of the Council, then—

(a) if the member whose office has become vacant was chosen to represent registered opticians, the vacancy shall be filled by a person nominated by the Council as being a person having qualifications for membership similar to that member's;

(b) in any other case, the vacancy shall be filled by a person nominated by the like authority after the like consultation, if any, as in the case of the member whose office has become vacant.

(3) A person nominated to fill a casual vacancy shall hold office until the date upon which the member whose vacancy he has filled would have regularly retired.

8.—(1) The chairman of the General Optical Council shall be nominated by the Privy Council from among the members nominated by the Privy Council under sub-paragraph (a) of paragraph 1 of this Schedule.

(2) The chairman shall hold office until he next retires from membership of the Council.

9. A person ceasing to be chairman or member of the General Optical Council shall be eligible to be again nominated or elected chairman or member.

10. The General Optical Council shall be a body corporate with perpetual succession and a common seal and power to hold land without licence in mortmain.

11.—(1) Subject to the following provisions of this Schedule, the General Optical Council shall have power to do anything which in their opinion is calculated to facilitate the proper discharge of their functions.

(2) The Council shall, in particular, have power—

(a) to appoint, in addition to a registrar, such officers and servants as the Council may determine;

(b) to pay to the members of the Council or their committees such fees for attendance at meetings of the Council or their committees and such travelling and subsistence allowances while attending such meetings or while on any other business of the Council as the Council may with the approval of the Privy Council determine;

(c) to pay to their officers and servants such remuneration as the General Optical Council may determine;

(d) as regards any officers or servants in whose case they may determine to do so, to pay to, or in respect of them, such pensions and gratuities, or provide and maintain for them such superannuation schemes (whether contributory or not), as the Council may determine:

SCH.
—cont.

Provided that the power conferred on the Council to determine the remuneration of their officers and servants shall be exercisable subject to the provisions of section twenty-six of this Act with respect to the first registrar.

(3) The powers of the Council and any of its committees may be exercised notwithstanding any vacancy, and no proceedings of the Council or of any of its committees shall be invalidated by any defect in the nomination or election of a member.

12. The General Optical Council may make standing orders for regulating the proceedings (including quorum) of the Council and of any committee thereof:

Provided that orders shall not be made under this paragraph with respect to the proceedings of the Disciplinary Committee.

13.—(1) Subject to the provisions of the next following subparagraph, the Privy Council may by order after consultation with the General Optical Council and any other body or person they think fit to consult, make such alterations in the membership of the General Optical Council and the numbers and qualifications of members as may be expedient in view of changes in circumstances since the establishment of the General Optical Council or the last order under this paragraph, as the case may be, and may make consequential alterations in the membership, and qualifications of members, of the committees which the General Optical Council are required to set up by this Act.

(2) An order under this paragraph shall not operate to reduce below seven the number of members chosen to represent registered opticians on the General Optical Council.

(3) The power conferred by this paragraph to make an order shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Judicial Committee Act, 1833	3 & 4 Will. 4. c. 41.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5. c. 49.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
National Health Service (Scotland) Act, 1947 ...	10 & 11 Geo. 6. c. 27.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.

CHAPTER 33

An Act to amend the law relating to disabled persons as regards the minimum age for attendance at certain courses under the Disabled Persons (Employment) Act, 1944, as regards registration under that Act and as regards the provision by local authorities of employment or other work under special conditions.

[7th July, 1958]

BE it enacted by the Queen'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:—

Minimum age for attendance at courses.

1. In sections two and three of the principal Act (which relate to the provision of vocational training courses and industrial rehabilitation courses for disabled persons, not being under the age of sixteen years) for the words "not being under the age of sixteen years" there shall in each case be substituted the words "being over compulsory school age for the purposes of the Education Act, 1944, or, in Scotland, over school age for the purposes of the Education (Scotland) Act, 1946".

Amendments as to registration.

2.—(1) In subsection (2) of section seven of the principal Act (under which, among other things, a person's name is not to be entered in the register of disabled persons unless his disablement appears likely to continue for six months or more or he is a 1914-18 disablement pensioner) for any reference to six months there shall be substituted a reference to twelve months.

(2) Notwithstanding anything in section eight of the principal Act, a person registered as handicapped by disablement shall be entitled to have his name removed from the register on making a written application to the Minister of Labour and National Service for it to be removed.

Provision of sheltered employment by local authorities.

3.—(1) A local authority shall have power under this section to make arrangements for the provision of facilities for any of the purposes mentioned in subsection (1) of section fifteen of the principal Act (which relates to the provision for registered persons who are seriously disabled of employment, or work on their own account, under special conditions, and of training for such employment or work); and in relation to persons ordinarily resident in the area of a local authority, the authority shall, to such extent as the Minister of Labour and National Service may direct, be under a duty to exercise their powers under this subsection.

(2) The powers and duties of a local authority under subsection (1) of this section shall be in lieu of any power or duty of the authority to make arrangements for the same purposes under section twenty-nine of the National Assistance Act, 1948, or under section twenty-eight of the National Health Service Act, 1946, or section twenty-seven of the National Health Service (Scotland) Act, 1947.

(3) The arrangements made by a local authority under this section shall be carried into effect in accordance with a scheme made thereunder; and subject to the provisions of any such scheme local authorities shall exercise their functions under this section (including any discretion conferred on them thereunder) under the general guidance of the Minister of Labour and National Service.

(4) The Schedule to this Act shall have effect for the purpose of applying or adapting the enactments there mentioned for the purpose of this section, and for making other provisions supplementary to this section; and the foregoing subsections shall have effect subject to the provision made by that Schedule.

(5) For the purpose of this section "local authority" means as respects England or Wales, the council of a county or of a county borough and, as respects Scotland, the council of a county or of a large burgh within the meaning of the Local Government (Scotland) Act, 1947; and any small burgh within the meaning of that Act shall be deemed to be included in the county in which it is situated.

(6) This section shall come into force on the first day of January, nineteen hundred and fifty-nine.

4.—(1) This Act may be cited as the Disabled Persons (Employment) Act, 1958.

Short title,
citation,
construction
and extent.

(2) In this Act "the principal Act" means the Disabled Persons (Employment) Act, 1944, and the principal Act and this Act may be cited together as the Disabled Persons (Employment) Acts, 1944 and 1958.

(3) References in this Act to any enactment shall be construed as references to that enactment as amended by or under any other enactment.

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

Section 3.

SCHEDULE

SHELTERED EMPLOYMENT (SUPPLEMENTARY PROVISIONS)

1.—(1) Subject to the next following sub-paragraph, the National Assistance Act, 1948, shall have effect as if the following references included a reference to section three of this Act, that is to say—

- (a) the reference in paragraph (c) of subsection (4) of section twenty-nine to the principal Act;
- (b) the references in subsections (6) and (7) of section twenty-nine to paragraph (c) of subsection (4) of that section;
- (c) the references in sections thirty, thirty-two and thirty-four to section twenty-nine of that Act;
- (d) the references in sections thirty-five, thirty-six and fifty-eight to Part III of that Act;
- (e) the references in sections fifty-nine and sixty-six to that Act.

(2) In the said sections thirty-four, thirty-five and thirty-six, as they apply by virtue of the foregoing sub-paragraph for the purposes of section three of this Act, references to the Minister of Labour and National Service shall be substituted for any reference to the Minister of Health or (in relation to Scotland) for any reference to the Secretary of State.

(3) Any order made before the date of the passing of this Act under the said section sixty-six (which relates to the application of the said Act to the Scilly Isles) shall, subject to any subsequent order, have effect as if section three of this Act were included in Part III of that Act.

2.—(1) Without prejudice to any other power of a local authority with respect to committees, a local authority shall have power—

- (a) to refer any matter relating to the discharge of the authority's functions under section three of this Act to the committee to which are referred matters relating to the discharge of their functions under section twenty-nine of the National Assistance Act, 1948, or to the committee to which are referred matters relating to the discharge of their functions under section twenty-eight of the National Health Service Act, 1946;
- (b) to authorise either of those committees to exercise on their behalf any functions under section three of this Act (except so far as relates to the borrowing of money or to the levying or issuing of a precept for a rate).

(2) An order constituting a joint board for the purpose of performing any functions of a local authority under the said section twenty-nine or the said section twenty-eight may include provision for the exercise by that board of all or any of the functions of the authority under section three of this Act, and may make such other provision in connection therewith as may be made by such an order in the case of functions under the said section twenty-nine or the said section twenty-eight, as the case may be.

SCH.
—cont.

(3) If provision is made by any Act of the present Session relating to local government in England and Wales for the delegation to other councils of the functions of county councils under the said section twenty-nine, that provision shall apply in relation to functions under section three of this Act as it applies in relation to functions under the said section twenty-nine, but so that in relation to the making, variation, revocation or approval of schemes under section three of this Act, or to proposals therefor, references to the Minister of Labour and National Service shall be substituted for references to the Minister of Health.

3.—(1) Except as provided by the following sub-paragraphs, the coming into force of section three of this Act shall not affect the powers or duties conferred or imposed on a local authority under section twenty-nine of the National Assistance Act, 1948, by any direction or scheme then in force, or affect anything previously done by a local authority for the purpose of those powers or duties.

(2) Any such direction or scheme, so far as it relates to matters falling within section three of this Act, may be varied or revoked in the same way as a direction or scheme given or made under that section.

(3) In the exercise of any such powers as aforesaid, so far as they relate to matters falling within section three of this Act, a local authority shall be deemed to be acting under that section (but without prejudice to the operation of references in any such scheme as aforesaid to the authority's functions under the said section twenty-nine), and in particular shall act under the general guidance of the Minister of Labour and National Service in accordance with subsection (3) of the said section three; and in relation to those matters all powers which immediately before the coming into force of that section were exercisable under any such scheme as aforesaid by a Minister of the Crown other than the Minister of Labour and National Service shall (subject to sub-paragraph (2) of this paragraph) be exercisable instead by the Minister of Labour and National Service.

(4) Where a scheme made under the said section twenty-nine has been submitted for approval to the Minister of Health or, in Scotland, to the Secretary of State before the coming into force of section three of this Act, it may be approved by him and, if so approved, shall come into force, as if the said section three had not been passed; and in relation to any scheme approved by virtue of this sub-paragraph the foregoing sub-paragraphs shall apply as if the said section three had not come into force until the scheme had.

(5) The foregoing sub-paragraphs shall apply, with any necessary adaptations, in relation to arrangements made by a local health authority under section twenty-eight of the National Health Service Act, 1946, as if they were arrangements made in accordance with a scheme under section twenty-nine of the National Assistance Act, 1948, and in carrying out any such arrangements (so far as they relate to matters falling within section three of this Act) a local authority shall not be treated as acting as a local health authority.

SCH.
—cont.

4. In the application of this Schedule to Scotland—

- (a) for any reference to section twenty-eight of the National Health Service Act, 1946, there shall be substituted a reference to section twenty-seven of the National Health Service (Scotland) Act, 1947, and any reference to an order constituting a joint board shall in relation to the said section twenty-seven be deemed to include a reference to an order constituting a joint committee and an agreement constituting a joint committee or joint board;
- (b) for any reference to issuing a precept for a rate there shall be substituted a reference to sending a requisition within the meaning of the Local Government (Scotland) Act, 1947.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Disabled Persons (Employment) Act, 1944 ...	7 & 8 Geo. 6. c. 10.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
National Health Service (Scotland) Act, 1947 ...	10 & 11 Geo. 6. c. 27.
Local Government (Scotland) Act, 1947... ..	10 & 11 Geo. 6. c. 43.
National Assistance Act, 1948	11 & 12 Geo. 6. c. 29.

CHAPTER 34

An Act to make provision for the abatement of litter.
[7th July, 1958]

BE it enacted by the Queen'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
leaving litter.

1.—(1) If any person throws down, drops or otherwise deposits in, into or from any place in the open air to which the public are entitled or permitted to have access without payment, and leaves, any thing whatsoever in such circumstances as to cause, contribute to, or tend to lead to, the defacement by litter of any place in the open air, then, unless that depositing and leaving was authorised by law or was done with the consent of the owner, occupier or other person or authority having the control of the place in or into which that thing was deposited, he shall be guilty of an offence and be liable on summary conviction to a fine not exceeding ten pounds; and for the purposes of this subsection any covered place open to the air on at least one side and available for public use shall be treated as being a place in the open air.

(2) In England and Wales, without prejudice to the powers of any other person, any of the following bodies shall have power to institute proceedings for an offence under this section committed within their area or on land controlled or managed by them, that is to say, the council of a county, county borough, metropolitan borough, non-county borough, urban district, rural district or rural parish, the Common Council of the City of London, a joint body constituted solely of two or more such councils as aforesaid, and a joint board such as is provided for by section eight of the National Parks and Access to the Countryside Act, 1949. 12, 13 & 14
Geo. 6. c. 97.

(3) In Scotland, an offence under this section may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act, 1954, having jurisdiction in the place where the offence was committed. 2 & 3 Eliz.
2. c. 48.

2.—(1) This Act may be cited as the Litter Act, 1958. Short title,
extent and
commence-

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

(3) This Act shall come into force at the expiration of the period of one month beginning with the date of its passing.

CHAPTER 35

ARRANGEMENT OF SECTIONS

Section

1. Time for making orders for maintenance or alimony.
2. Avoidance of disposition made to defeat wife's claim for financial relief.
3. Provision for former wife out of estate of deceased former husband.
4. Discharge and variation of orders under s. 3.
5. Extension of preceding provisions in favour of husband or former husband.
6. Supplementary provisions as to orders under ss. 3 and 4.
7. Extension of s. 17 of Married Women's Property Act, 1882.
8. Interpretation.
9. Short title, commencement and extent.

SCHEDULE—Amendments of Matrimonial Causes Act, 1950.

An Act to enable the power of the court in matrimonial proceedings to order alimony, maintenance or the securing of a sum of money to be exercised at any time after a decree; to provide for the setting aside of dispositions of property made for the purpose of reducing the assets available for satisfying such an order; to enable the court after the death of a party to a marriage which has been dissolved or annulled to make provision out of his estate in favour of the other party; and to extend the powers of the court under section seventeen of the Married Women's Property Act, 1882.

[7th July, 1958]

BE it enacted by the Queen'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:—

Time for making orders for maintenance or alimony.

1.—(1) Any power of the court, under the enactments mentioned in the next following subsection, to make an order on a decree for divorce, nullity of marriage or judicial separation shall (subject as mentioned in subsection (3) of this section) be exercisable either on pronouncing such a decree or at any time thereafter.

14 Geo. 6.
c. 25.

(2) The said enactments are the following provisions of the Matrimonial Causes Act, 1950 (in this Act referred to as "the Act of 1950"), that is to say,—

- (a) subsections (2) and (3) of section nineteen (whereby, on a decree for divorce or nullity of marriage, the court may order the husband to make a secured provision for the wife or to pay her a monthly or weekly sum), and those subsections as extended by subsection (4) of that section (whereby the like provision or payments may be ordered for a husband where a petition for divorce is presented by his wife on the ground of his insanity);
- (b) subsection (3) of section twenty-six (whereby, on a decree of divorce or nullity of marriage, the court may order the husband, and, on a decree of divorce made on the ground of the husband's insanity, may order the wife, to make a secured provision for the benefit of the children); and
- (c) subsection (2) of section twenty (whereby, on a decree for judicial separation, a husband may be ordered to pay alimony to his wife), and that subsection as extended by subsection (3) of that section (whereby the like payments may be ordered to be made by a wife where a petition for judicial separation is presented by her on the ground of her husband's insanity).

(3) In relation to the provisions of the Act of 1950 specified in paragraphs (a) and (b) of the last preceding subsection,—

- (a) any reference in subsection (1) of this section to a decree shall be construed as a reference to a decree nisi, and the reference to any time after a decree shall be construed as a reference to any such time whether before or after the decree has been made absolute; but
- (b) nothing in subsection (1) of this section shall be construed as affecting the provisions of section twenty-nine of the Act of 1950 as to the commencement of proceedings for an order under the provisions specified in those paragraphs or as to the making or effect of such an order.

(4) In accordance with the preceding provisions of this section, the provisions of the Act of 1950 specified in the Schedule to this Act shall have effect subject to the amendments specified in that Schedule.

(5) Nothing in this section, or in any amendment made by this section in any of the enactments referred to therein, shall be construed as requiring the court, in determining any application for an order under any of those enactments, to disregard any delay in making or proceeding with the application.

2.—(1) Where under any of the relevant provisions of the Act of 1950 proceedings are brought against a man (in this section referred to as “the husband”) by his wife or former wife (in this section referred to as “the wife”) for financial relief, the wife may make an application under this section to the court in those proceedings with respect to any disposition made by the husband within the period of three years ending with the date of the application under this section, whether the disposition was made before or after the commencement of those proceedings. Avoidance of disposition made to defeat wife's claim for financial relief.

(2) Subject to the following provisions of this section, if on an application by the wife under this section it appears to the court—

- (a) that the disposition to which the application relates was made by the husband with the intention of defeating the wife's claim for financial relief, and
- (b) that, if the disposition were set aside, financial relief, or, as the case may be, different financial relief, would be granted to her,

the court may by order set aside the disposition and may give such consequential directions (including directions requiring the making of any payment or the disposal of any property) as the court thinks fit for the purpose of giving effect to the order under this subsection.

(3) The power conferred by the last preceding subsection shall not be exercisable in respect of a disposition made for valuable consideration to a person who, at the time of the disposition, acted in relation thereto in good faith and without notice of any intention on the part of the husband to defeat the wife's claim for financial relief.

(4) Where an application is made under this section with respect to a disposition, not being a disposition falling within the last preceding subsection, and the court is satisfied that the disposition would (apart from this section) have the consequence of defeating the wife's claim for financial relief, the disposition shall be presumed, unless the contrary is proved, to have been made by the husband with the intention of defeating the wife's claim for financial relief.

(5) The preceding provisions of this section shall have effect for enabling an application to the High Court to be made thereunder by a woman after she has obtained an order against her husband or former husband under any of the relevant provisions of the Act of 1950 as they apply for enabling an application to be made in proceedings for such an order:

Provided that for the purposes of the application of those provisions in accordance with this subsection—

- (a) subsection (2) of this section shall apply as if paragraph (b) thereof were omitted, and
- (b) the presumption mentioned in the last preceding subsection shall apply (in the case of a disposition not falling within subsection (3) of this section) if the court is satisfied that in consequence of the disposition the wife's claim for financial relief was defeated.

(6) The provisions of this section do not apply to a disposition made before the commencement of this Act.

(7) In this section any reference to defeating the wife's claim for financial relief is a reference to preventing financial relief from being granted to her, or reducing the amount of any such relief which might be so granted, or frustrating or impeding the enforcement of any order which might be made on her application under any of the relevant provisions of the Act of 1950.

(8) In this section—

“ financial relief ” means relief under any of the relevant provisions of the Act of 1950;

“ the relevant provisions of the Act of 1950 ” means the following provisions of that Act, that is to say,—

(a) subsections (2) and (3) of section nineteen;

(b) subsection (2) of section twenty;

(c) subsections (2) to (4) of section twenty-two (whereby, in connection with a decree for restitution of conjugal rights, a husband may be ordered to pay alimony to his wife, or to make or secure periodical payments to her); and

(d) section twenty-three (which confers additional power on the court to make orders for maintenance);

“ valuable consideration ” does not include marriage.

3.—(1) Where after the commencement of this Act a person dies domiciled in England and is survived by a former wife of his who has not re-married, the former wife may apply to the High Court for an order under this section on the ground that the deceased has not made reasonable provision for her maintenance after his death: Provision for former wife out of estate of deceased former husband.

Provided that an application under this section shall not be made except—

- (a) before the end of the period of six months beginning with the date on which representation in regard to the estate of the deceased is first taken out, or
- (b) with the permission of the court, after the end of that period but before the administration and distribution of the estate have been completed.

(2) If on an application by a former wife under this section the court is satisfied—

- (a) that it would have been reasonable for the deceased to make provision for her maintenance, and
- (b) that the deceased has made no provision, or has not made reasonable provision, for her maintenance,

the court may order that such reasonable provision for her maintenance as the court thinks fit shall be made out of the net estate of the deceased, subject to such conditions or restrictions (if any) as the court may impose.

(3) Where the court makes an order under this section requiring provision to be made for the maintenance of a former wife, the order shall require that provision to be made by way of periodical payments terminating not later than her death and, if she re-marries, not later than her re-marriage:

Provided that if the value of the net estate of the deceased does not exceed five thousand pounds the order may require the provision for her maintenance to be made, wholly or in part, by way of a lump sum payment.

(4) On any application under this section, the court shall have regard—

- (a) to any past, present or future capital of the applicant and to any income of hers from any source;
- (b) to her conduct in relation to the deceased and otherwise;
- (c) to any application made by her during the lifetime of the deceased, under the Act of 1950 or the enactments repealed by that Act, for such an order as is mentioned in subsection (2) or subsection (3) of section nineteen of that Act, and to the order (if any) made on any such application, or (if no such application was made by her, or such an application was made by her and no such

order was made thereon) the circumstances appearing to the court to be the reasons why no such application was made, or no such order was made, as the case may be; and

- (d) to any other matter or thing which, in the circumstances of the case, the court may consider relevant or material in relation to her, to persons interested in the estate of the deceased, or otherwise.

(5) In determining whether, and in what way, and as from what date, provision for maintenance ought to be made by an order under this section, the court shall have regard to the nature of the property representing the net estate of the deceased, and shall not order any such provision to be made as would necessitate a realisation that would be improvident having regard to the interests of the dependants of the deceased, of the applicant, and of the persons who, apart from the order, would be entitled to that property.

(6) In this and the next following section “former wife”, in relation to a deceased person, means a woman whose marriage with him was during his lifetime dissolved or annulled by a decree made under the Act of 1950 or under any of the enactments repealed by that Act, and “net estate” and “dependant” have the same meanings respectively as in the Inheritance (Family Provision) Act, 1938.

1 & 2 Geo. 6.
c. 45.

Discharge and
variation
of orders
under s. 3.

4.—(1) Subject to the following provisions of this section, where an order (in this section referred to as “the original order”) has been made under the last preceding section, the High Court, on an application under this section, shall have power by order to discharge or vary the original order or to suspend any provision thereof temporarily and to revive the operation of any provision so suspended.

(2) An application under this section may be made by or on behalf of any of the following persons, that is to say,—

- (a) the former wife on whose application the original order was made;
- (b) any other former wife of the deceased;
- (c) any dependant of the deceased;
- (d) the trustees of any relevant property;
- (e) any person who, under the will of the deceased or under the law relating to intestacy, is beneficially interested in any relevant property.

(3) An order under this section varying the original order, or reviving any suspended provision thereof, shall not be made so as to affect any property which, at the time of the application for the order under this section, is not relevant property.

(4) In exercising the powers conferred by this section, the court shall have regard to all the circumstances of the case, including any change in the circumstances to which the court was required to have regard in determining the application for the original order.

(5) In this section "relevant property" means property the income of which, in accordance with the original order or any consequential directions given by the court in connection therewith, is applicable (wholly or in part) for the maintenance of the former wife on whose application the original order was made.

5.—(1) Subject to the next following subsection, the provisions of section two of this Act shall have effect for enabling an application thereunder to be made by a man with respect to a disposition made by his wife or former wife, as those provisions have effect for enabling an application thereunder to be made by a woman with respect to a disposition made by her husband or former husband. Extension of preceding provisions in favour of husband or former husband.

(2) For the purposes of the application of those provisions in accordance with the preceding subsection—

(a) for references to a man and to a wife or former wife there shall be substituted respectively references to a woman and to a husband or former husband, and for references to a woman and to a husband or former husband there shall be substituted respectively references to a man and to a wife or former wife;

(b) "the relevant provisions of the Act of 1950" (instead of having the meaning assigned to it by subsection (8) of section two of this Act) means the following provisions of that Act, that is to say,—

(i) subsections (2) and (3) of section nineteen as extended by subsection (4) of that section,

(ii) subsection (2) of section twenty as extended by subsection (3) of that section,

(iii) subsection (1) of section twenty-four (which, in a case where the court pronounces a decree for divorce or judicial separation by reason of the adultery, desertion or cruelty of the wife, enables the court to order a settlement of property to which she is entitled), and

(iv) subsection (2) of section twenty-four (which enables the court, where a decree for restitution of conjugal rights is made on the application of the husband, to make an order for the settlement of property to which the wife is entitled or for periodical payments in respect of profits or earnings received by her).

(3) The provisions of sections three and four of this Act shall have effect in relation to a former husband of a deceased woman as they have effect in relation to a former wife of a deceased man, as if any reference in those sections to a former wife were a reference to a former husband:

Provided that, for the purposes of those provisions as applied by this subsection, the reference in paragraph (c) of subsection (4) of section three of this Act to such an order as is mentioned in subsection (2) or subsection (3) of section nineteen of the Act of 1950 shall be construed as a reference to any such order as could be made either—

(a) under the said subsection (2) or subsection (3) as extended by subsection (4) of the said section nineteen, or

(b) under subsection (1) of section twenty-four of that Act.

(4) In the last preceding subsection (but without prejudice to the generality of any reference to a former husband in subsection (1) or subsection (2) of this section) “former husband”, in relation to a deceased woman, means a man whose marriage with her was during her lifetime dissolved or annulled by a decree made under the Act of 1950 or under any of the enactments repealed by that Act.

Supplementary provisions as to orders under ss. 3 and 4.

6.—(1) The provisions of sections three and four of this Act shall not render the personal representatives of a deceased person liable for having distributed any part of the estate of the deceased after the end of the period of six months referred to in subsection (1) of section three of this Act, on the ground that they ought to have taken into account the possibility that the court might permit an application under that section after the end of that period, or that an order under that section might be varied under section four of this Act; but this subsection shall be without prejudice to any power to recover any part of the estate so distributed arising by virtue of the making of an order under section three or section four of this Act.

(2) In considering, under subsection (1) of section three of this Act, the question when representation was first taken out, a grant limited to settled land or to trust property shall be left out of account, and a grant limited to real estate or to personal estate shall be left out of account unless a grant limited to the remainder of the estate has previously been made or is made at the same time.

(3) For the purposes of subsection (1) of section one hundred and sixty-two of the Supreme Court of Judicature (Consolidation) Act, 1925 (which relates to the discretion of the court as to the persons to whom administration is to be granted), a person by whom or on whose behalf an application under section three or section four of this Act is proposed to be made shall be deemed to be a person interested in the estate of the deceased.

15 & 16 Geo. 5.
c. 49.

(4) Section three of the Inheritance (Family Provision) Act, 1938 (which relates to the effect and form of orders under that Act) shall have effect in relation to orders under sections three and four of this Act as it has effect in relation to orders under that Act.

(5) In this section any reference to any of the provisions of section three or section four of this Act shall be construed as including a reference to those provisions as applied by the last preceding section.

7.—(1) Any right of a wife, under section seventeen of the Married Women's Property Act, 1882, to apply to a judge of the High Court or of a county court, in any question between husband and wife as to the title to or possession of property, shall include the right to make such an application where it is claimed by the wife that her husband has had in his possession or under his control—

Extension of s. 17 of Married Women's Property Act, 1882. 45 & 46 Vict. c. 75.

- (a) money to which, or to a share of which, she was beneficially entitled (whether by reason that it represented the proceeds of property to which, or to an interest in which, she was beneficially entitled, or for any other reason), or
- (b) property (other than money) to which, or to an interest in which, she was beneficially entitled,

and that either that money or other property has ceased to be in his possession or under his control or that she does not know whether it is still in his possession or under his control.

(2) Where, on an application made to a judge of the High Court or of a county court under the said section seventeen, as extended by the preceding subsection, the judge is satisfied—

- (a) that the husband has had in his possession or under his control money or other property as mentioned in paragraph (a) or paragraph (b) of the preceding subsection, and
- (b) that he has not made to the wife, in respect of that money or other property, such payment or disposition as would have been appropriate in the circumstances,

the power to make orders under that section shall be extended in accordance with the next following subsection.

(3) Where the last preceding subsection applies, the power to make orders under the said section seventeen shall include power for the judge to order the husband to pay to the wife—

- (a) in a case falling within paragraph (a) of subsection (1) of this section, such sum in respect of the money to which the application relates, or the wife's share thereof, as the case may be, or

(b) in a case falling within paragraph (b) of the said subsection (1), such sum in respect of the value of the property to which the application relates, or the wife's interest therein, as the case may be, as the judge may consider appropriate.

(4) Where on an application under the said section seventeen as extended by this section it appears to the judge that there is any property which—

(a) represents the whole or part of the money or property in question, and

(b) is property in respect of which an order could have been made under that section if an application had been made by the wife thereunder in a question as to the title to or possession of that property,

the judge (either in substitution for or in addition to the making of an order in accordance with the last preceding subsection) may make any order under that section in respect of that property which he could have made on such an application as is mentioned in paragraph (b) of this subsection.

(5) The preceding provisions of this section shall have effect in relation to a husband as they have effect in relation to a wife, as if any reference to the husband were a reference to the wife and any reference to the wife were a reference to the husband.

(6) Any power of a judge under the said section seventeen to direct inquiries or give any other directions in relation to an application under that section shall be exercisable in relation to an application made under that section as extended by this section; and the provisos to that section (which relate to appeals and other matters) shall apply in relation to any order made under the said section seventeen as extended by this section as they apply in relation to an order made under that section apart from this section.

(7) For the avoidance of doubt it is hereby declared that any power conferred by the said section seventeen to make orders with respect to any property includes power to order a sale of the property.

Interpretation. 8.—(1) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“disposition” does not include any provision contained in a will, but, with that exception, includes any conveyance, assurance or gift of property of any description, whether made by an instrument or otherwise;

“property” means any real or personal property, any estate or interest in real or personal property, any money, any negotiable instrument, debt or other chose in action, and any other right or interest whether in possession or not;

“will” includes a codicil.

(2) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended by or under any other enactment.

9.—(1) This Act may be cited as the **Matrimonial Causes (Property and Maintenance) Act, 1958.** Short title, commencement and extent.

(2) This Act shall come into operation on such day as may be appointed by the Lord Chancellor by an order made by statutory instrument.

(3) This Act shall not extend to Scotland or to Northern Ireland.

SCHEDULE

Section 1.

AMENDMENTS OF MATRIMONIAL CAUSES ACT, 1950

In section nineteen, in subsection (2), for the words “On any decree for divorce or nullity of marriage” there shall be substituted the words “Subject to the provisions of section twenty-nine of this Act, on pronouncing a decree nisi for divorce or nullity of marriage or at any time thereafter, whether before or after the decree has been made absolute”; and in subsection (3), for the words “On any decree for divorce or nullity of marriage”, there shall be substituted the words “Subject to the provisions of the said section twenty-nine, on pronouncing a decree nisi for divorce or nullity of marriage or at any time thereafter, whether before or after the decree has been made absolute”.

In section twenty, in subsection (2), for the words “On any decree” there shall be substituted the words “On or at any time after a decree”.

In section twenty-six, in subsection (3), for the words “On any decree of divorce or nullity of marriage”, there shall be substituted the words “Subject to the provisions of section twenty-nine of this Act, on pronouncing a decree nisi of divorce or nullity of marriage or at any time thereafter, whether before or after the decree has been made absolute”, and for the words “on a decree of divorce” there shall be substituted the words “where the decree is a decree of divorce and is”.

CHAPTER 36

An Act to make provision for loans to be made by local authorities for physical training and recreation in Great Britain. [7th July, 1958]

BE it enacted by the Queen'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 make loans to voluntary organisations.
1 Edw. 8. & 1 Geo. 6. c. 46.

1.—(1) The power conferred on local authorities by subsection (4) of section four of the Physical Training and Recreation Act, 1937 (which relates to contributions by local authorities towards expenses of providing and maintaining gymnasiums, playing fields, swimming baths and other facilities) shall include power for a local authority to make a loan to a voluntary organisation for meeting (wholly or in part) any expenses of that organisation, being expenses towards which the local authority could make a contribution under that subsection:

Provided that a loan shall not be made in the exercise of that power for meeting any expenses of maintenance, or for meeting any other expenses which are not of such a description as to be properly chargeable to capital account.

(2) Any loan made by a local authority under the power referred to in the preceding subsection may be made upon such terms as the authority think fit.

(3) In subsection (9) of section ten of the said Act of 1937 (which relates to expenditure incurred by district councils in Scotland) the reference to expenditure incurred under that Act shall be construed as including a reference to expenditure incurred under that Act as extended by subsection (1) of this section.

Financial provisions.

11 & 12 Geo. 6. c. 26.
2 & 3 Eliz. 2. c. 13.
4 & 5 Eliz. 2. c. 60.

2. There shall be defrayed out of moneys provided by Parliament any increase attributable to this Act in the sums payable out of moneys so provided under Part I of the Local Government Act, 1948, or under the Local Government (Financial Provisions) (Scotland) Act, 1954, as amended by the Valuation and Rating (Scotland) Act, 1956.

Interpretation.

3. In this Act the expressions "local authority" and "voluntary organisation" shall have the same meanings as those assigned to them in the Physical Training and Recreation Act, 1937.

Short title, citation and extent.

4.—(1) This Act may be cited as the Physical Training and Recreation Act, 1958.

(2) The Physical Training and Recreation Act, 1937, and this Act may be cited together as the Physical Training and Recreation Acts, 1937 and 1958.

(3) This Act shall not apply to Northern Ireland.

CHAPTER 37

An Act to amend the provisions of the Land Drainage Act, 1930, relating to the ascertainment of annual value for the purposes of drainage rates; and for purposes connected therewith. [7th July, 1958]

BE it enacted by the Queen'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 annual value for the purposes of any drainage rate of any land in respect of which an assessment to income tax is made under Schedule A shall be its annual value for the purposes of Schedule A, as determined (within the meaning of this section) for the last year of assessment ending before the end of the period for which the rate is made. Annual value for purposes of drainage rates.

(2) If at the date the rate is made the said annual value has not been determined as mentioned in subsection (1) of this section then, until it is so determined, it shall for the purposes of the rate be taken to be whichever of the following amounts is the less, that is to say—

- (a) the annual value of the land as last stated before the said date in any assessment under Schedule A signed and allowed under section thirty-five of the Income Tax Act, 1952, or under that section as applied by the Fifth Schedule to that Act; 15 & 16 Geo. 6.
& 1 Eliz. 2. c. 10.
- (b) the annual value of the land as last determined before the said date for the purposes of Schedule A;

but after the annual value has been determined as mentioned in subsection (1) of this section it shall, if different from the amount taken under the foregoing provisions of this subsection, be substituted for that amount and the rate shall be amended accordingly as respects the land, and any amount overpaid shall be repaid or allowed and any amount underpaid may be recovered as if it were arrears of the rate.

(3) Where at the date the rate is made the annual value of the land has never been determined for the purposes of Schedule A but the land includes the whole or part of any land whose annual value has then been so determined or consists of or includes the whole or part of any such lands, then, for the purposes of subsection (2) of this section, the annual value mentioned in paragraph (b) thereof shall be taken to be the aggregate of—

- (a) the annual value or values last so determined before the said date (apportioned in the case of any land only partly included in the first-mentioned land); and

(b) so much (if any) of the annual value mentioned in paragraph (a) of that subsection as is proportionate to any part of the first-mentioned land which neither is nor forms part of land whose annual value has then been determined as aforesaid.

(4) An amendment in any rate made in pursuance of this section shall have effect from the beginning of the period for which the rate is made and shall be treated for the purposes of Part IV of the Land Drainage Act, 1930, as an amendment made in pursuance of section twenty-eight of that Act.

20 & 21 Geo.
5. c. 44.

(5) For the purposes of this section the annual value of any land shall be taken to be determined for any year of assessment when an assessment for that year in respect of the land has been signed and allowed under section thirty-five of the Income Tax Act, 1952, or under that section as applied by the Fifth Schedule to that Act and either—

- (a) the time for appealing against the assessment has expired without a notice of appeal having been given; or
- (b) any proceedings on an appeal against the assessment (including any proceedings in consequence of such an appeal) have been finally disposed of.

(6) The information which surveyors of taxes may be required to furnish under subsection (4) of section twenty-nine of the Land Drainage Act, 1930, shall include such particulars of notices of assessments, appeals against assessments and the determination of such appeals as may be required to enable a drainage board to give effect to the foregoing provisions of this section.

(7) In section twenty-nine of the Land Drainage Act, 1930, in subsection (1) the definition of “annual value”, and in subsection (2) the words “of the gross annual value of any land” are hereby repealed.

Short title,
construction,
interpretation,
commencement
and extent.

2.—(1) This Act may be cited as the Drainage Rates Act, 1958, and shall be construed as one with the Land Drainage Act, 1930.

(2) In this Act, “drainage rate” means a rate made under Part IV of the Land Drainage Act, 1930.

(3) This Act shall come into force on the first day of April, nineteen hundred and fifty-nine.

(4) This Act does not extend to Scotland or Northern Ireland.

CHAPTER 38

ARRANGEMENT OF SECTIONS

Section

1. Amendments of statutory provisions for use of patented inventions and registered designs for services of the Crown.
2. Provision for use of other technical information by Crown contractors for production and supply of defence materials.
3. Procedure in connection with authorisations under s. 2.
4. Payments for use and determination of disputes.
5. Expenses.
6. Interpretation, etc.
7. Repeal and transitional provisions.
8. Citation, construction, commencement and extent.

An Act to amend the enactments authorising the use of patented inventions and registered designs for the services of the Crown in respect of articles required for defence and similar purposes by the Governments of allied or associated countries or the United Nations; to make permanent provision with respect to the use for defence and similar purposes of other technical information protected by contractual arrangements; to repeal certain emergency provisions relating to inventions and designs; and for purposes connected with the matters aforesaid.

[7th July, 1958]

BE it enacted by the Queen'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 following shall be substituted for subsection (6) of section forty-six of the Patents Act, 1949 (which section relates to the use of patented inventions for the services of the Crown):—

“(6) For the purposes of this and the next following section ‘the services of the Crown’ shall be deemed to include—

(a) the supply to the government of any country outside the United Kingdom, in pursuance of an agreement or arrangement between Her Majesty's Government in the United Kingdom and the government of that country, of articles required—

(i) for the defence of that country; or

Amendments of statutory provisions for use of patented inventions and registered designs for services of the Crown. 12, 13 & 14, Geo. 6. c. 87.

(ii) for the defence of any other country whose government is party to any agreement or arrangement with Her Majesty's said Government in respect of defence matters;

(b) the supply to the United Nations, or to the government of any country belonging to that organisation, in pursuance of an agreement or arrangement between Her Majesty's Government and that organisation or government, of articles required for any armed forces operating in pursuance of a resolution of that organisation or any organ of that organisation;

and the power of a Government department or a person authorised by a Government department under this section to make, use and exercise an invention shall include power to sell to any such government or to the said organisation any articles the supply of which is authorised by this subsection, and to sell to any person any articles made in the exercise of the powers conferred by this section which are no longer required for the purpose for which they were made."

(2) Where any models, documents or information relating to an invention are used in connection with any such use of the invention as is described in subsection (1) of section forty-seven of the Patents Act, 1949, subsection (3) of section forty-six of that Act (which regulates in certain cases the terms on which inventions may be used for the services of the Crown under that section) shall, whether or not it applies to the use of the invention, apply to the use of the models, documents or information as if for the reference therein to the patentee there were substituted a reference to the person entitled to the benefit of any provision of an agreement which is rendered inoperative by the said section forty-seven in relation to that use; and in section forty-eight of that Act (which provides for the determination of disputes) the references to terms for the use of an invention shall be construed accordingly.

(3) Nothing in section forty-seven of the Patents Act, 1949, shall be construed as authorising the disclosure to a Government department or any other person of any model, document or information to the use of which that section applies in contravention of any such licence, assignment or agreement as is therein mentioned.

(4) The foregoing provisions of this section shall apply in relation to registered designs as they apply in relation to patented inventions, and accordingly—

(a) references to section forty-six of the Patents Act, 1949, to subsections (3) and (6) of that section, to section forty-seven of that Act and to subsection (1) of that

section shall include references to paragraph 1 of the First Schedule to the Registered Designs Act, 1949, to sub-paragraphs (3) and (6) of that paragraph, to paragraph 2 of that Schedule and to sub-paragraph (1) of that paragraph, as the case may be; and

- (b) in relation to registered designs, subsection (1) of this section shall have effect as if for the words "the next following section" there were substituted the words "the next following paragraph" and for the words "make, use and exercise" there were substituted the word "use".

2.—(1) For the purposes of any contract or order for the production of defence materials, any person authorised in that behalf by a competent authority may make use of any technical information to which this section applies of which he is in possession, and supply articles produced by means of the use of any such information, discharged—

- (a) from any restriction imposed by any agreement to which he is party (whether made before or after the commencement of this Act); and
- (b) from any obligation to make payments to any other person in pursuance of any such agreement in respect of the use or supply.

(2) Any authorisation given for the purposes of subsection (1) of this section shall be given in writing, and shall—

- (a) describe the defence materials in connection with which the authorisation is given; and
- (b) identify the restrictions or obligations from which the person to whom the authorisation is given is thereby discharged;

and so much of any agreement (whether made before or after the commencement of this Act) as restricts the disclosure of terms of that or any other agreement shall be of no effect in relation to the disclosure to a competent authority of information required by that authority for the purpose of compliance with paragraph (b) of this subsection.

(3) An authorisation given for the purposes of subsection (1) of this section may apply to things done before as well as after the date on which it is given.

(4) Where any person is discharged by virtue of an authorisation under this section from the obligation to make payments in respect of the use of any technical information or the supply of any articles, so much of any agreement (whether made before or after the commencement of this Act) as provides for the making by any other person of payments in respect of the use of the information or the supply of articles of that description shall be of no effect in relation to any use or supply in respect of which the first-mentioned person is so discharged.

Provision for use of other technical information by Crown contractors for production and supply of defence materials.

(5) Nothing in this section shall affect any restriction or obligation imposed by an agreement to which any Government department are party.

(6) Nothing in this section or in any authorisation given thereunder shall be construed as authorising the disclosure to a competent authority or any other person of any technical information to which this section applies in contravention of any agreement.

(7) The technical information to which this section applies is any specification or design for articles, and any process or technique used in the production of articles (not being in any case a patented invention or registered design), and any drawing, model, plan, document or other information relating to the application or operation of any such specification, design, process or technique; and references in this Act to the use of technical information include references—

- (a) to the production of articles to any such specification or design, or by means of any such process or technique, as aforesaid; and
- (b) to the reproduction of any such drawing, model, plan or document as aforesaid.

Procedure in connection with authorisations under s. 2.

3.—(1) Subject to subsection (3) of this section, a competent authority shall, before giving to any person an authorisation under section two of this Act in respect of any restriction or obligation, serve on that person a notice in writing requesting him to treat with the party entitled to enforce that restriction or obligation for such waiver or modification as will enable the technical information to be used or the articles supplied upon terms approved by the competent authority; and the authorisation shall not be given unless either—

- (a) at the expiration of such period, not being less than three months beginning with the date of the service of the notice, as may be specified therein, no agreement for such waiver or modification as aforesaid has been concluded to the satisfaction of the competent authority; or
- (b) before the expiration of the said period, the person on whom the notice was served has given notice in writing to the competent authority that no such agreement is likely to be concluded within that period.

(2) Where an authorisation is given under the said section two in respect of any restriction or obligation, the competent authority shall, subject to subsection (3) of this section, give notice to that effect to the person who, apart from the authorisation, would be

entitled to enforce that restriction or obligation, and to such other persons (if any) as appear to the authority, after making such enquiries as are reasonably practicable in the circumstances, to be persons whose interests are affected by the authorisation.

(3) An authorisation under the said section two may be given by a competent authority without compliance with subsection (1) of this section in any case where it appears to the authority, and is certified in the authorisation, that the disclosure of the production or supply of the defence materials concerned would be prejudicial to the safety of the State; and in any such case—

- (a) the competent authority shall not be required to give notice of the authorisation in pursuance of subsection (2) of this section unless and until they are satisfied that the disclosure would no longer be prejudicial as aforesaid; and
- (b) unless and until the competent authority, being satisfied as aforesaid, otherwise direct, the person to whom the authorisation is given shall be discharged thereby from any obligation to which he would otherwise be subject by virtue of any agreement to give information to any other person in respect of the use of the information or the supply of articles to which the authorisation relates.

4.—(1) A competent authority by whom an authorisation is given under section two of this Act shall pay to the person entitled to the benefit of any restriction or obligation in respect of which the authorisation is given, or of any such provision of an agreement as is mentioned in subsection (4) of that section (whether or not he would himself be entitled, apart from the authorisation, to enforce the restriction, obligation or provision by legal proceedings) such sum (if any) as may be agreed upon between him and the competent authority with the approval of the Treasury or as may, in default of such agreement, be determined by the court under this section to be just having regard—

- (a) to the extent of the use made in pursuance of the authorisation;
- (b) to the value of any services performed by that person in connection with the conception, development, improvement or adaptation of any specification, design, process or technique used in pursuance of the authorisation;
- (c) to any benefit or compensation which that person or any person from whom he derives title may have received, or may be entitled to receive, directly or indirectly from any Government department in respect of any technical information so used; and
- (d) to any other relevant circumstances.

(2) Any dispute between a competent authority and any other person as to the exercise of powers conferred by section two of this Act, as to the making of a payment under this section, or as to the amount of any such payment, shall be determined by the court upon a reference made by either party to the dispute in such manner as may be prescribed by rules of court.

(3) Without prejudice to any rule of law enabling a court to sit in camera, the court may make such orders for the exclusion of the public from proceedings under this section, and for prohibiting the publication of any technical information to which section two of this Act applies so far as disclosed or recorded in such proceedings, as appear to the court to be necessary or expedient in the public interest or in the interests of any parties to the proceedings.

(4) In this section "the court" has the same meaning as in the Patents Act, 1949; and subsection (1) of section eighty-four of that Act (which provides for the allocation to a selected judge of certain proceedings under that Act) shall apply to references to the court under this section as if it applies to references under that Act.

Expenses.

5. There shall be defrayed out of moneys provided by Parliament any increase attributable to section one of this Act in the sums required for making payments on behalf of a Government department under section forty-six of the Patents Act, 1949, or under paragraph 1 of the First Schedule to the Registered Designs Act, 1949, and any sums required by a competent authority for making payments under section four of this Act.

**Interpretation,
etc.**

6.—(1) In this Act the following expressions have the meaning hereby respectively assigned to them, that is to say:—

"agreement" includes a licence, assignment or assignation;

"article" includes any substance or material, and any plant, machinery or apparatus, whether affixed to land or not;

"competent authority" means a Secretary of State, the Admiralty, the Minister of Supply or the Minister of Defence;

"defence materials" means—

(a) articles required for the armed forces of the Crown, or for any such supply to the governments of countries outside the United Kingdom, or to the United Nations, as is authorised by the enactments amended by section one of this Act, being articles designed or adapted for the use of armed forces or components of articles so designed or adapted;

(b) articles required for purposes of civil defence within the meaning of the Civil Defence Act, 1948, 12, 13 & 14 being articles designed or adapted for use for those purposes or components of articles so designed or adapted; Geo. 6. c. 5.

(c) articles required by the Admiralty or the Minister of Supply for the production of any such articles as aforesaid;

“production” includes repair, maintenance, testing and development.

(2) This Act shall apply in relation to restrictions subsisting by reason of the existence of copyright in any work as it applies in relation to restrictions imposed by an agreement.

7.—(1) The Defence (Patents, Trade Marks, etc.) Regulations, 1941, and any Order in Council in force at the commencement of this Act under subsection (2) of section forty-nine of the Patents Act, 1949, or sub-paragraph (2) of paragraph 4 of the First Schedule to the Registered Designs Act, 1949, are hereby repealed. Repeal and transitional provisions.

(2) Any authorisation given before the commencement of this Act under section forty-six of the Patents Act, 1949, as extended by section forty-nine of that Act, or under paragraph 1 of the First Schedule to the Registered Designs Act, 1949, as extended by paragraph 4 of that Schedule, shall, if in force immediately before the commencement of this Act, and so far as it could be given under the said section forty-six or the said paragraph 1 as amended by section one of this Act, continue in force and have effect as if so given.

(3) Any authorisation in force under paragraph (5) of Regulation 3 of the said Regulations immediately before the commencement of this Act shall, in so far as it relates to the production or supply of defence materials, continue in force and have effect as if duly given under section two of this Act in respect of all such restrictions and obligations as are mentioned in subsection (1) of that section; and that section and section four of this Act shall apply accordingly in relation to anything done after the commencement of this Act in pursuance of such authorisation.

8.—(1) This Act may be cited as the Defence Contracts Act, 1958. Citation, construction, commencement and extent.

(2) Section one of this Act, so far as it amends the Patents Act, 1949, shall be construed as one with that Act and may be cited together with that Act as the Patents Acts, 1949 and 1958; and so far as it amends the Registered Designs Act, 1949, shall

be construed as one with that Act and may be cited together with that Act as the Registered Designs Acts, 1949 and 1958.

(3) This Act shall come into operation at the expiration of the period of one month beginning with the date on which it is passed.

(4) This Act shall extend to the Isle of Man; and it is hereby declared that this Act extends to Northern Ireland.



CHAPTER 39

Maintenance Orders Act, 1958

ARRANGEMENT OF SECTIONS

PART I

REGISTRATION, ENFORCEMENT AND VARIATION OF CERTAIN MAINTENANCE ORDERS

Section

1. Application of Part I.
2. Registration of orders.
3. Enforcement of registered orders.
4. Variation of orders registered in magistrates' courts.
5. Cancellation of registration.

PART II

ATTACHMENT OF EARNINGS ORDERS

6. Powers of courts to make orders attaching earnings of defaulters under maintenance orders.
7. Powers of courts to make attachment of earnings orders in proceedings under other Acts.
8. Restriction of issue of orders etc. of commitment on making of attachment of earnings orders.
9. Variation and discharge etc. of attachment of earnings orders.
10. Liabilities of persons to whom attachment of earnings orders are directed.
11. Powers of courts to obtain statements of earnings, etc.
12. Powers of courts to determine whether payments are earnings.
13. Miscellaneous provisions as to payments under attachment of earnings orders.
14. Application of Part II to earnings paid by the Crown, etc.
15. Offences.

PART III

MISCELLANEOUS AND SUPPLEMENTAL

Miscellaneous

16. Amendment of 15 & 16 Geo. 6. & 1 Eliz. 2. c. 55, s. 74.
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18. Powers of magistrates to review committals, etc.
19. Revocation and variation of Orders in Council under 10 & 11 Geo. 5. c. 33, s. 12.

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Section

20. Special provisions as to magistrates' courts.
21. Interpretation, etc.
22. Legislative powers of Parliament of Northern Ireland.
23. Short title, extent, commencement and repeals.

SCHEDULE—Payments under attachment of earnings orders.

An Act to make provision for the registration in the High Court or a magistrates' court of certain maintenance orders made by the order of those courts or a county court and with respect to the enforcement and variation of registered orders; to make provision for the attachment of sums falling to be paid by way of wages, salary or other earnings or by way of pension for the purpose of enforcing certain maintenance orders; to amend section seventy-four of the Magistrates' Courts Act, 1952; to make provision for the review of committals to prison by magistrates' courts for failure to comply with maintenance orders; to enable Orders in Council under section twelve of the Maintenance Orders (Facilities for Enforcement) Act, 1920, to be revoked or varied; and for purposes connected with the matters aforesaid. [7th July, 1958]

BE it enacted by the Queen'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, ENFORCEMENT AND VARIATION OF CERTAIN
MAINTENANCE ORDERS

1.—(1) The provisions of this Part of this Act shall have Application effect for the purpose of enabling maintenance orders to which of Part I. this Part of this Act applies to be registered—

- (a) in the case of an order made by the High Court or a county court, in a magistrates' court; and
- (b) in the case of an order made by a magistrates' court, in the High Court,

PART I
—cont.

and, subject to those provisions, while so registered—

- (i) to be enforced in like manner as an order made by the court of registration ; and
- (ii) in the case of an order registered in a magistrates' court, to be varied by a magistrates' court.

(2) This Part of this Act applies to maintenance orders made by the High Court, a county court or a magistrates' court, other than orders registered under Part II of the Maintenance Orders Act, 1950.

(3) Without prejudice to the provisions of section twenty-one of this Act, in this Part of this Act, unless the context otherwise requires, the following expressions have the following meanings—

“ High Court order ”, “ county court order ” and “ magistrates' court order ” mean an order made by the High Court, a county court or a magistrates' court, as the case may be ;

“ order ” means a maintenance order to which this Part of this Act applies ;

“ original court ” and “ court of registration ”, in relation to an order, mean the court by which the order was made or, as the case may be, the court in which the order is registered ;

“ registered ” means registered in accordance with the provisions of this Part of this Act, and “ registration ” shall be construed accordingly ;

and for the purposes of this Part of this Act an order for the payment by the defendant of any costs incurred in proceedings relating to a maintenance order, being an order for the payment of costs made while the maintenance order is not registered, shall be deemed to form part of that maintenance order.

Registration of orders.

2.—(1) A person entitled to receive payments under a High Court or county court order may apply for the registration of the order to the original court, and the court may, if it thinks fit, grant the application.

(2) Where an application for the registration of such an order is granted—

(a) no proceedings shall be begun, and no writ, warrant or other process shall be issued, for the enforcement of the order before the registration of the order or the expiration of the prescribed period from the grant of the application, whichever first occurs ; and

(b) the original court shall, on being satisfied within the period aforesaid by the person who made the application that no such proceedings or process begun or

issued before the grant of the application remain pending or in force, cause a certified copy of the order to be sent to the clerk of the magistrates' court acting for the petty sessions area in which the defendant appears to be ;

PART I
—cont.

but if at the expiration of the period aforesaid the original court has not been so satisfied, the grant of the application shall become void.

(3) A person entitled to receive payments under a magistrates' court order who considers that the order could be more effectively enforced if it were registered may apply for the registration of the order to the original court, and the court shall grant the application on being satisfied in the prescribed manner that, at the time when the application was made, an amount equal to not less, in the case of an order for weekly payments, than four or, in any other case, than two of the payments required by the order was due thereunder and unpaid.

(4) Where an application for the registration of a magistrates' court order is granted—

- (a) no proceedings for the enforcement of the order shall be begun before the registration takes place and no warrant or other process for the enforcement thereof shall be issued in consequence of any such proceedings begun before the grant of the application ;
- (b) any warrant of commitment issued for the enforcement of the order shall cease to have effect when the person in possession of the warrant is informed of the grant of the application, unless the defendant has then already been detained in pursuance of the warrant ; and
- (c) the original court shall, on being satisfied in the prescribed manner that no process for the enforcement of the order issued before the grant of the application remains in force, cause a certified copy of the order to be sent to the prescribed officer of the High Court.

(5) The officer or clerk of a court who receives a certified copy of an order sent to him under this section shall cause the order to be registered in that court.

(6) Subsections (1) to (4) of section nineteen of the Maintenance Orders Act, 1950 (which provide for the suspension, while a magistrates' court order is registered under Part II of that Act, of any provision of the order requiring payments to be made through a third party, for ordering payments under an order so registered in a magistrates' court to be paid through a collecting officer, and for authorising a person to make payments otherwise than in accordance with the requirements of that

PART I
—cont.

section until he has notice of those requirements) shall have effect for the purposes of this Part of this Act as if for any reference in that section to the said Part II and a maintenance order there were substituted a reference to this Part of this Act and a maintenance order to which this Part of this Act applies.

(7) In this section “certified copy” in relation to an order of a court means a copy certified by the proper officer of the court to be a true copy of the order or of the official record thereof.

Enforcement
of registered
orders.

3.—(1) Subject to the provisions of this section, a registered order shall be enforceable in all respects as if it had been made by the court of registration and as if that court had had jurisdiction to make it; and proceedings for or with respect to the enforcement of a registered order may be taken accordingly.

(2) Subject to the provisions of the next following subsection, an order registered in a magistrates’ court shall be enforceable as if it were an affiliation order; and the provisions of any enactment with respect to the enforcement of affiliation orders (including enactments relating to the accrual of arrears and the remission of sums due) shall apply accordingly.

In this subsection “enactment” includes any order, rule or regulation made in pursuance of any Act.

(3) Where an order remains or becomes registered after the discharge of the order, no proceedings shall be taken by virtue of that registration except in respect of arrears which were due under the order at the time of the discharge and have not been remitted.

(4) Except as provided by this section, no proceedings shall be taken for or with respect to the enforcement of a registered order.

Variation
of orders
registered in
magistrates’
courts.

4.—(1) The provisions of this section shall have effect with respect to the variation of orders registered in magistrates’ courts, and references in this section to registered orders shall be construed accordingly.

(2) Subject to the following provisions of this section—

(a) the court of registration may exercise the same jurisdiction to vary any rate of payments specified by a registered order (other than jurisdiction in a case where a party to the order is not present in England when the application for variation is made) as is exercisable, apart from this subsection, by the original court; and

(b) a rate of payments specified by a registered order shall not be varied except by the court of registration or any other magistrates’ court to which the jurisdiction conferred by the foregoing paragraph is extended by rules of court.

(3) A rate of payments specified by a registered order shall not be varied by virtue of the last foregoing subsection so as to exceed whichever of the following rates is the greater, that is to say—

- (a) the rate of payments specified by the order as made or last varied by the original court ; or
- (b) in the case of payments for the maintenance of a person as a party to a marriage (including a marriage which has been dissolved or annulled), five pounds a week and, in the case of payments for the maintenance of a child or children, thirty shillings a week in respect of each child.

(4) If it appears to the court to which an application is made by virtue of subsection (2) of this section for the variation of a rate of payments specified by a registered order that, by reason of the limitations imposed on the court's jurisdiction by the last foregoing subsection or for any other reason, it is appropriate to remit the application to the original court, the first-mentioned court shall so remit the application, and the original court shall thereupon deal with the application as if the order were not registered.

(5) Nothing in subsection (2) of this section shall affect the jurisdiction of the original court to vary a rate of payments specified by a registered order if an application for the variation of that rate is made to that court—

- (a) in proceedings for a variation of provisions of the order which do not specify a rate of payments ; or
- (b) at a time when a party to the order is not present in England.

(6) No application for any variation of a registered order shall be made to any court while proceedings for any variation of the order are pending in any other court.

(7) Where a magistrates' court, in exercise of the jurisdiction conferred by subsection (2) of this section, varies or refuses to vary a registered order, an appeal from the variation or refusal shall lie to the High Court ; and so much of subsection (1) of section sixty-three of the Supreme Court of Judicature (Consolidation) Act, 1925, as requires an appeal from any court to the High Court to be heard and determined by a divisional court shall not apply to appeals under this subsection.

5.—(1) If a person entitled to receive payments under a Cancellation registered order desires the registration to be cancelled, he may of registration. give notice under this section.

(2) Where the original court varies or discharges an order registered in a magistrates' court, the original court may, if it thinks fit, give notice under this section.

PART I
—cont.

(3) Where a magistrates' court discharges an order registered in the High Court and it appears to the magistrates' court, whether by reason of the remission of arrears by that court or otherwise, that no arrears under the order remain to be recovered, the magistrates' court shall give notice under this section.

(4) Notice under this section shall be given to the court of registration ; and where such notice is given—

(a) no proceedings for the enforcement of the registered order shall be begun before the cancellation of the registration and no writ, warrant or other process for the enforcement thereof shall be issued in consequence of any such proceedings begun before the giving of the notice ;

(b) where the order is registered in a magistrates' court, any warrant of commitment issued for the enforcement of the order shall cease to have effect when the person in possession of the warrant is informed of the giving of the notice, unless the defendant has then already been detained in pursuance of the warrant ; and

(c) the court of registration shall cancel the registration on being satisfied in the prescribed manner—

(i) that no process for the enforcement of the registered order issued before the giving of the notice remains in force ; and

(ii) in the case of an order registered in a magistrates' court, that no proceedings for the variation of the order are pending in a magistrates' court.

(5) On the cancellation of the registration of a High Court or county court order, any order made in relation thereto under subsection (2) of section nineteen of the Maintenance Orders Act, 1950, as applied by subsection (6) of section two of this Act, shall cease to have effect, but until the defendant receives the prescribed notice of the cancellation he shall be deemed to comply with the High Court or county court order if he makes payments in accordance with any order under the said subsection (2) as so applied which was in force immediately before the cancellation and of which he has notice.

PART II

ATTACHMENT OF EARNINGS ORDERS

Powers of courts to make orders attaching earnings of defaulters under maintenance orders.

6.—(1) If, on the application of a person entitled to receive payments under a maintenance order, it appears to a court by which payment of any arrears under the order is enforceable—

(a) that, at the time when the application was made, there was due under the order and unpaid an amount equal to not less, in the case of an order for weekly payments, than four or, in any other case, than two of the payments required by the order ; and

(b) that the defendant is a person to whom earnings fall to be paid,

then, subject to the next following subsection, the court may, if it thinks fit, by an order or orders require the person to whom the order in question is directed, being a person appearing to the court to be the defendant's employer in respect of those earnings or a part thereof, to make out of those earnings or that part thereof payments in accordance with the Schedule to this Act; and any such order is in this Act referred to as an "attachment of earnings order".

(2) The court shall not make an attachment of earnings order if it appears to the court that the failure of the defendant to make payments in accordance with the maintenance order in question was not due to his wilful refusal or culpable neglect.

(3) An attachment of earnings order shall—

(a) specify the normal deduction rate, that is to say, the rate at which, after taking into account any right or liability of the defendant to deduct income tax from payments made under the related maintenance order, the court making or varying the attachment of earnings order thinks it reasonable that the earnings to which that order relates should be applied from time to time in satisfying the requirements of the maintenance order, not exceeding the rate appearing to that court to be necessary for the purpose of—

(i) securing payment of the sums falling due from time to time under the maintenance order; and

(ii) securing payment within a reasonable period of any sums already due and unpaid under the maintenance order and any costs incurred in proceedings relating to the maintenance order which are payable by the defendant;

(b) specify the protected earnings rate, that is to say, the rate below which, having regard to the resources and needs of the defendant and the needs of persons for whom he must or reasonably may provide, the court aforesaid thinks it reasonable that the relevant earnings within the meaning of the Schedule to this Act should not be reduced by a payment made in pursuance of the attachment of earnings order;

(c) designate the officer to whom any payment under the said Schedule is to be made, being—

(i) if the order is made by the High Court, the registrar of such county court as may be specified by the order or, if the High Court thinks fit so to provide, the proper officer of the High Court;

PART II
—cont.

(ii) if the order is made by a county court, the registrar of that court ;

(iii) if the order is made by a magistrates' court and payments under the related maintenance order are for the time being required by an order under subsection (1) of section fifty-two of the Magistrates' Courts Act, 1952, to be made to the clerk of a magistrates' court, that clerk ;

(iv) in any other case where the order is made by a magistrates' court, the clerk of that court ; and

(d) contain, so far as they are known to the court making the order, such particulars as may be prescribed for the purpose of enabling the defendant to be identified by the person to whom the order is directed.

(4) An attachment of earnings order shall not come into force until the expiration of seven days from the date when a copy of the order is served on the person to whom the order is directed.

(5) For the avoidance of doubt it is hereby declared that, in relation to a maintenance order made by the High Court, the reference in subsection (1) of this section to a court by which payment of any arrears under the order is enforceable includes a reference to a county court.

Powers of courts to make attachment of earnings orders in proceedings under other Acts.

7. Without prejudice to the powers to make attachment of earnings orders conferred by the last foregoing section, where proceedings are brought—

(a) in the High Court or a county court under section five of the Debtors Act, 1869 (which authorises the committal to prison of persons refusing or neglecting to pay certain debts which they have had the means to pay) in respect of a default in making payments under a maintenance order ; or

(b) under the Magistrates' Courts Act, 1952, to enforce the payment of any sum ordered to be paid by a maintenance order,

and it appears to the court that, at the date when the proceedings were begun, such an amount as is mentioned in paragraph (a) of subsection (1) of the last foregoing section was due under the maintenance order and unpaid and that the defendant is a person to whom earnings fall to be paid, then, subject to subsection (2) of that section, the court may, if it thinks fit, make an attachment of earnings order instead of making any other order to enforce the making of payments under the maintenance order.

Restriction of issue of orders etc. of commitment on making of attachment of earnings orders.

8. Where an attachment of earnings order is made, no order or warrant of commitment shall be issued in consequence of any proceedings for the enforcement of the related maintenance order begun before the making of the attachment of earnings order.

9.—(1) The court by which an attachment of earnings order has been made may if it thinks fit, on the application of the defendant or a person entitled to receive payments under the related maintenance order, make an order discharging or varying the attachment of earnings order.

PART II
—cont.
Variation and discharge etc. of attachment of earnings orders.

(2) An attachment of earnings order shall cease to have effect—

- (a) upon the grant of an application under section two of this Act for the registration of the related maintenance order under Part I of this Act, notwithstanding that, in the case of an application under subsection (1) of that section, the grant may subsequently become void under subsection (2) thereof;
- (b) where the related maintenance order is registered under the said Part I, upon the giving of notice with respect thereto under section five of this Act;
- (c) upon the making of an order of commitment or the issue of a warrant of commitment for the enforcement of the related maintenance order, or upon the exercise for that purpose of the power conferred on a magistrates' court by subsection (2) of section sixty-five of the Magistrates' Courts Act, 1952, to postpone the issue of such a warrant;
- (d) upon the discharge of the related maintenance order while it is not registered under Part I of this Act;
- (e) upon the related maintenance order ceasing to be registered in a court in England, or becoming registered in a court in Scotland or Northern Ireland, under Part II of the Maintenance Orders Act, 1950;

and where an attachment of earnings order ceases to have effect as aforesaid the proper officer of the prescribed court shall give notice of the cessation to the person to whom the order was directed:

Provided that where the related maintenance order is discharged as mentioned in paragraph (d) of this subsection and it appears to the court discharging the order that arrears thereunder will remain to be recovered after the discharge, that court may, if it thinks fit, direct that this subsection shall not apply.

(3) Where notice is given to a court in pursuance of subsection (4) of the next following section, the court shall discharge the attachment of earnings order to which the notice relates.

(4) Where at any time it appears to the officer designated in pursuance of paragraph (c) of subsection (3) of section six of this

PART II
—*cont.*

Act by an attachment of earnings order made by the High Court or a county court that—

- (a) the aggregate of the payments made for the purposes of the related maintenance order by the defendant (whether under the attachment of earnings order or otherwise) exceeds the aggregate of the payments required up to that time by the maintenance order ; and
- (b) the normal deduction rate specified by the attachment of earnings order (or where two or more such orders are in force in relation to the maintenance order, the aggregate of the normal deduction rates specified by those orders) exceeds the rate of payments required by the maintenance order ; and
- (c) no proceedings for the variation or discharge of the attachment of earnings order are pending,

the said officer shall give the prescribed notice to the person to whom he is required to pay sums received under the attachment of earnings order and to the defendant, and the court which made that order—

- (i) shall make the appropriate variation order unless the defendant requests the court in the prescribed manner and before the expiration of the prescribed period to proceed under the following paragraph and the court decides to proceed thereunder ;
- (ii) if the court decides to proceed under this paragraph, shall make an order either discharging the attachment of earnings order or varying that order in such manner as the court thinks fit.

In this and the next following subsection “the appropriate variation order” means an order varying the attachment of earnings order in question by reducing the normal deduction rate specified thereby so as to secure that that rate (or, in the case mentioned in paragraph (b) of this subsection, the aggregate of the rates therein mentioned) is the same as the rate of payments required by the maintenance order or is such lower rate as the court thinks fit having regard to the amount of the excess mentioned in paragraph (a) of this subsection.

(5) Where at any time it appears to the officer designated as aforesaid by an attachment of earnings order made by a magistrates’ court that the conditions specified in paragraphs (a) to (c) of the last foregoing subsection are satisfied, that officer shall make an application to that court for the appropriate variation order, and the court—

- (a) shall grant the application unless the defendant appears at the hearing thereof and requests the court to proceed

under the following paragraph and the court decides to proceed thereunder ;

PART II
—cont.

- (b) if the court decides to proceed under this paragraph, shall make an order either discharging the attachment of earnings order or varying that order in such manner as the court thinks fit.

(6) An order varying an attachment of earnings order shall not come into force until the expiration of seven days from the date when a copy of the first-mentioned order is served on the person to whom the attachment of earnings order is directed ; and where an attachment of earnings order ceases to have effect under subsection (2) of this section, or is discharged otherwise than under subsection (3) thereof, the said person shall not incur any liability in consequence of his treating the order as still in force at any time before the expiration of seven days from the date when the notice required by the said subsection (2) or, as the case may be, a copy of the discharging order is served on him.

10.—(1) A person to whom an attachment of earnings order is directed shall, notwithstanding anything in any other enactment but subject to the following provisions of this Act, comply with the order or, if the order is subsequently varied under the last foregoing section, with the order as so varied.

Liabilities of persons to whom attachment of earnings orders are directed.

(2) Where on any occasion on which earnings fall to be paid to a defendant there are in force two or more attachment of earnings orders relating to those earnings, then, for the purpose of complying with the Schedule to this Act, the employer shall—

- (a) deal with those orders according to the respective dates on which they came into force, disregarding any later order until any earlier order has been dealt with ;
- (b) deal with any later order as if the earnings to which it relates were the residue of the defendant's earnings after the making of any payment under the said Schedule in pursuance of any earlier order.

(3) An employer who, in pursuance of an attachment of earnings order, makes a payment under the said Schedule shall give to the defendant a statement in writing specifying the amount of that payment.

(4) A person to whom an attachment of earnings order is directed who, at the time when a copy of the order is served on him or at any time thereafter, has on no occasion during the period of four weeks immediately preceding that time been the defendant's employer shall forthwith give notice in writing in the prescribed form to the court which made the order.

PART II
—*cont.*

Powers of courts to obtain statements of earnings, etc.

11.—(1) Where proceedings relating to an attachment of earnings order are brought in any court, the court may, either before or at the hearing and, in the case of proceedings brought in a magistrates' court, any justice of the peace acting for the same petty sessions area as that court may before the hearing—

(a) order the defendant to give to the court, within such period as may be specified by the order, a statement signed by him of—

(i) the name and address of his employer, or of each of his employers if he has more than one ;

(ii) such particulars as to the defendant's earnings as may be so specified ; and

(iii) such prescribed particulars as may be so specified for the purpose of enabling the defendant to be identified by any employer of his ;

(b) order any person appearing to the court or justice to be an employer of the defendant to give to the court, within such period as may be specified by the order, a statement signed by him or on his behalf of such particulars as may be specified by the order of all earnings of the defendant which fell to be paid by that person during such period as may be so specified.

(2) A document purporting to be such a statement as is mentioned in the foregoing subsection shall, in any such proceedings as are so mentioned, be received in evidence and be deemed to be such a statement without further proof unless the contrary is shown.

Powers of courts to determine whether payments are earnings.

12.—(1) The court by which an attachment of earnings order has been made shall, on the application of the person to whom the order is directed or of the defendant or of the person in whose favour the order was made, determine whether payments to the defendant of a particular class or description specified by the application are earnings for the purposes of that order ; and the person to whom the order is directed shall be entitled to give effect to any determination for the time being in force under this subsection.

(2) A person to whom an attachment of earnings order is directed who makes an application under the foregoing subsection shall not incur any liability for failing to comply with the order as respects any payments of the class or description specified by the application which are made by him to the defendant while the application, or any appeal in consequence thereof, is pending :

Provided that this subsection shall not apply as respects such payments if the said person subsequently withdraws the application or, as the case may be, abandons the appeal.

13.—(1) The officer to whom an employer pays any sum in pursuance of an attachment of earnings order shall pay that sum in accordance with rules of court to such person entitled to receive payments under the related maintenance order as is specified by the attachment of earnings order.

PART II
—cont.
Miscellaneous provisions as to payments under attachment of earnings orders.

(2) Any sums received by virtue of an attachment of earnings order by the person aforesaid shall be deemed to be payments made by the defendant, with such deductions (if any) in respect of income tax as he is entitled or required to make, so as to discharge first any sums for the time being due and unpaid under the related maintenance order (a sum due at an earlier date being discharged before a sum due at a later date) and secondly any costs incurred in proceedings relating to the maintenance order which were payable by the defendant when the attachment of earnings order was made or last varied.

(3) On any occasion on which an employer makes a payment under the Schedule to this Act in respect of a defendant, the employer may, notwithstanding anything in any other enactment, retain for his own use out of any balance of the defendant's earnings remaining after the making of that payment the sum of sixpence or, if on that occasion the employer makes such payments in pursuance of two or more attachment of earnings orders relating to the defendant, the sum of sixpence in respect of each such payment.

14.—(1) In relation to earnings falling to be paid by the Crown or a Minister of the Crown or out of the public revenue of the United Kingdom, this Part of this Act shall have effect subject to the following modifications, that is to say—

Application of Part II to earnings paid by the Crown, etc.

- (a) the earnings shall be treated as falling to be paid by the chief officer for the time being of the department, office or other body concerned ; and
- (b) the next following section shall not apply except in relation to a failure by the defendant to comply with an order under section eleven of this Act.

(2) If any question arises, in connection with any proceedings relating to an attachment of earnings order, as to what department, office or other body is concerned for the purposes of this section, or as to who for those purposes is the chief officer thereof, that question shall be referred to and determined by the Treasury, but the Treasury shall not be under any obligation to consider a reference under this subsection unless it is made by a court.

(3) A document purporting to set out a determination of the Treasury under the last foregoing subsection and to be signed by an official of the Treasury shall, in any such proceedings as are mentioned in that subsection, be admissible in evidence

PART II
—cont.

and deemed to contain an accurate statement of such a determination unless the contrary is shown.

(4) Subsection (2) of section two hundred and three of the Army Act, 1955, and subsection (2) of section two hundred and three of the Air Force Act, 1955 (which restrict the powers of courts to make orders attaching, among other things, pension payable in respect of service in Her Majesty's military and air forces) shall not apply to the making or variation of attachment of earnings orders.

Offences.

15.—(1) A person who—

- (a) fails to comply with subsection (1) or subsection (4) of section ten of this Act or an order of a magistrates' court or justice of the peace under section eleven thereof ; or
- (b) gives such a notice as is mentioned in the said subsection (4), or a statement in pursuance of such an order as aforesaid, which he knows to be false in a material particular ; or
- (c) recklessly gives such a notice or statement which is false in a material particular.

shall, subject to the following subsection, be liable on summary conviction to a fine not exceeding ten pounds and in the case of a second or subsequent conviction (being, in the case of a failure to comply with the said subsection (1), a second or subsequent conviction relating to the same attachment of earnings order) to a fine not exceeding twenty-five pounds.

(2) It shall be a defence for a person charged with failing to comply with the said subsection (1) to prove that he took all reasonable steps to comply with the attachment of earnings order to which the failure relates.

PART III**MISCELLANEOUS AND SUPPLEMENTAL***Miscellaneous*

Amendment of 15 & 16 Geo. 6. & 1 Eliz. 2. c. 55, s. 74. **16.—(1)** Section seventy-four of the Magistrates' Courts Act, 1952 (which relates to the enforcement of payments under affiliation orders and orders enforceable as affiliation orders) shall have effect, in relation to complaints under that section made on or after the date on which this section comes into operation and to proceedings in pursuance of such complaints, as if for subsections (3) to (7) thereof there were substituted the following subsections, that is to say—

“(3) In relation to complaints under this section, section forty-seven of this Act shall not apply and section forty-eight

thereof shall have effect as if the words "if evidence has been received on a previous occasion" were omitted.

PART III
—cont.

(4) Where at the time and place appointed for the hearing or adjourned hearing of a complaint under this section the complainant appears but the defendant does not, the court may proceed in his absence:

Provided that the court shall not begin to hear the complaint in the absence of the defendant unless either it is proved to the satisfaction of the court, on oath, or in such other manner as may be prescribed, that the summons was served on him within what appears to the court to be a reasonable time before the hearing or adjourned hearing or the defendant has appeared on a previous occasion to answer the complaint.

(5) If a complaint under this section is substantiated on oath, any justice of the peace acting for the same petty sessions area as a court having jurisdiction to hear the complaint may issue a warrant for the defendant's arrest, whether or not a summons has been previously issued.

(6) A magistrates' court shall not impose imprisonment in respect of a default to which a complaint under this section relates unless the court has inquired in the presence of the defendant whether the default was due to the defendant's wilful refusal or culpable neglect, and shall not impose imprisonment as aforesaid if it is of opinion that the default was not so due; and, without prejudice to the foregoing provisions of this subsection, a magistrates' court shall not impose imprisonment as aforesaid—

(a) in a case in which the court has power to make an attachment of earnings order under the Maintenance Orders Act, 1958, unless the court is of opinion that it is inappropriate to make such an order;

(b) in any case, in the absence of the defendant.

(7) Notwithstanding anything in subsection (3) of section sixty-four of this Act, the period for which a defendant may be committed to prison under a warrant of commitment issued in pursuance of a complaint under this section shall not exceed six weeks.

(8) The imprisonment or other detention of a defendant under a warrant of commitment issued as aforesaid shall not operate to discharge the defendant from his liability to pay the sum in respect of which the warrant was issued."

(2) Subsections (7) and (8) of the said section seventy-four as amended by the foregoing subsection shall have effect in relation to a warrant of commitment issued on or after the date on which

PART III
—cont.

this section comes into operation in pursuance of a complaint under that section made before that date (not being a warrant of which the issue was postponed before that date by virtue of section sixty-five of the said Act of 1952) as those subsections have effect in relation to a warrant of commitment issued in pursuance of such a complaint made after that date.

Prohibition of committal more than once in respect of same arrears.

17. Where a defendant has been imprisoned or otherwise detained under an order or warrant of commitment issued in respect of his failure to pay a sum due under a maintenance order, then, notwithstanding anything in this Act, no such order or warrant (other than a warrant of which the issue has been postponed under paragraph (ii) of subsection (5) of the next following section) shall thereafter be issued in respect of that sum or any part thereof.

Powers of magistrates to review committals, etc.

18.—(1) Where, for the purpose of enforcing a maintenance order, a magistrates' court has exercised its power under subsection (2) of section sixty-five of the Magistrates' Courts Act, 1952, or this section to postpone the issue of a warrant of commitment and under the terms of the postponement the warrant falls to be issued, then—

- (a) the warrant shall not be issued except in pursuance of subsection (2) or paragraph (a) of subsection (3) of this section; and
- (b) the clerk of the court shall give notice to the defendant stating that if the defendant considers there are grounds for not issuing the warrant he may make an application to the court in the prescribed manner requesting that the warrant shall not be issued and stating those grounds.

(2) If no such application is received by the clerk of the court within the prescribed period, any justice of the peace acting for the same petty sessions area as the court may issue the warrant of commitment at any time after the expiration of that period; and if such an application is so received any such justice may, after considering the statements contained in the application—

- (a) if he is of opinion that the application should be further considered, refer it to the court;
- (b) if he is not of that opinion, issue the warrant forthwith;

and when an application is referred to the court under this subsection, the clerk of the court shall give to the defendant and the person in whose favour the maintenance order in question was made notice of the time and place appointed for the consideration of the application by the court.

(3) On considering an application referred to it under the last foregoing subsection the court shall, unless in pursuance of subsection (6) of this section it remits the whole of the sum in respect of which the warrant could otherwise be issued, either—

- (a) issue the warrant ; or
- (b) further postpone the issue thereof until such time and on such conditions, if any, as the court thinks just ; or
- (c) if in consequence of any change in the circumstances of the defendant the court considers it appropriate so to do, order that the warrant shall not be issued in any event.

(4) A defendant who is for the time being imprisoned or otherwise detained under a warrant of commitment issued by a magistrates' court for the purpose of enforcing a maintenance order, and who is not detained otherwise than for the enforcement of such an order, may make an application to the court in the prescribed manner requesting that the warrant shall be cancelled and stating the grounds of the application ; and thereupon any justice of the peace acting for the same petty sessions area as the court may, after considering the statements contained in the application—

- (a) if he is of opinion that the application should be further considered, refer it to the court ;
- (b) if he is not of that opinion, refuse the application ;

and when an application is referred to the court under this subsection, the clerk of the court shall give to the person in charge of the prison or other place in which the defendant is detained and the person in whose favour the maintenance order in question was made notice of the time and place appointed for the consideration of the application by the court.

(5) On considering an application referred to it under the last foregoing subsection, the court shall, unless in pursuance of the next following subsection it remits the whole of the sum in respect of which the warrant was issued or such part thereof as remains to be paid, either—

- (a) refuse the application ; or
- (b) if the court is satisfied that the defendant is unable to pay, or to make any payment or further payment towards, the sum aforesaid and if it is of opinion that in all the circumstances of the case the defendant ought not to continue to be detained under the warrant, order that the warrant shall cease to have effect when the person in charge of the prison or other place aforesaid is informed of the making of the order ;

PART III
—cont.

and where the court makes an order under paragraph (b) of this subsection, it may if it thinks fit also—

- (i) fix a term of imprisonment in respect of the sum aforesaid or such part thereof as remains to be paid, being a term not exceeding so much of the term of the previous warrant as, after taking into account any reduction thereof by virtue of the next following subsection, remained to be served at the date of the order; and
- (ii) postpone the issue of a warrant for the commitment of the defendant for that term until such time and on such conditions, if any, as the court thinks just.

(6) On considering an application under this section in respect of a warrant or a postponed warrant, the court may, if the maintenance order in question is an affiliation order or an order enforceable as an affiliation order, remit the whole or any part of the sum due under the order; and where the court remits the sum or part of the sum in respect of which the warrant was issued or the postponed warrant could have been issued, section sixty-seven of the Magistrates' Courts Act, 1952 (which provides that on payment of the sum for which imprisonment has been ordered by a magistrates' court the order shall cease to have effect and that on payment of part of that sum the period of detention shall be reduced proportionately) shall apply as if payment of that sum or part had been made as therein mentioned.

(7) Where notice of the time and place appointed for the consideration of an application is required by this section to be given to the defendant or the person in whose favour the maintenance order in question was made and the defendant or, as the case may be, that person does not appear at that time and place, the court may proceed with the consideration of the application in his absence.

(8) A notice required by this section to be given by the clerk of a magistrates' court to any person shall be deemed to be given to that person if it is sent by registered post addressed to him at his last known address, notwithstanding that the notice is returned as undelivered or is for any other reason not received by that person.

Revocation
and variation
of Orders in
Council under
10 & 11 Geo. 5,
c. 33, s. 12.

19. Her Majesty may by Order in Council revoke or vary any Order in Council made under section twelve of the Maintenance Orders (Facilities for Enforcement) Act, 1920 (which provides for the extension of that Act by Order in Council to certain oversea territories), and an Order under this section may contain such incidental, consequential and transitional provisions as Her Majesty considers expedient for the purposes of that Act.

*Supplemental*PART III
—cont.

20.—(1) Notwithstanding anything in this Act, the clerk of a magistrates' court who is entitled to receive payments under a maintenance order for transmission to another person shall not—

Special provisions as to magistrates' courts.

- (a) apply for the registration of the maintenance order under Part I of this Act or give notice in relation to the order in pursuance of subsection (1) of section five thereof ; or
- (b) apply for an attachment of earnings order, or (except as required by subsection (5) of section nine of this Act) an order discharging or varying an attachment of earnings order, in respect of those payments,

unless he is requested in writing to do so by a person entitled to receive the payments through him ; and where the clerk is requested as aforesaid—

- (i) he shall comply with the request unless it appears to him unreasonable in the circumstances to do so ;
- (ii) the person by whom the request was made shall have the same liabilities for all the costs properly incurred in or about any proceedings taken in pursuance of the request as if the proceedings had been taken by that person ;

and for the purposes of paragraph (ii) of this subsection any application made by the clerk as required by the said subsection (5) shall be deemed to be made on the request of the person in whose favour the attachment of earnings order in question was made.

(2) An application to a magistrates' court by virtue of subsection (2) of section four of this Act for the variation of a maintenance order and an application to a magistrates' court for an attachment of earnings order, or an order discharging or varying an attachment of earnings order, shall be made by complaint.

(3) It is hereby declared that a magistrates' court has jurisdiction to hear a complaint by or against a person residing outside England for the discharge or variation of an attachment of earnings order made by a magistrates' court ; and where such a complaint is made against a person residing outside England, then—

- (a) if he resides in Scotland or Northern Ireland, section fifteen of the Maintenance Orders Act, 1950 (which relates to the service of process on persons residing in those countries) shall have effect in relation to the complaint as it has effect in relation to the proceedings therein mentioned ; and

PART III
—cont.

(b) if the said person resides outside the United Kingdom and does not appear at the time and place appointed for the hearing of the complaint but it is proved to the satisfaction of the court, on oath or in such other manner as may be prescribed, that the complainant has taken such steps as may be prescribed to give to the said person notice of the complaint and of the time and place aforesaid, the court may, if it thinks it reasonable in all the circumstances to do so, proceed to hear and determine the complaint at the time and place appointed for the hearing or for any adjourned hearing in like manner as if the said person had then appeared.

(4) For the purposes of section forty-three of the Magistrates' Courts Act, 1952 (which provides for the issue of a summons directed to the person against whom an order may be made in pursuance of a complaint)—

- (a) the power to make an order in pursuance of a complaint by the defendant for the discharge or variation of an attachment of earnings order shall be deemed to be a power to make an order against the person in whose favour the attachment of earnings order was made ; and
- (b) the power to make an attachment of earnings order, or an order discharging or varying an attachment of earnings order, in pursuance of a complaint by any other person (including a complaint in proceedings to which paragraph (b) of section seven of this Act applies) shall be deemed to be a power to make an order against the defendant.

(5) Where the court referred to in subsection (1) of section twelve of this Act is a magistrates' court—

- (a) the power conferred by subsection (2) of section one hundred and twenty-two of the Magistrates' Courts Act, 1952, to provide by rules for jurisdiction expressly conferred on a magistrates' court to hear a complaint to be extended to any other magistrates' court shall be exercisable, and
- (b) subsection (1) of section seventy-seven of that Act (which relates to the attendance of witnesses) shall apply,

as if subsection (1) of the said section twelve required an application thereunder to be made by complaint ; and on making a determination under that subsection the court may in its discretion make such order as it thinks just and reasonable as to the payment by any of the persons mentioned in that subsection of

the whole or any part of the costs of the determination, and costs ordered to be paid under this subsection shall—

PART III
—cont.

- (i) in the case of costs to be paid by the defendant to the person in whose favour the attachment of earnings order in question is made, be deemed to be a sum due under the related maintenance order ; and
- (ii) in any other case, be enforceable as a civil debt.

(6) In subsection (3) of section fifty-two of the Magistrates' Courts Act, 1952 (which provides for the clerk through whom payments under a magistrates' court order are required to be made to proceed in his own name for the recovery of arrears under the order) for the words " Where an order under subsection (1) of this section requires the payments to be made weekly " there shall be substituted the words " Where periodical payments under an order of any court are required to be paid to or through the clerk of a magistrates' court " ; and in subsection (4) of that section (which provides that nothing in that section shall affect any right of a person to proceed in his own name for the recovery of sums payable on his behalf under any order under subsection (1) of that section) for the words " any order under subsection (1) of this section " there shall be substituted the words " an order of any court."

(7) A complaint for an attachment of earnings order may be heard notwithstanding that the complaint was not made within the six months allowed by section one hundred and four of the Magistrates' Courts Act, 1952.

(8) For the avoidance of doubt it is hereby declared that a complaint may be made to enforce payment of a sum due and unpaid under a maintenance order notwithstanding that a previous complaint has been made in respect of that sum or a part thereof and whether or not an order was made in pursuance of the previous complaint.

21.—(1) In this Act, unless the context otherwise requires, the following expressions have the following meanings— Interpretation,
etc.

" affiliation order ", " magistrates' court " and " petty sessions area " have the meanings assigned to them by the Magistrates' Courts Act, 1952, and for the purposes of the definition of a magistrates' court the reference to that Act in subsection (2) of section one hundred and twenty-four thereof shall be construed as including a reference to this Act ;

" attachment of earnings order " has the meaning assigned to it by subsection (1) of section six of this Act ;

PART III
—cont.

“defendant”, in relation to a maintenance order or a related attachment of earnings order, means the person liable to make payments under the maintenance order ;

“earnings”, in relation to a defendant, means any sums (other than excepted sums) payable to him—

(a) by way of wages or salary (including any fees, bonus, commission, overtime pay or other emoluments payable in addition to wages or salary by the person paying the wages or salary or payable under a contract of service) ;

(b) by way of pension (including an annuity in respect of past services, whether or not the services were rendered to the person paying the annuity, and including periodical payments by way of compensation for the loss, abolition or relinquishment, or any diminution in the emoluments, of any office or employment) ;

“employer” means a person by whom, as a principal and not as a servant or agent, earnings fall to be paid to a defendant, and references to payment of earnings shall be construed accordingly ;

“England” includes Wales ;

“excepted sums” means—

(a) sums payable by any public department of the government of any territory outside the United Kingdom or of Northern Ireland ;

(b) pay or allowances payable to the defendant as a member of Her Majesty’s forces ;

(c) pension, allowances or benefit payable by the Minister of Pensions and National Insurance, other than such part of any pension as is so payable to the defendant in respect of his service in Her Majesty’s forces or in respect of any employment of his ;

(d) pension or allowances payable to the defendant in respect of his disablement or disability ; and

(e) wages payable to the defendant as a seaman or apprentice, other than wages payable to him as a seaman or apprentice of a fishing boat ;

and in paragraph (e) of this definition expressions used in the Merchant Shipping Act, 1894, have the same meanings as in that Act ;

“ maintenance order ” means—

PART III
—cont.

(a) an order for alimony, maintenance or other payments made or deemed to be made by a court in England under any of the following enactments, that is to say—

- (i) sections nineteen to twenty-seven of the Matrimonial Causes Act, 1950 ;
 - (ii) the Summary Jurisdiction (Separation and Maintenance) Acts, 1895 to 1949 ;
 - (iii) subsection (2) of section three, subsection (4) of section five or section six of the Guardianship of Infants Act, 1925 ;
 - (iv) section four of the Affiliation Proceedings Act, 1957, section forty-four of the National Assistance Act, 1948, or section twenty-six of the Children Act, 1948 ;
 - (v) section eighty-seven of the Children and Young Persons Act, 1933, or section forty-three of the National Assistance Act, 1948 ;
- or

(b) an order registered in a court in England under Part II of the Maintenance Orders Act, 1950, or the Maintenance Orders (Facilities for Enforcement) Act, 1920, or an order confirmed by such a court under the last-mentioned Act,

and includes any such order which has been discharged if any arrears are recoverable thereunder ;

“ prescribed ” means prescribed by rules of court ;

“ proper officer ”, in relation to a magistrates’ court, means the clerk of the court ;

“ rules of court ”, in relation to a magistrates’ court, means rules under section fifteen of the Justices of the Peace Act, 1949.

(2) Any reference in this Act to a person entitled to receive payments under a maintenance order is a reference to a person entitled to receive such payments either directly or through another person or for transmission to another person.

(3) Any reference in this Act to proceedings relating to an order includes a reference to proceedings in which the order may be made.

(4) Any reference in this Act to costs incurred in proceedings relating to a maintenance order shall be construed, in the case of a maintenance order made by the High Court, as a reference to such costs as are included in an order for costs relating solely to that maintenance order.

PART III
—cont.

(5) Any earnings which, in pursuance of a scheme under the Dock Workers (Regulation of Employment) Act, 1946, fall to be paid to a defendant by a body responsible for the local administration of the scheme acting as agent for the defendant's employer or as delegate of the body responsible for the general administration of the scheme shall be treated for the purposes of this Act as falling to be paid to the defendant by the last-mentioned body acting as a principal.

(6) Any reference in this Act to any enactment is a reference to that enactment as amended by or under any subsequent enactment.

Legislative
powers of
Parliament
of Northern
Ireland.

22. No limitation on the powers of the Parliament of Northern Ireland imposed by the Government of Ireland Act, 1920, shall preclude that Parliament from making laws for purposes similar to the purposes of this Act.

Short title,
extent, com-
mencement
and repeals.

23.—(1) This Act may be cited as the Maintenance Orders Act, 1958.

(2) This Act, except paragraph (a) of subsection (3) of section twenty, shall not extend to Scotland or, except section nineteen, the said paragraph (a) and the last foregoing section, to Northern Ireland.

(3) This Act shall come into operation on such date as the Secretary of State may by order, made by statutory instrument, appoint; and different dates may be so appointed for the purposes of different provisions of this Act.

(4) Subsection (2) of section eight of the Guardianship of Infants Act, 1925, and section ten of the Affiliation Proceedings Act, 1957, are hereby repealed; but nothing in this subsection shall affect any order in force or deemed to be in force under either of those provisions at the commencement of this subsection, and any such order may be discharged or varied as if this subsection had not been passed.

SCHEDULE

Sections 6, 10, 13.

PAYMENTS UNDER ATTACHMENT OF EARNINGS ORDERS

1. The provisions of this Schedule shall have effect in respect of each occasion (in this Schedule referred to as a "pay-day") on which any earnings to which an attachment of earnings order relates fall to be paid.

2. In this Schedule, the following expressions have the following meanings respectively—

"normal deduction" and "protected earnings", in relation to any pay-day, mean the amount which would represent a payment at the normal deduction rate specified by the order or, as the case may be, at the protected earnings rate so specified in respect of the period between the pay-day in question and either the last preceding pay-day or, where there is no last preceding pay-day, the date last before the pay-day in question on which the employer became the defendant's employer;

"relevant earnings", in relation to any pay-day, means the amount of the earnings aforesaid falling to be paid on the pay-day in question after the deduction from those earnings of any amount falling to be deducted therefrom by the employer by way of income tax or of contributions under the National Insurance (Industrial Injuries) Acts, 1946 to 1957, the National Insurance Acts, 1946 to 1957, or the National Health Service Contributions Act, 1957, or of lawful deductions under any enactment, or in pursuance of a request in writing by the defendant, requiring or authorising deductions to be made for the purposes of a superannuation scheme within the meaning of the Wages Councils Act, 1945.

3. If the relevant earnings exceed the sum of—

(a) the protected earnings; and

(b) so much of any amount by which the relevant earnings falling to be paid on any previous pay-day fell short of the protected earnings for the purposes of that pay-day as has not been made good by virtue of this sub-paragraph on any other previous pay-day,

the employer shall, so far as that excess permits, pay to the officer designated for the purpose in the order—

(i) the normal deduction; and

(ii) so much of the normal deduction for any previous pay-day as was not paid on that pay-day and has not been paid by virtue of this sub-paragraph on any other previous pay-day.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Debtors Act, 1869	32 & 33 Vict. c. 62.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Maintenance Orders (Facilities for Enforcement) Act, 1920	10 & 11 Geo. 5. c. 33.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Guardianship of Infants Act, 1925	15 & 16 Geo. 5. c. 45.
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5. c. 49.
Children and Young Persons Act, 1933	23 & 24 Geo. 5. c. 12.
Wages Councils Act, 1945	8 & 9 Geo. 6. c. 17.
Dock Workers (Regulation of Employment) Act, 1946	9 & 10 Geo. 6. c. 22.
National Assistance Act, 1948	11 & 12 Geo. 6. c. 29.
Children Act, 1948	11 & 12 Geo. 6. c. 43.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Matrimonial Causes Act, 1950	14 Geo. 6. c. 25.
Maintenance Orders Act, 1950	14 Geo. 6. c. 37.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.
Army Act, 1955	3 & 4 Eliz. 2. c. 18.
Air Force Act, 1955	3 & 4 Eliz. 2. c. 19.
National Health Service Contributions Act, 1957... ..	5 & 6 Eliz. 2. c. 34.
Affiliation Proceedings Act, 1957	5 & 6 Eliz. 2. c. 55.

CHAPTER 40

Matrimonial Proceedings (Children) Act, 1958

ARRANGEMENT OF SECTIONS

PART I

JURISDICTION IN ENGLAND AND WALES

Section

1. Extension of jurisdiction of Divorce Court to further classes of children.
2. Restrictions on grant of relief in proceedings for divorce etc. involving welfare of children.
3. Power of Divorce Court to provide for children on dismissal of proceedings for divorce etc.
4. Power of Divorce Court to provide for children in proceedings for maintenance.
5. Power of Divorce Court to commit children to care of local authority.
6. Power of Divorce Court to provide for supervision of children.

PART II

JURISDICTION IN SCOTLAND

7. Extension of jurisdiction of the court to further classes of children.
8. Duty of court in actions of divorce, etc., to consider arrangements for children's welfare before granting decree.
9. Jurisdiction of court as respects children where action dismissed or in case of non-adherence.
10. Power of court in actions of divorce, etc., to commit care of child to local authority or an individual.

Section

11. Reports as to arrangements for future care and upbringing of children.
12. Power of court to provide for supervision of child.
13. Power to prohibit in certain cases removal of child furth of Scotland or out of control of person having custody of him.
14. Provisions as to actions of nullity of marriage, as to custody and access, and as to orders.
15. Interpretation of Part II.

PART III**GENERAL**

16. Expenses.
17. Application of enactments regulating the enforcement of maintenance orders.
18. Short title, extent and commencement.

An Act to extend the powers of courts to make orders in respect of children in connection with proceedings between husband and wife and to require arrangements with respect to children to be made to the satisfaction of the court before the making of a decree in such proceedings. [7th July, 1958]

BE it enacted by the Queen'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**JURISDICTION IN ENGLAND AND WALES**

1.—(1) Subject to the provisions of this section, section twenty-six of the Matrimonial Causes Act, 1950 (which enables the High Court to provide for the custody, maintenance and education of the children of the parties to matrimonial proceedings), shall apply in relation to a child of one party to the marriage (including an illegitimate or adopted child) who has been accepted as one of the family by the other party as it applies in relation to a child of both parties.

Extension of jurisdiction of Divorce Court to further classes of children.

(2) In considering whether any and what provision should be made by virtue of the foregoing subsection for requiring any party to make any payment towards the maintenance or education of a child who is not his own, the court shall have regard to the extent, if any, to which that party had, on or after the acceptance of the child as one of the family, assumed responsibility for the child's maintenance and to the liability of any person other than a party to the marriage to maintain the child.

PART I
—cont.

(3) It is hereby declared that the reference in subsection (2) of the said section twenty-six to the children of the petitioner and respondent includes a reference to any illegitimate child of the petitioner and respondent.

(4) In subsection (1) of section twenty-three of the said Act (under which a husband guilty of wilful neglect to maintain his wife or the infant children of the marriage may be ordered to make periodical payments to his wife) the reference to the infant children of the marriage shall be construed as including a reference to an illegitimate child of both parties to the marriage.

(5) In this section “adopted child” means a child adopted in pursuance of an adoption order made under the Adoption Act, 1950, or any enactment repealed by that Act, or under any corresponding enactment of the Parliament of Northern Ireland.

(6) This section shall not apply in relation to proceedings instituted before the commencement of this Part of this Act.

Restrictions
on grant of
relief in
proceedings
for divorce
etc. involving
welfare of
children.

2.—(1) Subject to the provisions of this section, in any proceedings for divorce, nullity of marriage or judicial separation where the High Court has, by virtue of subsection (1) of section twenty-six of the Matrimonial Causes Act, 1950, jurisdiction in relation to any child, the court shall not make absolute any decree for divorce or nullity of marriage or pronounce a decree of judicial separation unless and until the court is satisfied as respects every such child who has not attained the age of sixteen years—

- (a) that arrangements have been made for the care and upbringing of the child and that those arrangements are satisfactory or are the best which can be devised in the circumstances, or
- (b) that it is impracticable for the party or parties appearing before the court to make any such arrangements.

(2) The court may if it thinks fit proceed without observing the requirements of the foregoing subsection if it appears that there are circumstances making it desirable that the decree nisi should be made absolute, or, as the case may be, that the decree for judicial separation should be pronounced, without delay and if the court has obtained a satisfactory undertaking from either or both of the parties to bring the question of the arrangements for the children before the court within a specified time.

(3) In subsection (2) of section two of the said Act (which requires the judge in determining an application for leave to present a petition for divorce before the expiration of three years from the date of the marriage to have regard to the interests of any children of the marriage) the reference to any children of the marriage shall be construed as including a reference to any other child in relation to whom the court would have jurisdiction by virtue of subsection (1) of the said section twenty-six in proceedings instituted by the petition.

(4) Subsection (1) of this section shall not apply in relation to proceedings instituted before the commencement of this Part of this Act.

PART I
—cont.

3.—(1) Where proceedings instituted after the commencement of this Part of this Act in the High Court for divorce, nullity of marriage or judicial separation are dismissed at any stage after the beginning of the trial, the court may, either forthwith or within a reasonable period after the proceedings have been dismissed, make such provision with respect to the custody, maintenance and education of any child as could be made in the case of that child under subsection (1) of section twenty-six of the Matrimonial Causes Act, 1950, if the proceedings were still before the court.

Power of
Divorce Court
to provide for
children on
dismissal of
proceedings for
divorce etc.

(2) Where an order has been made under the foregoing subsection as respects a child, the court may from time to time make further provision with respect to his custody, maintenance and education.

4.—(1) Where the court makes an order after the commencement of this Part of this Act under subsection (1) of section twenty-three of the Matrimonial Causes Act, 1950, the court shall also have jurisdiction from time to time to make such provision as appears just with respect to the custody of any such child as is referred to in that subsection (and, as in a case under the last foregoing section, with respect to access to the child), but the jurisdiction conferred by this subsection, and any order made in exercise of that jurisdiction, shall have effect only as respects any period when an order is in force under subsection (1) of the said section twenty-three.

Power of
Divorce Court
to provide
for children
in proceedings
for main-
tenance.

(2) In any case where the court would have power, on an application made under subsection (1) of the said section twenty-three, to order the husband to make to the wife periodical payments for the maintenance of any such child as is referred to in that subsection, the court may, if it thinks fit, order those payments to be made to the child, or to any other person for the benefit of the child, instead of to the wife; and the reference to the wife in subsection (2) of that section (which relates to security for maintenance) shall be construed accordingly.

5.—(1) Where the court has jurisdiction to make provision as to the custody of a child, either by virtue of section twenty-six of the Matrimonial Causes Act, 1950, or of this Part of this Act and it appears to the court that there are exceptional circumstances making it impracticable or undesirable for the child to be entrusted to either of the parties to the marriage or to any other individual, the court may if it thinks fit make an order committing the care of the child to the council of a county or county borough (hereinafter referred to as the local authority) and thereupon Part II of the Children Act, 1948

Power of
Divorce Court
to commit
children to
care of local
authority.

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**PART I
—cont.**

(which relates to the treatment of children in the care of a local authority), shall, subject to the provisions of this section, apply as if the child had been received by the local authority into their care under section one of that Act.

(2) The authority specified in an order under this section shall be the council of the county or county borough in which the child was, in the opinion of the court, resident before the order was made to commit the child to the care of a local authority, and the court shall before making an order under this section hear any representations from the local authority, including any representations as to the making of an order for payments for the maintenance and education of the child.

(3) While an order made by virtue of this section is in force with respect to any child, the child shall continue in the care of the local authority notwithstanding any claim by a parent or other person.

(4) An order made by virtue of this section shall cease to have effect as respects any child when that child attains the age of eighteen years and the court shall not make an order committing a child to the care of a local authority under this section after he has attained the age of seventeen years.

(5) In the application of the said Part II of the Children Act, 1948, under this section—

- (a) the exercise by the local authority of their powers under sections twelve to sixteen of that Act shall be subject to any directions given by the court, and
- (b) section seventeen of that Act (which relates to arrangements for the emigration of a child under the care of a local authority) shall not apply.

(6) If a child who is committed to the care of a local authority under this section comes under the control of any person or authority under the provisions of the Mental Deficiency Acts, 1913 to 1938, or the Lunacy and Mental Treatment Acts, 1890 to 1930, he shall thereupon cease to be committed to the care of the local authority under this section.

(7) It shall be the duty of any parent or guardian of a child committed to the care of a local authority under this section to secure that the local authority are informed of his address for the time being and a person who knowingly fails to comply with this subsection shall be liable on summary conviction to a fine not exceeding five pounds.

(8) The court shall have power from time to time by an order under this section to vary or discharge any provision made in pursuance of this section.

6.—(1) Where the court has jurisdiction to provide for the custody of a child under section twenty-six of the Matrimonial Causes Act, 1950, or this Part of this Act and it appears to the court that there are exceptional circumstances making it desirable that the child should be under the supervision of an independent person, the court may, as respects any period during which the child is, in exercise of that jurisdiction, committed to the custody of any person, order that the child be under the supervision of an officer appointed under this section as a welfare officer or under the supervision of a local authority.

PART I
—cont.

Power of
Divorce Court
to provide for
supervision
of children.

(2) Where the court makes an order under this section for supervision by a welfare officer, the officer responsible for carrying out the order shall be such probation officer as may be selected under arrangements made by the Secretary of State and where an order is for supervision by a local authority, that authority shall be the council of a county or county borough selected by the court and specified in the order.

(3) This section shall be included among the enactments specified in subsection (1) of section thirty-nine of the Children Act, 1948 (which lists the functions which are matters for the children's committee of a local authority and in respect of which grants are payable under section forty-seven of that Act), and a local authority shall discharge the duties conferred on them by an order under this section through an officer employed in connection with those functions.

(4) The court shall not have power to make an order under this section as respects a child who in pursuance of an order under the last foregoing section is in the care of a local authority.

(5) Where a child is under the supervision of any person in pursuance of this section the jurisdiction possessed by a court to vary any order made with respect to the child's custody, maintenance or education under section twenty-six of the Matrimonial Causes Act, 1950, or this Part of this Act shall, subject to any rules of court, be exercisable at the instance of the court itself.

(6) The court shall have power from time to time by an order under this section to vary or discharge any provision made in pursuance of this section.

PART II

JURISDICTION IN SCOTLAND

7.—(1) Subject to the provisions of this section, the power of the court in an action for divorce, nullity of marriage or separation to make orders providing for the custody, maintenance and

Extension of
jurisdiction of
the court to
further classes
of children.

K 2

PART II
—cont.

education of any child of the marriage to which the action relates shall apply in relation to any child who—

(a) is the illegitimate child of both parties to the marriage, or

(b) is the child of one party to the marriage (including an illegitimate or an adopted child) and has been accepted as one of the family by the other party,

as it applies in relation to a child of the marriage.

(2) In considering whether any and what provision should be made by virtue of the foregoing subsection for requiring any party to make any payment towards the maintenance or education of a child who is not his own, the court shall have regard to the extent, if any, to which that party had, on or after the acceptance of the child as one of the family, assumed responsibility for the child's maintenance and to the liability of any person other than a party to the marriage to maintain the child.

(3) In this section "adopted child" means a child adopted in pursuance of an adoption order made under the Adoption Act, 1950, or any enactment repealed by that Act, or under any corresponding enactment of the Parliament of Northern Ireland.

(4) This section shall not apply in relation to actions commenced before the commencement of this Part of this Act.

Duty of court in actions of divorce, etc., to consider arrangements for children's welfare before granting decree.

8.—(1) Subject to the provisions of this section, in any action for divorce, nullity of marriage or separation the court shall not grant decree of divorce, nullity of marriage or separation unless and until the court is satisfied as respects every child for whose custody, maintenance and education the court has jurisdiction to make provision in that action—

(a) that arrangements have been made for the care and upbringing of the child and that those arrangements are satisfactory or are the best which can be devised in the circumstances; or

(b) that it is impracticable for the party or parties appearing before the court to make any such arrangements.

(2) The court may, if it thinks fit, proceed to grant decree of divorce, nullity of marriage or separation without observing the requirements of the foregoing subsection if it appears that there are circumstances making it desirable that decree should be granted without delay and if the court has obtained a satisfactory undertaking from either or both of the parties to bring the question of the arrangements for the children before the court within a specified time.

(3) This section shall not apply in relation to actions commenced before the commencement of this Part of this Act.

9.—(1) Where an action commenced after the commencement of this Part of this Act for divorce, nullity of marriage or separation is dismissed at any stage after proof on the merits of the action has been allowed or decree of absolutor is granted therein, the court before which the action was brought, may, either forthwith or within a reasonable time after the action has been dismissed or decree of absolutor granted therein, make such provision with respect to the custody, maintenance and education of any child as could be made in the case of that child if the action were still before the court.

PART II
—cont.

Jurisdiction of court as respects children where action dismissed or in case of non-adherence.

(2) Where one party to a marriage is in default in obtempering a decree of adherence the court by which the decree was granted shall have power to make, on the application of the other party, such provision with respect to the custody, maintenance and education of any child as could be made in the case of that child in an action for separation between the parties.

10.—(1) Where it appears to the court as respects any child for whose custody, maintenance and education it has jurisdiction to make provision in connection with an action for divorce, nullity of marriage or separation brought before it that there are exceptional circumstances making it impracticable or undesirable for the child to be entrusted to either of the parties to the marriage, the court may, if it thinks fit, make an order committing the care of the child to any other individual or to a local authority.

Power of court in actions of divorce, etc., to commit care of child to local authority or an individual.

(2) Where the court commits the care of the child to a local authority the authority specified in the order shall be the council of the county or large burgh in which the child was, in the opinion of the court, resident before the order was made; and the court shall before making the order hear any representations from the authority, including any representations as to the making of an order for payments for the maintenance and education of the child.

(3) While an order under this section committing the care of a child to a local authority is in force with respect to any child, the child shall continue in the care of the local authority notwithstanding any claim by a parent or other person.

(4) On the making of an order under this section committing the care of a child to a local authority, Part II of the Children Act, 1948 (which relates to the treatment of children in care of local authorities) shall, subject to the provisions of this section, apply as if the child had been received by the local authority into their care under section one of that Act, so however that—

(a) the exercise by the local authority of their powers under sections twelve to sixteen of that Act shall be subject to any directions given by the court; and

PART II
—cont.

(b) section seventeen of that Act (which relates to arrangements for the emigration of a child under the care of a local authority) shall not apply.

(5) If a child who is committed to the care of a local authority under this section comes under the control of any person or authority under the provisions of the Mental Deficiency (Scotland) Acts, 1913 and 1940, or the Lunacy (Scotland) Acts, 1857 to 1919, he shall thereupon cease to be committed to the care of the local authority under this section.

(6) It shall be the duty of any parent or guardian of a child committed to the care of a local authority under this section to secure that the local authority are informed of his address for the time being; and a person who knowingly fails to comply with this subsection shall be liable on summary conviction to a fine not exceeding five pounds.

Reports as to
arrangements
for future
care and
upbringing
of children.

11.—(1) For the purpose of satisfying itself as to the proposed arrangements for the care and upbringing of any child as to whose custody, maintenance and education the court has jurisdiction to make orders, the court may, without prejudice to its power to appoint any other person for the purpose, appoint an officer designated under this section to investigate and report to the court on all the circumstances of the child and on the proposed arrangements for the care and upbringing of the child.

(2) For the purposes of this section the sheriff shall, after consultation with the county council or the town council, as the case may be, designate for each county and for each large burgh one or more suitable officers, being probation officers or, if the council consents to their being so designated, officers employed by the council, and shall from time to time cause to be furnished to the Principal Clerk of Session and to each sheriff clerk a list of the officers so designated by him.

In this subsection the expression “sheriff” does not include a sheriff substitute.

(3) Notwithstanding anything in any enactment or in his terms of appointment a probation officer may be designated for the purposes of this section and, if so designated, shall act accordingly.

(4) If on consideration of a report furnished in pursuance of subsection (1) of this section the court, either *ex proprio motu* or on the application of any person concerned, thinks it expedient to do so, it may require the person who furnished the report to appear and to be examined on oath regarding any matter dealt with in the report, and such person may be examined or cross-examined accordingly.

(5) Any expenses incurred in connection with the preparation of a report by a designated officer under this section shall form part of the expenses of the action and be defrayed by such party to the action as the court may direct, and the court may certify the amount of the expenses so incurred.

12.—(1) If it appears to the court as respects any child for whose custody it has power to make provision in connection with an action for divorce, nullity of marriage or separation that there are exceptional circumstances making it desirable that the child should be under the supervision of an independent person, the court may, as respects any period during which the child is committed to the custody of any person, make an order placing the child under the supervision of a probation officer or of a local authority.

Power of court to provide for supervision of child.

(2) Where the court makes an order under this section for supervision by a local authority that authority shall be the council of a county or large burgh selected by the court and specified in the order.

(3) This section shall be included among the enactments specified in subsection (1) of section thirty-nine of the Children Act, 1948 (which lists the functions which are matters for the children's committee of a local authority and in respect of which grants are payable under section forty-seven of that Act), and a local authority shall discharge the duties conferred on them by an order under this section through an officer employed in connection with those functions.

(4) The court shall not have power to make an order under this section as respects a child who in pursuance of an order under section ten of this Act is in the care of a local authority.

13.—(1) At any time after the commencement of an action in connection with which the court would have jurisdiction to make orders with respect to the custody, maintenance and education of any child, either party to the action or the guardian of the child in relation to whom such orders may be made or any person who has or who wishes to obtain under an order of the court the custody or care of such child may apply to the Court of Session to grant interim interdict prohibiting the removal of the child furth of Scotland or out of the control of the person in whose custody the child is; and on such application that Court, if it is satisfied that there is a likelihood that the child will be so removed, shall have power to grant interim interdict accordingly.

Power to prohibit in certain cases removal of child furth of Scotland or out of control of person having custody of him.

(2) For the purposes of this section an action shall be held to commence in the Court of Session when the summons is signeted and in the sheriff court when the warrant of citation is signed.

PART II
—cont.

Provisions as to actions of nullity of marriage, as to custody and access, and as to orders.

14.—(1) In any action for declarator of nullity of marriage the Court of Session shall have the like power to make orders providing for the custody, maintenance and education of children as it has under section nine of the Conjugal Rights (Scotland) Amendment Act, 1861, in any action for separation or divorce.

(2) Any power exercisable by the court to make provision as to the custody of a child shall include power to commit the custody of the child to a person other than his parent and to make provision as to access whether or not provision is made for legal custody.

(3) Any order made by the court under this Part of this Act may from time to time be varied or may be revoked by a subsequent order made thereunder by the court either *ex proprio motu* or on the application of any person concerned.

Interpretation of Part II.

15. In this Part of this Act, the expression “the court” means the Court of Session or the sheriff, the expression “child” means a child under sixteen years of age, and the expression “large burgh” has the like meaning as in the Local Government (Scotland) Act, 1947; and for the purposes of this Part of this Act a small burgh shall be included in the county in which it is situated.

PART III

GENERAL

Expenses.

16. There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums payable out of moneys so provided—

- (a) under section forty-seven of the Children Act, 1948, or
- (b) under Part I of the Local Government Act, 1948, or the Local Government (Financial Provisions) (Scotland) Act 1954, as amended by the Valuation and Rating (Scotland) Act, 1956.

Application of enactments regulating the enforcement of maintenance orders.

17. Any order for maintenance or other payments made by virtue of this Act or any corresponding enactment of the Parliament of Northern Ireland shall be included among the orders to which section sixteen of the Maintenance Orders Act, 1950, applies (which section specifies the maintenance orders which are enforceable under Part II of that Act) and, in the case of an order made by virtue of Part I of this Act, shall be a maintenance order within the meaning of the Maintenance Orders Act, 1958.

18.—(1) This Act may be cited as the Matrimonial Proceedings (Children) Act, 1958.

PART III
—cont.

(2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as amended or extended by any other Act, including this Act.

Short title,
extent and
commence-
ment.

(3) This Act (except so far as it affects Part II of the Maintenance Orders Act, 1950) shall not extend to Northern Ireland.

(4) Part I of this Act shall come into force on such day as may be appointed by the Lord Chancellor by an order contained in a statutory instrument and Part II of this Act shall come into force on such day as may be appointed by the Secretary of State by such an order.

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Tables of Statutes referred to in this Act

Short Title	Session and Chapter
Conjugal Rights (Scotland) Amendment Act, 1861	24 & 25 Vict. c. 86.
Local Government (Scotland) Act, 1947 ...	10 & 11 Geo. 6. c. 43.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Children Act, 1948	11 & 12 Geo. 6. c. 43.
Matrimonial Causes Act, 1950	14 Geo. 6. c. 25.
Adoption Act, 1950	14 Geo. 6. c. 26.
Maintenance Orders Act, 1950	14 Geo. 6. c. 37.
Local Government (Financial Provisions) (Scotland) Act, 1954.	2 & 3 Eliz. 2. c. 13.
Valuation and Rating (Scotland) Act, 1956 ...	4 & 5 Eliz. 2. c. 60.
Maintenance Orders Act, 1958	6 & 7 Eliz. 2. c. 39.

CHAPTER 41

An Act to enable the Treasury to give assistance under section four of the Distribution of Industry Act, 1945, for reducing unemployment in localities suffering from a high rate of unemployment. [23rd July, 1958]

BE it enacted by the Queen'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:—

Extension of power of Treasury to give assistance under Distribution of Industry Act, 1945, s. 4. 8 & 9 Geo. 6. c. 36.

1. The power of the Treasury to give financial assistance under section four of the Distribution of Industry Act, 1945 (which authorises the making of grants or loans to any person carrying on or proposing to carry on in a development area any industrial undertaking being an undertaking described in subsection (2) of that section) shall include power to give assistance by way of grant or loan to any person carrying on or proposing to carry on, whether within a development area or elsewhere in Great Britain, any undertaking by way of trade or business, whether or not that undertaking—

- (a) is an industrial undertaking within the meaning of that Act; or
- (b) is approved by the Board of Trade in pursuance of the said subsection (2) as complying with the requirements of the proper distribution of industry,

if the Board are satisfied that the purpose for which the grant or loan is required is a purpose likely to reduce or contribute to the reduction of the rate of unemployment in any locality in which, in the opinion of the Board, a high rate of unemployment exists and is likely to persist.

Construction, short title, citation and extent.

2.—(1) This Act shall be construed as one with the Distribution of Industry Act, 1945.

(2) This Act may be cited as the Distribution of Industry (Industrial Finance) Act, 1958; and the Distribution of Industry Acts, 1945 and 1950, and this Act may be cited together as the Distribution of Industry Acts, 1945 to 1958.

(3) This Act does not extend to Northern Ireland.

CHAPTER 42

Housing (Financial Provisions) Act, 1958

ARRANGEMENT OF SECTIONS

PART I

FINANCIAL ASSISTANCE FOR HOUSING ACCOMMODATION
PROVIDED BY LOCAL AUTHORITIES AND OTHER PUBLIC BODIES*Exchequer subsidies for new housing accommodation*

Section

1. Dwellings qualifying for subsidies.
2. Power to abolish or reduce subsidies.
3. Rate of subsidies for dwellings provided for the purposes of slum clearance, etc.
4. Rate of subsidies for other dwellings.
5. Increase of subsidies for agricultural dwellings.
6. Power to increase subsidies for housing to meet special needs.
7. Subsidies for expensive sites.
8. Increase of subsidies: rights of support and houses constructed to preserve the character of surroundings.

Exchequer contributions for improving housing accommodation

9. Contributions for dwellings improved by local authorities.
10. Rate of contribution for local authorities.
11. Contributions for dwellings improved by development corporations.
12. Contributions for dwellings improved under arrangements with local authorities.

Grants and other financial assistance for special purposes

13. Exchequer contributions for local authorities buying unfit houses for temporary occupation.
14. Grants for building experiments.
15. Grants for hostels.
16. Grants for temporary housing accommodation provided in war buildings.
17. Additional financial assistance for certain housing associations.

Power to reduce or withhold certain grants

18. Powers with respect to grants for housing provided by local authorities.
19. Provisions with respect to grants for houses provided by development corporations.
20. Powers with respect to grants for housing provided by housing associations.
21. Effect on contributions of a house provided by a housing association vesting in a local authority.
22. Provisions with respect to grants for hostels.

Contributions by county councils for housing provided for agricultural population

23. Payment of contributions to councils of county districts.
24. Reduction or withdrawal of county councils' contributions.

Miscellaneous and general

25. Cases in which exchequer grants are payable to county councils.
26. Modification of agreements incorporating references to rate fund contributions.
27. Ascertainment of amount of certain annual contributions under Acts of 1919 and 1923.
28. Time and manner of payment of Government contributions.
29. Interpretation of Part I.

PART II

FINANCIAL ASSISTANCE FOR HOUSING ACCOMMODATION
PRIVATELY PROVIDED*Grants by local authorities for improvements*

Section

30. Power to make improvement grants.
31. Requirements as to nature of improvements.
32. Amount of improvement grants.
33. Conditions to be observed with respect to dwellings.
34. Enforcement of conditions.
35. Repayment of improvement grants.
36. Exchequer contributions towards improvement grants.
37. Special provisions as to parsonages, almshouses, etc.
38. Provisions as to further improvement grants.
39. Provisions as to dwellings improved under Housing (Rural Workers) Act, 1926.
40. Provisions as to security of tenure of tenants.
41. Local authorities authorised to make improvement grants.
42. Interpretation of provisions relating to improvement grants.

Other forms of financial assistance by local authorities

43. Power of local authorities to make advances.
44. Powers of local authorities in connection with advancing money on mortgage.
45. Power of local authorities to guarantee repayment of advances by building societies.

Miscellaneous and general

46. Exchequer contributions for agricultural housing accommodation.
47. Loans by Public Works Loan Commissioners to companies, housing associations and individuals.
48. Provisions as to grants under s. 2 of Act of 1923.
49. Minister's power to make regulations.

PART III

HOUSING ACCOUNTS TO BE KEPT BY
LOCAL AUTHORITIES

50. The Housing Revenue Account.
51. The Housing Repairs Account.
52. Power to keep Housing Equalisation Account.
53. Temporary application of money in housing accounts.

PART IV

GENERAL

54. Power of local authorities to borrow for purposes of Act.
55. Application of provisions of principal Act.
56. Payments out of Exchequer.
57. Application to Scilly Isles.
58. Interpretation.
59. Repeals and savings.
60. Construction of references to this Act and to enactments repealed.
61. Short title, extent and commencement.

SCHEDULES:

First Schedule—Provisions for ascertaining the value of certain sites

Second Schedule—Conditions attaching to certain Exchequer contributions under Acts of 1924 and 1930.

Third Schedule—Determination of amount of certain contributions under Acts of 1919 and 1923.

Fourth Schedule—Conditions to be observed by owners of dwellings in receipt of improvement grants.

Fifth Schedule—The Housing Revenue Account.

Sixth Schedule—Repeals.

An Act to consolidate certain enactments relating to the giving of financial assistance for the provision of housing accommodation and to other financial matters.

[23rd July, 1958]

BE it enacted by the Queen'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

FINANCIAL ASSISTANCE FOR HOUSING ACCOMMODATION
PROVIDED BY LOCAL AUTHORITIES AND OTHER PUBLIC BODIES*Exchequer subsidies for new housing accommodation*

1.—(1) Exchequer subsidies shall be payable in accordance with the provisions of this Act in respect of, and in certain circumstances in respect of the site of, any new dwelling which is— Dwellings qualifying for subsidies.

- (a) provided by a local authority in exercise of their powers to provide housing accommodation, or
- (b) provided by a development corporation otherwise than in pursuance of authorised arrangements, or
- (c) provided by a development corporation or housing association in pursuance of authorised arrangements with a local authority;

and which is approved for the purposes of those provisions by the Minister, and such a dwelling which is so approved is hereafter in this Act referred to as an "approved dwelling".

(2) An exchequer subsidy payable under this Part of this Act—

- (a) in respect of, or of the site of, a dwelling such as is mentioned in paragraph (a) or (b) of the foregoing subsection shall be paid to the local authority or, as the case may be, to the development corporation,

PART I
—cont.

(b) in respect of, or of the site of, a dwelling such as is mentioned in paragraph (c) of the foregoing subsection shall be paid to the local authority, who shall pay to the development corporation or housing association by way of annual grant an amount not less than the exchequer subsidy.

(3) An exchequer subsidy shall not be payable in respect of a dwelling, or the site of a dwelling, except where—

(a) in a case where the dwelling was provided by a local authority in the exercise of their powers to provide housing accommodation or by a development corporation otherwise than in pursuance of authorised arrangements, the tender or estimate for its erection was accepted by a formal resolution of the authority or corporation passed on or after the third day of November, nineteen hundred and fifty-five ;

(b) in a case where the dwelling was provided by a development corporation or housing association in pursuance of authorised arrangements with a local authority the authorised arrangements were made on or after the said third day of November :

Provided that—

(i) a formal resolution passed as aforesaid accepting a tender or estimate which was submitted to the Minister for approval before the said third day of November shall be deemed for the purposes of this subsection to have been passed before that day, and

(ii) where, on approving any authorised arrangements made on or after the said third day of November, the Minister is satisfied that the substantial effect of those arrangements had been agreed between the parties before that day, those arrangements shall be deemed for the purposes of this subsection to have been made before that day.

Power to
abolish or
reduce
subsidies.

2.—(1) The Minister may from time to time by order direct that, in respect of, or of the site of, dwellings of any description specified in the order, or such dwellings in any area so specified, exchequer subsidies under sections one to eight of this Act—

(a) shall cease to be payable ; or

(b) shall be reduced to such amount as may be specified in the order ; or

(c) shall be payable for such reduced number of years as may be so specified.

(2) Any such order shall be expressed to apply to, or to the site of, any dwelling of the description specified in the order—

(a) the tender or estimate for the erection of which is accepted—

(i) by a formal resolution of a local authority ; or

(ii) in the case of a dwelling provided by a development corporation otherwise than in pursuance of authorised arrangements, by a formal resolution of the corporation,

passed on or after a date specified in the order ; or

- (b) which is provided by a development corporation or housing association in pursuance of authorised arrangements made on or after that date.

(3) An order under this section shall be made by statutory instrument and—

(a) shall not be made unless a draft thereof has been approved by a resolution of the Commons House of Parliament ; and

(b) shall not specify a date under the last foregoing subsection earlier than the date of the laying of the draft ;

and before laying such a draft the Minister shall consult with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable.

3.—(1) In respect of each approved dwelling which satisfies one of the conditions specified in subsection (2) of this section the Minister shall pay for each of the sixty years following the completion of the dwelling an annual exchequer subsidy of—

(a) in the case of a dwelling other than a flat in a block of flats of four or more storeys—

(i) being a dwelling such as is mentioned in paragraph (a) or (b) of the said subsection (2), twenty-two pounds one shilling ;

(ii) being a dwelling such as is mentioned in any of paragraphs (c) to (f) of the said subsection (2), twenty-four pounds ;

(b) in the case of a flat in a block of flats of four storeys, thirty-two pounds ;

(c) in the case of a flat in a block of flats of five storeys, thirty-eight pounds ;

(d) in the case of a flat in a block of flats of six or more storeys, fifty pounds, increased by one pound fifteen shillings for each storey by which the block exceeds six storeys.

(2) The conditions referred to in the foregoing subsection are that the dwelling was—

(a) provided by a local authority for the purposes of slum clearance or re-development ; or

Rate of subsidies for dwellings provided for the purposes of slum clearance, etc.

PART I
—cont.

- (b) provided by a local authority for the purposes of re-housing persons coming from such camps or other unsatisfactory temporary housing accommodation as the Minister may designate for the purposes of this paragraph ; or
- (c) provided by a local authority in the course of a scheme of town development as defined by the Town Development Act, 1952, carried out with the approval of the Minister wholly or partly in the area of that authority ; or
- (d) provided by a local authority for the accommodation of persons coming from outside the area of that authority in order to meet the urgent needs of industry, where the dwelling has been so provided in accordance with arrangements approved by the Minister as being desirable by reason of special circumstances and so long as any conditions laid down by the Minister on the giving of his approval are complied with ; or
- (e) provided by the local authority of a congested or over-populated area in some other area as part of a scheme of comprehensive development the general character of which is, in the opinion of the Minister, similar to development for the purposes of a new town under the New Towns Act, 1946 ; or
- (f) provided by a development corporation otherwise than in pursuance of authorised arrangements.

(3) In the case of a dwelling provided in pursuance of authorised arrangements with a local authority, the Minister may direct that this section shall apply to that dwelling as if it were a dwelling mentioned in such, if any, of paragraphs (a), (b), (d) or (e) of the last foregoing subsection as the Minister, having regard to the intentions of the local authority with respect to the use of that dwelling when entering into the arrangements, may determine to be appropriate.

(4) For the purposes of paragraph (a) of subsection (2) of this section, a dwelling shall be deemed to be provided by a local authority for the purposes of slum clearance or re-development if, and only if, provision of the dwelling by the authority is rendered necessary—

(a) by displacements of persons occurring—

(i) in connection with any action taken by the authority under the principal Act for the demolition of insanitary houses or for dealing with clearance areas, or for closing the whole or part of any building ; or

(ii) in connection with the implementation of an undertaking for the demolition of an insanitary house given by the owner thereof in lieu of the taking by the authority of such action as aforesaid ; or

(iii) in connection with the demolition of an insanitary house belonging to the authority ; or

- (b) by displacements occurring in the carrying out of re-development in accordance with a re-development plan within the meaning of Part III of the principal Act from houses which are unfit for human habitation and not capable at a reasonable expense of being rendered so fit, or which are so arranged as to be congested, or, where the re-development plan was submitted to the Minister before the third day of November, nineteen hundred and fifty-five, from any house in the re-development area.

4.—(1) This section shall have effect as respects dwellings which do not satisfy any of the conditions specified in subsection (2) of the last foregoing section.

Rate of
subsidies
for other
dwellings.

(2) In respect of each approved dwelling which contains not more than one bedroom the Minister shall pay for each of the sixty years following the completion of the dwelling an annual exchequer subsidy of—

- (a) in the case of a dwelling other than a flat in a block of flats of four or more storeys, ten pounds ;
- (b) in the case of a flat in a block of flats of four storeys, twenty pounds ;
- (c) in the case of a flat in a block of flats of five storeys, twenty-six pounds ;
- (d) in the case of a flat in a block of flats of six or more storeys, thirty-eight pounds, increased by one pound fifteen shillings for each storey by which the block exceeds six storeys.

(3) Subject to the provisions of subsection (4) of this section, no exchequer subsidy shall be payable under this section in respect of an approved dwelling which contains more than one bedroom if—

- (a) in a case of a dwelling provided by a local authority in the exercise of their powers to provide housing accommodation, the tender or estimate for its erection, not having been submitted to the Minister for approval before the second day of November, nineteen hundred and fifty-six, was accepted by a formal resolution of the authority passed on or after that day, and

PART 1
—cont.

(b) in a case of a dwelling provided by a development corporation or housing association in pursuance of authorised arrangements with a local authority, the arrangements were made and approved by the Minister on or after that day, and were not arrangements the substantial effect of which the Minister is satisfied had been agreed between the parties before that day.

(4) In respect of an approved dwelling which contains more than one bedroom and to which paragraph (a) or (b) of subsection (3) of this section applies, the Minister shall pay for each of the sixty years following the completion of the dwelling an annual exchequer subsidy of one shilling—

(a) if the Minister thinks fit so to determine in the case of a dwelling (other than a flat in a block of flats of four or more storeys) provided by, or in pursuance of authorised arrangements with, the council of a county district by way of housing accommodation required for the agricultural population of that district, or

(b) if the Minister is satisfied that the cost of providing the dwelling has been substantially enhanced by expenses attributable to measures taken—

(i) for securing protection against the consequences of a subsidence of the site, or

(ii) in the construction of the dwelling in order to preserve the character of the surroundings, or

(c) if the dwelling is provided by a local authority as to whom the Minister is of opinion that more housing accommodation is urgently required to be provided by that authority and could not be provided without imposing an unreasonably heavy rate burden or necessitating charging unreasonably high rents for that and other housing accommodation provided by that authority.

(5) In respect of each approved dwelling which contains more than one bedroom and to which paragraphs (a) and (b) of subsection (3) of this section do not apply, the Minister shall pay an exchequer subsidy at the rate applicable under subsection (2) of this section in the case of a dwelling which does not contain more than one bedroom.

(6) For the purposes of section two of this Act subsections (3) and (4) of this section shall have effect as if contained in an order under that section.

Increase of
subsidies for
agricultural
dwellings, etc.

5. If the Minister thinks fit so to determine in the case of any dwelling provided by, or in pursuance of authorised arrangements with, the council of a county district by way of housing accommodation required for the agricultural population of that

district (being a dwelling in respect of which a contribution is payable under the last foregoing section and not being a flat in a block of flats of four or more storeys), the amount of the annual exchequer subsidy payable in respect of that dwelling under this Act, as determined apart from the provisions of this and the next following section, shall be increased by nine pounds.

6.—(1) Where the Minister is of opinion, on an application made to him by a local authority—

- (a) that there is urgent need for more housing accommodation which will only be met if that accommodation is provided by that authority; and
- (b) that unless the Minister exercises his powers under this section that housing accommodation could not be provided without imposing an unreasonably heavy rate burden or necessitating the charging of unreasonably high rents for that and other housing accommodation provided by the authority,

Power to increase subsidies for housing to meet special needs.

the Minister may direct that, in the case of any approved dwelling provided by that authority (not being a dwelling such as is mentioned in paragraph (c), (d) or (e) of subsection (2) of section three of this Act), the amount of the annual exchequer subsidy otherwise payable under this Act, if less than the amount hereinafter specified, shall be increased to such sum as may be specified in the direction not exceeding—

- (i) in the case of a dwelling other than a flat in a block of flats of four or more storeys, thirty pounds; or
- (ii) in the case of such a flat, forty pounds.

(2) In exercising his powers under this section the Minister shall have regard to any conditions which may be laid down by the Treasury.

7. If any building consisting of or comprising an approved dwelling is provided on a site the cost of which as developed (ascertained in accordance with the provisions of the First Schedule to this Act and expressed as a cost per acre) exceeds four thousand pounds, then in respect of that site or the portion thereof on which that building is erected the Minister shall pay for each of the sixty years following the completion of the building an annual exchequer subsidy at the rate of sixty pounds per acre, increased at the rate of thirty-four pounds per acre for every thousand pounds or part of a thousand pounds by which the said cost exceeds five thousand pounds;

Subsidies for expensive sites.

Provided that—

- (a) if none of the buildings provided or to be provided on the site is a block of flats of four or more storeys, any amount by which the said cost exceeds ten thousand pounds shall be disregarded;

PART I
—cont.

- (b) if any building or part of a building erected or to be erected on the site is designed for use otherwise than as housing accommodation, then, for the purpose of calculating any exchequer subsidy under this section in respect of that site or any portion thereof, the said cost shall be deemed to be reduced by so much thereof as, in the opinion of the Minister, may fairly be apportioned to that building or part of a building.

Increase of subsidies: rights of support and houses constructed to preserve the character of surroundings.

8.—(1) Where the Minister is satisfied, on an application made to him—

- (a) by a local authority with respect to any house which the authority have provided or intend to provide, or
(b) by a housing association or development corporation with respect to a house provided by them in pursuance of authorised arrangements,

that the cost of providing the house has been or will be substantially enhanced by expenses attributable to the acquisition of rights of support, or otherwise attributable to measures taken by them for securing protection against the consequences of a subsidence of the site, then, if the Minister thinks fit so to determine, the amount of the annual exchequer subsidy payable under this Act shall be that amount as determined apart from the provisions of this subsection and section six of this Act plus such sum not exceeding two pounds as the Minister may determine.

(2) Where the Minister is satisfied, on an application made to him—

- (a) by a local authority with respect to any house which the authority have provided or intend to provide, or
(b) by a housing association or development corporation with respect to a house provided by them in pursuance of authorised arrangements,

that the cost of providing the house has been or will be substantially enhanced by expenses attributable to measures taken with his consent by them in the construction of the house (whether by the use of stone or other special material or otherwise howsoever) in order to preserve the character of the surroundings, then, if the house is or becomes one in respect of which an annual exchequer subsidy is payable under this Act and the Minister thinks fit so to determine, the amount of the annual exchequer subsidy payable under this Act shall be that amount as determined apart from the provisions of this subsection and section six of this Act plus such sum not exceeding five pounds as the Minister may determine.

*Exchequer contributions for improving housing accommodation*PART I
—cont.Contributions
for dwellings
improved
by local
authorities.

9.—(1) With a view to encouraging the improvement of housing accommodation by local authorities, the Minister may approve proposals (hereafter in this and the next following section referred to as “improvement proposals”) submitted to him by a local authority for—

(a) the provision of dwellings by the authority by means of the conversion of houses or other buildings,

(b) the improvement of dwellings by the authority,

and may, subject to and in accordance with the provisions of the next following section, make a contribution towards the annual loss likely to be incurred by a local authority as a result of giving effect to approved improvement proposals.

(2) Before approving any improvement proposals the Minister shall satisfy himself that, as respects dwellings to be provided in accordance with the proposals, the dwellings will provide satisfactory housing accommodation for a period of not less than thirty years from the completion of the works necessary for the conversion of the buildings in question, and, as respects dwellings to be improved in accordance with the proposals, the dwellings as so improved will provide such accommodation for a period of not less than thirty years from the completion of the improvements:

Provided that the Minister may approve the proposals as respects dwellings to be provided or improved if satisfied that the said period is likely to be more than fifteen years and that it is expedient in all the circumstances that the proposals should be approved.

(3) The Minister shall also satisfy himself that all dwellings to be provided or improved in accordance with the proposals will conform with such requirements with respect to their construction and physical condition and the provision of services and amenities as may be specified for the purposes of this section by the Minister:

Provided that if, in relation to all or any of the said dwellings, the Minister is not satisfied that the dwellings or dwelling will conform with a particular requirement so specified, he may, notwithstanding that fact, approve the proposals if he is satisfied that, in all the circumstances of the case, conformity with that requirement would be impracticable.

(4) The local authority for the purposes of this section as respects England and Wales other than the administrative county of London, shall be the council of the borough, urban district or rural district.

PART I
—cont.

(5) As respects the administrative county of London, other than the City of London, both the London County Council and the council of a metropolitan borough shall be local authorities for the purposes of this section, and as respects the City of London, the Common Council shall be the local authority for those purposes.

(6) References in this section to the improvement of dwellings shall be construed as including references to the alteration or enlargement thereof and to the execution of works of repair thereto, not being works of ordinary repair, and as including also references to the execution of works of ordinary repair thereto so far, but so far only, as the execution thereof is incidental to or connected with the execution of works of improvement, alteration or enlargement or of works of repair not being works of ordinary repair, and in this section the expression "improved" shall be construed accordingly.

Rate of
contribution
for local
authorities.

10.—(1) A contribution under the last foregoing section towards the annual loss likely to be incurred by a local authority as a result of giving effect to approved improvement proposals shall be a sum equal to three-quarters of that loss, payable annually for the period of twenty financial years beginning with the year in which the carrying out of the proposals is completed:

Provided that an order under section two of this Act may, as respects proposals approved by the Minister after such date as may be specified in the order, reduce the proportion of the said annual loss to some other proportion, less than three-quarters but not less than two-thirds.

(2) The amount of the said annual loss shall be determined by the Minister and for the purpose of the determination regard shall be had—

- (a) to expenses proposed to be incurred by the local authority in acquiring interests in land for the purpose of giving effect to the proposals,
- (b) to the estimated cost of executing works of conversion or improvement in accordance with the proposals,
- (c) to the annual income, which, if effect were not given to the proposals, might reasonably be expected to accrue to the authority from interests owned by them in buildings proposed to be converted or dwellings proposed to be improved,
- (d) to the annual income which may reasonably be expected to accrue to the authority from the dwellings provided or improved as a result of giving effect to the proposals, and
- (e) to any other matter which appears to the Minister to be relevant.

(3) It shall be the duty of a local authority by whom improvement proposals are submitted to the Minister to furnish to him such estimates and such particulars with respect to the proposals as he may require for the purposes of this section.

PART I
—cont.

11. The Minister may approve any proposals for the provision or improvement of dwellings submitted to him by a development corporation which he would have power to approve under section nine of this Act if they were submitted to him by a local authority, and the like contribution shall be made by the Minister to a development corporation towards the annual loss likely to be incurred by the corporation as a result of giving effect to proposals approved under this section as would have been made by him had the proposals been submitted by a local authority.

Contributions
for dwellings
improved by
development
corporations.

12.—(1) Where arrangements have been made under section one hundred and twenty-one of the principal Act by a local authority with a housing association or, by virtue of section one hundred and twenty-five of that Act, with a development corporation, the Minister shall make to the local authority a contribution of a sum, payable annually for the period of twenty financial years beginning with the year in which the carrying out of the arrangements is completed, equal to three-quarters of the annual loss determined by the local authority, with the approval of the Minister, to be likely to be incurred by the corporation or association in carrying out the arrangements, and the local authority shall pay to the corporation or association for that period annual grants each of an amount not less than the said sum:

Contributions
for dwellings
improved
under
arrangements
with local
authorities.

Provided that an order under section two of this Act may, as respects arrangements made after such date as may be specified in the order, reduce the proportion of the said annual loss to some other proportion less than three-quarters, but not less than two-thirds.

(2) If the Minister is satisfied that the corporation or association have made default in giving effect to the terms of the arrangements, he may reduce the amount of the contribution payable to the local authority under this section, or suspend or discontinue the payment thereof as he thinks just, and the local authority may reduce to a proportionate or any less extent, the annual grant payable by them to the corporation or association, or may suspend the payment thereof for a corresponding period, or may discontinue the payment thereof, as the case may be.

(3) For the purpose of the determination of the amount of the annual loss under this section regard shall be had—

- (a) to expenses proposed to be incurred by the corporation or association in acquiring interests in land for the purpose of giving effect to the arrangements,

PART I
—cont.

- (b) to the estimated cost of executing works of conversion or improvement in accordance with the arrangements,
- (c) to the annual income which, if effect were not given to the arrangements, might reasonably be expected to accrue to the corporation or association from interests owned by them in buildings proposed to be converted or dwellings proposed to be improved,
- (d) to the annual income which may reasonably be expected to accrue to the corporation or association from the dwellings provided or improved as a result of giving effect to the arrangements, and
- (e) to any other matter which appears to the local authority to be relevant.

Grants and other financial assistance for special purposes

Exchequer contributions for local authorities buying unfit houses for temporary occupation.

13.—(1) The Minister may make such contributions as are authorised by this section towards expenditure incurred by any local authority in respect of houses approved by the Minister for the purposes of this section, being—

- (a) houses on land in a clearance area purchased by or belonging to the local authority within that area, the demolition of which is postponed under the powers conferred by Part III of the principal Act, being houses retained for temporary use for housing purposes,
- (b) houses comprised in a clearance order the demolition of which is, under the provisions of the order, to be postponed,
- (c) houses purchased under section twenty-nine of the principal Act.

(2) Subject to the following provisions of this section, contributions payable by the Minister in respect of any house shall be as follows, that is to say,—

- (a) in the case of a house purchased by the local authority, an annual payment equal to one half of the annual loan charges referable to the cost of the purchase, payable for each financial year during the whole or part of which the house or any part of the house is used for housing purposes with the approval of the Minister, and
- (b) in any case an annual payment of three pounds or, in the case of a house containing at the date on which the house is approved for the purpose of this section more than one separate dwelling, of the said sum for each such dwelling, payable for fifteen years from the said date:

Provided that the Minister may from time to time by order contained in a statutory instrument direct that paragraph (b) of

this subsection shall have effect, in relation to houses approved after the date on which the order comes into force, as if for the sum therein specified there were substituted such higher or lower sum as may be specified in the order.

(3) If it appears to the Minister that the expenditure incurred as a whole by a local authority in the repair, improvement and maintenance of houses approved by the Minister for the purposes of this section is unduly low having regard to the amount of the contributions for the time being payable in respect of those houses under paragraph (b) of subsection (2) of this section, he may withhold the whole or any part of the contributions payable under that paragraph to that authority.

(4) An order of the Minister under subsection (2) of this section shall be of no effect until it is approved by resolution of the Commons House of Parliament.

(5) For the purposes of this section the annual loan charges referable to the cost of a purchase shall (whatever may be the manner in which the local authority have provided or intend to provide the money required for the purchase) be the annual sum which, in the opinion of the Minister, would fall to be provided by the local authority for the payment of interest on, and the repayment of, an amount of borrowed money equal to the said cost, being money the period for the repayment of which is sixty years.

14. Where—

(a) the Minister is satisfied on an application made to him by a local authority or development corporation with respect to a house which they have provided that the cost of providing the house has been substantially enhanced by reason of either or both of the following matters, namely,—

(i) that, with his consent, the house has been constructed in whole or in part by an experimental method ;

(ii) that, with his consent, materials have, for the purposes of experiment, been used in the construction of the house or equipment or fittings have, for those purposes, been installed in the house in the course of the construction thereof ; or

(b) with the consent of the Minister expense is incurred by a local authority or development corporation in incorporating or installing in a house, otherwise than in the course of the construction thereof, materials, equipment or fittings for the purposes of experiment ;

then, subject to such conditions (if any) as the Treasury may determine, the Minister may make to the authority or corporation a grant of such amount and payable in such manner as he may determine.

Grants for
building
experiments.

PART I
—cont.Grants for
hostels.

15.—(1) In respect of a new building provided, or a building converted, by a local authority or development corporation for use as a hostel, being a building approved for the purposes of this subsection by the Minister, the Minister shall (subject to the provisions of section twenty-two of this Act) make to the authority or corporation a contribution—

- (a) payable annually for such number of financial years, not exceeding sixty, as he may determine, being years beginning with the year in which the building is, or, as the case may be, the works of conversion are, completed ;
- (b) of such amount, not exceeding the sum produced by multiplying five pounds by the number of bedrooms contained in the building, as he may determine having regard to the standard of construction and amenity of the building.

(2) Subject to the provisions of section twenty-two of this Act, the like contribution, if any, shall be payable in respect of a building which, under authorised arrangements made by a local authority with a development corporation or housing association, has been provided or converted by that corporation or association for use as a hostel as would be payable if the building had been provided or converted by the local authority for such use, and shall be paid by the Minister to the authority, who shall pay to the corporation or association by way of annual grant an amount not less than the contribution.

(3) This section shall not apply to a new building completed or a building converted before the thirtieth day of July, nineteen hundred and forty-nine, or to any premises provided for the purposes of Part III of the National Assistance Act, 1948, by a local authority.

(4) In this section the expression “ hostel ” means a building wherein is provided, for persons generally or for any class or classes of persons, residential accommodation (otherwise than in separate and self-contained sets of premises) and board.

Grants for
temporary
housing
accommoda-
tion provided
in war
buildings.

16.—(1) Where a local authority have, for the purpose of discharging any of their duties under Part V of the principal Act, acquired the right to use any government war buildings, and the Minister has approved for the purposes of this section arrangements made by the authority for using those buildings, whether with or without alterations, for providing temporary housing accommodation, then—

- (a) if the Minister estimates that the authority will incur a loss in any year in respect of the provision of housing accommodation in pursuance of the arrangements, the

Minister shall make to the authority a contribution for that year of a sum equivalent to the estimated loss ; and

- (b) if the Minister estimates that the authority will make a profit in any year in respect of the provision of housing accommodation in pursuance of the arrangements, the authority shall pay to the Minister in respect of that year a sum equivalent to the estimated profit.

(2) For the purposes of any such estimate, there shall be deemed to accrue to a local authority, in respect of any house provided by the authority in pursuance of any such arrangements as aforesaid, in addition to any other income accruing from the house—

- (a) where the authority are the council of a rural district, the sum of six pounds a year ; and
(b) in any other case, the sum of eight pounds a year.

(3) Where any buildings are demolished by a local authority upon ceasing to be used for the purpose of providing housing accommodation in pursuance of such arrangements as aforesaid, then—

- (a) the Minister shall pay to the authority the cost of demolition ; and
(b) any sums realised by the authority by the disposal of materials derived from the demolished buildings shall be paid by the authority to the Minister.

(4) In this section the expression “ government war building ” means any building which constitutes government war works as defined by section fifty-nine of the Requisitioned Land and War Works Act, 1945, and the expression “ alterations ” includes adaptations, enlargements and improvements.

17.—(1) The provisions of this section shall have effect as respects any housing association—

- (a) which, in pursuance of arrangements made by the Minister, has been established since the eighteenth day of April, nineteen hundred and forty-six, and
(b) whose objects include both the construction of houses and the provision and management of houses,

and any such association is hereafter in this section referred to as “ the association ”.

(2) If the Minister is satisfied that the total net expenditure of the association in any year, calculated in such manner as he may with the consent of the Treasury determine, being expenditure necessarily incurred by the association—

- (a) for the purpose of the execution of authorised arrangements made with the association, or

Additional
financial
assistance for
certain housing
associations.

PART I
—cont.

(b) for the purpose of the execution of work which the association had been employed by a local authority to undertake in connection with the provision by the authority of housing accommodation,

cannot be met without the provision of assistance under this subsection, he may, with the approval of the Treasury, make such payments by way of grant to the association as he may determine to be necessary for the purpose of enabling them to meet that expenditure :

Provided that no payment shall be made by the Minister under this subsection in respect of any expenditure incurred by the association for the purpose of the execution of any authorised arrangements unless, in respect of each house provided by the association under the arrangements, the association are entitled to receive, in addition to the annual grants under section one of this Act or any other enactment, a grant from the appropriate local authority of an amount not less than the annual rate fund contribution which in the opinion of the Minister would have been payable by the authority in respect of that house under section five of the Housing (Financial and Miscellaneous Provisions) Act, 1946, if that section had continued in force and if the authority had, in exercise of their powers to provide housing accommodation, provided the house themselves.

(3) Subject to the provisions of this section, the Treasury may issue to the Minister, out of the Consolidated Fund of the United Kingdom, such sums as are necessary to enable the Minister to make loans to the association for the purpose of enabling or assisting the association to defray—

- (a) any preliminary expenses incurred in connection with the establishment of the association ;
- (b) any expenses incurred by the association for the purpose of the execution of authorised arrangements made with a local authority ; or
- (c) any expenses of the association in respect of work which the association have been employed by a local authority to undertake in connection with the provision by the authority of housing accommodation.

(4) The power of the Treasury, under subsection (1) of section one of the Building Materials and Housing Act, 1945, to advance money to the Minister of Works out of the Consolidated Fund of the United Kingdom shall include power, subject to and in accordance with the provisions of that section, to advance money to that Minister for the purpose of defraying his expenses in carrying out work on behalf of and at the request of the association, being—

- (a) work which the association have been employed by a local authority to undertake in connection with the

provision by the authority of housing accommodation ;
or

(b) work in connection with the execution of authorised arrangements made with a local authority.

(5) The total amount issued by the Treasury under subsection (3) of this section, after deducting any sums which have been repaid, shall not at any time exceed fifteen million pounds.

(6) For the purpose of providing sums to be issued under subsection (3) of this section, the Treasury may, at any time, if they think fit, raise money in any manner in which they are authorised to raise money under the National Loans Act, 1939 ; and any securities created and issued to raise money under this subsection shall be deemed for all purposes to have been created and issued under the National Loans Act, 1939.

(7) The Minister shall, as respects each financial year in which sums are outstanding from the Exchequer in respect of money issued to him under subsection (3) of this section, prepare, in such form and manner as the Treasury may direct, an account of those sums.

Any account prepared under this subsection shall, on or before the thirtieth day of November next following the expiration of the financial year in question, be transmitted to the Comptroller and Auditor General, who shall examine and certify the account and lay copies thereof, together with his report thereon, before Parliament.

(8) Any sums received by the Minister by way of interest on or repayment of any loan made out of money issued to him by the Treasury under this section shall be paid into the Exchequer and issued out of the Consolidated Fund of the United Kingdom at such times as the Treasury may direct and shall be applied by the Treasury as follows :—

(a) so much thereof as represents principal shall be applied in redeeming or paying off debt of such description as the Treasury think fit ;

(b) so much thereof as represents interest shall be applied towards meeting such part of the annual charges for the National Debt as represents interest.

Power to reduce or withhold certain grants

18.—(1) If at any time the Minister is satisfied that a local authority—

(a) have failed to discharge any of the duties imposed on them by virtue of the principal Act or this Act, or

(b) have failed to observe any condition subject to which they are entitled to receive an exchequer payment,

the Minister may reduce the amount of any exchequer payment payable to the local authority, or suspend or discontinue the payment of any such exchequer payment, as he thinks just.

PART I
—cont.

Powers with respect to grants for housing provided by local authorities.

PART I
—cont.

(2) If any house, building, land or dwelling in respect of which a local authority are required by this Act to keep a Housing Revenue Account is with the consent of the Minister sold by them or leased by them under section one hundred and four or section one hundred and five of the principal Act, he may reduce the amount of any exchequer payment payable to the authority, or suspend or discontinue the payment of any such exchequer payment, as he thinks just.

(3) Subsection (1) of section one hundred and eighty-one and section one hundred and eighty-two of the principal Act (which relate to powers exercisable by the Minister) shall apply as if references therein to that Act included references to this section.

(4) In this section “exchequer payment” has the meaning assigned to it by subsection (2) of section fifty-eight of this Act.

Provisions
with respect to
grants for
houses
provided by
development
corporations.

19.—(1) If the Minister is satisfied that a development corporation have made default in giving effect to the terms of any authorised arrangements made with a local authority—

- (a) he may reduce the amount of any subsidy or contribution payable to the corporation in respect of houses provided under authorised arrangements by the corporation, or suspend or discontinue the payment of any such subsidy or contribution, as he thinks just, and
- (b) the local authority may reduce to a proportionate or any less extent the annual grant payable by them to the corporation, or may suspend the payment thereof for a corresponding period, or may discontinue the payment thereof, as the case may be.

(2) No annual grant shall be made to a development corporation by a local authority in respect of a house provided under authorised arrangements if, before the grant is made, the Minister is satisfied that, during the whole or the greater part of the period to which the payment is referable, the house has not been available as a dwelling fit for habitation and where the duty of a local authority to make an annual grant is wholly or partly discharged by virtue of this subsection, the Minister may make such consequential reductions as he thinks appropriate in any sum payable by him to the local authority:

Provided that this subsection shall not apply if the Minister is satisfied that the house could not with reasonable diligence have been made available, during the whole or the greater part of the period to which the grant is referable, as a dwelling fit for habitation.

Any question under this subsection as to the period to which a grant is referable shall be determined by the Minister.

(3) Where, in pursuance of any agreement or order made under the New Towns Act, 1946, a house provided by a development corporation, being a house in respect of which a subsidy or contribution is for the time being payable under section one of this Act, subsection (3) of section ninety-four of the Housing Act, 1936, or subsection (2) of section eight of the New Towns Act, 1946, is transferred to a local authority, then—

- (a) the subsidy or contribution shall cease to be payable, and
- (b) the Minister may, if he thinks fit, pay to the local authority sums not exceeding the subsidies or contributions which would be payable in respect of the house if it had not been so transferred.

20.—(1) If the Minister is satisfied that a housing association have made default in giving effect to the terms of any authorised arrangements made with a local authority,—

Powers with respect to grants for housing provided by housing associations.

- (a) he may reduce the amount of any subsidy or contribution payable to the local authority in respect of houses provided under authorised arrangements by the housing association, or suspend or discontinue the payment of any such subsidy or contribution, as he thinks just, and
- (b) the local authority may reduce to a proportionate or any less extent the annual grant payable by them to the housing association, or may suspend the payment thereof for a corresponding period, or may discontinue the payment thereof, as the case may be.

(2) If in the case of a house—

- (a) which has been provided by a housing association, and
- (b) in respect of which contributions are payable by the Minister under the Housing (Financial Provisions) Act, 1924, or section twenty-nine of the Housing Act, 1930,

the Minister is satisfied that any of the conditions set out in paragraph 1, or, as the case may be, paragraph 2 of the Second Schedule to this Act, has not been complied with, any contribution payable in respect of the house may be discontinued, or the amount thereof may be reduced, and the duration thereof may be curtailed, as the Minister thinks just.

(3) No payment shall be made to a housing association or housing trust—

- (a) by a local authority by way of annual grant in respect of a house provided under authorised arrangements, or
- (b) by the Minister by way of contribution under section nineteen of the Housing, Town Planning, &c., Act,

PART I
—cont.

1919, or section three of the Housing, &c., Act, 1923, in respect of a house provided under either of those sections,

if, before the payment is made, the Minister is satisfied that, during the whole or the greater part of the period to which the payment is referable, the house has not been available as a dwelling fit for habitation and where the duty of a local authority to make an annual grant is wholly or partly discharged by virtue of this subsection, the Minister may make such consequential reductions as he thinks appropriate in any sum payable by him to the local authority:

Provided that this subsection shall not apply if the Minister is satisfied that the house could not with reasonable diligence have been made available, during the whole or the greater part of the period to which the grant is referable, as a dwelling fit for habitation.

Any question under this subsection as to the period to which any payment is referable shall be determined by the Minister.

(4) This section shall have effect subject to the provisions of any scheme under section one hundred and twenty-three of the principal Act (which authorises the unification of the conditions to be observed by a housing association in respect of houses provided by them under different enactments).

Effect on contributions of a house provided by a housing association vesting in a local authority.

21.—(1) Where a house which has been provided by a housing association under authorised arrangements with a local authority becomes vested in that local authority—

- (a) no further subsidy or contribution or annual grant shall, after the time of the vesting, become payable by the Minister or, as the case may be, by the authority in respect of the house, and
- (b) the Minister may, if he thinks fit, pay to the authority a sum equivalent to any subsidy or contribution which would, after the said time, become payable to the authority in respect of the house if all conditions precedent to the payment of that subsidy or contribution had been at all material times observed.

(2) Where a house which has, with the assistance of a local authority given under section twenty-nine of the Housing Act, 1930, been provided by a housing association becomes vested in the local authority, then, if at the time of the vesting the house is a house in respect of which a contribution is payable by the Minister under subsection (3) of the said section twenty-nine the Minister may continue to make payments by way of that contribution as if the house had been provided by the local authority.

(3) Where a house which has, with the assistance of the Minister given under section three of the Housing, &c. Act, 1923, been provided by a housing association becomes vested in a local authority then, if at the time of the vesting the house is a house in respect of which a contribution is payable by the Minister under that section, the Minister may pay to the authority any contribution which would have fallen to be made thereunder to the housing association if the house had not become vested in the local authority and if all conditions precedent to the making of that contribution had been fulfilled.

PART I
—cont.

22.—(1) If the Minister is satisfied that a development corporation or housing association have made default in giving effect to the terms of authorised arrangements for providing or converting a building for use as a hostel—

Provisions
with respect
to grants for
hostels.

- (a) he may reduce the amount of the contributions payable to the local authority under section fifteen of this Act, or suspend or discontinue the payment thereof, as he thinks just, and
- (b) the local authority may reduce to a proportionate or less extent the annual grant payable by them to the corporation or association, or may suspend the payment thereof for a corresponding period, or may discontinue the payment thereof, as the case may be.

(2) Where, in pursuance of any agreement or order made under the New Towns Act, 1946, a building provided or converted by a development corporation for use as a hostel, being a building in respect of which a contribution is payable under section fifteen of this Act, is transferred to a local authority—

- (a) no further contributions shall, after the time of the transfer, be payable under that section, but
- (b) the Minister may, if he thinks fit, pay to the local authority sums not exceeding any sums which would, after that time, have become payable by him under that section in respect of the building if all conditions precedent to the payment of the sums had been fulfilled.

(3) Where a building which, under authorised arrangements with a local authority, has been provided or converted by a housing association for use as a hostel becomes vested in the local authority, and at the time of the vesting the building is one in respect of which a contribution is payable under subsection (2) of the said section fifteen—

- (a) no further sums shall, after the time of the vesting, become payable under that subsection, but
- (b) the Minister may, if he thinks fit, pay to the local authority sums not exceeding any sums which would

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PART I
—cont.

after that time, have become payable by him under that subsection in respect of the building if all conditions precedent to the payment of the sums had been fulfilled.

Contributions by county councils for housing provided for agricultural population

Payment of contributions to councils of county districts.

23. Where exchequer subsidies increased under section five of this Act are payable in respect of any house to the council of a county district, the council of the county in which the district is situated shall, subject to the provisions of this Act, pay to the council of the district in respect of that house, for each of the sixty years following the completion of the house an annual contribution of two pounds ten shillings:

Provided that an order by the Minister under section two of this Act may direct that any such contribution shall be reduced to such amount as may be specified in the order.

Reduction or withdrawal of county council contributions.

24.—(1) Where, on the ground that the council of a county district have failed to discharge duties imposed on them by paragraphs (a) or (b) of subsection (1) of section one hundred and fourteen of the principal Act (which relate to the reservation of houses for the agricultural population), the Minister exercises his powers under section eighteen of this Act with respect to an exchequer subsidy increased under section five of this Act or to an annual exchequer contribution under the Housing (Financial and Miscellaneous Provisions) Act, 1946, so that either—

(a) the amount of the subsidy or contribution payable to the council in respect of a house for any year is reduced, or

(b) the subsidy or contribution which would otherwise have been payable to the council in respect of a house for any year is not payable,

no county council contribution shall be payable in respect of that house for that year under the last foregoing section or under the said Act of 1946.

(2) Where, on the ground that the council of a county district have failed to discharge the duties imposed on them by paragraph (c) of subsection (1) of section one hundred and fourteen of the principal Act, the Minister so exercises his powers under section eighteen of this Act that either—

(a) the amount of any contribution under section two of the Housing (Financial Provisions) Act, 1938, payable to the council for any year is reduced, or

- (b) the contribution which would otherwise have been payable under the said section two to the council for any year is not payable,

the county council shall not be under any liability to make any contribution for that year under subsection (1) or (2) of section seven of the Housing (Financial Provisions) Act, 1938.

(3) Where, on the ground that the council of a county district have failed to discharge a duty imposed upon them by Part V of the principal Act to reserve accommodation for members of the agricultural population or other persons the Minister so exercises his powers under section eighteen of this Act that either—

- (a) the amount of any exchequer payment payable to the council for any year is reduced, or
(b) any such exchequer payment which would otherwise have been payable to the council for any year is not payable,

the county council shall not be under any liability to make any contribution for that year under section one hundred and fifteen of the Housing Act, 1936.

Miscellaneous and general

25.—(1) For the purposes of any agreement under section one hundred and seventeen of the principal Act between a county council and a rural district council as to the exercise by the county council of the powers of the rural district council under Part V of the principal Act, and so far as the agreement extends, the county council shall be deemed to be the district council for the purposes of sections one to ten and fifteen of this Act and, subject to the provisions of any such agreement, any annual exchequer subsidy payable by virtue of paragraph (a) of subsection (2) of section three of this Act shall be payable to that one of the councils by which re-housing accommodation available for displaced persons is provided, notwithstanding that the operations in consequence of which those persons were displaced were initiated or carried out by the other council.

Cases in which exchequer grants are payable to county councils.

(2) Where an order made under section one hundred and seventy-one or section one hundred and seventy-three of the principal Act transfers to a county council any of the powers of a local authority under Part V of the principal Act sections one to ten and fifteen of this Act shall, with the necessary modifications, apply in relation to that county council as they apply in relation to that local authority and the Minister shall make payments accordingly:

Provided that, notwithstanding anything in this Act or in any order made under this Act, the amount or duration of any such payments may be reduced by the Minister at his discretion.

PART I
—cont.

Modification of agreements incorporating references to rate fund contributions.

26.—(1) Where arrangements were in force immediately before the first day of April, nineteen hundred and fifty-six, between a local authority and some other local authority, a development corporation or a housing association providing for annual payments in respect of a dwelling by the authority to the other party to the arrangements of an amount determined by reference to the amount of any contribution to be made by a local authority to their Housing Revenue Account under an enactment repealed as from the said day or any corresponding contributions provided for by the enactments for the time being in force with respect to the provision of housing accommodation, then, without prejudice to any variation of those arrangements by the parties thereto,—

- (a) in the case of a dwelling in respect of which payments under the arrangements were on the said day already being made, the arrangements shall be deemed to provide for payments thereunder of the amount being paid before that day ; and
- (b) in the case of any other dwelling in respect of which such payments become payable, the amount of those payments shall be the amount equal to one-third of the annual exchequer subsidy payable in respect of the dwelling under this Part of this Act, or eight pounds, whichever is the less.

(2) This section shall not apply to any arrangements made between the London County Council and the Council of a metropolitan borough or the Common Council of the City of London under section one hundred and eighty-three of the principal Act.

Ascertainment of amount of certain annual contributions under Acts of 1919 and 1923.

27. The provisions of the Third Schedule to this Act shall have effect for the purpose of the determination of the amount of the following contributions which the Minister is required or authorised to make to a local authority—

- (a) contributions payable under section seven of the Housing, Town Planning, &c. Act, 1919, other than contributions in respect of schemes for the provision of houses for persons in the employment of, or paid by, a county council, or a statutory committee thereof ;
- (b) contributions payable under subsection (3) of section one of the Housing, &c. Act, 1923.

Time and manner of payment of Government contributions.

28. Payments to be made by the Minister to a local authority under any enactment in—

this Act or the principal Act, or
the Housing, Town Planning, &c. Act, 1919, or
the Housing, &c. Act, 1923, and the Housing (Financial Provisions) Act, 1924, or

the Housing (Rural Authorities) Act, 1931, or
the Housing Act, 1936, or
the Housing (Financial Provisions) Act, 1938, or
the Housing (Financial and Miscellaneous Provisions) Act,
1946,

PART I
—cont.

shall be payable at such times and in such manner as the Treasury may direct, and subject to such conditions as to records, certificates, audit or otherwise as the Minister may, with the approval of the Treasury, impose.

29.—(1) In this Part of this Act, unless the context otherwise requires— Interpretation
of Part I.

“approved dwelling” means a dwelling approved by the Minister under section one of this Act,

“block of flats” of a given number of storeys means a building containing flats which consists of that number of storeys exclusive of any storey constructed for use for purposes other than those of a dwelling; and for the purposes of this definition a building which consists of a different number of storeys in different parts thereof shall be treated as if each of those parts were a separate building, any question as to the division of any building into such parts, or as to the number of storeys of which any such part consists, or as to the number of flats contained in any such part, being determined by the Minister;

“dwelling” means a building or part of a building occupied or intended to be occupied as a separate dwelling, together with any yard, garden, outhouses and appurtenances belonging to or usually enjoyed with that building or part; so, however, that a building or part which, in the opinion of the Minister, is designed for permanent use as a single dwelling shall be treated as a single dwelling for the purposes of this Part of this Act notwithstanding that it is temporarily divided into two or more parts which are occupied or intended to be occupied as separate dwellings;

“flat” means a separate and self-contained set of premises, whether or not on the same floor, constructed for use for the purposes of a dwelling and forming part of a building from some other part of which it is divided horizontally;

“local authority” means any authority who are a local authority for the purposes of any provision of the principal Act.

PART I
—cont.

(2) In this Part of this Act “ authorised arrangements ” means arrangements between a local authority and a housing association under section one hundred and twenty of the principal Act or between a local authority and a development corporation under the said section one hundred and twenty by virtue of section one hundred and twenty-five of the principal Act and—

- (a) references in this Part of this Act to any subsidy or contribution payable in respect of a house provided under authorised arrangements shall be construed as references to a subsidy payable in respect of such a house under section one of this Act or to a contribution payable under section ninety-four of the Housing Act, 1936 (which applies as respects certain houses provided before the commencement of this Act), and
- (b) references in this Part of this Act to any annual grant payable in respect of a house provided under authorised arrangements shall be construed as references to any annual grant payable either under section one of this Act or under the said section ninety-four.

PART II

FINANCIAL ASSISTANCE FOR HOUSING ACCOMMODATION
PRIVATELY PROVIDED*Grants by local authorities for improvements*

Power to make
improvement
grants.

30.—(1) Subject to the provisions of this Part of this Act, a local authority may give assistance in respect of—

- (a) the provision of dwellings, by a person other than a local authority or county council, by means of the conversion of houses or other buildings,
- (b) the improvement of dwellings by such a person,

by way of making a grant (hereafter in this Part of this Act referred to as “ an improvement grant ”) in respect of expenses incurred for the purposes of the execution of works of conversion or improvement (hereafter in this Part of this Act referred to as “ improvement works ”) if, before the improvement works are begun, an application in that behalf is made to the authority by that person (hereafter in this Part of this Act referred to as “ the applicant ”) and approved by them.

(2) An application under this section for an improvement grant must contain full particulars of the improvement works proposed to be carried out and of the land on which those works are proposed to be carried out, together with plans and specifications of the works, and before approving the application the local authority shall satisfy themselves as to the requirements set out in the next following section.

(3) Such an application must also contain an estimate of the expenses to be incurred for the purposes of the execution of the said works which, in a case where the application relates to the provision or improvement of more than one dwelling, must specify the proportion of the estimated expenses that is attributable to each dwelling proposed to be provided or improved, and the application shall not be entertained unless—

- (a) in a case where the application relates only to the provision or improvement of a single dwelling, the amount of the expenses estimated to be incurred for the purposes of the execution of the improvement works, or
- (b) in any other case the proportion of those expenses attributable to each dwelling proposed to be provided or improved,

is not less than one hundred pounds or such other amount as may for the time being be prescribed.

(4) It is hereby declared that estimates under the last foregoing subsection as respects improvement works may include the cost of the employment in connection with the works of an architect, engineer, surveyor, land agent or other person in an advisory or supervisory capacity.

(5) Where a local authority approve an application under this section they shall notify the applicant of the amount approved by them as being the amount of the expenses which, in their opinion, are properly ascribable to the execution of the improvement works and, where the application relates to the provision or improvement of more than one dwelling, of the proportion of that amount approved by them as being attributable to each dwelling proposed to be provided or improved.

The said amount is hereafter in this Part of this Act referred to, in relation to improvement works, as the “approved expense” of executing the works, and the proportion of that amount approved under this subsection as being attributable to a dwelling is so referred to, in relation to that dwelling, as the “approved proportion” of the approved expense.

31.—(1) Before approving an application for an improvement grant the local authority shall satisfy themselves—

- (a) that as respects dwellings to be provided by means of the improvement works the dwellings will provide satisfactory housing accommodation for a period of not less than thirty years from the completion of the works, and
- (b) that as respects dwellings to be improved by means of the improvement works the dwellings so improved will provide such accommodation for a period of not less than thirty years from the completion of the works:

Provided that they may approve the application if satisfied that the period for which the dwellings to be provided or

Requirements
as to nature
of improve-
ments.

PART II
—cont.

improved will provide satisfactory housing accommodation is likely to be more than fifteen years and that it is expedient in all the circumstances that the application should be approved.

(2) The local authority shall also satisfy themselves that all such dwellings as aforesaid will conform with such requirements with respect to their construction and physical condition and the provision of services and amenities as may be specified for the purposes of this section by the Minister :

Provided that if, in relation to all or any of the said dwellings, they are not satisfied that the dwellings or dwelling will conform with a particular requirement so specified, they may, notwithstanding that fact, with the consent of the Minister approve the application if they are satisfied that, in all the circumstances of the case, conformity with that requirement would be impracticable.

(3) The local authority shall also satisfy themselves that the applicant has, in every parcel of land on which the improvement works are proposed to be carried out (other than land proposed to be sold or leased to him under subsection (2) of section one hundred and five of the principal Act (which authorises a local authority to dispose of land for the purpose of carrying out works in connection with work on an adjoining house)) an interest constituting either an estate in fee simple absolute in possession or a term of years absolute whereof the period remaining unexpired at the date of the application is not less than—

(a) the period for which the dwellings concerned will provide satisfactory housing accommodation, or

(b) a period of thirty years,

whichever is the shorter.

Amount of
improvement
grants.

32.—(1) The amount which may be paid by way of an improvement grant in respect of expenses incurred for the purposes of the execution of any improvement works—

(a) shall be such fraction of the approved expense of executing those works, not exceeding one-half thereof, as may be determined by the local authority when they approve the application for the grant, but

(b) shall not exceed four hundred pounds, or such other amount as may for the time being be prescribed for each dwelling provided or improved by the works :

Provided that if the local authority, with the concurrence of the Minister, are satisfied in the case of any particular application that in all the circumstances of the case there is good reason for the payment of a higher amount than the amount

authorised under paragraph (b) of this subsection, the amount of the grant to be made in pursuance of the application may be increased (notwithstanding anything in this subsection) by such amount as may be determined by the authority with the consent of the Minister when they approve the application.

PART II
—cont.

(2) An improvement grant in respect of expenses incurred for the purposes of the execution of improvement works may be paid either after completion of the works or partly in instalments from time to time as the works progress and as to the balance after the completion of the works:

Provided that where the grant is to be paid partly in instalments, the aggregate of the instalments paid shall not at any time before the completion of the works exceed one-half of the aggregate cost of the works executed up to that time.

(3) The payment of an improvement grant or of an instalment or the balance thereof shall be conditional upon the works or, as the case may be, the part of the works which the applicant considers will entitle him to payment of the instalment or balance, being executed to the satisfaction of the local authority.

33.—(1) In the case of a dwelling in respect of the provision or improvement of which assistance has been given under the foregoing provisions of this Part of this Act, the conditions set out in the Fourth Schedule to this Act shall, subject to the provisions of this Part of this Act, be observed with respect to the dwelling for the period specified in subsection (2) of this section and shall, so long as they are required to be so observed, be deemed to be part of the terms of any lease, agreement for a lease or tenancy of the dwelling, and shall be enforceable accordingly.

Conditions to
be observed
with respect
to dwellings.

(2) The period during which conditions are to be observed is a period of twenty years beginning with the day on which the dwelling first becomes fit for occupation after the completion of the improvement works so, however, that where the local authority approve an application for an improvement grant in respect of a dwelling which in their opinion is not likely to provide satisfactory housing accommodation for more than twenty years from the completion of the works, they may by order direct that in relation to that dwelling it shall be such shorter period as may be specified in the order.

34.—(1) The provisions of this section shall have effect in the event of a breach of any of the conditions specified in the Fourth Schedule to this Act at a time when they are required to be observed with respect to a dwelling.

Enforcement
of conditions.

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PART II
—cont.

(2) Where the improvement works by means of which the dwelling was provided or improved were works only for the provision or improvement of that dwelling, the appropriate proportion of any sums paid by the local authority by way of improvement grant in respect of expenses incurred for the purposes of the execution of those works, together, in the case of each such sum, with compound interest on that proportion thereof as from the date of payment of the sum, calculated at the prescribed rate and with yearly rests, shall, on being demanded by the local authority, forthwith become payable to them by the owner for the time being of the dwelling.

(3) Where the said improvement works were works for the provision or improvement of more than one dwelling the appropriate proportion of a part of any such sums as aforesaid bearing to the whole thereof the same proportion that the approved proportion of the approved expense of executing the improvement works bears to the whole of the approved expense of executing those works, together, in the case of each part of a sum, with compound interest on the appropriate proportion thereof as from the date of payment of the sum, calculated at the prescribed rate and with yearly rests, shall become payable as aforesaid.

(4) In the foregoing subsections the expression "the appropriate proportion" in relation to a sum or part of a sum means a part thereof proportionate to the extent to which the period during which conditions are required by section thirty-three of this Act to be observed with respect to the dwelling remains unexpired at the date of the occurrence of the breach.

(5) If the local authority are satisfied that the breach is capable of being remedied, they may, with the consent of the Minister, and subject to such conditions (if any) as he may approve, direct that the operation of the foregoing provisions of this section shall, in relation to the breach, be suspended for such period as appears to them to be necessary for enabling the breach to be remedied and, if the breach is remedied within that period, may direct that the said provisions shall not have effect in relation to the breach.

(6) If the local authority are satisfied that the breach, although not capable of being remedied, was not due to the act, default or connivance of the owner of the dwelling, they may, with the like consent and subject to such conditions as aforesaid, direct that the foregoing provisions of this section shall not have effect in relation to the breach.

(7) Upon satisfaction of a liability of an owner of a dwelling to make a payment under this section to a local authority, observance with respect to the dwelling of the conditions specified in the Fourth Schedule to this Act shall cease to be requisite.

(8) Notwithstanding anything to the contrary in any enactment or rule of law relating to the jurisdiction of county courts, the county court for the district in which a dwelling in respect of the provision or improvement of which assistance has been given under this Part of this Act is wholly or partly situate may, on the application of the local authority,—

- (a) whether or not any other relief is claimed, grant an injunction restraining a breach or apprehended breach, in relation to the dwelling, of any of the conditions specified in the Fourth Schedule to this Act other than the condition specified in paragraph 7 of that Schedule.
- (b) order the payment to the authority of any sum which by virtue of this section is payable to them in respect of the dwelling.

(9) Conditions required by the Fourth Schedule to this Act to be observed with respect to a dwelling shall be registered in the register of local land charges by the proper officer of the local authority in such manner as may be specified by rules made for the purposes of this section under subsection (6) of section fifteen of the Land Charges Act, 1925.

35.—(1) The owner of a dwelling in respect of the provision or improvement of which assistance has been given under the foregoing provisions of this Part of this Act or a mortgagee of the interest of the owner in the dwelling, being a mortgagee entitled to exercise his power of sale, may, if the local authority so agree, at any time during the period specified in subsection (2) of section thirty-three of this Act pay to the local authority the like amount as would become payable to them under the last foregoing section in the event of a breach at that time of any conditions applying to the dwelling, and, on the making of the payment, observance with respect to the dwelling of those conditions shall cease to be requisite.

Repayment of
improvement
grants.

(2) A sum paid under the foregoing subsection by a mortgagee shall be treated as part of the sum secured by the mortgage and may be discharged accordingly.

(3) The purposes authorised for the application of capital money by section seventy-three of the Settled Land Act, 1925, by that section as applied by section twenty-eight of the Law of Property Act, 1925, in relation to trusts for sale, and by section twenty-six of the Universities and College Estates Act, 1925, shall include the payment under subsection (1) of this section to a local authority in respect of a dwelling of the amount mentioned in that subsection.

PART II
—cont.
Exchequer
contributions
towards
improvement
grants.

36.—(1) The Minister may make a contribution towards the expense incurred by a local authority in making an improvement grant under the foregoing provisions of this Part of this Act.

(2) A contribution under the foregoing subsection shall be a sum equal to three-quarters of the annual loan charges referable to the amount of the grant, payable annually for the period of twenty financial years beginning with the year in which were completed the improvement works in respect of expenses incurred for the purposes of the execution of which the grant was made:

Provided that an order under section two of this Act may, as respects improvement grants made in pursuance of applications approved by the local authorities after such date as may be specified in the order, reduce the proportion of the said annual loan charges to some other proportion, less than three-quarters but not less than two-thirds.

(3) For the purposes of this section, the annual loan charges referable to the amount of an improvement grant shall (whatever may be the manner in which the local authority have provided or intend to provide the money requisite for making the grant) be the annual sum that, in the opinion of the Minister, would fall to be provided by the local authority for the payment of interest on, and the repayment of, an amount, equal to the amount of the grant of borrowed money the period for the repayment of which is twenty years.

(4) Where the Minister has made a contribution under this section towards the expense incurred by a local authority in giving assistance in respect of the provision or improvement of a dwelling, the authority shall pay to the Minister out of any sum—

- (a) recovered by them by virtue of section thirty-four of this Act in consequence of a breach of conditions required to be observed with respect to the dwelling, or
- (b) paid to them under the last foregoing section in respect of the dwelling,

three-quarters of that sum, and the amount received by the Minister shall be paid into the Exchequer.

(5) Any order under the proviso to subsection (2) of this section for reducing the said proportion of the annual loan charges shall provide for reducing to a corresponding extent, in relation to improvement grants made as mentioned in that proviso, the proportion of any sum required by the last foregoing subsection to be paid to the Minister.

Special
provisions as
to parsonages,
almshouses, &c.

37. Subsection (3) of section thirty-one of this Act shall not apply in relation to—

- (a) an application for an improvement grant in respect of the residence house of an ecclesiastical benefice made, during a period when the benefice is void, by a sequestrator of the profits thereof; or

(b) an application for such a grant in respect of a building held upon trust for use as an almshouse or as the residence of a minister of any religious denomination made by the trustees exercising the powers of management of the trust estate.

PART II
—cont.

38.—(1) No assistance shall be given under the foregoing provisions of this Part of this Act in respect of the provision of dwellings by means of the conversion of dwellings with respect to which the conditions specified in the Fourth Schedule to this Act are for the time being required to be observed.

Provisions as to further improvement grants.

(2) Where by virtue of the giving on any occasion of assistance under this Part of this Act in respect of the improvement of a dwelling the conditions specified in the Fourth Schedule to this Act fall to be required to be observed with respect to the dwelling before the observance thereof by virtue of the giving of assistance on a previous occasion has ceased to be requisite, the provisions of sections thirty-three to thirty-five of this Act and of subsection (4) of section thirty-six thereof shall apply in relation to the dwelling as regards each occasion on which assistance is so given as if it were the only occasion on which it were so given.

39.—(1) No assistance shall be given under the foregoing provisions of this Part of this Act in respect of the provision of dwellings by means of the conversion of dwellings in relation to which conditions contained in the Housing (Rural Workers) Acts, 1926 to 1942, for the time being apply.

Provisions as to dwellings improved under Housing (Rural Workers) Act, 1926.

(2) Where assistance is given under the said provisions of this Part of this Act in respect of the improvement of a dwelling in relation to which conditions contained in the Housing (Rural Workers) Acts, 1926 to 1942, apply at the time when assistance is so given, those Acts shall have effect in relation to the dwelling as if the conditions specified in the Fourth Schedule to this Act were contained in, and applicable by virtue of, subsection (1) of section three of the Housing (Rural Workers) Act, 1926, in lieu of the conditions specified therein and in section five of the Housing (Rural Workers) Amendment Act, 1938, and anything which would, or would not, constitute for the purposes of this part of this Act a breach of the conditions specified in the said Fourth Schedule to this Act shall be treated as constituting, or, as the case may be, not constituting a breach of those conditions for the purposes of the Housing (Rural Workers) Acts, 1926 to 1942.

40. Where a dwelling in respect of the provision or improvement of which assistance has been given under section thirty of this Act is, at a time when the conditions specified in the Fourth Schedule to this Act are required to be observed with

Provisions as to security of tenure of tenants.

PART II
—cont.

respect to the dwelling, let to a person in consequence of his employment by the lessor, the operation of section three of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933 (which restricts the right of a landlord to possession of a dwelling), shall not be excluded by reason of the letting being otherwise than at a rent of two-thirds or more of the rateable value of the dwelling.

Local
authorities
authorised to
make improve-
ment grants.

41.—(1) The local authority for the purposes of the foregoing provisions of this Part of this Act as respects England and Wales other than the administrative County of London shall be the council of the borough, urban district or rural district.

(2) As respects the administrative County of London, other than the City of London, both the London County Council and the council of a metropolitan borough shall be local authorities for the said purposes, and as respects the City of London the Common Council shall be the local authority for those purposes.

(3) The council of a county may agree with a council of a non-county borough, urban district or rural district within the county for the exercise by the county council of the powers of the borough or district council under the foregoing provisions of this Part of this Act.

(4) An agreement made under the last foregoing subsection may contain such provisions with regard to the expenses to be incurred by the county council, including the raising of loans to meet those expenses, and such other incidental or consequential provisions as the councils think proper; and for the purposes of any such agreement the county council shall be deemed for the purposes of the foregoing provisions of this Act to be the local authority with whom the agreement is made.

Interpretation
of provisions
with respect
to improve-
ment grants.

42.—(1) In the foregoing provisions of this Part of this Act the expression “owner”, in relation to a dwelling, means the person who is for the time being receiving the rackrent of the dwelling or who, if the dwelling were let at a rackrent, would receive the rackrent of the dwelling:

Provided that if in any case the person who, by virtue of the foregoing definition, would be the owner of a dwelling is a person himself liable to pay a rackrent in respect of the dwelling or of any property comprising the dwelling to a superior landlord, that superior landlord and not the person aforesaid shall be deemed to be the owner of the dwelling for the purposes of the foregoing provisions of this Part of this Act.

For the purposes of this subsection, the expression “rackrent” has the same meaning as in the Public Health Act, 1875.

(2) References in the foregoing provisions of this Part of this Act to the improvement of dwellings shall be construed as including references to the alteration or enlargement thereof and to the execution of works of repair thereto not being works of ordinary repair, and as including also references to the execution of works of ordinary repair thereto so far, but so far only, as the execution thereof is incidental to or connected with the execution of works of improvement, alteration or enlargement or of works of repair not being works of ordinary repair, and in those provisions the expression “improved” shall be construed accordingly.

(3) In determining for the purposes of the foregoing provisions of this Part of this Act whether, as regards a dwelling in respect of the provision or improvement of which assistance has been given under section thirty of this Act, a breach has occurred of the condition required by those provisions to be observed with respect to the dwelling as to the keeping of the dwelling available for letting at a rent not exceeding the maximum rent that may be paid by an occupier of the dwelling or of the condition so required to be observed as to the rent payable by an occupier of the dwelling, any property which, in the absence of express provision, would pass upon a conveyance of the legal estate in fee simple in the dwelling, and any yard, garden, outhouse and appurtenances usually enjoyed with the dwelling, shall be deemed to form part of the dwelling.

Other forms of financial assistance by local authorities

43.—(1) A local authority for the purposes of Part V of the principal Act or a county council may, subject to such conditions as may be approved by the Minister, advance money, subject to the provisions hereinafter contained, to any persons for the purpose of—

Power of local
authorities
to make
advances.

- (a) acquiring houses ;
- (b) constructing houses ;
- (c) converting into houses buildings which have been acquired by those persons or acquiring buildings and converting them into houses ; or
- (d) altering, enlarging, repairing or improving houses ;

whether the houses or buildings are within or without the district of the authority or council.

(2) Before advancing money under this section for the purpose specified in paragraph (a) of the foregoing subsection the local authority or county council shall satisfy themselves that the house or houses to be acquired is or are, or will be made, in all respects fit for human habitation, and before so advancing money for any of the purposes specified in paragraphs (b) to (d) of that subsection the local authority or county council shall

PART II
—cont.

satisfy themselves that the house or houses to be constructed, altered, enlarged, repaired or improved or into which the building or buildings is or are to be converted, as the case may be, will, when the construction, alteration, enlargement, repair, improvement or conversion has been completed, be in all respects so fit.

(3) The following provisions shall have effect with respect to an advance under this section:—

- (a) the advance, together with interest thereon, shall be secured by a mortgage of lands the subject of the carrying out of the purpose for which the advance is made;
- (b) the amount of the principal of the advance shall not exceed, in the case of a house or houses to be acquired, ninety per cent. of the value of the mortgaged security, and, in any other case, ninety per cent. of the value which it is estimated the mortgaged security will bear when the construction, conversion, alteration, enlargement, repair or improvement has been carried out;
- (c) the mortgage deed may provide for repayment being made either by instalments of principal or by an annuity of principal and interest combined, so, however, that in the event of any of the conditions subject to which the advance is made not being complied with, the balance for the time being unpaid shall become repayable on demand by the local authority or county council and that the said balance may, in any event, be repaid on one of the usual quarter days by the person for the time being entitled to the equity of redemption after one month's written notice of intention to repay has been given to the local authority or county council;
- (d) where the advance is for any of the purposes specified in paragraphs (b) to (d) of subsection (1) of this section it may be made by instalments from time to time as the works of construction, conversion, alteration, enlargement, repair or improvement progress;
- (e) the advance shall not be made except after a valuation duly made on behalf of the local authority or county council; and
- (f) no advance shall be made on mortgage of lands unless the estate therein proposed to be mortgaged is either an estate in fee simple absolute in possession or an estate for a term of years absolute whereof a period of not less than ten years in excess of the period fixed for the repayment of the advance remains unexpired on the date on which the mortgage is executed.

PART II
—cont.

(4) An advance under this section shall not be made if the estimated value of the fee simple in possession free from incumbrances of the house in respect of which assistance is to be given exceeds five thousand pounds, but such an advance may be made in addition to assistance given by the local authority in respect of the same house under any other Act or any other provision of this Act.

In the case of an advance for the construction of one or more structurally separate and self-contained flats, the estimated value for the purposes of the foregoing limitation shall, as respects any flat, be the estimated value of the flat.

44. A local authority by whom money has been advanced on the mortgage of a house in pursuance of any enactment shall have power, and shall be deemed always to have had power, to accept the deposit by the mortgagor of the sums estimated to be required for the maintenance or repair of the mortgaged premises, and to pay interest on sums so deposited.

Powers of local authorities in connection with advanced money on mortgage.

45.—(1) A local authority for the purposes of Part V of the principal Act or a county council may, in accordance with proposals in that behalf made by them and approved by the Minister, guarantee the repayment to a society incorporated under the Building Societies Acts, 1874 to 1939, or the Industrial and Provident Societies Acts, 1893 to 1954, of any advances, with interest thereon, made by the society to any of its members for the purpose of enabling them to build or acquire houses, whether within or without the district of the authority or council.

Power of local authorities to guarantee repayment of advances by building societies.

(2) Where, upon the submission to the Minister by a local authority or county council of proposals under this section, the Minister is satisfied that the proposed guarantee extends only to the principal of, and interest on, the amount by which the sum to be advanced by the society in question exceeds the sum which would normally be advanced by it without the guarantee of the local authority or county council, and that the liability under the guarantee of the local authority or county council 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 out of moneys provided by Parliament not more than one-half of any loss sustained by them under the terms of the guarantee.

(3) Subsection (4) of section forty-three of this Act shall apply to guarantees given under this section with the substitution for references to advances made of references to guarantees given.

PART II
—cont.*Miscellaneous and general*

Exchequer contributions for agricultural housing accommodation.

46.—(1) Where the council of a county district are satisfied that in any particular case housing accommodation required for members of the agricultural population of the district could more conveniently be provided by some person other than the council, they may, subject to any conditions imposed by the Minister, make arrangements for the provision of such accommodation by that person; and if the Minister is satisfied that the arrangements are such as to secure that any house provided in pursuance thereof—

- (a) is reserved for members of the agricultural population, and
- (b) if let, is let at a rent not exceeding the limit imposed by section twenty of the Rent Act, 1957, and
- (c) is suitable in respect of its size and construction,

then, subject to the conditions set out in the following provisions of this section, the Minister may undertake to make, and may make, in respect of each new house which, with his approval, is provided in pursuance of the arrangements, payment to that council of an annual contribution of such amount not exceeding ten pounds as the Minister may determine, being a contribution payable for a period of forty years; and in that event the council shall pay by way of annual grant to the owner of the house an amount not less than the contribution paid by the Minister.

(2) It shall be a condition of the payment under this section of a contribution in respect of any house in any year—

- (a) that the conditions specified in paragraphs (a) and (b) of the foregoing subsection are observed in relation to that house throughout that year, and
- (b) that the council of the county district certify to the Minister that all reasonable steps have been taken to secure the maintenance of that house in a proper state of repair during that year.

(3) In the case of a house completed on or after the eighteenth day of April, nineteen hundred and forty-six, it shall also be a condition of the payment under this section of a contribution in respect of any house for any year during which the house is at any time occupied by a member of the agricultural population in pursuance of a contract of service and otherwise than as a tenant that if the contract of service is determined—

- (a) by less than four weeks' notice given by the employer, or

- (b) by dismissal of the employee without notice, or
(c) by the death of either party,

the employer or his personal representative will permit the employee (or, in the case of his death, any person residing with him at his death) to continue to occupy the house free of charge from the determination of the contract until the expiration of a period of four weeks beginning with the date on which the notice is given or, if the contract is determined otherwise than by notice, with the date on which it is determined.

(4) No annual grant shall be made under this section by the council to the owner of a house, if before the making of the grant the Minister is satisfied that, during the whole or the greater part of the period to which the payment of the grant is referable, the house has not been available as a dwelling fit for habitation, and where the duty of the council to make a grant is wholly or partly discharged by virtue of this subsection the Minister shall make such consequential reductions as he thinks fit in any sum payable by him to the council :

Provided that this subsection shall not apply if the Minister is satisfied that the house could not with reasonable diligence have been made available, during the whole or the greater part of the period for which the payment is referable, as a dwelling fit for habitation.

Any question as to the period to which any payment is referable shall be determined for the purposes of this subsection by the Minister.

(5) Where a house which has been provided under arrangements under this section becomes vested in the council making the arrangements—

- (a) no further sums shall, after the time of the vesting, become payable by the Minister or by the council in respect of the house under subsection (1) of this section, and
(b) whether the conditions specified in this section are observed or not, the Minister may, if he thinks fit, pay to the council a sum equivalent to any contribution which would, after the said time, have become payable by him to the authority in respect of the house if all conditions precedent to the payment of that contribution had been at all material times observed.

(6) Where a house provided under arrangements made in pursuance of this section is let together with other land at a single rent, such proportion of that rent as the council of the county district may determine shall be deemed, for the purpose of paragraph (b) of subsection (1) of this section, to be the rent at which the house is let.

PART II
—cont.

Loans
by Public
Works Loan
Commissioners
to companies,
housing
associations
and
individuals.

47.—(1) The Public Works Loan Commissioners may, subject to the provisions of this section, lend money to any such person as is hereafter mentioned for the purpose of constructing or improving, or facilitating or encouraging the construction or improvement of, houses and, in the case of a housing association,—

(a) for the purchase of houses which the association desire to purchase with a view to the improvement thereof, and

(b) for the purchase and development of land,

and any such person may borrow from the Public Works Loan Commissioners such money as may be required for the purposes aforesaid.

(2) The persons to whom money may be so lent and who may so borrow are—

(a) any railway company or dock or harbour company,

(b) any housing association,

(c) any company, society or association (not being a housing association) established for the purpose of constructing or improving, or of facilitating or encouraging the construction or improvement of, houses for the working classes, or for trading or manufacturing purposes, in the course of whose business, or in the discharge of whose duties, persons of the working classes are employed, and

(d) any person entitled to any land for an estate in fee simple absolute in possession, or for any term of years absolute whereof not less than fifty years for the time being remain unexpired.

(3) A loan for any of the purposes specified in subsection (1) of this section shall be secured with interest thereon by mortgage of the land and houses in respect of which that purpose is to be carried out, and of such other lands and houses, if any, as may be offered as security for the loan.

(4) Any such loan may be made whether the borrower has or has not power to borrow independently of this Act; but nothing in this section shall affect any regulation, statutory or otherwise, whereby any company may be restricted from borrowing until a definite portion of capital is subscribed for, taken, or paid up.

(5) The following conditions shall apply in the case of any such loan—

(a) the period for repayment shall not exceed forty years;

(b) no money shall be lent on mortgage of any land or houses, unless the estate therein proposed to be mortgaged is either an estate in fee simple absolute in possession or an estate for a term of years absolute whereof not less than fifty years are unexpired at the date of the loan;

- (c) the money lent shall not exceed such proportion as is hereinafter authorised of the value, to be ascertained to the satisfaction of the Public Works Loan Commissioners, of the estate or interest in the land or houses proposed to be mortgaged in pursuance of subsection (3) of this section, but loans may be made by instalments from time to time as the building of houses or other work on land so mortgaged progresses, so, however, that the total amount lent does not at any time exceed the amount aforesaid; and a mortgage may be accordingly made to secure such loans so to be made from time to time:

Provided that, where a loan is made under this section to a housing association for the purpose of carrying out a scheme for the provision of houses approved by the Minister,—

- (i) the maximum period for the repayment of the loan shall be fifty instead of forty years;
- (ii) money may be lent on the mortgage of an estate for a term of years absolute whereof a period not less than ten years in excess of the period fixed for the repayment of the sums advanced remains unexpired at the date of the loan.

(6) The proportion of such value as aforesaid authorised for the purpose of the loan shall be three-fourths:

Provided that—

- (a) if the loan is to be made to a housing association and payment of the principal of and interest on the loan is guaranteed by a local authority for the purposes of Part V of the principal Act, or by a county council, the said proportion shall be nine-tenths;
- (b) in any other case, if the loan exceeds two-thirds of such value as aforesaid, the Public Works Loan Commissioners shall require, in addition to such a mortgage as is mentioned in subsection (3) of this section, such further security as they may think fit.

(7) Any loan made by the Public Works Loan Commissioners in pursuance of this section, or to borrowers other than local authorities for the provision of labourers' dwellings under the Public Works Loans Act, 1875, or any Act amending that Act, shall bear interest at such rate as the Treasury may from time to time authorise as being in their opinion sufficient to enable the loan to be made without loss to the Exchequer.

(8) For the purpose of constructing or improving, or facilitating or encouraging the construction or improvement of, houses, every such company, association or society as aforesaid is hereby authorised to purchase, take and hold land, and if not already

PART II
—cont.

a body corporate shall, for the purpose of holding land acquired under this section and of suing and being sued in respect thereof, be nevertheless deemed a body corporate with perpetual succession.

(9) A housing association shall have power, notwithstanding anything in its rules or constitution prohibiting the payment of any interest on loan capital at a rate exceeding six per cent. per annum, to raise money on loan at a rate of interest not exceeding the rate of interest for the time being prescribed by the Treasury for the purposes of this section with respect to housing associations.

Provisions
with respect
to grants
under s. 2 of
the Act of
1923.

48.—(1) If in the case of a house—

- (a) the construction of which was promoted by a local authority in accordance with section two of the Housing, &c. Act, 1923, and
- (b) in respect of which contributions are payable by the Minister under the Housing (Financial Provisions) Act, 1924,

the Minister is satisfied that any of the special conditions set out in paragraph 1 of the Second Schedule to this Act has not been complied with, any contribution payable in respect of the house may be discontinued or the amount thereof may be reduced, and the duration thereof may be curtailed, as the Minister thinks just.

(2) No annual sum shall be payable by a local authority by way of assistance under section two of the Housing, &c. Act, 1923, in respect of a house if, before the payment is made, the Minister is satisfied that, during the whole or the greater part of the period to which the payment is referable, the house has not been available as a dwelling fit for habitation and where the duty of a local authority to make a payment is wholly or partly discharged by virtue of this subsection, the Minister may make such consequential reductions as he thinks appropriate in any sum payable by him to the local authority:

Provided that this subsection shall not apply if the Minister is satisfied that the house could not with reasonable diligence have been made available, during the whole or the greater part of the period to which the grant is referable, as a dwelling fit for habitation.

Any question under this subsection as to the period to which any payment is referable shall be determined by the Minister.

(3) Where a house which has, with the assistance of a local authority given under section two of the Housing, &c. Act, 1923, been provided by some person other than a local authority, becomes vested in the local authority then, if at the time of the vesting the house is a house in respect of which a contribution

is payable by the Minister under section one of that Act, the Minister may continue to make payments by way of that contribution as if the house had been provided by the local authority.

PART II
—cont.

49.—(1) The Minister may by statutory instrument make, with the consent of the Treasury, regulations prescribing anything required or authorised by this Part of this Act to be prescribed. Minister's power to make regulations

(2) A statutory instrument under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

PART III

HOUSING ACCOUNTS TO BE KEPT BY LOCAL AUTHORITIES

50.—(1) Every local authority for the purposes of Part V of the principal Act shall keep an account (to be called the Housing Revenue Account) of the income and expenditure of the authority in respect of— The Housing Revenue Account.

- (a) all houses and other buildings which at any time after the sixth day of February, nineteen hundred and nineteen, have been provided by a local authority under the said Part V,
- (b) all houses approved by the Minister for the purposes of section thirteen of this Act and all houses purchased by a local authority under section twelve of the principal Act,
- (c) all dwellings provided or improved by a local authority in accordance with improvement proposals approved by the Minister under section nine of this Act,
- (d) all dwellings in respect of which—
 - (i) the authority have received assistance under section one of the Housing (Rural Workers) Act, 1926 ; or
 - (ii) the Minister has undertaken to pay a contribution to the authority under subsection (2A) of section four of that Act,
- (e) such other houses as the authority with the consent of the Minister may from time to time determine,
- (f) all land which at any time after the sixth day of February, nineteen hundred and nineteen, a local authority have acquired or appropriated for the purposes of Part V of the principal Act, or are deemed to have acquired under the said Part V by virtue of subsection (6) of section fifty-seven of that Act.

PART III
—cont.

(2) Where a house is for the time being vested in a local authority by reason of the default of any person in carrying out the terms of any arrangements under which assistance in respect of the provision, reconstruction or improvement of the house has been given under any enactment relating to housing, the house shall be deemed for the purposes of this section to be a house which has been provided by the authority under Part V of the principal Act.

(3) A building provided or converted for use as a hostel and approved for the purposes of section fifteen of this Act shall not be included among the buildings to which the requirements in subsection (1) of this section relate unless the Minister on being satisfied that the building has ceased to be used for a hostel so directs.

(4) A local authority not possessing any property falling within subsection (1) of this section shall, notwithstanding that, be required to keep a Housing Revenue Account if they are entitled to receive any income arising from an investment or other use of money borrowed by them for the purpose of—

- (a) the provision of housing accommodation under Part V of the principal Act, or
- (b) the purchase by them of, or carrying out of works on, any houses approved by the Minister for the purposes of section thirteen of this Act or purchased under section twelve of the principal Act, or
- (c) the execution of works in respect of which the Minister has undertaken to make a contribution under subsection (2A) of section four of the Housing (Rural Workers) Act, 1926 or in respect of which the local authority for the purposes of that Act have given assistance thereunder.

(5) The provisions of the Fifth Schedule to this Act shall have effect as respects the keeping of the Housing Revenue Account and in that Schedule the expression "houses and other property within the account" means houses, dwellings, buildings and land falling within subsection (1) of this section.

The Housing
Repairs
Account.

51.—(1) Subject to the provisions of this section, every local authority who are required to keep a Housing Revenue Account shall, for the purpose of equalising so far as practicable the annual charge to their revenue in respect of the repair and maintenance of houses, buildings and dwellings in respect of which that account is to be kept, keep an account (to be called "the Housing Repairs Account") and shall in each financial year carry to the credit of that account from the Housing Revenue Account in respect of each house, building and dwelling such

amount as they may think proper, not being less than eight pounds and such amount, if any, as may be necessary to make good any deficit shown in the Housing Repairs Account at the end of the last preceding financial year.

(2) Subject to the provisions of this Act, moneys standing to the credit of the Housing Repairs Account shall be applied only in meeting expenses incurred in respect of the repair and maintenance of the houses, buildings and dwellings in respect of which the Housing Revenue Account is to be kept.

(3) If at any time it appears to the Minister, after consultation with the local authority, that the moneys standing to the credit of a Housing Repairs Account are more than sufficient for the purposes for which the account is to be kept, or that it is no longer necessary for the account to be kept, he may give such directions as he thinks proper for the reduction of the amounts to be credited to the account or the suspension of the carrying of credits thereto, or for the closing of the account and the application of any moneys standing to the credit thereof, as the case may be.

52.—(1) Every local authority who are required to keep a Housing Revenue Account shall, if they think it desirable for the purpose of equalising the income of the Housing Revenue Account derived from exchequer payments and contributions from other local authorities over any period during which loan charges required to be debited to that account will be payable, keep an account (to be called “the Housing Equalisation Account”) and shall, if they keep such an account, carry to the credit of that account from the Housing Revenue Account such sums, and shall apply an amount equal to the sums so credited in such manner, as may be prescribed.

Power to keep
Housing
Equalisation
Account.

(2) Where a local authority close their Housing Equalisation Account, they shall carry to the credit of their Housing Revenue Account any sums standing to the credit of their Housing Equalisation Account when it is closed.

(3) In this section “prescribed” means prescribed by regulations made by the Minister by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

53.—(1) An amount equal to any moneys standing to the credit of the Housing Repairs Account or the Housing Equalisation Account of a local authority, and not for the time being required for the purposes for which they will ultimately be applicable, may be used by the authority for the purpose of any statutory borrowing power possessed by them subject to the conditions specified in subsection (2) of this section, and so far as not so used shall be invested temporarily in statutory securities

Temporary
application
of moneys in
housing
accounts.

PART III
—cont.

(other than securities created by the authority) and an amount equal to any income arising from such investment shall be credited to the account.

(2) The conditions subject to which moneys may be used as mentioned in subsection (1) of this section shall be—

(a) the moneys so used shall be repaid to the account out of the general rate fund within the period, and by the methods, within and by which a loan raised under the statutory borrowing power would be repayable :

Provided that the authority shall repay to the account the moneys so used or the balance thereof for the time being outstanding, as the case may be, as and when required for the purposes of the account, and may make such repayment at any time within the period aforesaid, and in either case the repayment shall be made out of the general rate fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power ;

(b) in the accounts of the general rate fund an amount equal to interest (calculated at such rate as may be determined by the authority to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power) on any moneys so used and for the time being not repaid shall be credited to the account and debited to the undertaking or purpose with reference to which the moneys are so used ;

(c) the statutory borrowing power shall be deemed to be exercised by such use as fully in all respects as if a loan for the same amount had been raised in exercise of the power, and the provisions of any enactment as to the reborrowing of sums raised under the statutory borrowing power shall apply accordingly.

(3) In this section “statutory security” has the meaning assigned to it by Part IX of the Local Government Act, 1933.

PART IV

GENERAL

Power of local authorities to borrow for purposes of Act.

54.—(1) A local authority or a county council may borrow for any of the purposes of this Act other than for making annual grants to development corporations or housing associations under section one of this Act.

(2) Money borrowed under this Part of this Act by the London County Council may be borrowed in manner provided by the London County Council (Loans) Act, 1955.

(3) The maximum period which may be sanctioned as the period for which money may be borrowed by the London County Council or the Common Council of the City of London for the purposes of this Act shall, notwithstanding the provisions of any Act of Parliament, be eighty years, and in the proviso to subsection (1) of section one hundred and thirty-four of the London Government Act, 1939 (which, as amended by the principal Act, provides that the term for the repayment of sums borrowed by metropolitan borough councils under the principal Act may be up to eighty years), the reference to the purposes of the principal Act shall include a reference to the purposes of this Act.

(4) Where a loan is made by the Public Works Loan Commissioners to a local authority for the purposes of this Act or to a county council for the purposes of section forty-three or forty-five of this Act—

- (a) the loan shall be made at the minimum rate allowed for loans out of the Local Loans Fund applicable to the period for which the loan is made, and
- (b) the period for which the loan is made may exceed the period allowed under any enactment limiting the period for which loans may be made by the Commissioners, but shall not exceed eighty years.

(5) The provisions of sections one hundred and thirty-eight and one hundred and forty of the principal Act (which relate to the issue of housing bonds and the lending by county councils of money to local authorities within their area) shall apply as if references therein to the purposes of that Act included references to the purposes of this Act.

55.—(1) The following provisions of the principal Act—

- (a) section one hundred and fifty-six (which relates to the reference of housing matters to a local authority's committees),
- (b) sections one hundred and seventy-one to one hundred and seventy-six (which relate to powers exercisable on the default of a local authority), and
- (c) subsection (1) of section one hundred and eighty-seven (which relates to the reference of housing matters to the committees of the common council of the City of London)

Application of provisions of principal Act.

shall apply as if references therein to that Act included references to this Act.

(2) Subsection (1) of section one hundred and eighty-one and section one hundred and eighty-two of the principal Act (which relate to the powers exercisable by the Minister) shall apply as if references therein to that Act included references to Part III of this Act.

PART IV

—cont.

Payments out
of Exchequer.

56. Any payment required or authorised to be made by the Minister under this Act, but excluding any sum payable as a loan under section seventeen of this Act, shall be made out of moneys provided by Parliament.

Application
to Scilly
Isles.

57.—(1) The Minister shall have power, exercisable by statutory instrument, to make an order directing that the provisions of this Act specified in subsection (3) of this section shall, subject to such exceptions, adaptations and modifications as may be specified in the order, extend to the Isles of Scilly, but except as so extended, those provisions shall not extend to the Isles of Scilly.

(2) The power conferred by this section to make an order shall be construed as including a power exercisable in the like manner to vary or revoke the order.

(3) The said provisions of this Act are—

sections nine to twelve,
sections fourteen and fifteen,
section twenty-two,

the provisions of Part II except sections forty-six and forty-seven.

Interpretation.

58.—(1) In this Act, unless the context otherwise requires—

“agricultural population” has the same meaning as in section one hundred and fourteen of the principal Act;

“development corporation” has the same meaning as in the principal Act except that in sections eleven, fourteen and fifteen of this Act it does not include a development corporation established by an order under section sixteen of the New Towns Act, 1946 (which relates to orders for the combination and transfer of functions of development corporations);

“general rate fund” in relation to the London County Council means the county fund;

“house” includes any yard, garden, outhouses and appurtenances belonging thereto or usually enjoyed therewith, and any part of a building which is occupied or intended to be occupied as a separate dwelling including, in particular, a flat;

“housing association” and “housing trust” have the same meaning as in the principal Act;

“loan charges” means, in relation to any borrowed moneys, the sums required for the payment of interest on those moneys and for the repayment thereof either by instalments or by means of a sinking fund;

“the Minister” means the Minister of Housing and Local Government;

“the principal Act” means the Housing Act, 1957.

(2) In this Act “exchequer payment” means any payment which the Minister is required or authorised to make to a local authority under—

section seven of the Housing, Town Planning, &c. Act, 1919 ;

paragraph (b) of subsection (1) of section one of the Housing, &c. Act, 1923 (as originally enacted) ;

paragraph (b) of subsection (1) of section one of the Housing, &c. Act, 1923 (as amended by sections one and two of the Housing (Financial Provisions) Act, 1924) ;

subsection (3) of section one of the Housing, &c. Act, 1923 ;

subsection (2A) of section four of the Housing (Rural Workers) Act, 1926 ;

section one of the Housing (Rural Authorities) Act, 1931 ;
sections one hundred and five to one hundred and eight of the Housing Act, 1936 ;

sections one and two of the Housing (Financial Provisions) Act, 1938 ;

the provisions of the Housing (Financial and Miscellaneous Provisions) Act, 1946, with respect to annual exchequer payments within the meaning of that Act ;

section eleven of the Requisitioned Houses and Housing (Amendment) Act, 1955 ;

paragraph (a) of subsection (2) of section one of this Act,
section nine of this Act,

section thirteen of this Act,

section sixteen of this Act,

section twenty-one of this Act,

subsection (5) of section forty-six of this Act,

subsection (3) of section forty-eight of this Act.

(3) Section four of the principal Act (which prescribes the standard by which houses are judged fit for human habitation for the purposes of that Act) shall apply as if references therein to that Act included references to this Act.

(4) Save where the context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as amended by or under any other enactment.

59.—(1) The enactments and instruments set out in the Sixth Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule. Repeals and savings.

PART IV
—cont.

(2) The repeal by this section of any enactment shall not affect—

- (a) any regulation, rule, order or other instrument made or having effect as if made under that enactment, or
- (b) any agreement, application, approval, condition, determination, undertaking or other thing made, given, imposed or done, or having effect as if made, given, imposed or done, under that enactment,

and any such instrument (not being an instrument itself revoked by this section) or other thing shall, if in force at the commencement of this Act, continue in force and so far as it could have been made, given, imposed or done under this Act, have effect as if made, given, imposed or done under the corresponding provision of this Act.

(3) The repeal by this section of any enactment re-enacted in this Act shall not affect any existing undertaking or other liability to make a periodical or other payment after the commencement of this Act, and the provisions of this Act shall apply so as to require that payment to be made under the corresponding provision of this Act.

(4) The repeals made by this section shall not affect any liability to make a payment in respect of housing accommodation provided before the commencement of this Act under any of the enactments specified in this subsection (all of which had ceased to have effect at some time before the commencement of this Act except so far as they required or authorised the making of payments in respect of housing accommodation which had already been provided before that time).

The said enactments are—

- sections one and three of the Housing, &c. Act, 1923 ;
- subsection (5) of section two of the Housing (Financial Provisions) Act, 1924 ;
- section one of the Housing (Rural Authorities) Act, 1931 ;
- sections ninety-four, one hundred and five to one hundred and eight, and one hundred and fifteen of the Housing Act, 1936 ;
- sections one, two, seven and nine of the Housing (Financial Provisions) Act, 1938 ;
- the provisions of the Housing (Financial and Miscellaneous Provisions) Act, 1946, as to annual exchequer contributions and section eight of that Act as it applies to county council contributions for houses in respect of which annual exchequer contributions are payable ;
- subsection (2) of section eight of the New Towns Act, 1946.

(5) Section ninety-one of the Housing Act, 1936 (which authorised local authorities to give undertakings for the purpose of increasing housing accommodation), and section one hundred and ten of that Act (which authorised the Minister to contribute to losses sustained by local authorities giving such undertakings) shall continue to apply as respects undertakings given before the commencement of the Housing Act, 1949.

(6) The provisions of Part VI of the principal Act relating to borrowing shall apply as if the said section ninety-one of the Housing Act, 1936, were contained in Part V of the principal Act and for the purposes of so much of the said Part VI as authorises county councils to borrow for the purposes of that Act section one hundred and fifteen of the Housing Act, 1936, and section seven of the Housing (Financial Provisions) Act, 1938, shall be treated as included in the principal Act.

(7) Any Act or other document referring to any enactment repealed by this Act, the Housing Act, 1936, or the Housing Act, 1925, shall, so far as may be necessary to preserve the effect of that document, be construed as referring to the corresponding provision of this Act.

60. Without prejudice to subsection (2) of the last foregoing section, any reference in any provision of this Act to, or to things done or falling to be done under, any provision of this Act or the principal Act shall, in so far as the context permits, be construed as including, in relation to times, circumstances and purposes in relation to which the corresponding provision in the enactments repealed by this Act, by the principal Act, by the Housing Act, 1936, or by the Housing Act, 1925, had effect, a reference to, or to things done or falling to be done under, that corresponding provision.

Construction of references to this Act and to enactments repealed.

61.—(1) This Act may be cited as the Housing (Financial Provisions) Act, 1958.

Short title, extent and commencement.

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

(3) This Act shall come into force at the expiration of a period of three months beginning with the date on which it is passed.

SCHEDULES**Section 7.****FIRST SCHEDULE****PROVISIONS FOR ASCERTAINING THE VALUE OF
CERTAIN SITES**

1. For the purposes of section seven of this Act, the cost of a site as developed shall be taken to be—

- (a) in the case of a site purchased by a local authority under any enactment relating to housing, the expenditure incurred by the local authority in purchasing the site ; and
- (b) in any other case the value of the site as certified by the Minister,

plus, in either case, a sum representing—

- (i) any such expenses as in the opinion of the Minister have been or will be properly incurred for making the site suitable for the purpose of providing the buildings erected or to be erected thereon, being expenses incurred or to be incurred by the local authority, development corporation or housing association providing those buildings for the construction or widening of streets, the construction of sewers, or the execution of any special works rendered necessary by the physical characteristics of the land ; and
- (ii) any such expenses which have been, or in the opinion of the Minister will be, incurred in respect of other matters as the Minister, with the consent of the Treasury, may determine to be expenses properly forming part of the cost of making the site suitable for the said purpose.

2. In determining for the purposes of the foregoing paragraph the amount of any such expenses as are therein mentioned, the Minister shall have regard to any estimate of those expenses submitted to him by the local authority, development corporation or housing association, as the case may be ; and for the purposes of sub-paragraph (b) of that paragraph, the value certified in the case of a site in relation to which any such expenses have been incurred shall be the value of that site in the condition in which it would be if those expenses had not been incurred.

3. For the purposes of the said section seven and of this Schedule, any question—

- (a) as to what constitutes a separate site ; or
- (b) as to the portion of such a site on which any building has been erected ; or
- (c) as to how much of any expenditure incurred by a local authority in purchasing land is to be attributed to any site forming part only of that land,

shall be determined by the Minister.

4. For the purposes of any determination under sub-paragraph (a) or (b) of the last foregoing paragraph—

1ST SCH.
—cont.

- (a) where two buildings are contiguous to each other, or are separated from each other by a street only, the two buildings shall, if the Minister thinks proper, be deemed to be on the same site ; and
- (b) where any land has been purchased in connection with the provision of a building and has been or is to be used for the purpose of a new street to which the building is or will be contiguous, that land shall be deemed to form part of the site of the building.

5. For the purposes of the last foregoing paragraph—

- (a) the expression “ building ” includes any land appertaining to a building and any land appropriated for the purposes of a building which has not been erected ; and
- (b) the expression “ street ” includes any court, alley, passage or square, whether a thoroughfare or not, and includes a public highway.

SECOND SCHEDULE

Sections 20, 48.

CONDITIONS ATTACHING TO CERTAIN EXCHEQUER CONTRIBUTIONS UNDER ACTS OF 1924 AND 1930

1. The special conditions applying to houses in respect of which contributions are payable by the Minister under the Housing (Financial Provisions) Act, 1924, being houses which were provided by a housing association or the construction of which was promoted by a local authority under section two of the Housing, &c. Act, 1923, are—

- (a) that the houses shall be let for occupation to tenants who intend to reside therein ;
- (b) that it shall be a term of every such letting that the tenant shall not assign, sub-let or otherwise part with the possession of the house, or any part thereof, except with the consent in writing of the housing association (in the case of houses provided by them) or of the local authority or some person authorised by them in that behalf (in the case of the other houses), and that such consent shall not be given unless it is shown that no payment other than rent has been or is to be received by the tenant in consideration of the assignment, sub-letting or other transaction ;
- (c) that no house shall be sold or (save by such lettings as aforesaid) otherwise disposed of except with the consent of the Minister, which may be absolute or subject to such reasonable stipulations as the Minister thinks proper, including, if the Minister thinks fit, stipulations for the reduction of the amount or the curtailment of the duration of any contribution payable by the Minister in respect of the house, or for both reduction and curtailment ;

M

2ND SCH.
—cont.

- (d) that the rent charged in respect of any house shall not exceed the limit imposed by section twenty of the Rent Act, 1957, and that no fine, premium or other like sum shall be taken in addition to the rent.

2.—(1) The special conditions applying to houses in respect of which contributions are payable by the Minister under section twenty-nine of the Housing Act, 1930 (which related to houses provided by a housing association) are—

- (a) that the houses shall be let for occupation to tenants who intend to reside therein ;
- (b) that it shall be a term of every such letting that the tenant shall not assign, sub-let or otherwise part with the possession of the house, or any part thereof, except with the consent in writing of the housing association or some person authorised by them in that behalf, and that such consent shall not be given unless it is shown to the satisfaction of the association that no payment other than a rent which is in their opinion a reasonable rent has been or is to be received by the tenant in consideration of the assignment, sub-letting or other transaction ;
- (c) that the total amount of the rents payable in respect of the houses in any year, after deducting the amount of any rebates granted to tenants, shall not exceed an amount ascertained by deducting from the estimated average annual expenses incurred in connection with the provision and maintenance of the houses (calculated by reference to a period of sixty years)—
- (i) the annual equivalent (calculated in the like manner) of the contributions payable by the Minister towards the expenses, and
- (ii) the annual equivalent (calculated in the like manner) of a sum of three pounds fifteen shillings per house deemed to be provided annually for a period of forty years ;
- (d) that no fine, premium or other like sum shall be taken in addition to the rent.

(2) In the case of a new house intended for occupation as a lodging house, the special conditions shall be such as the Minister may in any particular case consider it necessary to impose.

Section 27.

THIRD SCHEDULE

DETERMINATION OF AMOUNT OF CERTAIN CONTRIBUTIONS UNDER ACTS OF 1919 AND 1923

Preliminary

1. For the purposes of this Schedule—

- (a) a scheme under the Act of 1919 means a scheme to which section seven of the Housing, Town Planning, &c. Act, 1919 (hereinafter referred to as “the Act of 1919”), applies, other than a scheme for the provision of houses for persons in the employment of, or paid by, a county council or a statutory committee thereof .

- (b) all schemes and parts of schemes under the Act of 1919 which for the time being are administered by a local authority shall be deemed to be a single scheme carried out by the authority.

3RD SCH.
—cont.

Contributions under Act of 1919

2.—(1) Notwithstanding anything in any enactment, the amount of the exchequer contribution for any financial year under section seven of the Act of 1919 towards the loss resulting from the carrying out of a scheme under the Act of 1919 by a local authority other than the London County Council and other than a metropolitan borough council, shall be the amount, if any, by which the estimated loss for that year in respect of the scheme exceeds the amount equal to the produce of a rate of one penny in the pound for that year levied in the area chargeable with the expenses of the scheme.

(2) Notwithstanding anything in any enactment, the amount of the said exchequer contribution towards the loss resulting from the carrying out of the scheme under the Act of 1919 by the London County Council shall be the amount, if any, by which the aggregate of—

- (a) the estimated loss for that year in respect of the carrying out of any such scheme by the London County Council, and
- (b) the amount of the sums payable by the London County Council to metropolitan boroughs under the following provisions of this paragraph for that year,

exceeds an amount equal to the produce of a rate of one penny in the pound for that year levied in the administrative county of London other than the City of London.

(3) Notwithstanding anything in any enactment, no such exchequer contribution shall be payable to a metropolitan borough council but the London County Council shall pay to the council of a metropolitan borough for each financial year an amount equal to the estimated loss, if any, which may be incurred for that year by the metropolitan borough council in carrying out a scheme under the Act of 1919.

Contributions under s. 1 (3) of Act of 1923

3. Notwithstanding anything in any enactment, the amount of the exchequer contribution for any financial year under subsection (3) of section one of the Housing, &c. Act, 1923, towards the expenses incurred by a local authority in carrying out a scheme to which that subsection applies shall be an amount equal to one half of the estimated loss for that year incurred in carrying out the scheme.

Ascertainment of estimated loss, etc.

4. The following provisions shall apply in determining the amount of any contribution under the foregoing paragraphs of this Schedule:

Provided that in their application for the purpose of the determination of contributions under subsection (3) of section one of

3RD SCH.
—cont.

the Housing, &c. Act, 1923, they shall have effect subject to such modifications as the Minister with the approval of the Treasury may determine to be necessary having regard to the date of the completion of the operations or expedient in all the circumstances.

5. The estimated loss for any financial year shall be the amount by which the estimated expenditure for that year in respect of the scheme exceeds the estimated income for that year.

6. The estimated income for any financial year shall be the sum of the estimated annual rent income (that is to say an amount equal to the aggregate weekly rents of the houses provided or acquired by the authority under the scheme which, as at the thirty-first day of March, nineteen hundred and thirty-five, were accepted by the Minister for the purpose of the determination of the exchequer contribution payable in respect of the scheme, multiplied by fifty-two and one-sixth) and any other items of income which, in the opinion of the Minister, may properly be taken into account.

7. The estimated expenditure for any financial year shall be determined in the following manner:—

(1) There shall be ascertained—

(a) the aggregate amount of the charges during the five years ending on the thirty-first day of March, nineteen hundred and thirty-five, in respect of supervision and management, repairs, unoccupied houses and irrecoverable rents, accepted by the Minister for the purpose of the determination of the exchequer contribution payable in respect of the scheme, exclusive of expenditure, if any, incurred during the said five years on repairs of an abnormal and non-recurring nature and of sums, if any, written off during the said five years in respect of arrears of rents which had occurred in exceptional circumstances ;

(b) the aggregate amount of the gross estimated rent income during the five years ending on the thirty-first day of March, nineteen hundred and thirty-five, as accepted by the Minister for the purpose of the determination of the exchequer contribution payable in respect of the scheme ;

(c) the aggregate of, first, the amount which bears the same proportion to the estimated annual rent income as the amount ascertained under head (a) of this sub-paragraph bears to the amount ascertained under head (b) thereof and, secondly, an amount equal to two per cent. of the estimated annual rent income ;

(d) the aggregate amount of loan charges for the year in respect of money borrowed for the purposes of the scheme, reduced by the amount, if any, of loan charges for the year relating to expenditure not approved by the Minister for the purpose of the determination of the exchequer contribution payable in respect of the scheme ;

(e) any other items of expenditure which, in the opinion of the Minister, may properly be taken into account :

Provided that, where moneys borrowed for the purposes of the scheme are repaid by means of a reborrowing, the rate of interest by which the loan charges in respect of those moneys are to be determined for the purposes of head (d) of this sub-paragraph shall, unless the Minister otherwise directs, be the rate at which the moneys are reborrowed, or the rate which, at the date of reborrowing, was the rate fixed by the Treasury under section one of the Public Works Loans Act, 1897, in respect of loans to local authorities advanced out of the Local Loans Fund for the purposes of Part V of the principal Act, whichever is the less.

- (2) The estimated expenditure for the financial year shall be the sum of the amounts ascertained under heads (c), (d) and (e) of the foregoing sub-paragraph.

8. If and to the extent to which an agreement made before the first day of April, nineteen hundred and thirty-five, by a local authority with the Minister under regulations made in pursuance of subsection (2) of section forty-five of the Housing Act, 1930, provides for the determination of the estimated annual loss resulting from the carrying out of a scheme under the Act of 1919 or of any item of estimated income or expenditure, that matter shall be determined in the manner provided in the agreement and not in the manner provided in the foregoing provisions of this Schedule.

9. Where, after the thirty-first day of March, nineteen hundred and thirty-five, the number of dwellings included in a scheme under the Act of 1919 is changed by reason of the sale of houses, closing or demolition of huts or other temporary dwellings, alterations of boundaries, or otherwise, the Minister may make such adjustments of the amounts of the estimated losses in respect of periods subsequent to the date of change as he may deem equitable.

10. In relation to a scheme under the Act of 1919, the produce of a rate of one penny in the pound for any financial year levied in any area shall be an amount ascertained in accordance with the following provisions:—

- (1) the produce of a rate for any period shall be deemed to be the amount actually realised during that period by the collection of rates in that area.
- (2) the produce of a rate of one penny in the pound shall be deemed to be that proportion of the produce of a rate which one penny bears to the total amount in the pound of the rate.
- (3) where it is desired to ascertain the amount of the produce of a rate of one penny in the pound levied in any area comprising two or more parts which are differentially rated, the said amount shall be separately ascertained in respect of each of those parts in accordance with the foregoing sub-paragraphs, and the sum of the amounts so ascertained shall be the produce of a rate of one penny in the pound levied in the said area.

Sections 33, 34,
38, 39, 40.

FOURTH SCHEDULE

CONDITIONS TO BE OBSERVED BY OWNERS OF DWELLINGS IN RECEIPT OF IMPROVEMENT GRANTS

1. The conditions to be observed in pursuance of section thirty-three of this Act in the case of any dwelling are those set out in this Schedule.

2. The dwelling shall not be used for purposes other than those of a private dwelling-house except with the consent in writing of the local authority, and then only for such further purposes and to such extent as may be mentioned in that consent.

3. The dwelling shall, at all times at which it is not occupied—

(a) by the applicant for the improvement grant or a member of his family, or

(b) by a person who on the death of the applicant has (whether or not in consequence of a disposition by will) become beneficially entitled to, or to an interest in, the interest of the applicant in the dwelling or the proceeds of sale thereof, or

(c) by a member of the agricultural population in pursuance of a contract of service and otherwise than as a tenant,

be let or kept available for letting at a rent not exceeding the maximum rent that, by virtue of the next following paragraph, may be paid by an occupier of the dwelling.

4. The rent payable by the occupier of the dwelling shall not exceed the limit imposed by section twenty of the Rent Act, 1957, and no fine, premium or other like sum shall be taken in addition to the rent.

5. If the dwelling is occupied for the time being by a member of the agricultural population in pursuance of a contract of service and otherwise than as a tenant and that contract of service is determined—

(a) by less than four weeks' notice given by the employer, or

(b) by dismissal of the employee without notice, or

(c) by the death of either party,

the employer or his personal representative will permit the employee (or, in the case of his death, any person residing with him at his death) to continue to occupy the dwelling free of charge from the determination of the contract until the expiration of a period of four weeks beginning with the date on which the notice is given or, if the contract is determined otherwise than by notice, with the date on which it is determined.

6. All reasonable steps shall be taken to secure the maintenance of the dwelling so as to be fit for human habitation.

7. The owner of the dwelling shall, on being required so to do by the local authority, certify that the conditions specified in paragraphs 2, 3, 4 and 6 of this Schedule are being observed with respect to the dwelling, and any tenant of the dwelling shall, on being so

required in writing by the owner, furnish to him such information as he may reasonably require for the purpose of enabling him to comply with this condition.

4TH SCH.
—cont.

8. In the event of a tenant assigning, or otherwise parting with the possession of, the dwelling, it shall not be lawful for any person in consideration thereof to make any payment other than rent or for the tenant to receive, directly or indirectly, any such payment.

9.—(1) In relation to a residence house of a see or ecclesiastical benefice paragraph 3 of this Schedule shall have effect subject as follows—

- (a) sub-paragraphs (a) and (b) shall be omitted, and
- (b) the condition in that paragraph shall not apply at any time at which, during the tenure of the see or benefice by the bishop or incumbent, it is occupied by him.

(2) Paragraph 3 of this Schedule shall not apply to a dwelling held upon trust for use as an almshouse or as a residence of a minister of any religious denomination, so long as it is occupied or kept available for occupation as an almshouse or, as the case may be, by a minister of that denomination.

FIFTH SCHEDULE

Section 50.

THE HOUSING REVENUE ACCOUNT

1.—(1) In each financial year a local authority who are required to keep a Housing Revenue Account shall carry to the credit of the account amounts equal to—

- (a) the income of the authority for that year from rents (exclusive of any amounts included therein in respect of rates or water charges) in respect of houses and other property within the account ;
- (b) the exchequer payments (as defined in Part IV of this Act), if any, payable to the local authority for that year,
- (c) the sums, if any, paid to the local authority for that year in respect of any house which, at the time when the payment is made, is vested in the local authority, being payments made under paragraph (a) of subsection (1) of section one of the Housing, &c. Act, 1923, or that paragraph as extended by section nine of the Housing (Financial Provisions) Act, 1938 ;
- (d) the contributions, if any, payable for that year to the local authority by the county council under section twenty-three of this Act, section one hundred and fifteen of the Housing Act, 1936, section seven of the Housing (Financial Provisions) Act, 1938, or section eight of the Housing (Financial and Miscellaneous Provisions) Act, 1946 ;
- (e) the contributions, if any, payable for that year to the local authority by the county council towards expenses falling to be debited to the account, being contributions in pursuance of any agreement made under section one hundred and twenty-six of the Local Government Act, 1948, or any undertaking given under subsection (4) of section one

5TH SCH.
—cont.

hundred and fifteen of the Housing Act, 1936, or subsection (2) of section eight of the Housing (Financial and Miscellaneous Provisions) Act, 1946 ;

- (f) the sums, if any, payable to the authority for that year by way of assistance under section one of the Housing (Rural Workers) Act, 1926, or in the case of a house vested in the local authority at the time of payment, under subsection (1) of section four of that Act.

(2) The Common Council of the City of London and a metropolitan borough council who are required to keep a Housing Revenue Account shall also carry to the credit of that account amounts equal to—

- (a) the payments, if any, made to them for the financial year by the London County Council under paragraph 2 of the Third Schedule to this Act,
 (b) the supplementary contributions, if any, made to them for that year by the London County Council under subsection (6) of section one of the Housing, &c. Act, 1923, or under subsection (5) of section two of the Housing (Financial Provisions) Act, 1924.
 (c) the contributions, if any, towards expenses incurred by them in relation to matters in respect of which the account is kept made to them for that year by the London County Council or otherwise under section eighty-nine or section one hundred and eighty-three of the principal Act.

(3) Where any house or other property within the account has been sold or otherwise disposed of, an amount equal to any income of the local authority arising from the investment or other use of capital money received by the authority in respect of the transaction shall, unless the Minister otherwise directs as respects the whole or any part of such income, be carried to the credit of the account in like manner as if it had been income from rents.

(4) An amount equal to any income of the local authority arising from an investment or other use of borrowed moneys in respect of which the authority are required under the following provisions of this Schedule to debit loan charges to the account shall be carried to the credit of the account in like manner as if it had been income from rents.

(5) Where in any financial year a deficit is shown in the account, the local authority shall carry to the credit of the account for that financial year a contribution of an amount equal to the deficit.

(6) In any financial year the local authority may carry to the credit of the account, in addition to the amounts required by the foregoing provisions of this Schedule, such further amounts, if any, as they may think fit.

(7) So much of any contribution paid by the London County Council into their Housing Revenue Account under sub-paragraph (5) of this paragraph as may fairly be regarded as attributable to the cessation on the first day of April, nineteen hundred and fifty-six, of the liability to credit sums to the Housing Revenue Account under paragraphs (1) to (3) of the Eighth Schedule to the Housing Act, 1936, shall be defrayed as expenses incurred by the London County Council for special county purposes.

2.—(1) In each financial year the local authority shall debit to the account amounts equal to—

- (a) the loan charges which the local authority are liable to pay for that year in respect of moneys borrowed by a local authority for the purpose of—
 - (i) the provision by them after the sixth day of February, nineteen hundred and nineteen, of housing accommodation under Part V of the principal Act,
 - (ii) the purchase by them of, or the carrying out of works on, any houses approved by the Minister for the purposes of section thirteen of this Act or purchased under section twelve of the principal Act.
 - (iii) the execution of works in respect of which the Minister has undertaken to make a contribution under subsection (2A) of section four of the Housing (Rural Workers) Act, 1926, or in respect of which the local authority for the purposes of that Act have given assistance thereunder ;
- (b) rents, taxes and other charges (except rates and water charges) which the authority are liable to pay for that year in respect of houses and other property within the account,
- (c) the expenditure of the authority for that year in respect of the supervision and management of houses and other property within the account,
- (d) the contribution, if any, required to be made by the authority for that year to a Housing Repairs Account kept in accordance with the provisions of this Act, and
- (e) the contribution, if any, required to be made by the authority for that year to a Housing Equalisation Account kept in accordance with the provisions of this Act.

(2) The London County Council shall also debit to their Housing Revenue Account an amount equal to any payments made by them for the financial year in respect of the losses incurred by metropolitan borough councils carrying out schemes under the Housing, Town Planning, &c. Act, 1919.

3. Where any functions of the local authority in respect of any houses or other property within the account are being exercised for the time being by a Housing Management Commission the foregoing provisions of this Schedule shall have effect in relation thereto subject to such modifications as the Minister may direct.

4. Where it appears to the Minister that amounts in respect of any incomings or outgoings other than those mentioned in the foregoing provisions of this Schedule ought properly to be credited or debited to a Housing Revenue Account, or that amounts in respect of any of the incomings and outgoings aforesaid which ought properly to have been credited or debited thereto have not been so credited or debited, or that any amounts have been improperly credited or debited to that account, he may give directions for the appropriate credits or debits to be made, or for the rectification of the account, as the case may require.

5TH SCH.
—cont.

5.—(1) Any surplus shown in a Housing Revenue Account at the end of a financial year may be applied by the local authority in whole or in part—

- (a) for any purpose which the Minister may approve, being a purpose connected with the provision of housing accommodation,
- (b) subject to that, in making good to the general rate fund account any contributions credited to the account under sub-paragraph (5) of paragraph 1 of this Schedule in any of the four last preceding financial years,

and, so far as not so applied,—

- (i) if the financial year ends in the year nineteen hundred and sixty or any fifth succeeding year, shall be dealt with in accordance with sub-paragraph (2) of this paragraph,
- (ii) in any other case shall be carried forward in the account to the next financial year.

(2) Subject to the foregoing provisions of this paragraph, any surplus shown on the thirty-first day of March in the year nineteen hundred and sixty or in any fifth succeeding year may, as the local authority with the consent of the Minister may determine, be applied, in whole or in part, in either of the following ways or partly in one of those ways and partly in the other, that is to say—

- (a) by transferring it to the Housing Repairs Account, or
- (b) by carrying it forward in the Housing Revenue Account to the next financial year,

and, in so far as not so applied, shall be divided into two parts in proportion to—

- (i) the amount credited to the Housing Revenue Account under this Schedule during the period of five years ending with the date on which the surplus is shown in respect of exchequer payments (as defined in Part IV of this Act), and
- (ii) the amount so credited in respect of contributions under sub-paragraph (5) of paragraph 1 of this Schedule less any amounts made good to the general rate fund account under sub-paragraph (1) of this paragraph,

and an amount equal to the first of those parts shall be paid to the Minister and an amount equal to the other part shall be credited to the general rate fund account.

(3) As respects the financial year ending on the thirty-first day of March, nineteen hundred and fifty-six, the reference in paragraph (ii) of the last foregoing sub-paragraph to contributions under sub-paragraph (5) of paragraph 1 of this Schedule (which reproduces paragraph 8 of the Eighth Schedule to the Housing Act, 1936), shall include a reference to any other contributions under the said Eighth Schedule.

SIXTH SCHEDULE
REPEALS

Section 59.

Session and Chapter	Short Title	Extent of Repeal
13 & 14 Geo. 5. c. 24.	The Housing, &c. Act, 1923.	Section one. Sections three and four.
14 & 15 Geo. 5. c. 35.	The Housing (Financial Provisions) Act, 1924.	Sections one to eleven. Section fourteen. In section fifteen the words " under this Act and " . The First Schedule. In the Second Schedule the amendment of section one of the Housing, &c. Act, 1923.
20 & 21 Geo. 5. c. 6.	The Housing (Revision of Contributions) Act, 1929.	The whole Act.
20 & 21 Geo. 5. c. 39.	The Housing Act, 1930.	Section twenty-seven. Sections forty-three to forty-six.
21 & 22 Geo. 5. c. 39.	The Housing (Rural Authorities) Act, 1931.	Section one. In section five the words " the Minister of Health and " and the words " the Minister or, as the case may be, " .
26 Geo. 5 & 1 Edw. 8. c. 51.	The Housing Act, 1936.	The whole Act.
1 & 2 Geo. 6. c. 16.	The Housing (Financial Provisions) Act, 1938.	The whole Act.
2 & 3 Geo. 6. c. 31.	The Civil Defence Act, 1939.	Section thirty-four.
2 & 3 Geo. 6. c. 40.	The London Govern- ment Act, 1939.	In section one hundred and twenty-six, in subsection (6) the words " section one hundred and thirty-three of the Housing Act, 1936, and by " .
7 & 8 Geo. 6. c. 33.	The Housing (Tem- porary Provisions) Act, 1944.	The whole Act.
9 & 10 Geo. 6. c. 48.	The Housing (Financial and Miscellaneous Provisions) Act, 1946.	Sections one to thirteen. Sections fifteen to twenty-four. In section twenty-six, in sub- section (1) the words from " and the Housing Acts " to the end of the subsection. The First Schedule. In the Second Schedule each entry except that relating to the Housing (Rural Workers) Act, 1926.
9 & 10 Geo. 6. c. 68.	The New Towns Act, 1946.	The Third Schedule. Section eight.
11 & 12 Geo. 6. c. 26.	The Local Government Act, 1948.	In section twenty-four, para- graph (b). In section one hundred and twenty-six, subsection (3) and paragraph (b) of subsection (4).

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6TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6. c. 60.	The Housing Act, 1949.	Section one. Section four. In section five, subsections (1), (2), (3) and (5). Parts II and III. Sections forty-seven to forty-nine. In section fifty-one, subsections (3) and (4). The Schedules. The whole Act.
15 & 16 Geo. 6 & 1 Eliz. 2. c. 53.	The Housing Act, 1952.	
2 & 3 Eliz. 2. c. 53.	The Housing Repairs and Rents Act, 1954.	Part I, except section nineteen and subsection (1) of section twenty-two.
3 & 4 Eliz. 2. c. 24.	The Requisitioned Houses and Housing (Amendment) Act 1955.	Section twelve.
4 & 5 Eliz. 2. c. 33.	The Housing Subsidies Act, 1956.	Sections one to eight. In section ten, subsection (1). In section eleven, subsection (1) and in subsection (2) all the definitions save those of " devel- opment corporation ", " dwell- ing ", " local authority " and " the Minister ". In section twelve, subsections (2) and (4). In the First Schedule, paragraphs 1 to 12. The Second and Third Schedules.
5 & 6 Eliz. 2. c. 25.	The Rent Act, 1957.	In the Sixth Schedule, paragraphs 11, 13 and 14.
Statutory Instrument, 1956, No. 2015.	The Housing Subsidies Order, 1956.	The whole Order.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Public Health Act, 1875	38 & 39 Vict. c. 55.
Public Works Loans Act, 1875	38 & 39 Vict. c. 89.
Public Works Loans Act, 1897	60 & 61 Vict. c. 51.
Housing, Town Planning, &c., Act, 1919 ...	9 & 10 Geo. 5. c. 35.
Housing, &c. Act, 1923	13 & 14 Geo. 5. c. 24.
Housing (<i>Financial Provisions</i>) Act, 1924 ...	14 & 15 Geo. 5. c. 35.
Housing Act, 1925	15 & 16 Geo. 5. c. 14.
Settled Land Act, 1925	15 & 16 Geo. 5. c. 18.
Law of Property Act, 1925	15 & 16 Geo. 5. c. 20.
Land Charges Act, 1925	15 & 16 Geo. 5. c. 22.
Universities and College Estates Act, 1925 ...	15 & 16 Geo. 5. c. 24.
Housing (<i>Rural Workers</i>) Act, 1926	16 & 17 Geo. 5. c. 56.
Housing Act, 1930	20 & 21 Geo. 5. c. 39.
Housing (<i>Rural Authorities</i>) Act, 1931 ...	21 & 22 Geo. 5. c. 39.
Rent and Mortgage Interest Restrictions (<i>Amend-</i> <i>ment</i>) Act, 1933	23 & 24 Geo. 5. c. 32.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Housing Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 51.
Housing (<i>Financial Provisions</i>) Act, 1938 ...	1 & 2 Geo. 6. c. 16.
Housing (<i>Rural Workers</i>) Amendment Act, 1938	1 & 2 Geo. 6. c. 35.
London Government Act, 1939	2 & 3 Geo. 6. c. 40.
National Loans Act, 1939	2 & 3 Geo. 6. c. 117.
Requisitioned Land and War Works Act, 1945 ...	8 & 9 Geo. 6. c. 43.
Building Materials and Housing Act, 1945 ...	9 & 10 Geo. 6. c. 20.
Housing (<i>Financial and Miscellaneous Provisions</i>) Act, 1946	9 & 10 Geo. 6. c. 48.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
National Assistance Act, 1948	11 & 12 Geo. 6. c. 29.
Housing Act, 1949	12, 13 & 14 Geo. 6. c. 60.
Town Development Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 54.
Requisitioned Houses and Housing (<i>Amendment</i>) Act, 1955	3 & 4 Eliz. 2. c. 24.
London County Council (<i>Loans</i>) Act, 1955 ...	4 Eliz. 2. c. xxvi.
Rent Act, 1957	5 & 6 Eliz. 2. c. 25.
Housing Act, 1957	5 & 6 Eliz. 2. c. 56.

CHAPTER 43

Horse Breeding Act, 1958

ARRANGEMENT OF SECTIONS

Section

1. Keeping of stallions to be subject to licence or permit.
2. Grant, and revocation, of licences in respect of stallions.
3. Grant, and revocation, of permits in respect of stallions.
4. Provisions as to temporary unsuitability for breeding.

Section

5. Appeals.
6. Power to order slaughter or castration of unlicensed, &c., stallions.
7. Inspection and marking of stallions.
8. Provisions as to change of ownership.
9. Notification to Minister of death or castration of stallion.
10. Production of licences and permits.
11. Forgery and fraudulent use of licences and permits.
12. Provisions as to evidence.
13. Power to make rules.
14. Expenses.
15. Stallions on commons and in the New Forest.
16. Interpretation.
17. Repeal and savings.
18. Short title, commencement and extent.

An Act to consolidate the Horse Breeding Act, 1918,
and the Animals Act, 1948. [23rd July, 1958]

BE it enacted by the Queen'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:—

Keeping of stallions to be subject to licence or permit.

1.—(1) Subject to the provisions of subsection (2) of this section, it shall not be lawful for any person to keep a stallion which has attained the prescribed age unless there is for the time being in force in respect of it a licence or permit granted by the Minister.

(2) The foregoing subsection shall not apply to—

(a) any stallion which attained the age of four years before the first day of January, nineteen hundred and forty-nine, or

(b) a stallion being a thoroughbred or a pony of a prescribed breed ;

but it shall not be lawful for a person who keeps a stallion which falls within paragraph (a) of this subsection, or a stallion which falls within paragraph (b) thereof and has attained the prescribed age, to travel it for use for breeding purposes or to exhibit it on any premises not in his occupation with a view to its use for breeding purposes, or to permit it to be so travelled or exhibited, unless there is for the time being in force in respect of it a licence granted by the Minister.

(3) A person who contravenes either of the foregoing subsections shall be liable, on summary conviction, to a fine not exceeding twenty pounds, but it shall be a defence for a person

charged with a contravention of either of those subsections to prove that, at the date when the contravention is alleged to have occurred, application had been duly made for a licence or permit, or, as the case may be, for a licence in respect of the stallion and that the Minister had not given notice of his decision on the application, or that, at the said date, such a licence had been refused or revoked and either that the time for applying under the following provisions of this Act for a referee's inspection and examination had not expired or that an application had been duly made for such an inspection and examination and the Minister had not notified to the applicant his decision as to confirmation of the refusal or revocation.

(4) For the purposes of this section, a person shall be deemed to keep a stallion if he owns it or has the control of it.

2.—(1) Subject to the provisions of this section, the Minister shall, on application being made in the prescribed manner and within the prescribed time or such further time as the Minister may in any case allow, and on compliance with the prescribed conditions as to inspection and examination, and marking, grant to the owner of a stallion a licence in the prescribed form in respect of it and also, if so requested, a certified copy of the licence on payment of such fee (not exceeding one guinea) as may be prescribed.

Grant, and revocation, of licences in respect of stallions.

(2) A licence in respect of a stallion shall continue in force until—

- (a) it is revoked by the Minister ; or
- (b) it ceases to be in force after a change of ownership by virtue of the following provisions of this Act in that behalf ; or
- (c) the stallion dies or is castrated ; or
- (d) the stallion has been outside Great Britain for a consecutive period of fourteen days or such longer consecutive period as the Minister may allow.

In computing for the purposes of paragraph (d) of this subsection how long a stallion has been outside Great Britain, the period of its absence shall be deemed to begin at the time when it is put on board a ship or aircraft for the purpose of being carried out of Great Britain and to end at the time when it is landed in Great Britain on its return.

(3) The Minister may refuse to grant a licence, or may revoke a licence, in respect of a stallion if it appears to the Minister that the stallion—

- (a) is permanently affected with any contagious or infectious disease ; or

- (b) is permanently affected with any other disease or defect prescribed as a disease or defect rendering the stallion unsuitable for use for breeding purposes ; or
- (c) has proved to be inadequately prolific ; or
- (d) is calculated, if used for breeding purposes, to injure the breed of horses by reason of its defective or inferior conformation or physique ;

but a licence shall not be revoked on the ground only of a stallion's being affected in its wind after it has attained such age as may be prescribed and a licence in respect of it has been in force for such number of years as may be prescribed.

(4) The owner of a stallion in respect of which a licence is in force shall return the licence and the certified copy (if any) to the Minister forthwith on the licence ceasing to be in force ; and if he fails to do so he shall be liable, on summary conviction, to a fine not exceeding five pounds.

Grant, and revocation, of permits in respect of stallions.

3.—(1) Where the Minister has refused, or has power to refuse, to grant a licence in respect of a stallion not falling within paragraph (a) or (b) of subsection (2) of section one of this Act, or has revoked or proposes to revoke a licence in respect of such a stallion, but it is in his opinion expedient to authorise it to be kept entire, he may, on application being made in the prescribed manner and on compliance with the prescribed conditions as to inspection and examination, and marking, grant to the owner of the stallion a permit in the prescribed form in respect of it and also, if so requested, a certified copy of the permit, on payment of such fee (not exceeding one guinea) as may be prescribed.

(2) A permit in respect of a stallion shall continue in force until—

- (a) it is revoked by the Minister ; or
- (b) a period specified therein for its duration expires ; or
- (c) it ceases to be in force after a change of ownership by virtue of the following provisions of this Act in that behalf ; or
- (d) the stallion dies or is castrated ; or
- (e) the stallion has been outside Great Britain for a consecutive period of fourteen days or such longer consecutive period as the Minister may allow.

In computing for the purposes of paragraph (e) of this subsection how long a stallion has been outside Great Britain, the period of its absence shall be deemed to begin at the time when it is put on board a ship or aircraft for the purpose of being carried out of Great Britain and to end at the time when it is landed in Great Britain on its return.

(3) The Minister may refuse to grant a permit on any grounds which appear to him sufficient, and may grant a permit subject to any conditions which he may think fit to impose.

(4) The Minister may revoke a permit if a condition subject to which that permit, or any other permit to the same person, has been granted is contravened or not complied with.

(5) If a condition subject to which a permit is granted is contravened or not complied with, the holder of the permit shall be liable, on summary conviction, to a fine not exceeding twenty pounds.

(6) The owner of a stallion in respect of which a permit is in force shall return the permit and the certified copy (if any) to the Minister forthwith on the permit ceasing to be in force ; and if he fails to do so he shall be liable, on summary conviction, to a fine not exceeding five pounds.

4.—(1) If it appears to the Minister that a stallion in respect of which a licence is in force, or is about to be granted, is temporarily affected by a disease or defect rendering it unsuitable for use, or for use in any particular way, for breeding purposes, he may, by notice served in the prescribed manner, make it a condition of the licence that the stallion shall not, for a specified period or until further notice, be used, or be used in that way, as the case may be, for breeding purposes.

Provisions as to temporary unsuitability for breeding.

(2) If a person allows a stallion to be used in contravention of a condition imposed in pursuance of this section he shall be liable, on summary conviction, to a fine not exceeding twenty pounds.

5.—(1) If the Minister—

Appeals.

(a) refuses to grant a licence in respect of a stallion or revokes any such licence ; or

(b) serves a notice making it a condition of a licence that the stallion to which it relates shall not be used, or be used in a particular way, for breeding purposes ;

the owner of the stallion shall be entitled, on application made within the prescribed time and in the prescribed manner, and on payment of the prescribed fee (not exceeding five guineas), to have a referee's inspection and examination of the stallion.

(2) For the purposes of this section there shall be constituted a panel of referees consisting of such registered veterinary surgeons and other persons as may be appointed by the Minister to be members of the panel after consultation with such horse breeding societies as in his opinion are interested in such an appointment.

(3) Upon a person becoming entitled under this section to a referee's inspection and examination of a stallion, the Minister shall select one or more members of the said panel to carry out the inspection and examination, but no member of the panel shall be selected for the purpose of inspecting and examining a stallion in pursuance of an application under subsection (1) of this section if he has been previously employed either by the Minister or by the applicant for the purpose of inspecting or examining that stallion.

(4) The member or members selected shall report to the Minister the result of the inspection and examination and the Minister, after considering the report, shall confirm or vary the decision to which the application for the inspection and examination relates, and his confirmation or variation shall be final.

(5) The fee payable on an application under subsection (1) of this section shall, if the Minister does not confirm the decision to which the application relates, be returned to the applicant by the Minister.

(6) The charges of a referee in respect of an application under subsection (1) of this section shall be such as may be fixed by the Minister and shall be paid by the Minister.

Power to order slaughter or castration of unlicensed, &c., stallions.

6.—(1) The Minister may, by notice served in the prescribed manner and in accordance with this section, require that any stallion which has attained the prescribed age at the date when the notice is served and in respect of which no licence or permit is for the time being in force, not being a stallion falling within paragraph (a) or (b) of subsection (2) of section one of this Act, shall be slaughtered or castrated within such time after the notice takes effect as may be specified in the notice.

(2) For the purposes of this section, a notice shall be served—

- (a) in a case where the notice is served together with a notice of refusal to grant a licence or permit, on the applicant for the licence or permit ;
- (b) in a case where the notice is served together with a notice of revocation of a licence or permit, on the person stated in the licence or permit to be the owner of the stallion ;
- (c) in any other case, on any person for the time being having the control of the stallion.

(3) If a notice under this section is duly served on a person who is not the owner of the stallion, it shall be the duty of that person forthwith to take all reasonable steps to inform the owner

thereof and, if he fails to do so, he shall be liable to indemnify the owner against any loss which the owner may suffer by reason of the failure.

(4) A notice duly served under this section shall take effect at the time of the service thereof, except that—

(a) if a licence or permit in respect of the stallion has not at any time been applied for, or has ceased to be in force under the following provisions of this Act relating to transfer of ownership, and before the expiration of a period of fourteen days from the service of the notice application is duly made for a licence or permit, the notice shall not take effect unless and until the application is refused and, where the application is for a licence, the time for applying for a referee's inspection and examination has expired nor, if such an inspection and examination is duly applied for, unless and until the Minister notifies the applicant that he has decided to confirm the refusal ; and

(b) if the Minister has refused to grant, or has revoked, a licence in respect of the stallion, the notice shall not take effect until the time for applying for a referee's inspection and examination has expired, nor, if such an inspection and examination is duly applied for, unless and until the Minister notifies the applicant that he has decided to confirm the refusal or revocation.

(5) If a person on whom a notice has been duly served under this section fails to comply with the notice, he shall be liable, on summary conviction, to a fine not exceeding three pounds for every day during which the failure continues.

(6) If a person, without the permission of the Minister, at any time after a notice has been duly served under this section removes (otherwise than for the purpose of slaughter or castration) the stallion to which the notice relates from the place where it is at the time of the service of the notice, he shall be liable, on summary conviction, to a fine not exceeding twenty pounds.

(7) If a notice duly served under this section is not complied with, the Minister may cause the stallion to which the notice relates to be slaughtered or castrated at the expense of the person on whom the notice was served, and the cost of the slaughter or castration shall be a debt due from that person to the Crown.

(8) The provisions of this section shall be in addition to, and not in substitution for, the provisions of this Act imposing penalties with respect to the keeping of a stallion without a licence or permit.

Inspection
and marking
of stallions.

7.—(1) The Minister shall secure the inspection and examination of a licensed stallion at such intervals as he may consider proper for the purpose of ascertaining that there is no ground for revoking the licence in respect of the stallion.

(2) A person duly authorised in writing by the Minister in that behalf shall have power to inspect and examine any stallion, and mark any stallion with a prescribed mark in the prescribed manner, and shall for the purposes of this Act have power to enter at all reasonable times any premises where he has reason to believe any stallion is kept ; and if any person refuses to allow any person who is so authorised and who, if so required, produces his authority to inspect and examine, and to mark as aforesaid, any stallion or to enter any premises which he is entitled to enter under this subsection or obstructs or impedes him in the exercise of his powers under this subsection, that person shall be liable, on summary conviction, to a fine not exceeding twenty pounds.

(3) The owner of a stallion in respect of which a licence or permit is in force shall submit the stallion to inspection and examination by any person authorised in that behalf by the Minister if and when required by the Minister ; and if he fails to do so he shall be liable, on summary conviction, to a fine not exceeding five pounds.

(4) If a person, with intent to deceive, places on a stallion a prescribed mark or a mark so closely resembling a prescribed mark as to be calculated to deceive, or defaces a mark placed on a stallion for the purposes of this Act, he shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds, or to both.

Provisions as
to change of
ownership.

8.—(1) If a stallion in respect of which a licence or permit is in force is sold or let for a period exceeding six months or if the ownership of the stallion is otherwise changed, the licence or permit shall, on application to the Minister, be transferred to the new owner by endorsement or otherwise, but unless so transferred shall cease to be in force at the expiration of one month after the change of ownership.

(2) The owner of a stallion in respect of which a licence or permit is in force shall give notice forthwith to the Minister in the prescribed manner of any sale or letting or other change in the ownership of the stallion ; and if he fails to do so he shall be liable, on summary conviction, to a fine not exceeding five pounds.

9. The owner of a stallion in respect of which a licence or permit is in force shall give notice forthwith to the Minister in the prescribed manner of the castration or death of the stallion ; and if he fails to do so he shall be liable, on summary conviction, to a fine not exceeding five pounds.

Notification to Minister of death or castration of stallion.

10. A licence or permit or certified copy thereof shall be produced—

Production of licences and permits.

(a) at the time of, or before, the service by the stallion of a mare, if so required by the owner or person in charge of the mare ;

(b) at any time, if so required by an officer of the Minister or a police officer or any person authorised by rules under this Act ;

and if the person for the time being in charge of or having control of the stallion fails to produce the licence, permit or copy when so required he, and also the owner of the stallion if the failure is due to his default, shall be liable, on summary conviction, to a fine not exceeding five pounds.

11. If a person forges or fraudulently alters or uses or permits to be fraudulently altered or used any licence, permit or certified copy of a licence or permit he shall be liable, on summary conviction, to imprisonment for a term not exceeding three months, or to a fine not exceeding twenty pounds, or to both.

Forgery and fraudulent use of licences and permits.

12.—(1) For the purposes of any proceedings for a contravention of subsection (1) of section one of this Act alleged to have occurred at any time, the burden of proof that a licence or permit in respect of the stallion was in force at that time shall lie on the person charged, and until the contrary is proved it shall be presumed that no licence or permit in respect thereof was then in force.

Provisions as to evidence.

(2) The foregoing subsection shall apply in relation to a contravention of subsection (2) of section one of this Act with the omission of the references to a permit.

(3) For the purposes of any proceedings for a contravention of subsection (1) of section one of this Act alleged to have occurred at any time, and for the purposes of any proceedings under or arising out of section six of this Act by virtue of a notice served under that section at any time, it shall be presumed until the contrary is proved that the stallion had attained the prescribed age at that time and that it did not attain the age of four years

before the first day of January, nineteen hundred and forty-nine; and for the purposes of any proceedings for a contravention of subsection (2) of section one of this Act alleged to have occurred at any time, it shall be presumed until the contrary is proved that the stallion had attained the prescribed age at that time.

(4) Notwithstanding anything in the last foregoing subsection, it shall be a defence for a person charged with a contravention of subsection (1) of section one of this Act alleged to have occurred at any time to prove that the stallion was not bred by him, that he took all reasonable steps to ascertain its age, and that he had reason to believe that it had not attained the prescribed age at that time or to believe that it attained the age of four years before the said first day of January.

(5) The last foregoing subsection shall apply in relation to a contravention of subsection (2) of section one of this Act with the omission of the reference therein to proof of reason to believe that the stallion had attained the age of four years before the said first day of January.

Power to
make rules.

13.—(1) The Minister may, by statutory instrument, make rules, subject in respect of fees to the approval of the Treasury, for prescribing anything which under this Act is to be prescribed and generally for carrying this Act into effect.

(2) Rules under this section setting out the breeds of ponies prescribed for the purposes of this Act may provide that for those purposes ponies of a specified breed shall be treated as of a prescribed breed only so long as they are within a specified district, and this Act shall have effect accordingly.

Expenses.

14.—(1) The expenses of the Minister under this Act to such amount as may be approved by the Treasury and so far as not covered by receipts under this Act shall be defrayed out of moneys provided by Parliament.

(2) The amount of the expenses under this Act defrayed out of moneys provided by Parliament shall not exceed twenty thousand pounds in any financial year.

Stallions on
commons and
in the New
Forest.

15. Where any regulation made under the Commons Act, 1908, or any other Act includes amongst the conditions under which stallions may be upon any common or in the New Forest a requirement that they shall be licensed by the Minister, the Minister shall have power to grant licences for the purpose, and the provisions of this Act shall apply in respect of the grant and revocation of such licences and the licences so granted in

like manner as they apply in respect of the grant and revocation of licences for the purposes of this Act, and of licences granted for those purposes.

16.—(1) In this Act—

Interpretation.

- “certified” means certified in the prescribed manner ;
- except where the context otherwise requires, “licence” and “permit” mean respectively a licence and a permit for the purposes of this Act ;
- “the Minister” as respects England and Wales means the Minister of Agriculture, Fisheries and Food, and as respects Scotland means the Secretary of State ;
- “owner”, in relation to a stallion, means the person to whom for the time being the stallion belongs, whether absolutely or as lessee ;
- “prescribed” means prescribed by rules made under this Act ;
- “thoroughbred” means a horse entered or eligible for entry in the General Stud Book.

(2) In computing the age of a stallion for the purposes of this Act, the stallion shall be treated as having attained the age of one year on the first day of January next after the year in which it was foaled.

17.—(1) The Horse Breeding Act, 1918, and the Animals Act, 1948, are hereby repealed.

Repeal and savings.
8 & 9 Geo. 5.
c. 13.
11 & 12 Geo. 6.
c. 35.

(2) In so far as any licence or permit granted, notice served or given, rules made, or other thing done, under an enactment repealed by this Act could have been granted, served, given, made or done under a corresponding provision of this Act, it shall not be invalidated by the repeal effected by the foregoing subsection but shall have effect as if it had been granted, served, given, made or done under that corresponding provision.

(3) Without prejudice to the last foregoing subsection, any reference in any provision of this Act to the doing of a thing or the happening of an event shall, in so far as the context permits, be construed as including, in relation to times and circumstances in relation to which the corresponding provision in the enactments repealed by this Act had effect, a reference to the doing of the corresponding thing or the happening of the corresponding event under that corresponding provision.

(4) Any document referring to an Act or enactment repealed by this Act shall be construed as referring to this Act or the corresponding enactment therein.

(5) Any person holding office by virtue of an enactment repealed by this Act shall continue to hold his office as if he had been appointed by virtue of the corresponding provision of this Act.

(6) Where an offence, being an offence for the continuance of which a penalty was provided, has been committed under an enactment repealed by this Act, proceedings may be taken under this Act in respect of the continuance of the offence in the same manner as if the offence had been committed under the corresponding provision of this Act.

(7) Where the commencement of this Act falls within the time specified in a notice duly served under section seven of the Animals Act, 1948, the repeal of that section by this Act and its re-enactment in section six thereof shall be deemed to have taken effect in relation to the notice immediately before the service thereof.

(8) The mention of particular matters in this section shall be without prejudice to the general application of subsection (2) of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

52 & 53 Vict
c. 63.

Short title,
commence-
ment and
extent.

18.—(1) This Act may be cited as the Horse Breeding Act, 1958.

(2) This Act shall come into operation at the expiration of one month beginning with the date of its passing.

(3) Section fifteen of this Act shall not extend to Scotland.

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

CHAPTER 44

Dramatic and Musical Performers' Protection Act, 1958

ARRANGEMENT OF SECTIONS

Section

1. Penalization of making, &c., records without consent of performers.
 2. Penalization of making, &c., cinematograph films without consent of performers.
 3. Penalization of broadcasting without consent of performers.
 4. Penalization of making or having plates, &c., for making records in contravention of Act.
 5. Power of court to order destruction of records, &c., contravening Act.
 6. Special defences.
 7. Consent on behalf of performers.
 8. Interpretation.
 9. Short title, extent, repeal and commencement.
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An Act to consolidate the Dramatic and Musical Performers' Protection Act, 1925, and the provisions of the Copyright Act, 1956, amending it.

[23rd July, 1958]

BE it enacted by the Queen'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. Subject to the provisions of this Act, if a person knowingly—
 - (a) makes a record, directly or indirectly from or by means of the performance of a dramatic or musical work without the consent in writing of the performers, or
 - (b) sells or lets for hire, or distributes for the purposes of trade, or by way of trade exposes or offers for sale or hire, a record made in contravention of this Act, or
 - (c) uses for the purposes of a public performance a record so made,

Penalization of making, &c., records without consent of performers.

he shall be guilty of an offence under this Act, and shall be liable, on summary conviction, to a fine not exceeding forty shillings for each record in respect of which an offence is proved, but not exceeding fifty pounds in respect of any one transaction:

Provided that, where a person is charged with an offence under paragraph (a) of this section, it shall be a defence to prove that the record was made for his private and domestic use only.

2. Subject to the provisions of this Act, if a person knowingly—
 - (a) makes a cinematograph film, directly or indirectly, from or by means of the performance of a dramatic or musical work without the consent in writing of the performers, or
 - (b) sells or lets for hire, or distributes for the purposes of trade, or by way of trade exposes or offers for sale or hire, a cinematograph film made in contravention of this Act, or
 - (c) uses for the purposes of exhibition to the public a cinematograph film so made;

Penalization of making, &c., cinematograph films without consent of performers.

he shall be guilty of an offence under this Act, and shall be liable, on summary conviction, to a fine not exceeding fifty pounds:

Provided that, where a person is charged with an offence under paragraph (a) of this section, it shall be a defence to prove that the cinematograph film was made for his private and domestic use only.

Penalization of broadcasting without consent of performers.

3. Subject to the provisions of this Act, a person who, otherwise than by the use of a record or cinematograph film, knowingly broadcasts a performance of a dramatic or musical work, or any part of such a performance, without the consent in writing of the performers, shall be guilty of an offence under this Act, and shall be liable, on summary conviction, to a fine not exceeding fifty pounds.

Penalization of making or having plates, &c., for making records in contravention of Act.

4. If a person makes, or has in his possession, a plate or similar contrivance for the purpose of making records in contravention of this Act, he shall be guilty of an offence under this Act, and shall be liable, on summary conviction, to a fine not exceeding fifty pounds for each plate or similar contrivance in respect of which an offence is proved.

Power of court to order destruction of records, &c., contravening Act.

5. The court before which any proceedings are taken under this Act may, on conviction of the offender, order that all records, cinematograph films, plates or similar contrivances in the possession of the offender which appear to the court to have been made in contravention of this Act, or to be adapted for the making of records in contravention of this Act, and in respect of which the offender has been convicted, be destroyed, or otherwise dealt with as the court may think fit.

Special defences.

6. Notwithstanding anything in the preceding provisions of this Act, it shall be a defence to any proceedings under this Act to prove—

- (a) that the record, cinematograph film or broadcast to which the proceedings relate was made only for the purpose of reporting current events, or
- (b) that the inclusion of the performance in question in the record, cinematograph film or broadcast to which the proceedings relate was only by way of background or was otherwise only incidental to the principal matters comprised or represented in the record, film or broadcast.

Consent on behalf of performers.

7. Where in any proceedings under this Act it is proved—

- (a) that the record, cinematograph film or broadcast to which the proceedings relate was made with the consent in writing of a person who, at the time of giving the consent, represented that he was authorised by the performers to give it on their behalf, and

- (b) that the person making the record, film or broadcast had no reasonable grounds for believing that the person giving the consent was not so authorised,

the provisions of this Act shall apply as if it had been proved that the performers had themselves consented in writing to the making of the record, film or broadcast.

8.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say,—

- “broadcast” means broadcast by wireless telegraphy (within the meaning of the Wireless Telegraphy Act, 12, 13 & 14 1949), whether by way of sound broadcasting or of television; Geo. 6. c. 54.
- “cinematograph film” means any print, negative, tape or other article on which a performance of a dramatic or musical work or part thereof is recorded for the purposes of visual reproduction;
- “performance of a dramatic or musical work” includes any performance, mechanical or otherwise, of any such work, being a performance rendered or intended to be rendered audible by mechanical or electrical means;
- “performers”, in the case of a mechanical performance, means the persons whose performance is mechanically reproduced;
- “record” means any record or similar contrivance for reproducing sound, including the sound-track of a cinematograph film.

(2) Any reference in this Act to the making of a cinematograph film is a reference to the carrying out of any process whereby a performance of a dramatic or musical work or part thereof is recorded for the purposes of visual reproduction.

9.—(1) This Act may be cited as the Dramatic and Musical Performers' Protection Act, 1958.

Short title,
extent, repeal
and com-
mencement.

(2) It is hereby declared that this Act extends to Northern Ireland.

(3) The Dramatic and Musical Performers' Protection Act, 1925, and section forty-five of, and the Sixth Schedule to, the Copyright Act, 1956, are hereby repealed. 15 & 16 Geo. 5.
c. 46.
4 & 5 Eliz. 2.
c. 74.

(4) This Act shall come into operation at the expiration of a period of one month beginning with the date of its passing.

CHAPTER 45*Prevention of Fraud (Investments) Act, 1958*

ARRANGEMENT OF SECTIONS

*Provisions for Regulating the Business of Dealing in
Securities*

Section

1. Licensing of dealers in securities.
2. Saving for certain transactions.
3. Applications for, and grant and extent of, licences.
4. Deposits or guarantees required in connection with applications for principals' licences.
5. Refusal and revocation of licences.
6. References to tribunal of inquiry.
7. Rules of Board of Trade with respect to conduct of business of licensed dealers.
8. Information to be furnished to Board of Trade by holders of licences.
9. Publication of names of holders of principals' licences.

*Provisions as to Industrial and Provident Societies,
Building Societies and Unit Trusts*

10. Provisions as to industrial and provident societies.
11. Provisions as to building societies.
12. Provisions as to unit trusts.

General Provisions for the Prevention of Fraud

13. Penalty for fraudulently inducing persons to invest money.
14. Restriction on distribution of circulars relating to investments.

Exemptions

15. Stock exchanges and associations of dealers in securities.
16. Exemption of certain dealers.
17. Authorised unit trust schemes.

Supplementary Provisions

18. False statements.
19. Offences committed by corporations.
20. Venue in summary proceedings.
21. Regulations.
22. Parliamentary control of rules and regulations.
23. Service of notices.
24. Exercise of powers of Board of Trade.
25. Payment of expenses and appropriation of fees.
26. Interpretation.

Section

- 27. Application to Scotland.
- 28. Repeal and savings.
- 29. Short title, extent and commencement.

SCHEDULES:

First Schedule—Matters for which trust deeds pursuant to unit trust schemes must provide.

Second Schedule—Enactments repealed.

An Act to consolidate the Prevention of Fraud (Investments) Act, 1939, section one hundred and seventeen of the Companies Act, 1947, and so much of the Companies Act, 1948, as relates to the enactments aforesaid. [23rd July, 1958]

BE it enacted by the Queen'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 for regulating the Business of Dealing in Securities.

1.—(1) Subject to the provisions of the next following section, no person shall—

Licensing of
dealers in
securities.

- (a) carry on or purport to carry on the business of dealing in securities except under the authority of a principal's licence, that is to say, a licence under this Act authorising him to carry on the business of dealing in securities, or
- (b) in the capacity of a servant or agent of any person carrying on or purporting to carry on that business, deal or purport to deal in securities except under the authority of a representative's licence, that is to say, a licence under this Act authorising him to deal in securities as a servant or agent of any holder of a principal's licence for the time being in force.

(2) Any person who contravenes this section shall be liable, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine or, on

summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

(3) Proceedings for an offence under this section shall not, in England or Wales, be instituted except by, or with the consent of, the Board of Trade or the Director of Public Prosecutions:

Provided that this subsection shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remanding, in custody or on bail, of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

Saving for certain transactions.

2.—(1) The restrictions imposed by section one of this Act in relation to dealing in securities shall not apply to the doing of anything by, or on behalf of,—

- (a) a member of any recognised stock exchange or recognised association of dealers in securities, or
- (b) the Bank of England, any statutory corporation or municipal corporation, any exempted dealer or any industrial and provident society or building society, or
- (c) any person acting in the capacity of manager or trustee under an authorised unit trust scheme.

(2) For the purpose of determining whether or not a person has contravened any of the restrictions imposed by section one of this Act, no account shall be taken of his having done any of the following things (whether as a principal or as an agent), that is to say,—

- (a) effecting transactions with, or through the agency of,—
 - (i) such a person as is mentioned in paragraph (a), paragraph (b) or paragraph (c) of the preceding subsection, or a person acting on behalf of such a person as is so mentioned, or
 - (ii) the holder of a licence,
- (b) issuing any prospectus to which—
 - (i) section thirty-eight of the Companies Act, 1948, applies or would apply if not excluded by paragraph (b) of subsection (5) of that section or by section thirty-nine of that Act; or
 - (ii) section four hundred and seventeen of that Act applies or would apply if not excluded by paragraph (b) of subsection (5) of that section or by section four hundred and eighteen of that Act;

(c) issuing any document relating to securities of a corporation incorporated in Great Britain which is not a registered company, being a document which—

(i) would, if the corporation were a registered company, be a prospectus to which section thirty-eight of the Companies Act, 1948, applies or would apply if not excluded by paragraph (b) of subsection (5) of that section or by section thirty-nine of that Act; and

(ii) contains all the matters and is issued with the consents which, by virtue of sections four hundred and seventeen and four hundred and nineteen of that Act it would have to contain and be issued with if the corporation were a company incorporated outside Great Britain and the document were a prospectus issued by that company; and

(d) issuing any form of application for shares in, or debentures of, a corporation together with—

(i) a prospectus which complies with the requirements of section thirty-eight of the Companies Act, 1948, or is not required to comply therewith because excluded by paragraph (b) of subsection (5) of that section or by section thirty-nine of that Act, or complies with the requirements of Part X of that Act relating to prospectuses and is not issued in contravention of section four hundred and nineteen of that Act; or

(ii) in the case of a corporation incorporated in Great Britain which is not a registered company, a document containing all the matters and issued with the consents mentioned in sub-paragraph (ii) of paragraph (c) of this subsection,

or of his having, as a principal, acquired, subscribed for or underwritten securities, or effected transactions with a person whose business involves the acquisition and disposal, or the holding, of securities (whether as a principal or as an agent).

Nothing in this subsection shall be construed as authorising any person to hold himself out as carrying on the business of dealing in securities.

3.—(1) Subject to the following provisions of this Act, the Board of Trade—

(a) upon an application in that behalf made by any person in the prescribed manner, and on payment of the prescribed fee, shall grant to that person a principal's licence, and

Applications for, and grant and extent of, licences.

(b) upon an application made by any person in the prescribed manner, and on payment of the prescribed fee, shall grant to that person a representative's licence.

(2) A licence shall, unless in the meantime it is revoked, be valid for the period of one year beginning with the day specified in the licence as the day on which it takes effect, and no longer.

(3) A principal's licence shall specify the name of the person thereby authorised to carry on the business of dealing in securities, and shall not authorise him to carry on that business under any name other than that specified in the licence as his name :

Provided that, if the Board of Trade think fit, such a licence may, at the request of the applicant for the licence, be framed so as to authorise the holder thereof to carry on the said business, either alone or jointly with any other person being the holder of a principal's licence, under such name or style as the applicant may specify in his application.

Deposits or guarantees required in connection with applications for principals' licences.

4.—(1) Subject to the provisions of this section, the Board of Trade shall not grant a principal's licence unless the sum of five hundred pounds has been, and remains, deposited by the applicant for the licence with the Accountant General of the Supreme Court of Judicature.

(2) Where any sum has been deposited under this section, then—

(a) in the event of the depositor becoming bankrupt, the amount of the deposit shall be paid to the trustee in bankruptcy ; or

(b) if, in a case where the depositor is a corporation, the corporation is ordered to be wound up by, or under the supervision of, the court, the amount of the deposit shall be repaid to the corporation ;

and the Board of Trade may by regulations determine the circumstances in which, apart from the preceding provisions of this subsection, a sum deposited under this section may be withdrawn ; but, save as aforesaid, no person shall be entitled to withdraw or transfer any deposit made under this section.

(3) The Board of Trade may make such regulations as appear to them to be necessary with respect to the investment of sums deposited under this section, the deposit of securities in lieu of money, the payment to the depositor of the interest or dividends from time to time accruing due on any securities in which a deposit under this section is for the time being invested, or on any securities deposited under this section in lieu of money, and the realisation of such securities as aforesaid in specified circumstances.

(4) Upon any application for a principal's licence the Board of Trade may dispense with the necessity of making a deposit under this section in relation to the application—

- (a) if there is given to the Board by a person approved by them an undertaking in the prescribed form that, in consideration of the Board's granting such a licence upon that application, the person giving the undertaking will, upon the occurrence of the following event at any time before a further principal's licence is granted to the holder of the licence referred to in the undertaking, that is to say, the holder's becoming bankrupt or, in a case where the holder is a corporation, the corporation's being ordered to be wound up by, or under the supervision of, the court, pay the sum of five hundred pounds to the trustee in bankruptcy or to the corporation, as the case may be; or
- (b) if the Board are satisfied that the applicant has at all times since the beginning of the year nineteen hundred and thirty-nine been carrying on in Great Britain the business of dealing in securities, and that it would cause him undue hardship to make a deposit under this section.

(5) In the event in which, by virtue of an undertaking given under the last preceding subsection, any sum becomes payable to a trustee in bankruptcy or to a corporation, the trustee or the corporation, as the case may be, shall have the power and duty to recover that sum from the person by whom it is payable; but if, in a case where any sum is paid in pursuance of such an undertaking, it is found upon the administration in bankruptcy or the winding up that the assets of the bankrupt or the corporation exceed the amount required to meet his or its debts and liabilities (including the costs and expenses of the administration or winding up), the amount of the excess or the amount of the sum so paid, whichever is the less, shall be repaid by the trustee or corporation to, or to the personal representative of, the person by whom the undertaking was given.

5. Subject to the provisions of this section, the Board of Trade may refuse to grant an application for a licence or, where a licence has been granted, may revoke the licence, if— Refusal and
revocation
of licences.

- (1) the applicant or the holder of the licence has not, on the occasion of the application or, as the case may be, at any prescribed time during the currency of the licence, furnished to the Board such information relating to him, and to any circumstances likely to affect

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his method of conducting business, as may be prescribed, being information verified in such manner, whether by statutory declaration or otherwise, as the Board may require, or

(2) it appears to the Board that—

(a) by reason of the applicant or the holder of the licence, or any person employed by, or associated with, the applicant or holder for the purposes of his business,—

(i) having been convicted within Her Majesty's dominions of an offence his conviction for which necessarily involved a finding that he acted fraudulently or dishonestly, or

(ii) having been convicted of an offence under this Act or the Prevention of Fraud (Investments) Act, 1939, or

(iii) having committed a breach of any rules made by the Board under this Act or that Act for regulating the conduct of business by holders of licences, or

(b) by reason of any other circumstances whatsoever which either are likely to lead to the improper conduct of business by, or reflect discredit upon the method of conducting business of, the applicant or holder or any person so employed by or associated with him as aforesaid,

the applicant or holder is not, or, as the case may be, is no longer, a fit and proper person to hold a licence;

and the Board may also revoke a principal's licence at any time, if the holder of the licence is not carrying on in Great Britain the business of dealing in securities.

References
to tribunal
of inquiry.

6.—(1) Where the Board of Trade propose, in pursuance of paragraph (2) of the last preceding section, either to refuse to grant an application for a licence or to revoke a licence, the Board—

(a) shall serve on the applicant or the holder of the licence, as the case may be, a written notice of their intention, specifying the particular matter upon the consideration of which their decision would be based, and inviting him to notify in writing to the Board, within fourteen days from the date of the service of the notice, whether he desires his case to be referred to the tribunal of inquiry constituted under this section, and

(b) if he so notifies the Board that he desires his case to be so referred, shall refer the case to the said tribunal and direct the tribunal to investigate the case and report thereon to the Board, shall not make a final decision in the matter until they have received and considered the report of the tribunal, and shall not either refuse to grant the application or revoke the licence if the said report contains a recommendation by the tribunal that the licence should be granted or remain in force, as the case may be.

(2) For the purposes of this section, there shall be a tribunal of inquiry (hereinafter referred to as "the tribunal") consisting of a chairman, and one other person appointed by the Lord Chancellor, being members of the legal profession, and one person appointed by the Treasury, being a person who appears to the Treasury to be experienced in matters of finance or accountancy and not being a person in Her Majesty's service.

A person appointed to the tribunal shall be appointed to be a member thereof for a specified period, not being less than three years, subject to such conditions with respect to the vacation of his office as may be imposed before the time of his appointment; and a person ceasing to hold office as a member of the tribunal shall be eligible for re-appointment thereto.

(3) The Board of Trade may pay to the members of the tribunal such remuneration as the Board, with the approval of the Treasury, may determine; and such expenses of the tribunal as the Board and the Treasury may approve shall be defrayed by the Board.

(4) Any investigation under this section shall be so conducted as to afford a reasonable opportunity for representations to be made to the tribunal by or on behalf of the person whose case is the subject of the investigation.

(5) For the purpose of any such investigation, the tribunal may by summons require any person to attend, at such time and place as is specified in the summons, to give evidence or to produce any documents in his custody or under his control which the tribunal considers it necessary for the purposes of the investigation to examine, 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 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.

(6) 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 document which he may be required to produce for the purpose of such an investigation as aforesaid, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(7) Subject to the preceding provisions of this section, the Board of Trade may make rules for regulating the procedure on any such investigation as aforesaid.

Rules of Board of Trade with respect to conduct of business of licensed dealers.

7.—(1) The Board of Trade may make rules for regulating the conduct of business by holders of licences, and in particular, but without prejudice to the generality of the preceding provisions of this subsection, such rules may make provision for all or any of the following matters, that is to say:—

- (a) for determining the class of persons in relation to whom, and the manner and circumstances in which, any holder of a licence may deal in securities;
- (b) for prescribing forms of contracts which may be used in making contracts under the authority of a licence, and directing that where any contract is made under the authority of a licence otherwise than in the appropriate form prescribed by the rules, the holder of the licence shall, for the purposes of the preceding provisions of this Act relating to the refusal and revocation of licences, be deemed to have committed a breach of the rules;
- (c) for prescribing the books, accounts and other documents which must be kept by the holder of a principal's licence in relation to any dealing in securities under the authority of such a licence;
- (d) for requiring the holder of a principal's licence to produce, for inspection by, or by an agent of, the person with whom he has made any agreement by way of a dealing in securities under the authority of such a licence as aforesaid, such contract notes and vouchers as may be prescribed by the rules, and to furnish to that person, on demand and on payment of the prescribed fee, copies of entries in books kept by the holder which relate to the transaction.

(2) A person shall not be guilty of an offence by reason only of a breach of rules made under this section.

(3) Whenever the Board of Trade propose to make any rules under this section, they shall cause to be published, in such manner as they think best adapted for informing persons affected, notice of the intention of the Board to make the rules, specifying the place where a draft of the rules may be inspected and copies thereof obtained, and the price at which such copies will be supplied, and the time within which written objections and representations with respect to the draft rules may be made to the Board; and the Board shall, before making the rules, consider any such objections and representations made to them within the said time, and may make the rules with or without modification of the terms of the draft.

8.—(1) The holder of any principal's licence shall forthwith notify in writing to the Board of Trade any change which, while the licence is in force, may occur in the address in Great Britain at which he carries on the business of dealing in securities, and, upon ceasing to carry on that business in Great Britain, shall forthwith notify that fact in writing to the Board.

Information to be furnished to Board of Trade by holders of licences.

(2) If, at any time while a principal's licence granted to a corporation is in force, any person becomes a director of the corporation, the corporation shall forthwith notify in writing to the Board of Trade the name and address of that person and also his nationality or the fact that he has no nationality.

(3) If, at any time while a representative's licence is in force, the holder of the licence leaves or enters the service of, or becomes or ceases to be an agent of, any person, he shall forthwith notify the name and address of that person in writing to the Board of Trade.

(4) If any person fails to comply with any of the provisions of this section, he shall be liable on summary conviction to a fine not exceeding fifty pounds.

9. The Board of Trade shall cause to be published, at such times and in such manner as they think proper, the names and addresses of all holders of principals' licences for the time being in force, and also—

Publication of names of holders of principals' licences.

(a) in relation to any holder of a principal's licence who is not a corporation, his nationality or the fact that he has no nationality, or

(b) in relation to any holder of a principal's licence who is a corporation, the country under the law of which the corporation is incorporated,

so however that the said information shall be published not less often than once a year.

Provisions as to Industrial and Provident Societies, Building Societies and Unit Trusts

Provisions as to industrial and provident societies.

10.—(1) A society shall not be registered under the Industrial and Provident Societies Act, 1893, unless it is shown to the satisfaction of the registrar—

- (a) that the society is a bona fide co-operative society, or
- (b) that, in view of the fact that the business of the society is being, or is intended to be, conducted—
 - (i) mainly for the purpose of improving the conditions of living, or otherwise promoting the social well-being, of members of the working classes, or
 - (ii) otherwise for the benefit of the community, there are special reasons why the society should be registered under the said Act rather than as a company under the Companies Act, 1948.

(2) The powers of the registrar under subsection (1) of section nine of the Industrial and Provident Societies Act, 1893, to cancel, with the approval of the Treasury, the registry of a society shall include power so to cancel the registry of a society if at any time it appears to him that neither of the conditions specified in paragraphs (a) and (b) of the preceding subsection is fulfilled in the case of that society:

Provided that—

- (a) the preceding provisions of this subsection shall not authorise the cancelling of the registry of any society registered under the said Act before the twenty-sixth day of July nineteen hundred and thirty-eight, if, neither in the period beginning with that day and ending with the passing of this Act nor since the passing of this Act, has any invitation to subscribe for, or to acquire or offer to acquire securities, or to lend or deposit money been made by or on behalf of the society, and
- (b) before deciding to cancel under this subsection the registry of any society, the registrar shall consider any representations with respect to the proposed cancellation made to him by the society within the period which, by virtue of subsection (3) of section nine of the Industrial and Provident Societies Act, 1893, must elapse between the giving to the society of the notice required by that subsection and the cancelling of the registry, and, if the society so requests, afford it an opportunity of being heard by him within that period.

(3) Where the registrar gives notice under subsection (3) of section nine of the Industrial and Provident Societies Act, 1893, of his intention to cancel the registry of a society in the

exercise of his powers under this section, then, if it appears to him at any time after the expiration of one month from the date of the giving of the notice that there have not been taken the steps which, by that time, could reasonably have been taken for the purpose—

- (a) of converting the society into a company under the Companies Act, 1948, or amalgamating the society with, or transferring its engagements to, such a company, in accordance with section fifty-four of the said Act of 1893, or
- (b) of dissolving the society in one of the ways mentioned in section fifty-eight of the said Act of 1893,

he may give such directions as he thinks fit for securing that the affairs of the society are wound up before the cancelling of the registry takes effect; and any person who contravenes or fails to comply with any such directions shall be liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(4) Section seven, and subsection (4) of section nine, of the Industrial and Provident Societies Act, 1893 (which relate to appeals from a refusal to register a society under that Act and from the cancelling of the registry of a society under that Act) shall not apply in any case where the registry of a society is refused or cancelled by virtue of this section.

(5) If, with respect to any industrial and provident society registered under the Industrial and Provident Societies Act, 1893, before the twenty-sixth day of July, nineteen hundred and thirty-eight, it appears to the registrar—

- (a) that neither of the conditions specified in paragraphs (a) and (b) of subsection (1) of this section is fulfilled in the case of that society, and
- (b) that it would be in the interests of persons who have invested or deposited money with the society or any other person that the society should be wound up,

the registrar may present to the court a petition for the winding up of the society.

(6) The registrar may at any time, by notice in writing served on an industrial and provident society or on any person who is or has been an officer of such a society, require that society or person to produce to the registrar such books, accounts and other documents relating to the business of the society, and to furnish to him such other information relating to that business, as he considers necessary for the exercise of any of the powers which he has by virtue of subsections (2), (3), and (5) of this

section ; and any such notice may contain a requirement that any information to be furnished in accordance with the notice shall be verified by a statutory declaration.

If any society or other person fails to comply with the requirements of a notice under this subsection, the society or person shall be liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(7) The registrar may, if he considers it just, direct that all or any of the expenses incurred by him in exercising his powers under the last preceding subsection in relation to any society shall, either wholly or to such extent as he may determine, be defrayed out of the funds of the society or by the officers or former officers thereof or any of them ; and any sum which any society or other person is required by such a direction to pay shall be a debt due to the registrar from that society or person.

(8) In this section the expression " co-operative society " does not include a society which carries on, or intends to carry on, business with the object of making profits mainly for the payment of interest, dividends or bonuses on money invested or deposited with, or lent to, the society or any other person ; and the expressions " the registrar " and " officer " have the meanings respectively assigned to those expressions by section seventy-nine of the Industrial and Provident Societies Act, 1893.

Provisions as to building societies.

11.—(1) If, with respect to any building society, the registrar considers it expedient so to do in the interests of persons who have invested or deposited or may invest or deposit money with the society, he may by an order made with the approval of the Treasury direct that, unless and until the order is revoked, no invitation to subscribe for, or to acquire or offer to acquire, securities or to lend or deposit money shall be made by or on behalf of the society ; and if any invitation is made in contravention of such an order, the person by whom the invitation is so made shall be guilty of an offence and liable, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine or, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine :

Provided that, before deciding to make an order under this subsection with respect to any society, the registrar shall serve on the society a written notice stating his intention to make the order, and shall consider any representations with respect to the proposed order made to him by the society within the

period of one month from the date of the service of the notice, and, if the society so requests, afford it an opportunity of being heard by him within that period.

(2) Any order under the preceding subsection may be revoked by a subsequent order of the registrar made with the approval of the Treasury.

(3) The registrar may, at any time, by notice in writing served on a building society or on any person who is or has been an officer of such a society, require that society or person to produce to the registrar such books, accounts, deeds and other documents relating to the business of the society, and to furnish to him such other information relating to that business, as he considers necessary for the exercise of the powers which he has by virtue of subsections (1) and (2) of this section; and any such notice may contain a requirement that any information to be furnished in accordance with the notice shall be verified by a statutory declaration.

If any society or other person fails to comply with the requirements of a notice under this subsection, the society or person shall be liable, on summary conviction, to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(4) The registrar may, if he considers it just, direct that all or any of the expenses incurred by him under the last preceding subsection in relation to any society shall, either wholly or to such extent as he may determine, be defrayed out of the funds of the society, or by the officers or former officers thereof or any of them; and any sum which any society or other person is required by such a direction to pay shall be a debt due to the registrar from that society or person.

(5) In this section the expression "the registrar" means the registrar of building societies for the purposes of the Building Societies Acts, 1874 to 1940.

12.—(1) The Board of Trade may appoint one or more competent inspectors to investigate and report on the administration of any unit trust scheme, if it appears to the Board—

Provision as to unit trusts.

- (a) that it is in the interests of unit holders so to do; and
- (b) that the matter is one of public concern.

(2) Section one hundred and sixty-seven of the Companies Act, 1948, subsection (1) of section one hundred and sixty-eight thereof and so much of subsection (2) of that section as relates to forwarding a copy of the inspector's report to the registered office of the company shall apply in relation to an inspector appointed under this section as they apply in relation to an inspector appointed under section one hundred and sixty-four of that

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Act, but with the substitution for references to the company or other body corporate and its affairs of references to the manager under the scheme and to the administration of the scheme.

(3) The expenses of any investigation under this section shall be defrayed by the Board of Trade.

General Provisions for the Prevention of Fraud

Penalty for fraudulently inducing persons to invest money.

13.—(1) Any person who, by any statement, promise or forecast which he knows to be misleading, false or deceptive, or by any dishonest concealment of material facts, or by the reckless making of any statement, promise or forecast which is misleading, false or deceptive, induces or attempts to induce another person—

(a) to enter into or offer to enter into—

(i) any agreement for, or with a view to, acquiring, disposing of, subscribing for or underwriting securities or lending or depositing money to or with any industrial and provident society or building society, or

(ii) any agreement the purpose or pretended purpose of which is to secure a profit to any of the parties from the yield of securities or by reference to fluctuations in the value of securities, or

(b) to acquire or offer to acquire any right or interest under any arrangements the purpose or effect, or pretended purpose or effect, of which is to provide facilities for the participation by persons in profits or income alleged to arise or to be likely to arise from the acquisition, holding, management or disposal of any property other than securities, or

(c) to enter into or offer to enter into an agreement the purpose or pretended purpose of which is to secure a profit to any of the parties by reference to fluctuations in the value of any property other than securities,

shall be guilty of an offence, and liable to imprisonment for a term not exceeding seven years.

(2) Any person guilty of conspiracy to commit an offence under the preceding subsection shall be punishable as if he had committed such an offence.

Restriction on distribution of circulars relating to investments.

14.—(1) Subject to the provisions of this section, no person shall—

(a) distribute or cause to be distributed any documents which, to his knowledge, are circulars containing—

(i) any invitation to persons to do any of the acts mentioned in paragraphs (a) to (c) of subsection (1) of the last preceding section, or

- (ii) any information calculated to lead directly or indirectly to the doing of any of those acts by the recipient of the information, or
 - (b) have in his possession for the purpose of distribution any documents which, to his knowledge, are such circulars as aforesaid, being documents of such a nature as to show that the object or principal object of distributing them would be to communicate such an invitation or such information as aforesaid.
- (2) The preceding subsection shall not apply—
- (a) in relation to any distribution of a prospectus to which section thirty-eight of the Companies Act, 1948, applies or would apply if not excluded by paragraph (b) of subsection (5) of that section or by section thirty-nine of that Act or section four hundred and seventeen of that Act applies or would apply if not excluded by paragraph (b) of subsection (5) of that section or by section four hundred and eighteen of that Act, or in relation to any distribution of a document relating to securities of a corporation incorporated in Great Britain which is not a registered company, being a document which—
 - (i) would, if the corporation were a registered company, be a prospectus to which the said section thirty-eight applies or would apply if not excluded as aforesaid ; and
 - (ii) contains all the matters and is issued with the consents which, by virtue of sections four hundred and seventeen and four hundred and nineteen of that Act it would have to contain and be issued with if the corporation were a company incorporated outside Great Britain and the document were a prospectus issued by that company ;
 - (b) in relation to any issue of a form of application for shares in, or debentures of, a corporation, together with—
 - (i) a prospectus which complies with the requirements of section thirty-eight of the Companies Act, 1948, or is not required to comply therewith because excluded by paragraph (b) of subsection (5) of that section or by section thirty-nine of that Act, or complies with the requirements of Part X of that Act relating to prospectuses and is not issued in contravention of section four hundred and nineteen of that Act, or
 - (ii) in the case of a corporation incorporated in Great Britain which is not a registered company, a document containing all the matters and issued with

the consents mentioned in sub-paragraph (ii) of paragraph (a) of this subsection,

or in connection with a bona fide invitation to a person to enter into an underwriting agreement with respect to the shares or debentures, or

- (c) in relation to any distribution of documents which is required or authorised by or under any Act other than this Act or by or under any enactment of the Parliament of Northern Ireland,

and shall not apply in relation to any distribution of documents which is permitted by the Board of Trade.

(3) This section shall not prohibit the distribution or possession of any document by reason only—

(a) that it contains an invitation or information—

(i) made or given with respect to any securities by or on behalf of a member of any recognised stock exchange or recognised association of dealers in securities, or by or on behalf of the holder of a principal's licence, or

(ii) made or given with respect to any securities by or on behalf of the Bank of England or any exempted dealer, or

(iii) made or given by or on behalf of a corporation to holders of securities of, or to persons employed by, or to creditors of, that corporation or any other corporation which, in relation to the first-mentioned corporation, is a subsidiary company as defined by section one hundred and fifty-four of the Companies Act, 1948, with respect to securities of the first-mentioned corporation or of any such other corporation as aforesaid, or

(iv) made or given by or on behalf of the manager under an authorised unit trust scheme with respect to any securities created in pursuance of that scheme, or

(v) made or given by or on behalf of the Government of the United Kingdom or of Northern Ireland or the Government of any country or territory outside the United Kingdom, or by or on behalf of any statutory corporation or municipal corporation, with respect to securities of that Government or corporation, or

(vi) made or given by or on behalf of any industrial and provident society or building society with respect to shares of the society, or loans or deposits which may be made to or with the society, or

(vii) made or given to beneficiaries under a trust by or on behalf of a person acting in the capacity of a trustee of that trust, or

(viii) made or given with respect to any securities in connection only with a sale or proposed sale of those securities by auction, or

- (b) that it contains an invitation or information which a person whose ordinary business or part of whose ordinary business it is to buy and sell any property other than securities (whether as a principal or as an agent) may make or give in the course of the business of buying and selling such property :

Provided that nothing in paragraph (a) of this subsection shall authorise the doing of anything in respect of securities created in pursuance of any unit trust scheme which is not an authorised unit trust scheme ; and nothing in paragraph (b) of this subsection shall authorise any person to do anything in pursuance of, or for the purpose of, any arrangements the purpose or effect, or pretended purpose or effect, of which is to provide facilities for the participation by persons in profits or income alleged to arise or to be likely to arise from the acquisition, holding, management or disposal of any property other than securities.

(4) Documents shall not, for the purposes of this section, be deemed not to be circulars by reason only that they are in the form of a newspaper, journal, magazine or other periodical publication ; but a person shall not be taken to contravene this section by reason only that he distributes, or causes to be distributed, to purchasers thereof, or has in his possession for the purpose of distribution to purchasers thereof, copies of any newspaper, journal, magazine or other periodical publication.

(5) A person shall not be taken to contravene this section by reason only that he distributes documents to persons whose business involves the acquisition and disposal, or the holding, of securities (whether as principal or as agent), or causes documents to be distributed to such persons, or has documents in his possession for the purpose of distribution to such persons.

(6) Any person who contravenes this section shall be liable, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine or, on summary conviction, to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

(7) Proceedings for an offence under this section shall not, in England or Wales, be instituted except by, or with the consent of, the Board of Trade or the Director of Public Prosecutions :

Provided that this subsection shall not prevent the arrest, or the issue or execution of a warrant for the arrest, of any person in respect of such an offence, or the remanding, in custody or on bail, of any person charged with such an offence, notwithstanding that the necessary consent to the institution of proceedings for the offence has not been obtained.

(8) If a justice of the peace is satisfied by information on oath that there is reasonable ground for suspecting that, at any such premises as may be specified in the information, a person has any documents in his possession in contravention of this section, the justice may grant a warrant under his hand empowering any constable to enter the premises, if necessary, by force, at any time or times within one month from the date of the warrant, and to search for, and seize and remove, any documents found therein which he has reasonable ground for believing to be in the possession of a person in contravention of this section.

(9) Any document seized under this section may be retained for a period of one month or, if within that period there are commenced any proceedings for an offence under this section to which the document is relevant, until the conclusion of those proceedings.

(10) Where any person is convicted of an offence under this section, the court dealing with the case may make an order authorising the destruction, or the disposal in any other specified manner, of any documents produced to the court which are shown to its satisfaction to be documents in respect of which the offence was committed:

Provided that an order under this subsection shall not authorise the destruction of a document, or the disposal of a document in any other manner, until the conclusion of the proceedings in the matter of which the order is made.

(11) Subject to the provisions of the last two preceding subsections, the Police (Property) Act, 1897 (which makes provision with respect to the disposal of property in the possession of the police) shall apply to property which has come into the possession of the police in consequence of a seizure under this section, as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act.

Exemptions

Stock exchanges and associations of dealers in securities.

15.—(1) The Board of Trade may by order declare any body of persons carrying on in Great Britain the business of dealing in securities to be a recognised stock exchange or recognised association of dealers in securities for the purposes of this Act.

(2) Any order under this section may be varied or revoked by a subsequent order of the Board of Trade ; but an order by virtue of which any body ceases to be a recognised stock exchange or a recognised association of dealers in securities shall not take effect until the expiration of the period of three months beginning with the day on which the order is made.

(3) It shall be the duty of every recognised stock exchange or recognised association of dealers in securities to furnish to the Board of Trade, so often as may be prescribed (which shall be not less often than once a year) a list showing with respect to each person who, at the date on which the list is furnished, is a member of the stock exchange or of the association, as the case may be, his name and business address and the style under which he carries on business, and, if the member is a corporation, the name of each of the directors thereof ; and as soon as may be after receiving any list furnished to them under this subsection, the Board shall cause the list to be published in such manner as they think proper.

(4) It shall be the duty of every recognised stock exchange or recognised association of dealers in securities whenever required by the Board so to do to furnish to the Board, with respect to any specified member of the stock exchange or association, as the case may be, a list of the persons who are for the time being authorised by that member to deal in securities on his behalf.

16.—(1) The Board of Trade may by order declare any person to be an exempted dealer for the purposes of this Act, subject to the following conditions' being fulfilled so long as the order is in force, that is to say :—

Exemption
of certain
dealers.

- (a) the main business of that person must consist of one or more of the following activities :—
 - (i) carrying on some business other than the business of dealing in securities, and
 - (ii) dealing in securities in one or more of the ways mentioned in the next following subsection ; and
- (b) the greater part of any business of dealing in securities done by him in Great Britain otherwise than in one of the ways referred to in sub-paragraph (ii) of paragraph (a) of this subsection must be effected with, or through the agency of, one or more of the following persons, that is to say :—
 - (i) a member of any recognised stock exchange or recognised association of dealers in securities,
 - (ii) the Bank of England, a statutory corporation, a municipal corporation or an exempted dealer,
 - (iii) a person acting in the capacity of manager or trustee under an authorised unit trust scheme,

(iv) a person acting on behalf of such a person as is mentioned in sub-paragraph (i), sub-paragraph (ii) or sub-paragraph (iii) of this paragraph, and

(v) the holder of a licence,

or effected, with the consent of the Board of Trade, through the agency of a member of a stock exchange outside Great Britain.

(2) The ways of dealing in securities referred to in sub-paragraph (ii) of paragraph (a) of the preceding subsection are as follows, that is to say:—

- (a) issuing any document which is, or is to be deemed to be, a prospectus within the meaning of the Companies Act, 1948 ;
- (b) making or offering to make with any person an agreement for, or with a view to, the underwriting of securities ;
- (c) making any invitation to persons to subscribe for securities, or to purchase securities on the first sale thereof ;
- (d) making any invitation to persons to subscribe for, or purchase, securities of the Government of the United Kingdom or of Northern Ireland or the Government of any country or territory outside the United Kingdom, or securities of any statutory corporation or municipal corporation ;
- (e) effecting any transaction with a person whose business involves the acquisition and disposal, or the holding, of securities, being a transaction with that person as a principal :

Provided that a person shall not, by reason only of his having made such an invitation as is mentioned in paragraph (c) of this subsection, be taken to have dealt in securities in one of the ways referred to in sub-paragraph (ii) of paragraph (a) of the preceding subsection, if permission to deal in such securities as were the subject of the invitation has not been granted by the Stock Exchange, London, within the period of three months beginning with the date on which the invitation was made, or within such longer period (if any) beginning with that date as the Board of Trade think fit.

(3) If, with respect to any exempted dealer, the Board of Trade consider that the order declaring him to be an exempted dealer ought to be revoked on either of the following grounds, that is to say,—

- (a) that the conditions subject to which the order was made have not been fulfilled in his case, and

- (b) that the circumstances relevant to the making of the order have materially changed since the making thereof,

the Board may serve on the exempted dealer a written notice that they are considering the revocation of the order on that ground, specifying particulars of the non-fulfilment of the said conditions or of the change of the said circumstances, as the case may be, and inviting the exempted dealer to make to the Board, within the period of one month from the date of the service of the notice, any representations which he desires to make with respect to the proposed revocation of the order; and the Board may revoke the order after the expiration of the said period, but, before deciding whether or not to revoke the order, shall take into consideration any representations so made by the exempted dealer and, if he so requests, afford him an opportunity of being heard by the Board within that period.

(4) The Board of Trade shall cause to be published, at such times and in such manner as they think proper, the names and addresses of all persons who are for the time being exempted dealers so, however, that the said information shall be published not less often than once a year.

17.—(1) The Board of Trade may by order declare to be an authorised unit trust scheme for the purposes of this Act any unit trust scheme in relation to which the Board are satisfied that the following conditions are fulfilled, that is to say:—

Authorised
unit trust
schemes.

- (a) that each of the persons who are respectively the manager and the trustee under the scheme is a corporation incorporated under the law of some part of the United Kingdom, and having a place of business in Great Britain at which notices and other documents are received on behalf of the corporation, and
- (b) that the scheme is such that the effective control over the affairs of the corporation which is the manager under the scheme is and will be exercised independently of the corporation which is the trustee under the scheme, and
- (c) that the scheme is such as to secure that any trust created in pursuance of the scheme is expressed in a deed providing, to the satisfaction of the Board, for the matters specified in the First Schedule to this Act, and
- (d) as respects the corporation being the trustee, either—
- (i) that the corporation has a capital (in stock or shares) for the time being issued of not less than five hundred thousand pounds, of which an amount of not less than two hundred and fifty thousand

pounds has been paid up, and that the assets of the corporation are sufficient to meet its liabilities (including liabilities in respect of the repayment of its capital), or

(ii) that more than four-fifths of the said capital of the corporation is held by another corporation being a corporation in relation to which the conditions as to capital and assets specified in sub-paragraph (i) of this paragraph are fulfilled:

Provided that, if with respect to any trust the Board of Trade are satisfied that, by reason of the special circumstances of the trust, the fulfilment in relation thereto of the condition specified in paragraph (c) of this subsection is impracticable, the Board may dispense with the fulfilment of that condition in relation to that trust, so far as it appears to them that they can properly do so without prejudicing the interests of the beneficiaries.

(2) If, with respect to any authorised unit trust scheme, the Board of Trade consider that the order declaring the scheme to be an authorised unit trust scheme ought to be revoked on either of the following grounds, that is to say—

(a) that the conditions specified in paragraphs (a) to (d) of the preceding subsection are no longer fulfilled in the case of that scheme, or

(b) that the circumstances relevant to the making of an order have materially changed since the making thereof,

the Board may serve on the manager under the scheme and on the trustee under the scheme a written notice that they are considering the revocation of the order on that ground, specifying the respect in which the said conditions are no longer fulfilled or the said circumstances have changed, as the case may be, and inviting the manager and the trustee to make to the Board, within the period of one month from the date of the service of the notice, any representations which they desire to make with respect to the proposed revocation of the order; and the Board may revoke the order after the expiration of the said period, but, before deciding whether or not to revoke the order, shall take into consideration any representations so made by the manager or trustee and, if he so requests, afford him an opportunity of being heard by the Board within that period.

(3) The Board of Trade shall, not less often than once a year, cause particulars of every unit trust scheme which is for the time being an authorised unit trust scheme, to be published in such manner as they think proper.

Supplementary Provisions

- 18.** Any person who, in furnishing any information for any of ^{False} the purposes of this Act or rules or regulations made thereunder, ^{statements.} makes any statement which, to his knowledge, is false in a material particular, shall be liable, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding two hundred pounds or to both such imprisonment and such fine or, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.
- 19.** Where any offence under this Act committed by a cor- ^{Offences} poration is proved to have been committed with the consent or ^{committed by} connivance of any director, manager, secretary or other officer ^{corporations.} of the corporation, he, as well as the corporation, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- 20.** Proceedings for the summary trial of a person for an ^{Venue in} offence under this Act may be taken before the court having ^{summary} jurisdiction in the place where that person is for the time being. ^{proceedings.}
- 21.** The Board of Trade may make regulations for prescribing ^{Regulations.} anything which by this Act is required or authorised to be prescribed.
- 22.** The powers conferred by this Act on the Board of Trade ^{Parliamentary} to make rules and regulations shall be exercisable by statutory ^{control of} instrument which shall be subject to annulment in pursuance ^{rules and} of a resolution of either House of Parliament. ^{regulations.}
- 23.** Any notice to be served under this Act on any person ^{Service of} may be served by post, and a letter containing the notice shall ^{notices.} be deemed to be properly addressed if it is addressed to that person at his last known residence or last known place of business in Great Britain.
- 24.** Anything required or authorised by or under this Act to ^{Exercise of} be done by, to or before the Board of Trade may be done by, ^{powers of} to or before the President of the Board, any secretary, under- ^{Board of} secretary or assistant secretary of the Board, or any person ^{Trade.} authorised in that behalf by the President.
- 25.** The expenses incurred for the purposes of this Act by the ^{Payment of} Board of Trade shall be defrayed out of moneys provided by ^{expenses and} Parliament; and all fees received by the Board by virtue of this ^{appropriation} Act shall be paid into the Exchequer. ^{of fees.}

Interpretation.

26.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“ authorised unit trust scheme ” means any unit trust scheme declared by an order of the Board of Trade for the time being in force to be an authorised unit trust scheme for the purposes of this Act ;

“ building society ” means a society incorporated under the Building Societies Acts, 1874 to 1940, or such an unincorporated society as is mentioned in section seven of the Building Societies Act, 1874 ;

“ corporation ” means any body corporate, incorporated whether in Great Britain or elsewhere ;

“ the court ” means, in relation to any industrial and provident society, the court having jurisdiction to wind up the society ;

“ dealing in securities ” means doing any of the following things (whether as a principal or as an agent), that is to say, making or offering to make with any person, or inducing or attempting to induce any person to enter into or offer to enter into—

(a) any agreement for, or with a view to acquiring, disposing of, subscribing for or underwriting securities or lending or depositing money to or with any industrial and provident society or building society, or

(b) any agreement the purpose or pretended purpose of which is to secure a profit to any of the parties from the yield of securities or by reference to fluctuations in the value of securities,

and “ deal in securities ” shall be construed accordingly ;

“ debentures ” means any debentures, debenture stock or bonds of a corporation, whether constituting a charge on the assets of the corporation or not ;

“ exempted dealer ” means any person declared by an order of the Board of Trade for the time being in force to be an exempted dealer for the purposes of this Act ;

“ industrial and provident society ” means a society registered under the Industrial and Provident Societies Act, 1893 ;

“ licence ” means a licence under this Act ;

“ municipal corporation ” means the Corporation of the City of London, the council of a metropolitan borough or the body corporate constituted by the incorporation of the inhabitants of a borough ;

- “prescribed” means prescribed by regulations of the Board of Trade ;
- “principal’s licence” means a licence authorising the holder thereof to carry on the business of dealing in securities ;
- “prospectus” has the same meaning as in the Companies Act, 1948 ;
- “recognised association of dealers in securities” means a body of persons declared by an order of the Board of Trade for the time being in force to be a recognised association of dealers in securities for the purposes of this Act ;
- “recognised stock exchange” means the Stock Exchange, London, or a body of persons declared by an order of the Board of Trade for the time being in force to be a recognised stock exchange for the purposes of this Act ;
- “registered company” means a company formed and registered under the Companies Act, 1948, the Companies Act, 1929, the Companies (Consolidation) Act, 1908, the Companies Act, 1862, or the Joint Stock Companies Acts as defined by section four hundred and fifty-five of the Companies Act, 1948, but does not include a company registered under any of the said enactments in Northern Ireland or in the Republic of Ireland ;
- “representative’s licence” means a licence authorising the holder thereof to deal in securities as a servant or agent of any holder of a principal’s licence for the time being in force ;
- “securities” means—
- (a) shares or debentures, or rights or interests (described whether as units or otherwise) in any shares or debentures, or
 - (b) securities of the Government of the United Kingdom or of Northern Ireland or the Government of any country or territory outside the United Kingdom, or
 - (c) rights (whether actual or contingent) in respect of money lent to, or deposited with, any industrial and provident society or building society,
- and includes rights or interests (described whether as units or otherwise) which may be acquired under any unit trust scheme under which all property for the time being subject to any trust created in pursuance of the scheme consists of such securities as are mentioned in paragraph (a), paragraph (b) or paragraph (c) of this definition ;

“ shares ” means shares in the share capital of a corporation or stock of a corporation, or shares in such an unincorporated building society as is mentioned in section seven of the Building Societies Act, 1874 ;

“ statutory corporation ” means—

(a) a corporation incorporated by an Act of the Parliament of the United Kingdom or the Parliament of Northern Ireland, or

(b) any other corporation, being a corporation to which functions in respect of the carrying on of an undertaking are entrusted by such an Act or by an order made under, or confirmed by, such an Act ; but, save as is provided in paragraph (b) of this definition, does not include any company within the meaning of the Companies Act, 1948, or of any corresponding enactment of the Parliament of Northern Ireland ; and

“ unit trust scheme ” means any arrangements made for the purpose, or having the effect, of providing facilities for the participation by persons, as beneficiaries under a trust, in profits or income arising from the acquisition, holding, management or disposal of securities or any other property whatsoever.

(2) Any reference in this Act to the holder of a licence shall, in relation to a principal's licence, be construed as a reference to the person named in the licence as being thereby authorised to carry on the business of dealing in securities, and, in relation to a representative's licence, be construed as a reference to the person named in the licence as being thereby authorised to deal in securities as a servant or agent of any holder of a principal's licence.

(3) Any reference in this Act to a manager under a unit trust scheme or to a trustee under such a scheme shall be construed as a reference to the person in whom are vested the powers of management relating to property for the time being subject to any trust created in pursuance of the scheme or, as the case may be, to the person in whom such property is or may be vested in accordance with the terms of the trust.

(4) Any reference in this Act to a servant of, or to a person employed by, any person shall, in relation to a corporation, be construed as including a reference to any director or officer of the corporation ; and any reference in this Act to leaving or entering the service of a person shall be construed accordingly.

(5) Any reference in this Act to Her Majesty's dominions shall be construed as referring also to any country or territory (other than Burma) which formed part of Her Majesty's dominions at the passing of the Prevention of Fraud (Investments) Act, 1939.

(6) For the purposes of this Act, a person shall be deemed to be a director of a corporation if he occupies in relation thereto the position of a director, by whatever name called, or is a person in accordance with whose directions or instructions the directors of the corporation or any of them act:

Provided that a person shall not, by reason only that the directors of a corporation act on advice given by him in a professional capacity, be taken to be a person in accordance with whose directions or instructions those directors act.

27. This Act shall apply to Scotland subject to the following ^{Application to Scotland.} modifications:—

- (1) section six shall have effect, in its application to any investigation held in Scotland, as if for any reference to a summons there were substituted a reference to an order;
- (2) subsection (8) of section fourteen shall have effect as if for any reference to a justice of the peace there were substituted a reference to the sheriff, and subsection (11) of the said section shall not apply;
- (3) the expression "municipal corporation" means the town council of a burgh.

28.—(1) The enactments mentioned in the first and second ^{Repeal and savings.} columns of the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(2) In so far as any order, rule or regulation made, licence or warrant granted, notice served, direction or undertaking given, summons issued or other thing done under an enactment repealed by this Act, could have been made, granted, served, given, issued or done under a corresponding provision of this Act, it shall not be invalidated by the repeal effected by the foregoing subsection but shall have effect as if it had been made, granted, served, given, issued or done under that corresponding provision.

(3) Without prejudice to the last foregoing subsection, any reference in any provision of this Act to the doing of a thing or the happening of an event shall, in so far as the context permits, be construed as including, in relation to times and circumstances in relation to which the corresponding provision in the enactments repealed by this Act had effect, a reference to the doing of the corresponding thing or the happening of the corresponding event under that corresponding provision.

(4) Any document referring to an Act or enactment repealed by this Act shall be construed as referring to this Act or the corresponding enactment therein.

(5) Any person holding office by virtue of an enactment repealed by this Act shall continue to hold his office as if he had been appointed by virtue of the corresponding provision of this Act.

(6) Where an enactment repealed and re-enacted by this Act requires a thing to be done if some other thing is done within a specified period from the date of the giving or service of a notice or empowers a thing to be done after the expiration of a specified period from such a date, and the commencement of this Act falls within the period applicable to the giving or service of a particular notice, the repeal and re-enactment shall be deemed to have taken effect in relation to that notice immediately before the giving or service thereof; and where such an enactment provides for an order's not taking effect until the expiration of a specified period beginning with the day on which it is made, and the commencement of this Act falls within the period applicable to the making of a particular order, the repeal and re-enactment shall be deemed to have taken effect in relation to that order at the beginning of the day on which it was made.

(7) Subsection (3) of section one of the India (Consequential Provision) Act, 1949, subsection (3) of section one of the Pakistan (Consequential Provision) Act, 1956, and proviso (b) to subsection (1) of section two of the Federation of Malaya Independence Act, 1957, shall apply in relation to the provisions of this Act in the same manner and to the same extent as they applied in relation to the provisions of the enactments repealed thereby.

(8) The mention of particular matters in this section shall be without prejudice to the general application of subsection (2) of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

29.—(1) This Act may be cited as the Prevention of Fraud (Investments) Act, 1958.

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

(3) This Act shall come into operation at the expiration of three months beginning with the date of its passing.

Short title,
extent and
commence-
ment.

SCHEDULES

FIRST SCHEDULE

Section 17.

MATTERS FOR WHICH TRUST DEEDS PURSUANT TO UNIT TRUST SCHEMES MUST PROVIDE

1. For determining the manner in which the manager's prices for units on a sale and a purchase respectively, and the yield from the units, are to be respectively calculated, and for entitling the holder of any units to require the manager to purchase them at a price calculated accordingly.

2. For regulating the mode of execution and the issue of unit certificates, and, in particular, for securing that no unit certificate shall be executed or issued in respect of rights or interests in any property until steps have been taken, to the satisfaction of the trustee, to secure that the property will be vested in him or, subject to any prescribed conditions, in a nominee for him approved by the Board of Trade.

3. For prohibiting or restricting the issue by or on behalf of the manager of advertisements, circulars, or other documents containing any statement with respect to the sale price of units, or the payments or other benefits received or likely to be received by holders of units, or containing any invitation to buy units, unless the document in question also contains a statement of the yield from the units.

4. For securing that any advertisement, circular or other document containing any statement with respect to the sale price of units or the yield therefrom, or containing any invitation to buy units, shall not be issued by or on behalf of the manager until the trustee has had a reasonable opportunity of considering the terms of the document, and shall not be so issued if, within a reasonable time after the document first comes under his consideration, he notifies his disapproval of the terms thereof in writing to the manager.

5. For the establishment of a fund to be applied in defraying the expenses of the administration of the trust and for regulating the application of that fund.

6. For the audit, and the circulation to holders of units, of accounts relating to the trust (including accounts of the manager in relation to the trust and statements of his remuneration in connection therewith.)

7. For requiring the manager (subject to any provisions as to appeal contained in the deed) to retire from the trust if the trustee certifies that it is in the interest of the beneficiaries under the trust that he should do so.

In this Schedule the expression "units" means securities (described whether as units or otherwise) which may be created in pursuance of the unit trust scheme, and the expression "unit certificates" means certificates of the acquisition of such securities.

Section 28.

SECOND SCHEDULE

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
2 & 3 Geo. 6. c. 16.	The Prevention of Fraud (Investments) Act, 1939.	The whole Act.
10 & 11 Geo. 6. c. 47.	The Companies Act, 1947.	Section one hundred and seventeen.
11 & 12 Geo. 6. c. 38.	The Companies Act, 1948.	In section four hundred and fifty-six, the words " sections two and thirteen of the Prevention of Fraud (Investments) Act, 1939 " and the words " and one hundred and seventeen " . In the Sixteenth Schedule, paragraphs 2, 3 and 6.

— — — — —

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Companies Act, 1862	25 & 26 Vict. c. 89.
Building Societies Act, 1874	37 & 38 Vict. c. 42.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Industrial and Provident Societies Act, 1893 ...	56 & 57 Vict. c. 39.
Police (Property) Act, 1897	60 & 61 Vict. c. 30.
Companies (Consolidation) Act, 1908	8 Edw. 7. c. 69.
Companies Act, 1929	19 & 20 Geo. 5. c. 23.
Prevention of Fraud (Investments) Act, 1939 ...	2 & 3 Geo. 6. c. 16.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
India (Consequential Provision) Act, 1949 ...	12, 13 & 14 Geo. 6. c. 92.
Pakistan (Consequential Provision) Act, 1956 ...	4 & 5 Eliz. 2. c. 31.
Federation of Malaya Independence Act, 1957 ...	5 & 6 Eliz. 2. c. 60.

CHAPTER 46

Statute Law Revision Act, 1958

ARRANGEMENT OF SECTIONS

Section

1. Repeal of obsolete, &c., Acts.
2. Repeal of obsolete, &c., provisions concerning the Crown Estate and public buildings.
3. Repeal of provisions as to plea of general issue in civil proceedings.
4. Re-enactment of provision of Government War Obligations Acts, 1914 to 1919, as to payment of certain pensions, and repeal of remaining provisions thereof.
5. Saving for powers of Parliament of Northern Ireland.
6. Short title.

SCHEDULES:

First Schedule—Obsolete, &c., Acts repealed.

Second Schedule—Obsolete, &c., provisions concerning the Crown Estate and public buildings repealed.

Third Schedule—Acts repealed so far as entitling persons to plead general issue in civil proceedings.

An Act to revise the statute law by repealing enactments which have ceased to be in force or have become unnecessary and re-enacting a provision of certain Acts which are otherwise spent.

[23rd July, 1958]

BE it enacted by the Queen'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 Acts specified in the First Schedule to this Act (being Acts which are obsolete or spent or have been superseded by other enactments) are hereby repealed. Repeal of obsolete, &c., Acts.
2. The Acts specified in the first and second columns of the Second Schedule to this Act (which to the extent specified in the third column of that Schedule are obsolete or spent, or have become unnecessary) are hereby repealed to that extent. Repeal of obsolete, &c., provisions concerning the Crown Estate and public buildings.
3. The Acts specified in the first and second columns of the Third Schedule to this Act shall cease to have effect in so far as they entitle persons to plead the general issue in civil proceedings and are accordingly hereby repealed to the extent specified in the third column of that Schedule. Repeal of provisions as to plea of general issue in civil proceedings.

Re-enactment of provision of Government War Obligations Acts, 1914 to 1919, as to payment of certain pensions, and repeal of remaining provisions thereof.

4.—(1) There shall be paid out of moneys provided by Parliament or, if those moneys are insufficient, there shall be charged on and paid out of the Consolidated Fund of the United Kingdom, such sums as are required for the purpose of fulfilling any obligations incurred before the fifteenth day of August, nineteen hundred and nineteen, by the Government of His late Majesty King George the Fifth in connection with the 1914–1918 war in respect of payments for compensation in respect of persons killed or injured on any merchant ship or fishing vessel.

(2) The Government War Obligations Acts, 1914 to 1919 (whose provisions are spent with the exception of that re-enacted by the foregoing subsection) are hereby repealed.

Saving for powers of Parliament of Northern Ireland. 10 & 11 Geo. 5. c. 20.

5. In so far as this Act relates to a matter with respect to which the Parliament of Northern Ireland has power to make laws it shall, for the purposes of section six of the Government of Ireland Act, 1920, be deemed to have been passed before the appointed day within the meaning of that section.

Short title.

6. This Act may be cited as the Statute Law Revision Act, 1958.

SCHEDULES

FIRST SCHEDULE

OBSOLETE, &C., ACTS REPEALED

Section 1.

Session and Chapter	Title or Short Title, or Subject Matter
—	Ne Rector prosternat Arbores in Cemiterio.
5 Edw. 3. c. 5 ...	Penalty for selling ware after close of fair.
4 Hen. 7. c. 20 ...	The Collusive Actions Act, 1488.
34 & 35 Hen. 8. c. 2...	An Acte concerning Collectoures and Recceyvoures.
34 & 35 Hen. 8. c. 8 ...	The Herbalists Act, 1542.
34 & 35 Hen. 8. c. 9 ...	An Acte for the Preservacon of the Ryver of Severne.
1 Jac. 1. c. 5 ...	An Act to prevent the overcharge of the People by Stewards of Courte Leetes and Courte Barons.
21 Jac. 1. c. 14 ...	The Intrusions Act, 1623.
5 Geo. 1. c. 11 ...	The Adulteration of Coffee Act, 1718.

1st SCH.
—cont.

Session and Chapter	Title or Short Title, or Subject Matter
11 Geo. 1. c. 30 ...	The Adulteration of Tea and Coffee Act, 1724.
4 Geo. 2. c. 14 ...	The Adulteration of Tea Act, 1730.
12 Geo. 3. c. 45 ...	The Traffic Regulation (Scotland) Act, 1772.
17 Geo. 3. c. 29 ...	The Adulteration of Tea Act, 1776.
49 Geo. 3. c. 32 ...	The Pension Duties Act, 1809.
49 Geo. 3. c. 110 ...	The Pension Duties Act (No. 2) Act, 1809.
50 Geo. 3. c. 56 ...	The Pension Duties Act, 1810.
52 Geo. 3. c. 56 ...	The Pension Duties Act, 1812.
52 Geo. 3. c. 144 ...	The Members of Parliament (Bankruptcy) Act, 1812.
59 Geo. 3. c. 12 ...	The Poor Relief Act, 1819.
1 Geo. 4. c. 4 ...	The Stage Coaches (Scotland) Act, 1820.
6 Geo. 4. c. 9... ...	The Duties on Offices Act, 1825.
6 Geo. 4. c. 69 ...	The Transportation Act, 1825.
7 Geo. 4. c. 46 ...	The Country Bankers Act, 1826.
6 & 7 Will. 4. c. 97 ...	The Duties on Offices and Pensions Act, 1836.
9 & 10 Vict. c. 101 ...	The Public Money Drainage Act, 1846.
10 & 11 Vict. c. 11 ...	The Public Money Drainage Act, 1847.
11 & 12 Vict. c. 101 ...	The Lock-up Houses Act, 1848.
11 & 12 Vict. c. 119 ...	The Public Money Drainage Act, 1848.
12 & 13 Vict. c. 8 ...	The Poor Law (Overseers) Act, 1849.
13 & 14 Vict. c. 31 ...	The Public Money Drainage Act, 1850.
14 & 15 Vict. c. 81 ...	The Lunatics Removal (India) Act, 1851.
19 & 20 Vict. c. 9 ...	The Public Money Drainage Act, 1856.
21 & 22 Vict. c. 52 ...	The Inferior Courts Officers (Ireland) Act, 1858.
24 & 25 Vict. c. 31 ...	The Sierra Leone Offences Act, 1861.
25 & 26 Vict. c. 65 ...	The Jurisdiction in Homicides Act, 1862.
25 & 26 Vict. c. 67 ...	The Declaration of Title Act, 1862.
26 & 27 Vict. c. 119 ...	The Exhibition Medals Act, 1863.
28 & 29 Vict. c. 78 ...	The Mortgage Debenture Act, 1865.
28 & 29 Vict. c. 106 ...	The Colonial Docks Loans Act, 1865.
29 & 30 Vict. c. 63 ...	The Courts of Justice Act, 1866.
33 & 34 Vict. c. 20 ...	The Mortgage Debenture (Amendment) Act, 1870.
34 & 35 Vict. c. 8 ...	The West African Offences Act, 1871.
39 & 40 Vict. c. 10 ...	The Royal Titles Act, 1876.
40 & 41 Vict. c. 10 ...	The Customs and Inland Revenue Amendment Act, 1877.
42 & 43 Vict. c. 59 ...	The Civil Procedure Acts Repeal Act, 1879.
1 Edw. 7. c. 15 ...	The Royal Titles Act, 1901.
4 & 5 Geo. 5. c. 38 ...	The East African Protectorates (Loans) Act, 1914.
9 & 10 Geo. 5. c. 43... ..	The Government of the Soudan Loan Act, 1919.
10 & 11 Geo. 5. c. 76... ..	The Agriculture Act, 1920.

1ST SCH.
—cont.

Session and Chapter	Title or Short Title, or Subject Matter
12 & 13 Geo. 5. c. 15...	The Government of the Sudan Loan (Amendment) Act, 1922.
12 & 13 Geo. 5. c. 26...	The Anglo-Persian Oil Company (Payment of Calls) Act, 1922.
15 & 16 Geo. 5. c. 43...	The Former Enemy Aliens (Disabilities Removal) Act, 1925.
18 & 19 Geo. 5. c. 37...	The Post Office and Telegraph (Money) Act, 1928.
21 & 22 Geo. 5. c. 20...	The Post Office and Telegraph (Money) Act, 1931.
2 & 3 Geo. 6. c. 6 ...	The Czechoslovakia (Financial Assistance) Act, 1939.
3 & 4 Geo. 6. c. 24 ...	The National Service (Channel Islands) Act, 1940.

Section 2.

SECOND SCHEDULE

OBSOLETE, &C., PROVISIONS CONCERNING THE CROWN ESTATE
AND PUBLIC BUILDINGS REPEALED*Crown Estate Provisions*

Session and Chapter	Short Title	Extent of Repeal
10 Geo. 4. c. 50	The Crown Lands Act, 1829.	Sections five, thirty-nine, fifty-three to fifty-six, ninety, one hundred and six, one hundred and twenty-eight and one hundred and twenty-nine.
2 & 3 Will. 4. c. 1.	The Crown Lands Act, 1832.	Sections one and nine.
8 & 9 Vict. c. 99.	The Crown Lands Act, 1845.	Sections nine, eleven, twelve and thirteen.
11 & 12 Vict. c. 102.	The Crown Lands Act, 1848.	Sections six and seven.
14 & 15 Vict. c. 42.	The Crown Lands Act, 1851.	Sections one and two.
29 & 30 Vict. c. 62.	The Crown Lands Act, 1866.	Section twenty-nine.
13 & 14 Geo. 5. c. 21.	The Forestry (Transfer of Woods) Act, 1923.	Section four.

*Public Buildings Provisions*2ND SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
60 & 61 Vict. c. 27.	The Public Offices (Whitehall Site) Act, 1897.	Section four.
61 & 62 Vict. c. 5.	The Public Buildings Expenses Act, 1898.	The whole Act.
3 & 4 Geo. 5. c. 14.	The Public Buildings Expenses Act, 1913.	The whole Act.

THIRD SCHEDULE

Section 3.

ACTS REPEALED SO FAR AS ENTITLING PERSONS TO PLEAD
GENERAL ISSUE IN CIVIL PROCEEDINGS

Session and Chapter	Title or Short Title	Extent of Repeal
1 Car. 1. c. 1...	The Sunday Observance Act, 1625.	The words from "and that if any man" to "evidence".
3 Car. 1. c. 2...	An Act for the further reformation of sondry abuses committed on the Lord's Day commonlie called Sunday.	The second proviso.
11 Geo. 2. c. 19	The Distress for Rent Act, 1737.	Section twenty-one.
25 Geo. 2. c. 8 (Ir.).	The Apprentices Act (Ireland), 1751.	Section eight.
13 Geo. 3. c. 78	An Act to explain, amend and reduce into one Act of Parliament the Statutes now in being for the Amendment and Preservation of the Public Highways within that part of Great Britain called England; and for other purposes.	In section eighty-one, the words from "the defendant or defendants in every such action" to "have been so done, or".
14 Geo. 3. c. 78	The Fires Prevention (Metropolis) Act, 1774.	In section eighty-six, the words from "And in such case" to "to be had".
42 Geo. 3. c. 119.	The Gaming Act, 1802 ...	Section seven.
1 & 2 Will. 4. c. 32.	The Game Act, 1831... ...	In section forty-six, the words "and may be given in evidence under the general issue".
3 & 4 Vict. c. 9	The Parliamentary Papers Act, 1840.	In section three, the words "under the general issue".

3RD SCH.
—cont.

Session and Chapter	Title or Short Title	Extent of Repeal
6 & 7 Vict. c. 40.	The Hosiery Act, 1843 ...	In section thirty-one, the words "in any such action", where first occurring, and the words "may plead the general issue, or";
7 & 8 Vict. c. 22.	The Gold and Silver Wares Act, 1844.	In section thirteen, the words from "and the defendant" to "had thereupon".

CHAPTER 47

Agricultural Marketing Act, 1958

ARRANGEMENT OF SECTIONS

PART I

AGRICULTURAL MARKETING SCHEMES

Submission and approval of schemes and procedure for determining whether scheme to remain in force

Section

1. Submission of schemes.
2. Approval of schemes.
3. Constitution of boards to administer schemes and appointment of executive committees.
4. Registration of producers and taking of poll of registered producers on question whether scheme to remain in force.
5. Information to be furnished for purposes of register, etc.

Provisions as to regulation of marketing and other matters which must or may be included in schemes

6. Regulation of sales of regulated products.
7. Further provisions as to marketing of regulated product and provisions for encouragement of co-operation, education and research.
8. Miscellaneous provisions of schemes.

*Imposition of penalties, etc.***Section**

9. Disciplinary provisions of schemes.
10. Losses sustained by boards to be recoverable in the same way as penalties.
11. Power to postpone imposition of penalty.
12. Enforcement of decisions of disciplinary committee and power to state cases.

Financial powers and duties of boards

13. Schemes to provide for establishment of a fund, payment of contributions, etc.
14. Power of boards to make loans and grants and to enter into guarantees.
15. Borrowing power of boards and provisions as to loans and grants made to boards.
16. Investment of surplus funds of boards.

Effect of schemes on contracts

17. Effect of schemes on contracts.
18. Registration of certain contracts.

Relations of Boards with Ministers, etc.

19. Consumers' committees and committees of investigation.
20. Directions by Ministers to boards as respects certain matters.
21. Temporary directions by Ministers.

Agricultural Marketing Funds

22. Agricultural Marketing Funds.
23. Agricultural Marketing Facilities Committees.
24. Short-term loans.
25. Long-term loans.

Agricultural Marketing Reorganisation Commissions

26. Constitution and functions of Agricultural Marketing Reorganisation Commissions.
27. Functions of Agricultural Marketing Reorganisation Commission for Scotland may be discharged by other bodies.

Payment of certain expenses incurred in connection with the preparation of schemes, etc.

28. Payment of certain expenses by boards.
29. Payment of certain expenses out of agricultural marketing funds.

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Supplementary

Section

30. Report to be laid before Parliament.
31. Consultation between boards and other persons.
32. General provisions as to commissions and committees.
33. Benefit accruing from Part I to be disregarded in fixing rent under Small Landholders (Scotland) Acts, etc.

PART II

PROVISIONS AS TO MILK MARKETING BOARDS AND
MILK MARKETING SCHEMES

34. Powers of milk marketing boards to make payments to registered producers and other persons in certain cases.
35. Powers of milk marketing boards to determine places, etc., where milk may be sold by registered producers.
36. Powers of milk marketing boards to provide artificial insemination services.
37. Powers of milk marketing boards to conserve grass and forage crops.
38. Powers of milk marketing boards to recover damages from purchaser of milk in certain cases.
39. Powers of milk marketing boards to enter into certain agreements with each other.
40. Extension of functions of consumers' committees in connection with milk marketing schemes.
41. Extension of application of certain schemes for regulation of marketing of milk in Scotland.
42. Interpretation and extent of Part II.

PART III

REGULATION OF IMPORTATION OF AGRICULTURAL PRODUCTS
AND SALES OF HOME-PRODUCED AGRICULTURAL PRODUCTS

43. Regulation of importation of agricultural products.
44. Regulation of sales of home-produced agricultural products.
45. Extension by order of powers of boards to enable effect to be given to certain orders under Part III, etc.
46. Provisions as to orders under Part III.

PART IV

GENERAL AND SUPPLEMENTARY

47. Restrictions on disclosing certain information obtained under Act.
48. Offences committed by bodies corporate.
49. Power to make rules, etc., exercisable by statutory instrument.
50. Exercise of powers of Board of Trade.
51. Saving for Part I of the Agriculture Act, 1957.
52. Interpretation.
53. Provisions as to Northern Ireland.
54. Repeals and savings.
55. Short title and commencement.

SCHEDULES:

First Schedule—Amendment and revocation of schemes.

Second Schedule—Provisions as to the incorporation, composition and winding up of boards and as to the composition of executive committees.

Third Schedule—Matters referred to in the definition of “the Minister”.

Fourth Schedule—Enactments repealed.

An Act to consolidate the Agricultural Marketing Acts, 1931 to 1949 (other than the provisions thereof relating to the sale of eggs), and certain other enactments conferring powers on boards administering schemes under those Acts regulating the marketing of milk, with corrections and improvements made under the Consolidation of Enactments (Procedure) Act, 1949.
[23rd July, 1958]

BE it enacted by the Queen’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

AGRICULTURAL MARKETING SCHEMES

Submission and approval of schemes and procedure for determining whether scheme to remain in force

1.—(1) A scheme regulating the marketing of an agricultural product by the producers thereof, other than a substitutional scheme, may be submitted to the Minister for his approval by any persons who satisfy the Minister that they are substantially representative of the persons who produce that product in the area to which the scheme is applicable, and, subject to subsection (4) of this section, a substitutional scheme may be submitted to the Minister for his approval by the board or boards administering the scheme or schemes revoked by the substitutional scheme. Submission of schemes.

(2) A scheme may be applicable to Great Britain or any part thereof or to Northern Ireland or any part thereof but shall not be applicable only to Northern Ireland or a part thereof.

(3) For the purpose of satisfying himself as mentioned in subsection (1) of this section, the Minister shall have regard both to the number of persons represented and to the quantity

PART I
—cont.

of the agricultural product to which the scheme relates produced by them in the area to which the scheme is applicable during some recent period before the scheme is submitted.

(4) Before a substitutional scheme is submitted to the Minister under subsection (1) of this section it shall be published in the prescribed manner to all producers registered under the scheme revoked by it or (where it revokes more schemes than one) to all producers registered under each of them, and if, within the prescribed period after it has been so published to producers registered under a scheme revoked by it, a poll on the question whether it shall be submitted to the Minister is demanded by the prescribed number or the prescribed proportion, as the case may be, of the producers registered under the scheme revoked, the substitutional scheme shall not be submitted to him unless a poll on that question has been taken and the result thereof shows that the requisite majority of those producers has voted in favour of its submission.

In this subsection “prescribed” means, in relation to a scheme revoked by a substitutional scheme, prescribed by the scheme revoked.

Approval
of schemes.

2.—(1) Before approving a scheme submitted under the foregoing section, the Minister shall cause to be published, in the Gazette and in such other manner as he thinks best for informing persons affected, a notice—

- (a) stating that the scheme has been submitted to him,
- (b) 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
- (c) specifying the period, which shall not be less than six weeks after the date of publication of the notice in the Gazette, within which objections and representations with respect to the scheme may be made.

(2) Every objection shall be made to the Minister in writing and shall state the grounds of objection and the specific modifications required.

(3) Where an objection has been duly made to a scheme by a person affected thereby and has not been withdrawn, the Minister, unless he considers the objection to be frivolous, or unless he proposes to modify the scheme to meet the objection, shall, before taking any further action under this section, direct a public inquiry to be held and consider the report of the person who held the inquiry.

(4) After considering any scheme duly submitted to him under the foregoing section and any objections and representations duly made with respect thereto, and after holding such inquiries,

if any, as he thinks fit or is required to hold under this section, the Minister may, subject to the following provisions of this section, make such modifications in the scheme as he thinks proper.

(5) No scheme shall be modified by the Minister so as to be applicable to any area to which it would not have been applicable without modification.

(6) Before making any modifications in a scheme, the Minister shall give notice of the proposed modifications to such persons (not being less than nine nor more than twenty-one) as may be nominated for the purpose, at the time of the submission of the scheme, by the persons submitting the scheme, and unless, within four weeks after notice has been so given or such longer time as the Minister may allow, more than half the persons so nominated notify the Minister that they assent to the modifications, the Minister shall take no further action under this section.

(7) If the Minister, after making such modifications, if any, as aforesaid, is satisfied that the scheme will conduce to the more efficient production and marketing of the regulated product, he may, subject to subsection (9) of this section, lay before Parliament a draft of the scheme, and if each House of Parliament resolves that the scheme shall be approved the Minister shall make an order approving the scheme in terms of the draft.

(8) The Minister, on laying before Parliament a draft of a scheme under the last foregoing subsection, shall at the same time lay before Parliament—

(a) if the scheme is not a substitutional scheme, a report as to the evidence by which he has been satisfied for the purposes of subsection (1) of section one of this Act that the persons submitting the scheme were duly representative; or

(b) if the scheme is a substitutional scheme, a report showing that the provisions of subsection (4) of the said section one have been complied with.

(9) A draft of a scheme which, by the terms of the draft, is to apply to Northern Ireland or any part thereof shall not be laid before either House of Parliament under subsection (7) of this section unless each House of the Parliament of Northern Ireland has resolved that it is expedient that a scheme in the terms of the draft should, if approved under the said subsection (7), extend to Northern Ireland.

(10) If the draft of a scheme which, by the terms of the draft, is to be applicable to Northern Ireland or any part thereof has been laid before either House of the Parliament of Northern Ireland and that House has resolved that it is not expedient that the scheme should extend to Northern Ireland, the Minister may thereupon make in the draft of the scheme such modifications as are necessary in order to prevent the scheme applying

PART I
—*cont.*

to any part of Northern Ireland and such other modifications, being modifications consequential on the modifications aforesaid, as he may think fit; and subsection (6) of this section shall apply in relation to the modifications and they shall be taken into account by the Minister under subsection (7) of this section before he lays the draft of the scheme before Parliament.

(11) Where the Minister has made an order under subsection (7) of this section approving a scheme, the scheme shall, subject to the provisions of this Part of this Act, come into force on such date as may be specified in the order, being a date after the latest date on which either House of Parliament resolves that the scheme shall be approved; and the making of the order shall be conclusive evidence that the requirements of this Act have been complied with and that the order and the scheme approved thereby have been duly made and approved and are within the powers conferred by this Act.

(12) As soon as possible after making an order under subsection (7) of this section, the Minister shall cause the order to be published in the Gazette and in such other manner as he thinks best for informing persons affected.

(13) Any inquiry under this section shall be held by a competent and impartial person appointed by the Minister, and shall be held in accordance with rules made by the Minister for the purpose; and those rules may contain provisions as to the costs of the inquiry and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(14) Such expenses of any inquiry under this section as may be incurred by the Minister with the approval of the Treasury shall be defrayed out of moneys provided by Parliament.

(15) A scheme may be amended or revoked in accordance with the provisions of the First Schedule to this Act.

Constitution
of boards to
administer
schemes and
appointment
of executive
committees.

3.—(1) Every scheme shall constitute a board to administer the scheme.

(2) Subject to the provisions of subsection (4) of this section, every scheme shall require the board to appoint an executive committee and shall provide for the delegation to the executive committee of all the functions of the board under the scheme, except such functions, if any, as may be specified in the scheme.

(3) The provisions of the Second Schedule to this Act shall have effect with respect to the incorporation, composition and winding up of boards and with respect to the composition of the executive committee of a board.

(4) Subsection (2) of this section shall not apply to the Hops Marketing Scheme, 1932, or to the Scottish Milk Marketing Scheme, 1933, but the Minister, after consulting the board, may by order amend each of those schemes so as to make it conform with the requirements of that subsection and with the

requirements of paragraph 2 of the Second Schedule to this Act with respect to the composition of the executive committee referred to in that subsection.

(5) An order made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) As soon as may be after an order under this section is made, the Minister by whom the order was made shall, in such manner as he 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.

4.—(1) Every scheme shall provide for the registration of any producer who makes application for that purpose.

(2) Every scheme, other than a substitutional scheme, shall require a poll of the registered producers to be taken, within such time as may be specified in the scheme, on the question whether the scheme shall remain in force.

(3) If the poll aforesaid shows that the requisite majority of registered producers has voted in favour of the scheme remaining in force, the provisions of the scheme, the operation of which is suspended (under the provisions hereafter contained in this Part of this Act) until the expiration of the suspensory period, shall come into force at the expiration of that period, but in any other case the scheme shall cease to have effect at the date on which the result of the poll is declared, and the provisions of paragraph 6 of the First Schedule to this Act, and of sub-paragraph (2) of paragraph 6 of the Second Schedule thereto, shall apply as if the scheme had been revoked:

Provided that, if it is proved to the satisfaction of the Minister at any time before the expiration of the suspensory period that the number of producers voting on the poll was less than half the total number of producers (excluding producers exempted, or entitled to exemption, from registration by or under the provisions of the scheme), he shall forthwith by order revoke the scheme.

(4) Every scheme shall provide for the manner in which polls are to be taken for the purposes of this Act, and in particular but without prejudice to the generality of the foregoing provision—

- (a) may apply with any necessary modifications any enactments (including the penal provisions thereof) relating to parliamentary or local government elections and to the prevention of corrupt and illegal practices thereat ;
- (b) may prescribe the manner in which the quantity of the regulated product which any registered producer is capable of producing is to be determined for the purposes of the poll ;

Registration of producers and taking of poll of registered producers on question whether scheme to remain in force.

PART I
—cont.

(c) may prescribe the information relating to the regulated product which is to be furnished by every registered producer before or at the time of voting, and the manner in which the information is to be furnished, and may require the rejection of the vote of any producer who fails to furnish the prescribed information in the prescribed manner, and may impose penalties for furnishing false information ;

(d) shall prescribe the manner in which the result of the poll is to be declared and published.

(5) In the case of a scheme regulating the marketing of two or more separate products, the foregoing provisions of this section shall apply subject to the following modifications, that is to say:—

(a) references to a poll on the question whether the scheme shall remain in force shall be construed as references to a poll, in respect of each product, on the question whether the scheme shall remain in force so far as it applies to that product ;

(b) subsection (3) shall apply, in relation to each poll, as if the provisions of the scheme, so far as they apply to the product in respect of which the poll is taken, were a separate scheme.

The question whether any product is to be treated as a separate product for the purpose of this subsection shall be determined by the provisions of the scheme.

(6) For the purposes of subsections (2) and (3) of this section, a person who is registered as a producer notwithstanding that he has been exempted from registration by or under the provisions of the scheme shall not be deemed to be a registered producer.

(7) 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 treated as constituting together a single registered producer.

Information to be furnished for purposes of register, etc.

5.—(1) As soon as practicable after any scheme, other than a substitutional scheme, comes into force the board shall cause to be published in such newspapers as the Minister may direct, being newspapers circulating within the area to which the scheme is applicable, a form of application for registration as a producer under the scheme, together with a notice stating—

(a) the nature of the regulated product and the area to which the scheme is applicable ;

- (b) the classes or descriptions of producers which are exempted from registration and the procedure required, if any, for securing exemption from registration ;
- (c) that a poll of registered producers (other than producers exempted from registration) is to be taken in pursuance of this Act on the question whether the scheme shall remain in force ;
- (d) that no person will be entitled to vote on the poll aforesaid unless he is registered within the time specified in the notice but that no person so registered will, if it is decided as the result of the poll that the scheme shall not remain in force, incur any financial liability by reason of his registration ;
- (e) that, if it is decided as a result of the poll that the scheme shall remain in force, every producer who is not registered or exempted from registration will be prohibited from selling the regulated product ;
- (f) the place where copies of the scheme may be obtained on payment therefor ;
- (g) such other particulars as the board may think fit.

(2) The Minister, as soon as practicable after any scheme approved by him, other than a substitutional scheme, comes into force—

- (a) shall cause a list to be compiled containing the names of all such persons as he has reason to believe are producers, together with their respective addresses so far as known to him, and forward a copy of the list to the board ; or
- (b) if it appears to him that he has so little information at his disposal that the list aforesaid would serve no useful purpose, shall inform the board accordingly.

(3) As soon as practicable after receiving such a list as aforesaid the board shall send by post to every person named in the list, and to every other person who the board have reason to believe is a producer, being a person who is not registered as a producer, a notice addressed to him at his last known address, stating the particulars required to be stated in the notice published under subsection (1) of this section, together with a form of application for registration.

(4) Subject to the provisions of section eighty of the Agriculture Act, 1947 (which imposes restrictions on the disclosure of information obtained under that Act), the Minister, if he thinks fit with a view to facilitating the due submission of a scheme, may, at the request of any person, cause such a list as aforesaid to be compiled and to be supplied to that person on payment of a fee of such amount as may be certified by the Minister to represent the cost of compiling the list.

PART I
—cont.*Provisions as to regulation of marketing and other matters
which must or may be included in schemes*Regulation
of sales of
regulated
products.

6.—(1) Every scheme shall require that no sale of the regulated product shall be made by any producer who is not either a registered producer or a person exempted from registration by or under the provisions of the scheme.

(2) Subject to the approval of the Minister, a scheme may provide for all or any of the matters set out in any one or more of the following paragraphs, that is to say:—

- (a) for requiring registered producers to sell the regulated product or any description thereof, or such quantity thereof or of any description thereof as may from time to time be determined by the board, only to, or through the agency of, the board;
- (b) 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;
- (c) 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;
- (d) for empowering the board to receive the whole or any part of any sums payable by purchasers of the regulated product in respect of sales of that product by registered producers, and 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.

(3) A scheme which provides for the matter set out in paragraph (b) of the last foregoing subsection shall either specify the method of determination or require the board to prescribe it and, without prejudice to the generality of the foregoing provision, 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 some particular land or premises or by particular persons.

(4) Except in the case of a substitutional scheme, the operation of all the provisions of a scheme made in pursuance of the foregoing provisions of this section shall be suspended until the expiration of the suspensory period.

(5) A scheme may provide for securing that, for all or any of the purposes of the scheme and of this Part of this Act, the sale of any product wholly or partly manufactured or derived from 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 scheme, the regulated product is livestock 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 livestock of that kind, being livestock produced by him in the area to which the scheme is applicable.

(6) Any producer who sells the regulated product in contravention of the provisions of a scheme made in pursuance of subsection (1) of this section shall for each offence be liable on summary conviction to a fine not exceeding five pounds or on conviction on indictment to a fine not exceeding two hundred pounds, and in either case to an additional fine not exceeding half the price at which the product was sold:

Provided that the fines imposed on summary conviction for any offence under this subsection shall not exceed in the aggregate one hundred pounds:

(7) Where any court, not being a magistrates' court, imposes a fine for an offence under the last foregoing subsection, the court may, if it thinks 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 scheme, direct the whole or any part of the fine to be paid to the board.

7.—(1) Subject to the approval of the Minister, a scheme may provide for all or any of the matters set out in any one or more of the following paragraphs, that is to say:—

- (a) for empowering the board to buy the regulated product, to produce such commodities from that product as may be specified in the scheme, and to sell, grade, pack, store, adapt for sale, insure, advertise and transport the regulated product and any commodity so produced by the board;
- (b) for empowering the board to buy from the board administering any corresponding scheme any product the marketing of which is regulated by that scheme, to produce from anything so bought any commodity which the board are authorised to produce from the regulated product, and to sell, grade, pack, store, adapt for sale, insure, advertise and transport anything so bought and any commodity produced therefrom by the board;

Further provisions as to marketing of regulated product and provisions for encouragement of co-operation, education and research.

PART I
—cont.

- (c) for empowering the board to exercise, as agents for the board administering any corresponding scheme, any power of that board to sell, grade, pack, store, adapt for sale, insure, advertise and transport any product the marketing of which is regulated by that scheme ;
 - (d) for empowering the board to manufacture or acquire, and to sell or let for hire to registered producers and other persons, anything required for the production, grading, packing, storing, adaptation for sale, transport or sale of the regulated product ;
 - (e) for empowering the board to render to registered producers and other persons, on payment or otherwise, any service which is calculated to promote the more efficient production, grading, packing, storing, adaptation for sale, transport or sale of the regulated product ;
 - (f) for empowering the board to co-operate with any other person in doing anything which the board are or might be empowered to do by virtue of any of the foregoing provisions of this subsection ;
 - (g) for empowering the board to do anything calculated to procure, promote or facilitate the doing by any other person of anything in the doing of which the board are or might be empowered to co-operate by virtue of paragraph (f) of this subsection ;
 - (h) for regulating the manner in which the regulated product or any description or quantity thereof is to be graded by or on behalf of registered producers, or the manner in which the regulated product or any description or quantity thereof is to be marked, packed, stored, adapted for sale, insured, advertised or transported by or on behalf of registered producers ;
 - (i) for enabling the board to encourage, promote or conduct agricultural co-operation, research and education.
- (2) A provision included in a scheme by virtue of paragraph (d) or paragraph (e) of the foregoing subsection shall be so framed as to secure that the things sold or let for hire, and the services rendered, are sold, let for hire or rendered, either exclusively or primarily, in such circumstances as to be likely to be utilised, either wholly or mainly, by, or in connection with the regulated product produced by, registered producers, and paragraphs (f) and (g) of that subsection shall be construed accordingly.
- (3) Except in the case of a substitutional scheme, the operation of all the provisions of a scheme made in pursuance of the foregoing provisions of this section shall be suspended until the expiration of the suspensory period.
- (4) In this section " corresponding scheme " means, in relation to a scheme, any other scheme under this Act or any scheme under corresponding legislation enacted by the Parliament of

Northern Ireland, being in either case a scheme for regulating the marketing of the same product as the product the marketing of which is regulated by the first-mentioned scheme.

PART I
—cont.

8.—(1) Every scheme shall provide for the following matters, that is to say:—

Miscellaneous
provisions
of schemes.

- (a) for exempting from all or any of the provisions of the scheme producers and sales of such classes or descriptions as may be specified in the scheme or determined by the board;
- (b) for securing that any producer who is aggrieved by any act or omission of the board may refer the matter to one or more arbitrators appointed in such manner as may be provided by the scheme, and for the manner in which any such reference is to be heard and determined;
- (c) for requiring the register of producers to be open for inspection at such times as may be specified by the scheme, and for requiring the board to furnish a copy of the register or of any part thereof to any person demanding it, on payment of such fee as may be specified by the scheme;
- (d) for the removal from the register of producers of the names of persons who have ceased to be producers or are exempted from registration.

(2) Subject to the approval of the Minister, a scheme may provide for either or both of the following matters, that is to say—

- (a) for empowering any person authorised in writing by the 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 part of the land or premises occupied by any registered producer (being a producer specified in the authority) which the person so authorised has reason to believe is used for producing the regulated product or for doing any of the following things which is regulated by the scheme, that is to say, grading, marking, packing or storing the regulated product or adapting it for sale;
- (b) for requiring registered producers to furnish to the board such estimates, returns, accounts and other information relating to the regulated product as the board consider necessary for the operation of the scheme.

Except in the case of a substitutional scheme, the operation of any provision of a scheme made in pursuance of this subsection shall be suspended until the expiration of the suspensory period.

PART I
—cont.

(3) 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.

(4) Every scheme may further provide for such matters as are incidental to or consequential on the provisions of this Act relating to the contents of schemes or are necessary for giving effect to those provisions:

Provided that no provision of a scheme made in pursuance of this subsection shall be deemed to empower the board to establish any market or slaughterhouse, unless that provision in terms confers on the board a specific power to establish markets or slaughterhouses, as the case may be.

*Imposition of penalties, etc.*Disciplinary
provisions
of schemes.

9.—(1) Every scheme shall be so framed as to secure that there is a committee of the board, to be known as the disciplinary committee, constituted, at each sitting thereof, of not less than four nor more than six members of the board and a chairman who is not a member of the board but is an independent person who is a barrister of not less than seven years' standing, an advocate of not less than seven years' standing or a solicitor of not less than seven years' standing and is approved by the Minister.

(2) Subject to the provisions of this section, every scheme shall require the disciplinary committee to impose on, and the board to recover from, any registered producer who contravenes any provision of the scheme made in pursuance of any of the provisions of this Act which are specified in the next following subsection such monetary penalties as may be specified by the scheme, so however that no such penalty shall be imposed in respect of a contravention of the scheme which constitutes an offence under this or any other Act.

Except in the case of a substitutional scheme, the operation of any provision of a scheme made in pursuance of this subsection shall be suspended until the expiration of the suspensory period.

(3) The provisions of this Act referred to in the last foregoing subsection are subsection (2) of section six, paragraphs (a), (b), (c), (h) and (i) of subsection (1) of section seven and subsection (2) of section eight.

- (4) Every scheme shall be so framed as to secure—
- (a) that no penalty is imposed on a registered producer for a contravention of any provision of the scheme made in pursuance of any of the provisions of this Act which are specified in the last foregoing subsection except after a hearing by the disciplinary committee and by the decision thereof, taken in accordance with the opinion of all or the majority of the members thereof;
 - (b) that notice of the time and place of every such hearing and a written statement of the charge against the producer in question is served personally or by registered post on that producer at least fourteen days before the hearing;
 - (c) that no penalty is imposed for any such contravention which occurred more than six years, or such less time as is specified in the scheme, before the service of the said written statement of the charge;
 - (d) that, where such a written statement of a charge against a producer has been sent to or served on him as aforesaid and the charge is withdrawn or is not substantiated before the said committee, the board have the power, and, to such extent as the said committee may decide, the duty, to make payments to the producer in respect of his costs in connection with the charge; and
 - (e) that, in such circumstances and subject to such conditions as may be specified in the scheme, the said committee have the power and the duty to reconsider and, if need be, vary their decisions and that effect is given to any such variation.
- (5) For the purposes of paragraph (b) of subsection (1) of section eight of this Act and of any provision of a scheme made in pursuance of that paragraph, acts or omissions of the disciplinary committee shall be deemed to be acts or omissions of the board.
- (6) Every hearing by the disciplinary committee of a board shall be held in public unless the committee for special reasons direct that the whole or part thereof shall not be so held.
- (7) The chairman of the disciplinary committee of a board may direct that any evidence given at a hearing by the committee shall be given on oath and may for that purpose administer oaths.
- (8) If, at any sitting of the disciplinary committee of a board, there is an equal division of opinion on any question, the opinion of the chairman shall prevail, and the reference in para-

PART I
—*cont.*

graph (a) of subsection (4) of this section to the opinion of the majority of the members of such a committee shall be construed accordingly.

Losses sustained by boards to be recoverable in the same way as penalties.

10.—(1) Where a contravention of a provision of a scheme (being a contravention for which the disciplinary committee have the duty to impose, and the board the duty to recover, a penalty) causes loss to the board, the disciplinary committee may, if the written statement of the charge served on the producer in accordance with the provisions of subsection (4) of the last foregoing section embodies an estimate by the board of the amount of the loss, together with a statement of the grounds on which that estimate is based, require by their decision that the producer shall pay to the board, in addition to any penalty imposed, such sum, to be stated in the decision, as the committee may think fit, not exceeding the sum which appears to the committee justly to represent the amount of the loss:

Provided that the amount so stated in the decision shall not exceed the amount stated in the said estimate.

(2) Where the written statement of the charge served on a producer in accordance with the provisions of subsection (4) of the last foregoing section embodies such an estimate of the loss caused to the board as is referred to in subsection (1) of this section, no loss caused to the board by the contravention to which the charge relates shall be recoverable from the producer otherwise than in the manner for which provision is made by subsection (1) of this section, and, whether or not the written statement of the charge embodies such an estimate as aforesaid, the penalty itself shall not be fixed with a view to recovering the whole or any part of any loss caused to the board by the contravention.

(3) Where such a contravention as aforesaid is concerned with the giving of information or returns to the board and as a result of the contravention the board fail to assess on or demand from the producer a contribution or other payment, or the full amount of a contribution or other payment, which they are entitled to receive from him, the contribution or payment, or the amount not assessed or demanded, as the case may be, shall, if the board so elect by including an estimate of the amount thereof in the written statement of the charge served on the producer in accordance with the provisions of subsection (4) of the last foregoing section, be treated for the purposes of this section as lost to the board by reason of the contravention.

Power to postpone imposition of penalty.

11. So much of any scheme as, in pursuance of subsection (2) of section nine of this Act, requires the disciplinary committee to impose penalties on a registered producer and the board to recover penalties from such a producer shall not be construed as preventing the disciplinary committee, if they find that a

contravention has occurred, from postponing the imposition of a penalty for such period, not exceeding twelve months, as may be specified in the scheme, but save as aforesaid nothing in this section, in subsections (4) to (8) of the said section nine or in the last foregoing section shall be construed as derogating from the duty to impose and recover penalties which is required by the said subsection (2) to be provided for by every scheme.

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—cont.

12.—(1) Section twenty-one of the Arbitration Act, 1950 (which relates to the statement of cases by arbitrators and umpires) and section twenty-six of that Act (which relates to the enforcement of awards) shall apply in relation to the hearing and determination of the matters which by virtue of any of the provisions of this Act are referred to the disciplinary committee of a board, and in relation to the enforcement of the decisions of that committee, as if the proceedings were an arbitration under an arbitration agreement to which the board and the producer were parties and as if the disciplinary committee were the arbitrator or umpire appointed by the agreement.

Enforcement of decisions of disciplinary committee and power to state cases.

(2) Subsection (1) of this section shall not apply to Scotland and the following provisions shall have effect in Scotland in lieu thereof—

- (a) the disciplinary committee of a board may, and if so directed by the Court of Session shall, state a case for the opinion of that Court on any question of law arising in the proceedings relating to any matter referred to the committee by virtue of any of the provisions of this Act, and an appeal shall lie with the leave of the Court of Session or of the House of Lords from any decision of the Court of Session under this paragraph and such leave may be given on such terms as to expenses or otherwise as the Court of Session or the House of Lords may determine ;
- (b) any decision of a disciplinary committee in such proceedings as aforesaid may be recorded for execution in the books of council and session, and shall be enforceable accordingly.

Financial powers and duties of boards

13.—(1) Every scheme shall provide for the following matters, that is to say :—

- (a) for the establishment of a fund (hereafter in this section referred to as “ the fund ”) to be administered and controlled by the board, for the payment into the fund of all moneys received by the board, and for the payment out of the fund of any moneys required by the board for the operation of the scheme ;

Schemes to provide for establishment of a fund, payment of contributions, etc.

PART I
—cont.

- (b) for the payment by registered producers of contributions to the fund of such amounts as may be necessary for the operation of the scheme, and for the assessment of the contributions of producers in such manner and subject to such limitations as may be provided by the scheme ;
- (c) for the distribution in such manner as may be provided by the scheme of all moneys standing to the credit of the fund which are not required for the operation of the scheme ;
- (d) for the accounts to be kept by the board and for the audit of those accounts ;
- (e) for the furnishing by the board to the Minister and to registered producers of accounts, returns and other information, including an annual balance sheet and either an annual profit and loss account or, in the case of a board which does not trade for profit, an annual income and expenditure account ;
- (f) for the furnishing by the board of a copy of the balance sheets of the board to any person requiring it.

(2) Compensation shall be payable under, and in accordance with, a scheme by the board to registered producers in such class of cases as may be specified in the scheme ; and any scheme may provide for empowering the board, in such class of cases as may be specified in the scheme, to pay compensation to registered producers in respect of any loss which, in the opinion of the board, has been occasioned to those producers by the operation of any scheme, whether administered by that board or not.

(3) Except in the case of a substitutional scheme, the operation of any provision of a scheme made in pursuance of paragraphs (b) and (c) of subsection (1) of this section, and the operation of the provisions of a scheme relating to the payment of compensation, shall be suspended until the expiration of the suspensory period.

14.—(1) Any scheme may provide for empowering the board—

- (a) to lend to any registered producer a portion of the amount which the board estimate that he will receive from the sale of any quantity of the regulated product produced or in course of production by him ;
- (b) to guarantee payments of any sums secured by an agricultural charge created by a registered producer under Part II of the Agricultural Credits Act, 1928.

Except in the case of a substitutional scheme, the operation of any provision of a scheme made in pursuance of this subsection shall be suspended until the expiration of the suspensory period.

Power of boards to make loans and grants and to enter into guarantees.

(2) Any scheme may provide for empowering the board, subject to such limitations as may be specified in the scheme—

- (a) to lend or grant money to any other board ;
- (b) to guarantee payment by any other board of any sums which that board may be liable to pay on account of principal or interest in respect of any loan made to them.

(3) Any scheme which contains such a provision as is authorised by the last foregoing subsection may further provide for securing that any loan, grant or guarantee not specifically authorised by the scheme shall not be made or given by the board except in pursuance of a resolution of the board specifying all material particulars relating to the proposed transaction, being a resolution which has been previously notified to, and approved by, the registered producers in accordance with such requirements in that behalf as may be contained in the scheme.

15.—(1) Every scheme shall provide for empowering the board to borrow money for the purpose of exercising their functions under the scheme.

Borrowing power of boards and provisions as to loans and grants made to boards.

(2) A board shall have power to accept from any other person any grant to be applied for any of the purposes for which the board are empowered to expend money.

(3) A scheme may provide for empowering the board, in any case where a loan or grant is proposed to be made to them, to agree with the person proposing to make the loan or grant, as the case may be, and, in the case of a loan, with any person proposing to guarantee the repayment thereof, that if the loan or grant is duly made or the guarantee duly given, the board will apply the money obtained by them by means of the loan or grant subject to such conditions (including conditions as to the persons on whose advice the board are to act in applying the said money) as may be specified in the agreement.

(4) Where a scheme provides for empowering the board to make any such agreement as aforesaid, the scheme—

- (a) shall impose upon the board the duty of carrying into effect any such agreement entered into by them ; and
- (b) may provide that where such an agreement contains conditions requiring the board to act on the advice of any specified persons, the provisions of the scheme entitling a registered producer who is aggrieved by any act or omission of the board to refer the matter to arbitration shall not apply in relation to anything done, or omitted to be done, by the board in pursuance of the agreement.

PART I
—cont.

(5) A debenture issued by the board may create in favour of a bank a floating charge on any farming stock in England or Wales the property in which is vested in the board, and any such charge shall be registered in like manner as an agricultural charge under Part II of the Agricultural Credits Act, 1928, and section nine of that Act shall apply to such a charge in like manner as it applies to an agricultural charge, and the charge, if so registered, shall, as respects such property, be valid notwithstanding anything in the Bills of Sale Acts, 1878 and 1882, and shall not be deemed to be a bill of sale within the meaning of those Acts.

In this subsection “bank” and “farming stock” have the same meanings respectively as in Part II of the Agricultural Credits Act, 1928.

(6) In the application of this section to Scotland, the following subsection shall be substituted for subsection (5):—

“(5) It shall be lawful for the board to create by instrument in writing in favour of a bank a charge on all or any of the agricultural produce in Scotland from time to time belonging to, and in the possession of, the board as security for sums advanced or to be advanced to the board or paid or to be paid on their behalf under any guarantee by the bank, and interest, commission and charges thereon, and the provisions of Part II of the Agricultural Credits (Scotland) Act, 1929, shall apply to any charge created in pursuance of this subsection in like manner as they apply to an agricultural charge.

In this subsection ‘bank’ and ‘agricultural produce’ have the same meanings respectively as in the Agricultural Credits (Scotland) Act, 1929”.

Investment of
surplus funds
of boards.

16. Every scheme shall provide for the manner in which the moneys of the board may be invested and shall be so framed as to secure that—

- (a) the moneys of the board not for the time being required by them for the purposes of their functions are not, except with the approval of the Minister, invested otherwise than in securities in which a trustee is authorised, under sections one and two of the Trustee Act, 1925, as extended by any subsequent enactment, to invest trust funds, or in the stocks, funds or securities mentioned in section ten or section eleven of the Trusts (Scotland) Act, 1921, or for the time being approved by the Court of Session under section twenty-seven of the last-mentioned Act; and
- (b) a statement of the manner in which any such moneys as aforesaid are invested is included in an annual report made by the board to the Minister and to registered producers.

Effect of schemes on contracts

PART I]
—cont.]

Effect of
schemes on
contracts.

17.—(1) Subject to the provisions of subsections (2) and (3) of this section, a contract of which neither the making nor the performance was, at the time when the contract was made, prohibited by or under any scheme in force, shall not, unless the terms of the contract otherwise provide, be void or unenforceable by reason that, at the time for the performance of any provision of the contract, the performance thereof is so prohibited.

(2) Where the performance of any such contract as is referred to in the foregoing subsection is prohibited by or under any scheme in force, the foregoing subsection shall cease to apply to that contract on the expiration of three months after the prohibition first takes effect, unless the contract is registered under the next following section.

(3) Where any scheme in force 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 subsection (1) of this section, 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.

(4) Where, in conformity with a scheme, 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.

(5) No person shall be liable to any penalty in respect of a contravention of any scheme if he proves that the contravention was necessary for the performance of a contract which, by reason of subsections (1) and (2) of this section, was not, at the time of the contravention, void or unenforceable.

PART I
—cont.
Registration
of certain
contracts.

18.—(1) It shall be the duty of the board, on the application of any party to such a contract as is referred to in subsection (1) of the last foregoing section, not being such a contract as is referred to in subsection (3) of that section, to register the contract within the period of fourteen days after the application is made unless—

- (a) the application is made after the said subsection (1) has, by virtue of subsection (2) of the last foregoing section, ceased to apply to the contract; or
- (b) in the case of a contract made during the relevant period, the board are of opinion that the contract was made with a view to evading the operation of the scheme by or under which the performance of the contract is prohibited.

(2) If any party to a contract is aggrieved by the omission of a board to register the contract within the period referred to in the foregoing subsection, he may, within twenty-one days after the expiration of that period, appeal to the court, and, pending the determination of any such appeal, subsection (1) of the last foregoing section shall, notwithstanding anything in subsection (2) of that section, continue to apply to the contract.

(3) On any appeal under this section, the board concerned and any party to the contract may appear and be heard, and if, on the hearing of any such appeal, the court finds—

- (a) that the application for registration of the contract was made before the expiration of the period on the expiration of which subsection (1) of the last foregoing section ceased, by virtue of subsection (2) of that section, to apply to the contract, and
- (b) 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,

the court shall by order direct the registration of the contract, and thereupon the contract shall be deemed to have been registered as from the date of the order.

(4) Where the court does not by order direct the registration of a contract, being a contract made during the relevant period, any party to the contract who is certified by the court to have entered into the contract in good faith without a view to evading the operation of the scheme may recover the amount of any damage suffered by him by reason of the avoidance of the contract from any other party to the contract who is certified by the court to have entered into the contract with a view to evading the operation of the scheme.

(5) Subject to the provisions of section one hundred and eleven of the County Courts Act, 1934 (which provides for the removal into the High Court of any proceedings commenced in a county

court), the jurisdiction of the court under this section with respect to any contract shall be exercised by the county court within the district of which any party to the contract has dwelt or carried on business at any time during the period within which the appeal may be brought:

Provided that if, before proceedings in respect of an appeal under this section are commenced in the county court, the board concerned and all parties to the contract agree that the appeal should be heard by the High Court, the jurisdiction of the court under this section shall be exercised by the High Court.

(6) For the purposes of this section, “the relevant period”, in relation to a scheme, means a period beginning twelve months before the date when notice of the submission of the scheme was published in the Gazette and ending six months after the expiration of the suspensory period, or, in the case of a substitutional scheme, ending six months after the date when the scheme comes into force.

(7) In the application of this section to Scotland the following subsection shall be substituted for subsection (5):—

“(5) The jurisdiction of the court under this section with respect to any contract shall be exercised by the sheriff within whose jurisdiction any party to the contract has dwelt or carried on business at any time during the period within which the appeal may be brought:

Provided that—

- (a) if, before proceedings in respect of an appeal under this section are commenced in the sheriff court, the board concerned and all parties to the contract agree that the appeal should be heard by the Court of Session, the jurisdiction of the court under this section shall be exercised by the Court of Session ; and
- (b) it shall be lawful for the Court of Session, on the application of the board concerned or of any party to the contract, to require any appeal to the sheriff under this section to be remitted to the Court of Session”.

Relations of Boards with Ministers, etc.

19.—(1) The Minister shall appoint two committees (hereafter in this Act referred to as a “consumers’ committee” and a “committee of investigation”) for Great Britain, for England and Wales and for Scotland respectively. Consumers’ committees and committees of investigation.

(2) A consumers’ committee shall—

- (a) consist of a chairman and of not less than six other members, who shall be such persons as appear to the

PART I
—cont.

Minister, after consultation as to one member with the Co-operative Union, to represent the interests of the consumers of all the products the marketing of which is for the time being regulated by schemes approved by the Minister ; and

(b) be charged with the duty of considering and reporting to the Minister on—

(i) the effect of any scheme approved by the Minister, which is for the time being in force, on consumers of the regulated product ; and

(ii) any complaints made to the committee as to the effect of any such scheme on consumers of the regulated product.

(3) A committee of investigation shall—

(a) consist of a chairman and either four or five other members ; and

(b) be charged with the duty, if the Minister in any case so directs, of considering, and reporting to the Minister on, any report made by a consumers' committee and any complaint made to the Minister as to the operation of any scheme which, in the opinion of the Minister, could not be considered by a consumers' committee under the last foregoing subsection.

(4) On receiving the report of a committee of investigation under this section the Minister shall forthwith publish the conclusions of the committee in such manner as he thinks fit.

(5) For the purpose of enabling any committee appointed under this section to consider any matter which it is their duty under this section to consider, the board administering the scheme to which the matter relates shall furnish the committee with such accounts and other information relating to the affairs of the board as the committee may reasonably require, and shall be entitled to make representations to the committee with respect to the matter in such manner as may be prescribed by regulations made by the Minister under this Part of this Act with respect to the procedure of the committee.

(6) If a committee of investigation report to the Minister that any provision of a scheme or any act or omission of a board administering a scheme is contrary to the interests of consumers of the regulated product, or is contrary to the interests of any persons affected by the scheme and is not in the public interest, the Minister, if he thinks fit so to do after considering the report—

(a) may by order make such amendments in the scheme as he considers necessary or expedient for the purpose of rectifying the matter ;

- (b) may by order revoke the scheme ;
- (c) in the event of the matter being one which it is within the power of the board to rectify, may by order direct the board to take such steps to rectify the matter as may be specified in the order, and thereupon it shall be the duty of the board forthwith to comply with the order.

PART I
—cont.

Before taking any action under this subsection the Minister shall give the board notice of the action which he proposes to take and shall consider any representations made by the board within fourteen days after the date of the notice.

(7) The Minister may at any time, after consultation with the board concerned, by order revoke or vary any order in force under paragraph (c) of the last foregoing subsection so as either—

- (a) to withdraw the whole or any part of the directions in force thereunder ; or
- (b) to vary or add to those directions in any manner which he thinks necessary or expedient in order better to attain the purposes for which those directions were given :

Provided that, except with the consent of the board, the Minister shall not vary or add to any directions under paragraph (b) of this subsection where, in his opinion, the need for the variation or addition arose from circumstances not obtaining at the date when the directions were given.

Any order made under this subsection shall state the general nature of the reasons for the making thereof.

(8) Any order made under paragraph (a) of subsection (6) of this section, under paragraph (c) of that subsection or under the last foregoing subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament, and any order made under paragraph (b) of the said subsection (6) shall not take effect unless it has been approved by a resolution of each House of Parliament.

(9) In considering for the purpose of this section whether any person represents the interests of consumers of any product, or whether any provision of a scheme or any act or omission of a board is contrary to the interests of consumers of any product, regard shall be had to the interests of persons who purchase the product, or commodities produced wholly or partly therefrom, for their own consumption or use and not to the interests of persons who purchase the product, or such commodities as aforesaid, for the purpose of any trade or industry carried on by them.

PART I

—cont.

Directions by
Ministers
to boards
as respects
certain
matters.

20.—(1) This section shall have effect with respect to any powers exercisable by a board by virtue of any provision of a scheme providing for any of the following matters, that is to say—

- (a) for empowering the board to buy the regulated product, to produce commodities from that product, and to sell the regulated product and any commodity so produced by the board ;
- (b) for the determination from time to time—
 - (i) of the quantity of the regulated product, or of any description thereof, which may be sold by any registered producer ;
 - (ii) of the descriptions of the regulated product which may be sold by any registered producer ;
 - (iii) of the price at, below or above which, the terms on which, and the persons to whom, or through the agency of whom, the regulated product, or any description or quantity thereof, may be sold by any registered producer ;

and references in the following provisions of this section to acts or omissions of the board shall be construed as references to acts or omissions of the board in the exercise of any of the said powers.

(2) Subject to the provisions of this section, if it appears to the Minister that the result, or one of the results, of any act or omission of the board or intended act or omission of the board is or will be either—

- (a) to restrict the purposes for which the regulated product, or any description thereof, is used, or to limit the quantity of the regulated product, or of any description thereof, which is used for any particular purpose, or
- (b) to limit the quantity of the regulated product, or of any description thereof, or of any commodity produced therefrom, which is produced or sold, whether by registered producers or by other persons, or
- (c) to regulate the price at which the regulated product, or any description or quantity thereof, or any commodity produced therefrom, is sold, whether by registered producers or by other persons, or
- (d) to limit the classes of persons to whom or through the agency of whom the regulated product, or any description or quantity thereof, or any commodity produced therefrom, is sold, whether by registered producers or by other persons,

and that that result is or will be contrary to the public interest, the Minister may by order give to the board such directions as

to their acts or omissions as he considers necessary or expedient for the purpose of preventing that result or, as the case may be, preventing or mitigating the damage to the public interest entailed thereby, and it shall be the duty of the board to comply with that order:

Provided that nothing in this subsection shall be construed as authorising or requiring the board to do anything which they have no power to do under the scheme.

(3) Before making an order under subsection (2) of this section, the Minister shall give to the board notice in writing stating the general nature of the action which he proposes to take and of his reasons for taking it, and shall not make any order under that subsection for at least twenty-eight days after the date of the notice, and if, within the said period of twenty-eight days or such longer period as the Minister may allow, the board request that the question whether or not any such act or omission or intended act or omission of the board as is referred to in the notice has or will have any such result as is mentioned in paragraphs (a) to (d) of the said subsection (2), and, if so, whether or not that result is or will be contrary to the public interest, should be referred to a committee of investigation, the Minister shall refer that question to the committee of investigation accordingly and shall not make any order under that subsection until he has considered their report.

(4) Where a question has been referred to a committee of investigation under the last foregoing subsection, it shall be the duty of the committee to consider that question and report to the Minister thereon, and the Minister on receiving their report shall forthwith publish the conclusions of the committee in such manner as he thinks fit, shall proceed to consider the report and may then make such order, if any, under subsection (2) of this section as he thinks fit:

Provided that the Minister shall not make any such order except after consulting the board and shall not in any event make any such order unless either—

- (a) the committee report that the relevant act or omission or intended act or omission of the board has or will have any such result as is specified in paragraphs (a) to (d) of the said subsection (2) and that that result is or will be contrary to the public interest; or
- (b) the relevant act or omission or intended act or omission of the board relates to, or to a commodity produced from, a commodity for the time being specified in the First Schedule to the Agriculture Act, 1957.

PART I
—cont.

(5) The Minister may at any time, after consultation with the board concerned, by order revoke or vary any order in force under the said subsection (2) so as either—

- (a) to withdraw the whole or any part of the directions in force thereunder ; or
- (b) to vary or add to those directions in any manner which he thinks necessary or expedient in order better to attain the purposes for which those directions were given :

Provided that, except with the consent of the board, the Minister shall not vary or add to any directions under paragraph (b) of this subsection where, in his opinion, the need for the variation or addition arose from circumstances not obtaining at the date when the directions were given.

(6) Any order made under any of the provisions of this section shall state the general nature of the reasons for the making thereof and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) For the purpose of enabling a committee of investigation to consider any question which it is their duty under this section to consider, the board administering the scheme to which the question relates shall furnish the committee with such accounts and other information relating to the functions of the board as the committee may reasonably require, and shall be entitled to make representations to the committee with respect to that question in such manner as may be prescribed by regulations made by the Minister under this Part of this Act with respect to the procedure of the committee.

Temporary
directions by
Ministers.

21.—(1) Where—

- (a) the Minister serves any such notice as is provided for by subsection (3) of the last foregoing section, or
- (b) the Minister, under subsection (3) of section nineteen of this Act, directs a committee of investigation to consider a report made by a consumers' committee or any complaint made to him as to the operation of any scheme,

the Minister, if he considers it necessary to take immediate action for the purpose of preventing injury to the public interest from any change made or intended to be made by the board in their course of action in any matter which is relevant to the subject of the notice or, as the case may be, of the report or complaint, may, at or after the time of the giving of the notice or direction, make a temporary order giving to the board such directions as to their course of action in that matter as he may think necessary for that purpose, and it shall be the duty of the board to comply with the order :

Provided that nothing in this subsection shall be construed as authorising or requiring the board to do anything which they have no power to do under the scheme.

(2) A temporary order under this section made by the Minister in connection with the service of such a notice as is provided for by subsection (3) of the last foregoing section shall be limited so as to expire on such date as may be specified in the order, not being later than four months after the date of the making thereof:

Provided that if there is any such reference to a committee of investigation as is provided for by the last foregoing section and, at the date so specified in the order, not more than three months have elapsed since the publication by the Minister of the conclusions of the committee, then, subject to the following provisions of this section, the temporary order shall not expire until the expiration of the said period of three months.

(3) A temporary order under this section made in connection with a direction given by the Minister to a committee of investigation under subsection (3) of section nineteen of this Act shall be limited so as to expire not later than twenty-eight days after the date on which the Minister gives to the board such a notice of the action which he intends to take as is provided for by subsection (6) of that section; and where a temporary order is made under this section in connection with such a direction as aforesaid to a committee of investigation, it shall be the duty of the Minister, not later than two months after the publication by the Minister of the conclusions of the committee, either to give such a notice or to revoke the temporary order.

(4) The Minister may by order revoke or vary a temporary order under this section but not so as to extend the operation thereof beyond the periods prescribed by subsections (2) and (3) of this section.

(5) Any order under this section shall state the general nature of the reasons for the making thereof and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Agricultural Marketing Funds

22.—(1) The Agricultural Marketing Fund established by section eleven of the Agricultural Marketing Act, 1931, for the purpose of making loans to boards, and the Agricultural Marketing (Scotland) Fund established by that section for that purpose, shall continue in existence by those names respectively and for that purpose. Agricultural Marketing Funds.

(2) The Agricultural Marketing Fund (hereafter in this section referred to as “the English fund”) shall be administered and controlled by the Minister of Agriculture, Fisheries and Food and the Agricultural Marketing (Scotland) Fund (hereafter in this section referred to as “the Scottish fund”) shall be administered and controlled by the Secretary of State.

PART I
—cont.

(3) There shall be paid, out of moneys provided by Parliament,—

- (a) into the English fund such sums, not exceeding in the aggregate the difference between five hundred thousand pounds and the aggregate amounts already paid into it under subsection (2) of section eleven of the Agricultural Marketing Act, 1931, and
- (b) into the Scottish fund such sums, not exceeding in the aggregate the difference between one hundred and twenty-five thousand pounds and the aggregate amounts already paid into it as aforesaid,

as Parliament may from time to time determine.

(4) Any such loan as aforesaid shall be made—

- (a) in the case of a scheme applicable in England or Wales and also in Scotland, or in both England and Wales and also in Scotland, out of both the English and the Scottish funds in such proportion as may be determined by the Minister ;
- (b) in the case of a scheme applicable only in England and Wales, only in England, or only in Wales, out of the English fund ;
- (c) in the case of a scheme applicable only in Scotland, out of the Scottish fund.

(5) Any sums received by way of interest on any such loan as aforesaid shall be paid to the Treasury, and any sums received by way of repayment of the principal of any such loan shall be paid into the fund out of which the loan was made or, in the case of a loan made out of both funds, into each fund in proportion to the amount of the principal lent thereout.

(6) If, in the opinion of the Treasury, a sum representing the whole or any part of the principal of any such loan as aforesaid is not likely to be recovered, the Treasury may direct that that sum shall be written off the account of the assets of the fund out of which the loan was made or, in the case of a loan made out of both funds, written off the account of the assets of each fund in proportion to the sum lent thereout, and there may, in addition to the sums hereinbefore mentioned, be paid into the fund out of moneys provided by Parliament an amount equal to the sum so written off, but, if any sum is received by way of repayment of the principal of a loan after it has been so written off as aforesaid, that sum shall, instead of being paid into the fund or funds out of which the loan was made, be paid to the Treasury.

(7) The Minister shall cause an account to be prepared and transmitted to the Comptroller and Auditor General for examination on or before the thirtieth day of November in every year, showing the receipts into and issues out of the English and Scottish funds respectively in the financial year ending on the

thirty-first day of March preceding, and, in a case where during that year a sum has been written off the account of the assets of the fund, giving the reasons why it appears that that sum is not likely to be recovered, and the Comptroller and Auditor General shall certify and report upon the account, and the account and report shall be laid before Parliament by the Treasury 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 is next assembled.

PART I
—cont.

23. There shall be appointed by the Minister, after consultation with the Treasury, an Agricultural Marketing Facilities Committee for England and Wales and an Agricultural Marketing Facilities Committee for Scotland, and the Minister shall appoint from the members of the said committees an Agricultural Marketing Facilities Committee for Great Britain, and it shall be the duty of the said committees respectively to consider, and make recommendations with respect to, the making and renewal of loans—

Agricultural
Marketing
Facilities
Committees.

- (a) out of the Agricultural Marketing Fund, to boards administering schemes applicable only in England and Wales, only in England or only in Wales ;
- (b) out of the Agricultural Marketing (Scotland) Fund, to boards administering schemes applicable only in Scotland ;
- (c) out of both funds, to boards administering schemes applicable in England or Wales and also in Scotland, or in both England and Wales and also in Scotland.

24.—(1) The Minister may, on the recommendation of the appropriate Agricultural Marketing Facilities Committee, make to the board administering any scheme approved under this Act a loan of such amount as he thinks necessary for the purpose of providing for expenses incurred in connection with the initial working of the scheme :

Short-term
loans.

Provided that (except in the case of a substitutional scheme) a loan of such amount as the Minister thinks necessary for the purpose of providing for expenses incurred in connection with the initial poll may be made without any such recommendation as aforesaid.

(2) Without prejudice to the generality of the foregoing provisions of this section, any expenses incurred by a board, being expenses incurred by virtue of any of the following provisions of this Act, that is to say, paragraphs (b) and (c) of subsection (1) of section seven, subsection (2) of section thirteen, subsection (2) of section fourteen and subsections (2) to (4) of section fifteen, within the period of one year after the date on which the scheme

PART I
—cont.

came into force, shall, for the purposes of the foregoing subsection, be deemed to be expenses incurred in connection with the initial working of the scheme.

(3) A loan under this section shall be repaid within two years, unless it is renewed as hereinafter provided, and may be made free of interest during any period before renewal, and every such loan shall be made on such terms as the Minister, with the approval of the Treasury, may by regulations prescribe:

Provided that, where a scheme ceases to have effect at or before the expiration of the suspensory period, the amount repayable in respect of any such loan made to the board shall be reduced by the amount of any sums expended by the board under the scheme, or required for the payment of any debt or liability incurred thereunder by the board.

(4) A loan under this section shall not be renewed unless the renewal is recommended by the appropriate Agricultural Marketing Facilities Committee, and that committee shall not recommend the renewal unless they are satisfied that the board are in a position to repay the loan forthwith, that the renewal is required to provide for additional services which the board propose to undertake and that adequate arrangements have been, or will be, made to repay the loan at the expiration of the period for which it is to be renewed.

Long-term
loans.

25. If, in the opinion of the Minister, it is expedient that there should be made to any board a loan which shall not be repayable until the expiration of a period exceeding two years, he may, on the recommendation of the appropriate Agricultural Marketing Facilities Committee, lend to that board such sums as he thinks fit, and every such loan shall be made on such terms and secured in such manner as the Minister, with the approval of the Treasury, may by regulations prescribe:

Provided that the amount outstanding of the loans made under this section shall not at any time exceed in the aggregate one hundred thousand pounds, in the case of the Agricultural Marketing Fund, or fifty thousand pounds, in the case of the Agricultural Marketing (Scotland) Fund.

Constitution
and functions
of Agricultural
Marketing
Reorganisation
Commissions.*Agricultural Marketing Reorganisation Commissions*

26.—(1) The Minister may constitute one or more Agricultural Marketing Reorganisation Commissions for Great Britain and Northern Ireland, for Great Britain, for England, Wales and Northern Ireland, for Scotland and Northern Ireland, for England and Wales and for Scotland, which shall, if the Minister so directs, be charged with the duty of preparing, in accordance with the provisions of this Act, schemes (applicable respectively in Great Britain and Northern Ireland, in Great Britain, in England, Wales and Northern Ireland, in Scotland and

Northern Ireland, in England and Wales only and in Scotland only) for regulating the marketing of such agricultural products as the Minister may direct; and an Agricultural Marketing Reorganisation Commission constituted under this section is hereafter in this section referred to as a "Commission".

(2) Where any scheme has been prepared by a Commission, the Minister shall take such steps as he thinks fit to bring the scheme to the notice of the producers concerned.

(3) A Commission may, and shall, if the Minister so directs, investigate any matter affecting the operation of a scheme prepared or in the course of preparation by them, and shall, if the Minister so directs, investigate any matter affecting the operation of any other scheme, and may, and shall in a case where the Minister has directed the investigation to be held, make such recommendations with respect to the matter investigated as they think expedient, and in particular, but without prejudice to the generality of the foregoing provisions, a Commission may, and shall, if the Minister so directs—

- (a) investigate the extent to which the operation of the scheme can be facilitated by co-operation between the board and other persons, and make such recommendations as the Commission think expedient for promoting such co-operation;
- (b) investigate the extent to which the operation of the scheme is or will be hampered by the fact that facilities for producing commodities from the product to which the scheme relates or for distributing that product or commodities produced therefrom are inadequate, and make such recommendations as the Commission think expedient for securing the improvement of those facilities, either by co-ordinating undertakings engaged in providing those facilities or otherwise;

and where any recommendations have been made under this subsection, the Minister shall take such steps as he thinks fit to bring the recommendations to the notice of persons concerned.

(4) Every Commission shall consist of a chairman and four other members appointed by the Minister.

(5) Every Commission may hold such inquiries as they consider necessary or desirable for the discharge of their functions under this section.

(6) If a Commission report to the Minister—

- (a) that it is necessary for the discharge of their functions under this section that they should inquire into a definite matter specified in the report, being a matter

PART I
—cont.

relating to the place of origin, use, channels of distribution or destination of any agricultural product or of any commodity produced from such a product, or to the quantity of any such product or commodity which is being or has been produced, sold or otherwise dealt with, and

- (b) that they have reason to believe that information with respect to that matter is being, or is likely to be, withheld,

the Minister may make an order providing that, in respect of any meeting of the Commission held for the purpose of inquiring into that matter, at which not less than three members of the Commission are present, the Tribunals of Inquiry (Evidence) Act, 1921, shall apply to the Commission as if the Commission were a tribunal established in manner provided by that Act, and as if that Act had been applied thereto in manner thereby provided.

(7) Where the Tribunals of Inquiry (Evidence) Act, 1921, is applied to a Commission in pursuance of the last foregoing 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 any evidence is being given by any witness summoned before the Commission under that Act as so applied.

(8) A draft of an order under subsection (6) of this section shall be laid before Parliament.

Functions of
Agricultural
Marketing
Reorganisation
Commission
for Scotland
may be
discharged by
other bodies.

27.—(1) The Secretary of State, in lieu of constituting an Agricultural Marketing Reorganisation Commission for Scotland, may by order provide for the vesting of any powers and duties conferred on Agricultural Marketing Reorganisation Commissions by this Act in an existing organisation formed for the purpose of promoting agricultural co-operation in Scotland, or in the governing body of such an organisation :

Provided that no such order shall be made without the consent of the organisation to which it relates.

(2) An order under this section may direct that all or any of the provisions of this Act relating to Agricultural Marketing Reorganisation Commissions shall apply to the organisation to which the order relates or to the governing body thereof, subject to such modifications as may be prescribed by the order, and may, with the approval of the Treasury, direct that the expenses incurred by the organisation or governing body in carrying out any powers or duties imposed on it by the order shall, in lieu of being met in the manner provided by this Act with regard to the said Commissions, be met out of an annual grant to the organisation or governing body of such amount as may from time to time

be determined by the Treasury, and any such grant shall be defrayed out of moneys provided by Parliament.

PART I
—cont.

(3) No order under this section shall come into operation until after it has lain before each House of Parliament for a period of twenty days on which that House has sat, and if within that period either House of Parliament by resolution disapproves the order, the order shall be null, without prejudice, however, to the making of a new order.

(4) In this section “governing body”, in the case of a society registered under the Industrial and Provident Societies Acts, 1893 to 1954, means the committee of management or other directing body of the society and, in the case of a company registered under the Companies Act, 1948, means the directors.

Payment of certain expenses incurred in connection with the preparation of schemes, etc.

28.—(1) Subject to the provisions of this section, the board administering a scheme shall pay to the Minister such sum, if any, as may be certified by him, after consultation with the Treasury, to represent—

Payment of certain expenses by boards.

- (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 a scheme, 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.

(3) The board administering a scheme, not being a substitutional scheme, shall not make any payment under this section before the expiration of the suspensory period, and if a 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.

(4) Any expenses incurred by a board by virtue of this section shall be deemed to be expenses incurred under the scheme.

(5) Any sum received by the Minister under this section shall be paid into the Exchequer.

PART I
—cont.

(6) In the application of this section to Scotland, the 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 the last foregoing section.

Payment of certain expenses out of agricultural marketing funds.

29.—(1) Where a motion made in either House of Parliament on behalf of Her Majesty's Government for the approval of a scheme the draft of which has been laid before that House in accordance with subsection (7) of section two of this 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.

(2) In this section "the appropriate agricultural marketing fund" means—

- (a) in relation to a scheme applicable only in England and Wales, only in England, or only in Wales, the Agricultural Marketing Fund ;
- (b) in relation to a scheme applicable only in Scotland, the Agricultural Marketing (Scotland) Fund ;
- (c) in relation to a scheme applicable in England or Wales and also in Scotland, or in both England and Wales and also 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.

Supplementary

Report to be laid before Parliament.

30. The Ministers shall in every year lay before Parliament a report—

- (a) upon the operation of all the schemes for the time being in force under this Act ; and
- (b) upon the schemes which have been submitted to them since the last report was laid before Parliament under this section but which have not come into force at the date of the report.

Consultation between boards and other persons.

31.—(1) A board 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.

PART I
—cont.

(2) A board 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.

(3) Any expenses incurred by a board by virtue of this section shall be deemed to be expenses incurred under the scheme.

32.—(1) The Minister may appoint a secretary to any commission or committee constituted or appointed under this Part of this Act, and every such commission or committee may employ such officers, agents and servants as the Minister may, with the approval of the Treasury, determine. General provisions as to commissions and committees.

(2) The Minister may pay such remuneration to the chairman and other members and the secretary, officers, agents and servants of any such commission or committee, and such other expenses of any such commission or committee, as the Minister may, with the approval of the Treasury, determine.

(3) The chairman and other members of every such commission or committee shall be appointed by the Minister for such period and subject to such conditions as may be determined by him, and the meetings, quorum and procedure of any such commission or committee shall be regulated in accordance with regulations made by the Minister for the purpose, and every such commission or committee shall have power to act notwithstanding any vacancy among the members thereof.

(4) For the avoidance of doubt, it is hereby declared that this section does not apply to any committee of a board.

(5) Regulations made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) Any expenses incurred by the Minister of Agriculture, Fisheries and Food or a Secretary of State under this section shall be defrayed out of moneys provided by Parliament.

PART I
—cont.

Benefit accruing from Part I to be disregarded in fixing rent under Small Landholders (Scotland) Acts, etc.

33. No benefit that may accrue to a landholder or a statutory small tenant or a crofter from the operation of this Part of this Act shall be taken into account by the Scottish Land Court in fixing a fair or an equitable rent under the Small Landholders (Scotland) Acts, 1886 to 1931, or the Crofters (Scotland) Act, 1955.

PART II

PROVISIONS AS TO MILK MARKETING BOARDS AND MILK MARKETING SCHEMES

Powers of milk marketing boards to make payments to registered producers and other persons in certain cases.

34.—(1) The board administering a milk marketing scheme may submit to the Minister for his approval arrangements for the sale by registered producers, at a reduced price, of any quantity of milk produced in the area to which the scheme applies.

(2) Where any quantity of milk produced in the area to which a milk marketing scheme applies—

- (a) having been sold by a registered producer, has, in any month, been used (elsewhere than at a farm) in manufacturing a milk product, or
- (b) having been produced by a registered producer, has, in any month, been used by the board in manufacturing a milk product, or
- (c) having been produced by a registered producer, has, in any month, been used by that producer in manufacturing cheese at a farm in his occupation, or
- (d) has been produced or sold in any period by a registered producer and has been produced in circumstances determined by the Minister or by the board with the object of securing, so far as practicable, that the milk is pure and free from the infection of any disease, or
- (e) has, in any period, been sold by a registered producer at a reduced price in accordance with arrangements approved by the Minister,

then, without prejudice to any obligation expressly imposed on the board by the scheme, the board may, subject to such conditions as they think fit, pay or allow to the registered producer, in respect of each gallon comprised in that quantity of milk, a sum of such amount as they may determine with respect to that month or that period, as the case may be.

(3) Without prejudice to the foregoing provisions of this section, and notwithstanding any milk marketing scheme in force, the board administering any such scheme shall have power for the purpose of giving effect to any arrangements approved under subsection (1) of this section, to pay or allow to suppliers of milk, or any local authority concerned, subject to such conditions as the board think fit, such sum in respect of each gallon of milk sold as the board may from time to time determine.

(4) For the purposes of this section a farm shall be deemed to include the farmhouse and all buildings occupied together with the farm, but not to include any premises which are for the time being approved as manufacturing premises by the board administering a milk marketing scheme.

(5) In this section "milk product" means cream, butter, cheese, milk powder or condensed milk.

35.—(1) The board administering any milk marketing scheme may from time to time determine the places or areas at, to or within which milk produced in the area to which the scheme applies, or any description or quantity of milk so produced, may be sold, or offered or consigned for sale, or delivered on sale, by any registered producer :

Powers of milk marketing boards to determine places, etc., where milk may be sold by registered producers.

Provided that no determination shall be made under this subsection by any board except after consultation with such a committee as the Minister may have approved for the purpose as representing the interests of purchasers of milk by wholesale.

(2) If any registered producer deals with any milk in contravention of any determination made by the board under the foregoing subsection, then, subject to any provisions of the scheme which prescribe procedure in connection with the recovery of penalties, the disciplinary committee of the board shall impose on, and the board shall recover from, that producer such monetary penalty as the said committee think just, not exceeding one hundred pounds or such greater sum (if any) as may be specified in the scheme in relation to such a contravention as aforesaid.

(3) Any provision of a milk marketing scheme made in pursuance of subsection (4) of section nine of this Act shall apply to a contravention of a determination made by the board under subsection (1) of this section as it applies to a contravention of any provision of the scheme made in pursuance of any of the provisions of this Act which are specified in subsection (3) of the said section nine.

(4) Subsection (2) of this section, in so far as it requires the disciplinary committee of a board administering a milk market-

PART II
—*cont.*

ing scheme to impose penalties on a registered producer and the board to recover penalties from such a producer, shall not be construed as preventing the disciplinary committee, if they find that a contravention of any determination made by the board under subsection (1) of this section has occurred, from postponing the imposition of a penalty for such period as may be specified in the scheme in relation to the contravention of any provision of the scheme made in pursuance of any of the provisions of this Act which are specified in subsection (3) of section nine thereof, but save as aforesaid nothing in this section shall be construed as derogating from the duty imposed by the said subsection (2) to impose and recover penalties.

(5) For the removal of doubt, it is hereby declared that any power of the board administering a milk marketing scheme to determine the price at, below or above which milk produced in the area to which the scheme applies, or any kind, grade or description of milk so produced, may be sold by any registered producer, includes power to determine, in relation to milk so produced or any kind, grade or description of milk so produced, as the case may be, different prices by reference to the different purposes for which it is sold or used.

Powers of milk marketing boards to provide artificial insemination services.

36. Notwithstanding anything in this Act or in any milk marketing scheme in force, the board administering any such scheme shall have power, with the approval of the Minister and subject to any directions which may from time to time be given by him, to provide—

- (a) services of artificial insemination for cattle ;
- (b) services of artificial insemination for pigs.

Powers of milk marketing boards to conserve grass and forage crops.

37. Notwithstanding anything in this Act or in any milk marketing scheme in force, the board administering any such scheme shall have power, with the approval of the Minister, to establish or acquire a centre for the artificial drying of grass and forage crops and to operate and maintain that centre and to carry on any activity reasonably incidental thereto.

Powers of milk marketing boards to recover damages from purchaser of milk in certain cases.

38. Where, in conformity with a milk marketing scheme, any contract whereby a registered producer undertakes to sell, otherwise than to, or through the agency of, the board, any milk produced in the area to which the scheme applies, purports to confer on the board any right to recover from the purchaser the whole or any part of any damages for which the purchaser may be liable under the contract in respect of a breach of warranty on his part, then, without prejudice to the effect of subsection (4) of section seventeen of this Act, 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 II
—cont.

39. The board administering any milk marketing scheme may enter into and carry into effect an agreement with the board administering any other such scheme whereby the first-mentioned board, for such consideration and subject to such conditions as may be specified in the agreement,—

Powers of milk marketing boards to enter into certain agreements with each other.

(a) undertake that, during a period specified in the agreement, they will exercise their powers in such manner as may be so specified ; or

(b) undertake that, during a period specified in the agreement, they will make to the other board payments of such amounts and at such times as may be so specified.

40.—(1) Any consumers' committee may be brought into consultation under subsection (1) of section thirty-one of this Act by the board administering a milk marketing scheme or a milk product marketing scheme, and the functions of consumers' committees shall be extended accordingly.

Extension of functions of consumers' committees in connection with milk marketing schemes.

(2) The board administering a milk marketing scheme or a milk product marketing scheme shall, before exercising any powers conferred on them by the scheme for regulating in any respect the price at which or the terms on which the regulated product, or any description or quantity thereof, may be sold by a registered producer, give to the consumers' committee having jurisdiction with respect to the area to which the scheme applies a written notice that they are considering whether, and if so how, to exercise those powers and shall give to that committee an opportunity of making representations in the matter and consider any representations made in the matter by that committee ; and the functions of consumers' committees shall be extended accordingly.

41.—(1) Where in any scheme made by the Minister of Food under Defence Regulations and in force on the thirty-first day of May, nineteen hundred and forty-nine, for the regulation of the marketing of milk in any area in Scotland provision is made for the administration of the scheme by the board administering a scheme under this Act for some other area, the Secretary of State may, if he is satisfied that that board and at least two-thirds of the registered producers in the first-mentioned area assent, by order provide that the scheme under this Act shall, subject to such modifications as may be specified in the order, apply to the first-mentioned area as if that area had been comprised in the scheme under this Act.

Extension of application of certain schemes for regulation of marketing of milk in Scotland.

P*

PART II
—cont.

(2) Before any order is made under the foregoing subsection, a draft thereof shall be laid before each House of Parliament and the order shall not be made until the draft has been approved by resolution of each House.

There shall be laid before each House of Parliament with any draft order a statement of the evidence on which the Secretary of State is satisfied as to the assent of two-thirds of the registered producers.

(3) An order made under subsection (1) of this section may be varied or revoked by a subsequent order made in the like manner and subject to the like consent and conditions as the original order.

Interpretation
and extent
of Part II.

42.—(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:—

“milk” means cows’ milk;

“milk marketing scheme” means a scheme for regulating the marketing of milk;

“milk product” means any article of food or drink wholly or partly manufactured or derived from milk;

“milk product marketing scheme” means a scheme for regulating the marketing of a milk product.

(2) Any functions conferred on the board administering a milk marketing scheme or a milk product marketing scheme by or under any of the provisions of this Part of this Act, shall, for the purposes of that scheme, be deemed to be conferred on the board by the scheme.

(3) This Part of this Act shall not extend to Northern Ireland.

PART III**REGULATION OF IMPORTATION OF AGRICULTURAL PRODUCTS AND SALES OF HOME-PRODUCED AGRICULTURAL PRODUCTS**Regulation of
importation of
agricultural
products.

43.—(1) Subject to the provisions of this section, the Board of Trade, after consultation with the Minister of Agriculture, Fisheries and Food 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,—

(a) that there have been, or are being, taken all such steps as are practicable and necessary for the efficient re-organisation, by means of agricultural marketing schemes, 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 agreement for the time being in force between Her Majesty and any foreign power or between Her Majesty's Government in the United Kingdom and the government of any other country.

(4) The power of the Board of Trade to make orders under this section shall not be exercisable in relation to livestock, that is to say, cattle, sheep or pigs, or in relation to meat of livestock other than bacon and hams.

(5) 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.

(6) In this section " agricultural marketing scheme " means a scheme for regulating the marketing of an agricultural product either under this Act or under corresponding legislation enacted by the Parliament of Northern Ireland.

PART III—*cont.*

Regulation of sales of home-produced agricultural products.

44.—(1) Where—

- (a) the importation of an agricultural product into the United Kingdom is regulated by an order in force under the last 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, Fisheries and Food 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 Ministers 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.

In this subsection “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.

(2) Nothing in an order under this section shall apply to any product in so far as it is produced outside the United Kingdom.

(3) An 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.

(4) Before making an order under this section, the said Minister and Secretaries of State shall consult the Board of Trade, 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.

(5) Any expenses incurred under this section by the Minister of Agriculture, Fisheries and Food 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.

PART III
—cont.

(6) In this section “agricultural marketing scheme” has the same meaning as in the last foregoing section.

45.—(1) With a view to enabling effect to be given to an order under this Part 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—

Extension by order of powers of boards to enable effect to be given to certain orders under Part III, etc.

(a) modify any scheme in force by inserting therein any provision which the scheme might contain by virtue of any of the following provisions of section six of this Act, that is to say, paragraph (b) of subsection (2), sub-paragraph (i) of paragraph (c) of subsection (2), subsection (3) and subsection (5);

(b) empower the board administering any such scheme 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 scheme, 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 this Part 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.

(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 to give effect to, or to be incidental to, or consequential on, the provisions of the order made in pursuance of paragraph (a) of the foregoing subsection, and such modifications may include a provision requiring the disciplinary committee of the board to impose on, and the board to recover from, any registered producer who contravenes any provision of the

PART III
—*cont.*

scheme which has effect by virtue of the provisions of the order made in pursuance of the said paragraph (a) such monetary penalties as may be specified in the order, and may prescribe the manner in which those penalties may be recovered.

(3) Where by virtue of an order under this section a scheme requires the disciplinary committee of the board to impose on, and the board to recover from, any registered producer who contravenes any provision of the scheme inserted therein by an order made in pursuance of paragraph (a) of subsection (1) of this section such monetary penalties as may be specified in the order, then, for the purposes of subsection (4) of section nine of this Act, and of any provision of the scheme made in pursuance of the said subsection (4), the provision so inserted shall be deemed to be a provision made in pursuance of subsection (2) of section six of this Act.

(4) So much of any scheme as, in pursuance of an order under this section, requires the disciplinary committee to impose penalties on a registered producer and the board to recover penalties from such a producer shall not be construed as preventing the disciplinary committee, if they find that a contravention has occurred, from postponing the imposition of a penalty for such period, not exceeding twelve months, as may be specified in the scheme, but save as aforesaid nothing in this or the last foregoing subsection shall be construed as derogating from the duty to impose and recover penalties imposed by the scheme in pursuance of the said order.

(5) An order under this section shall make such modifications (if any) in the scheme to which the order relates 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.

(6) 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 (b) 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 such fine.

Provisions
as to orders
under Part III.

46.—(1) Every order under this Part of this Act shall be laid before Parliament as soon as may be after it is made.

(2) As soon as may be after any order is made under this Part of 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.

PART III
—cont.

(3) Any order under this Part of this Act shall cease to have effect on the expiration of a period of twenty-eight days after the date on which it is made, unless, before the expiration of that period, it has been approved by resolution of each House of Parliament, so, however, that this provision shall be without prejudice to the validity of anything previously done under the order or to the making of a new order.

In reckoning for the purposes of this subsection any period of twenty-eight days, no account shall be taken of any time during which Parliament is dissolved or prorogued or during which the House of Commons is adjourned for more than four days.

(4) A power conferred by any of the provisions of this Part of this Act to make an order shall be construed as including a power, exercisable in the like manner, to vary or revoke the order by a subsequent order.

PART IV

GENERAL AND SUPPLEMENTARY

47.—(1) No information with respect to any particular undertaking (other than the undertaking of a board) shall, without the consent of the owner of that undertaking, be included in any report laid before Parliament in pursuance of this Act or in any recommendations of an Agricultural Marketing Reorganisation Commission published in pursuance of this Act.

Restrictions on disclosing certain information obtained under Act.

(2) No information obtained by any person in the exercise of any power conferred on him by or under the provisions of this Act relating to polls, or in the exercise of any power conferred by or under Part I of this Act, or Part III thereof, on any board, consumers' committee, committee of investigation or Agricultural Marketing Reorganisation Commission, shall be disclosed by him:

Provided that nothing in this subsection shall restrict the disclosure of information—

- (a) made by a board in compliance with a requirement of the Minister of Agriculture, Fisheries and Food or the Secretary of State under section seventy-two of the Diseases of Animals Act, 1950;
- (b) made for the purposes of legal proceedings (including arbitrations) under this Act or any scheme, or for the purpose of any report of such proceedings;
- (c) if, and in so far as, the disclosure is required or authorised by this Act or any scheme.

PART IV
—*cont.*

(3) Any person who discloses any information in contravention of the last foregoing 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 such fine, or 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 such fine.

Offences committed by bodies corporate.

48. 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.

Power to make rules, etc., exercisable by statutory instrument.

49. Any power conferred on a Minister of the Crown by any provision of this Act to make rules, regulations or orders shall be exercisable by statutory instrument.

Exercise of powers of Board of Trade.

50. Anything 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, any Minister of State with duties concerning the affairs of the Board, any secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President.

Saving for Part I of the Agriculture Act, 1957.

51. The provisions of this Act shall be without prejudice to the powers and duties of the Ministers under Part I of the Agriculture Act, 1957.

Interpretation.

52.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“ agricultural product ” includes—

- (a) any product of agriculture or horticulture ;
- (b) any article of food or drink wholly or partly manufactured or derived from any such product ;
and
- (c) fleeces (including all kinds of wool, whether from a living animal or from a dead animal or from the skin of a dead animal) and the skins of animals ;

“ board ” means a board administering a scheme and, in relation to any scheme, means the board administering that scheme ;

“contravention” includes, in relation to a provision of this Act or of a scheme, a failure to comply with the provision, and the expression “contravene” shall be construed accordingly;

“the Gazette” means—

(a) in relation to a scheme applicable in both England and Wales, or in either England or Wales, the London Gazette, and includes, in relation to a scheme applicable as aforesaid which is also applicable in both Scotland and Northern Ireland or in either Scotland or Northern Ireland, the Edinburgh Gazette and the Belfast Gazette, the Edinburgh Gazette or the Belfast Gazette, as the case may be;

(b) in relation to a scheme applicable in Scotland, the Edinburgh Gazette, and includes, in relation to a scheme applicable as aforesaid which is also applicable in Northern Ireland, the Belfast Gazette;

“initial poll”, in relation to a scheme, means the first poll of registered producers taken on the question whether the scheme shall remain in force;

“the Minister” means—

(a) in relation to any of the matters specified in Part I of the Third Schedule to this Act, the Ministers;

(b) in relation to any of the matters specified in Part II of that Schedule, the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with agriculture in Scotland, acting jointly;

(c) in relation to any of the matters specified in Part III of that Schedule, the said Minister and the Secretary of State concerned with agriculture in Northern Ireland, acting jointly;

(d) in relation to any of the matters specified in Part IV of that Schedule, the said Secretaries of State, acting jointly;

(e) in relation to any of the matters specified in Part V of that Schedule, the said Minister;

(f) in relation to any of the matters specified in Part VI of that Schedule, the Secretary of State concerned with agriculture in Scotland;

“the Ministers” means the Minister of Agriculture, Fisheries and Food and the Secretaries of State concerned with agriculture in Scotland and Northern Ireland respectively, acting jointly;

PART IV
—cont.

- “producer” means, in relation to any scheme, any person who produces the regulated product ;
- “registered producer” means, in relation to any scheme, a producer registered under the scheme ;
- “regulated product” means, in relation to any scheme, any product the marketing of which is regulated by the scheme, but does not (except in the expression “consumers of the regulated product”) include any product in so far as it is produced outside the area to which the scheme is applicable ;
- “requisite majority”, in relation to a poll of registered producers, means a majority comprising—
- (a) not less than two-thirds of the total number of registered producers voting on the poll, and
 - (b) such number of registered producers as are together capable of producing not less than two-thirds of the quantity of the regulated product which all the registered producers voting on the poll are together capable of producing ;
- “scheme” means a scheme under this Act ;
- “substitutional scheme” means a scheme which revokes one or more existing schemes, and is such that at the time when it comes into force—
- (a) every person is entitled to be registered as a producer thereunder who was entitled to be registered as a producer under the existing scheme or one or more of the existing schemes ; and
 - (b) no person is entitled to be registered as a producer thereunder who was not entitled to be registered as a producer under the existing scheme or any of the existing schemes ;
- “suspensory period”, in relation to a scheme, means a period beginning on the date when the scheme is approved and ending at the expiration of such period (not being less than one month or more than two months) beginning on the date of the declaration of the result of the initial poll, as may be provided by the scheme.

(2) A declaration by the Minister, contained in an order approving a scheme, that the scheme is a substitutional scheme shall be conclusive evidence of that fact.

(3) For the purposes of a scheme regulating the marketing of livestock of any kind, every person whose business it is to keep livestock of that kind for the purpose of breeding from it or selling it in an improved condition shall, except in so far as the scheme otherwise provides, be deemed to produce it.

(4) For the purposes of Part III 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.

(5) Any reference in this Act to any enactment shall, except in so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment.

53.—(1) This Act, except in so far as it is otherwise expressly provided therein, and subject to the provisions of this section, shall extend to Northern Ireland. Provisions as to Northern Ireland.

(2) Legislation enacted, whether before or after the commencement of this Act, 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 this Act ;
- (b) confer on boards administering such schemes all or any of the powers conferred on boards by Part I of this Act ;
- (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 this 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 III of this Act regulating sales of an agricultural product, or
- (ii) a scheme under this Act, or
- (iii) arrangements made by persons producing an agricultural product in Great Britain as to the quantity of that

PART IV
—cont.

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 provision, 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.

(3) Without prejudice to the generality of the powers conferred by paragraph (c) of the last foregoing subsection, 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.

(4) 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, Fisheries and Food and the Secretary of State for Scotland.

(5) The consumers' committees, committees of investigation and Agricultural Marketing Facilities Committees for Great Britain, for England and Wales and for Scotland shall operate, and the Agricultural Marketing Fund and the Agricultural Marketing (Scotland) Fund shall be applicable, in relation to schemes applicable to Northern Ireland or any part thereof, in like manner as they operate and are applicable respectively in relation to schemes not applicable to Northern Ireland or any part thereof, but when any such committee is considering any scheme applicable to Northern Ireland or any part thereof there shall be added thereto as additional members thereof such persons as the Minister may appoint for the purpose.

In this subsection the reference to the Minister includes a reference to the Secretary of State concerned with agriculture in Northern Ireland.

(6) Notwithstanding anything in the Agricultural Returns Act (Northern Ireland), 1939, as amended by any subsequent enactment of the Parliament of Northern Ireland, any returns made under that Act may be used for the purpose of compiling any list under section five of this Act.

(7) Subsection (7) of section six of this Act shall have effect in Northern Ireland as if the words " not being a magistrates' court " were omitted.

(8) Section twelve of this Act shall have effect in Northern Ireland as if for the reference therein to section twenty-one of

the Arbitration Act, 1950, and to section twenty-six of that Act there were substituted respectively a reference to section twenty-two of the Arbitration Act (Northern Ireland), 1937, and to section sixteen of the last-mentioned Act.

(9) Subsection (5) of section eighteen of this Act shall have effect in Northern Ireland as if—

- (a) for the reference therein to section one hundred and eleven of the County Courts Act, 1934, there were substituted a reference to sections thirty-five and thirty-seven of the County Officers and Courts (Ireland) Act, 1877 ;
- (b) for the words “ within the district of which ” there were substituted the words “ having jurisdiction in the area in which ” ;
- (c) references therein to the High Court were references to the High Court of Justice in Northern Ireland.

(10) For the purpose of negotiations between a board administering a scheme which is not applicable to Northern Ireland or any part thereof and the board administering a scheme made under legislation enacted by the Parliament of Northern Ireland for regulating the marketing of an agricultural product, the provisions of section thirty-one of this Act relating to the power of a board to negotiate with other persons shall have effect as if the reference therein to the Minister were a reference to the Minister and the Secretary of State concerned with agriculture in Northern Ireland.

(11) In the application of this Act to Northern Ireland references to summary conviction shall be construed as references to summary conviction under the enactments (including enactments of the Parliament of Northern Ireland) for the time being in force in Northern Ireland relating to summary jurisdiction.

(12) An Act of the Parliament of Northern Ireland may provide that the provisions of Part I of this Act and of this section (except subsections (2), (3), (4) and (10) thereof) shall cease to have effect in Northern Ireland except in relation to schemes already approved before the passing of the first-mentioned Act, and in that event those provisions shall cease to have effect accordingly except in relation to schemes already approved as aforesaid.

54.—(1) The enactments specified in the Fourth Schedule to this Act are hereby repealed to the extent specified in the third Repeals and savings. column of that Schedule.

(2) In so far as any scheme, rule, regulation or order made, certificate or direction given or other thing done under an enactment repealed by this Act could have been made, given or

PART IV
—cont.

done under a corresponding provision of this Act, it shall not be invalidated by the repeal effected by the foregoing subsection but shall have effect as if made, given or done under that corresponding provision :

Provided that this subsection shall not apply to payments made under subsection (2) of section eleven of the *Agricultural Marketing Act, 1931*.

(3) Nothing in this Act shall affect any order made by the Board of Trade under section one of the *Import, Export and Customs Powers (Defence) Act, 1939*, suspending the operation of any order made under section one of the *Agricultural Marketing Act, 1933*, and having effect, by virtue of the last foregoing subsection, as if made under section forty-three of this Act.

(4) Nothing in this Act shall invalidate any provision of any scheme approved before the thirty-first day of May, nineteen hundred and forty-nine, being a provision which was included in that scheme in pursuance of an enactment or part of an enactment repealed by subsection (2) of section twenty of the *Agricultural Marketing Act, 1949*.

(5) Any person holding office or acting or serving under or by virtue of an enactment repealed by this Act shall continue to hold his office or to act or serve as if he had been appointed or authorised under or by virtue of the corresponding provision of this Act.

(6) Any enactment or document referring to an Act or enactment repealed by this Act shall be construed as referring to this Act or to the corresponding provision of this Act.

(7) The mention of particular matters in this section shall not affect the general application to this Act of section thirty-eight of the *Interpretation Act, 1889* (which relates to the effect of repeals).

**Short title and
commence-
ment.**

55.—(1) This Act may be cited as the *Agricultural Marketing Act, 1958*.

(2) This Act shall come into operation at the expiration of one month beginning with the date of its passing.

SCHEDULES

FIRST SCHEDULE

Section 2.

AMENDMENT AND REVOCATION OF SCHEMES

1.—(1) Subject to the provisions of this paragraph, an amendment of a scheme may be submitted to the Minister for his approval by the board.

(2) Before an amendment of a scheme is submitted to the Minister under this paragraph the amendment shall be published in the prescribed manner to all registered producers and if, within the prescribed period after it has been so published, a poll on the question whether it shall be submitted to the Minister is demanded by the prescribed number or the prescribed proportion, as the case may be, of the registered producers, the amendment shall not be submitted to the Minister unless a poll on that question has been taken and the result thereof shows that the requisite majority of registered producers has voted in favour of its submission.

In this sub-paragraph “prescribed” means prescribed by the scheme.

(3) No scheme shall be amended so as to be applicable to any area to which it would not have been applicable without amendment.

(4) Where an amendment of a scheme is duly submitted to the Minister in accordance with the foregoing provisions of this paragraph, the following provisions of section two of this Act, that is to say, subsections (1), (2), (3), (4), (6), (7), (11), (13) and (14), shall apply in relation to the amendment as if it were a scheme, but subject to the following modifications, that is to say:—

- (a) the reference in the said subsection (4) to the following provisions of the said section two shall be construed as including a reference to the provisions of sub-paragraph (3) of this paragraph;
- (b) for the said subsection (6) there shall be substituted the following subsection:—

“(6) 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”;

- (c) in the said subsection (7) for the words “the more efficient production and marketing of the regulated product” there shall be substituted the words “the more efficient operation

1st SCH.
—cont.

of the scheme” and the words “subject to subsection (9) of this section” shall be omitted ; and

- (d) except in a case where the Minister is required by the said subsection (3) as applied by this sub-paragraph to direct a public inquiry to be held, the provisions of the said subsection (7) requiring a draft to be laid before Parliament and approval of the draft by Parliament before the Minister approves a scheme, and the provisions of the said subsection (11) requiring that the date specified in the order shall be after the latest date on which either House of Parliament resolves that the scheme shall be approved, shall not apply.

2. If a demand for a poll on the question whether a scheme shall be revoked is made to the board in the prescribed manner and by the prescribed number or the prescribed proportion, as the case may be, of the registered producers, the board shall forthwith cause a poll of the registered producers to be taken on that question, and if the result of the poll shows that there have voted in favour of the revocation of the scheme—

- (a) more than half the total number of registered producers voting on the poll, and
- (b) such number of registered producers as are together capable of producing more than half the quantity of the regulated product which all the registered producers voting on the poll are together capable of producing,

the board shall, as soon as practicable after the declaration of the result of the poll, communicate the result thereof to the Minister, and the Minister shall thereupon by order revoke the scheme :

Provided that, without the consent of the board, no poll shall be taken under this paragraph—

- (i) in the case of a scheme other than a substitutional scheme, within two years after the date of the declaration of the result of the initial poll ; or
- (ii) in the case of any scheme, within the prescribed period after the date of the declaration of the result of any previous poll taken under this paragraph.

In this paragraph “prescribed” means prescribed by the scheme.

3. A scheme may be revoked by a subsequent scheme, and where 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 and for the continuation by or against the new board of any legal proceedings pending by or against the existing board.

In this paragraph “new board” means the board administering the subsequent scheme, and “existing board” means the board administering the scheme revoked.

4. The Minister shall by order revoke a scheme if an order is made for the winding up of the board.

5. Without prejudice to any other powers conferred on him by this Act, the Minister, if he is of opinion that any provision of a scheme or any act or omission of a board is contrary to the interests of consumers of the regulated product, or is contrary to the interests of a substantial number of persons affected by the scheme and is not in the public interest, may lay before Parliament a draft of an order revoking the scheme, and if each House of Parliament resolves that the order shall be approved, the Minister shall make the order to take effect on such date as may be specified in the order, being a date after the latest date on which either House of Parliament resolves that the order shall be approved.

1ST SCH.
—cont.

In considering for the purposes of this paragraph whether any provision of a scheme or any act or omission of a board is contrary to the interests of consumers of any product, regard shall be had to the interests of persons who purchase the product, or commodities produced wholly or partly therefrom, for their own consumption or use and not to the interests of persons who purchase the product, or such commodities as aforesaid, for the purpose of any trade or industry carried on by them.

6. Where a 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 a repeal of an enactment by another Act.

SECOND SCHEDULE

Section 3.

PROVISIONS AS TO THE INCORPORATION, COMPOSITION AND WINDING UP OF BOARDS AND AS TO THE COMPOSITION OF EXECUTIVE COMMITTEES

1. A board shall be constituted by the scheme as a body corporate with a common seal and power to hold land without licence in mortmain.

2.—(1) The composition of a board shall be such as may be prescribed by the scheme, but the scheme shall be so framed as to secure that—

- (a) the total number of members shall not be less than eight nor, unless for special reasons the Minister thinks fit to allow a greater number, more than twenty-four;
- (b) of the members, not less than two and (provided that there are at least two) not more than one-fifth of the total number of members shall be persons appointed by the Minister as being persons who in his opinion are qualified for appointment as having had experience and shown capacity in commerce, finance, administration, public affairs or the organisation of workers, or as being specially conversant with the interests of consumers of the regulated product;
- (c) subject to the provisions of the scheme as to the filling of casual vacancies in the board, the remaining members shall,—
 - (i) during such period, not being longer than twelve months from the day on which the scheme comes into

2ND SCH.
—cont.

force, as may be specified in the scheme, be persons named in the scheme ;

(ii) after the expiration of the said period, be 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 ;

(d) the executive committee of the board referred to in section three of this Act shall consist of not more than seven members of the board and shall include at least one of the members of the board who are appointed by the Minister.

(2) Notwithstanding anything in this paragraph, provision may be made by a scheme for the board acting notwithstanding any vacancy in the membership thereof.

(3) In this paragraph “ consumers of the regulated product ” means persons who purchase the product, or commodities produced wholly or partly therefrom, for their own consumption or use and not persons who purchase the product, or such commodities as aforesaid, for the purpose of any trade or industry carried on by them.

3. A scheme shall provide for notification to the Minister of the address of the office of the board at which communications and notices will at all times be received, and of any change in that address, and the Minister shall cause a register to be kept showing the address of every board, and the register shall be open for inspection by the public at such times and at such place as he may direct.

4.—(1) A scheme shall provide for the winding up of the board, and for that purpose may apply Part IX of the Companies Act, 1948 (which contains provisions for the winding up of unregistered companies), subject to the modifications set out in the following provisions of this paragraph.

(2) For the purposes of section three hundred and ninety-nine of the Companies Act, 1948, the principal place of business of the board shall be deemed to be the office of the board the address of which is registered by the Minister under the last foregoing paragraph.

(3) Paragraph (b) of subsection (6) of the said section three hundred and ninety-nine shall not apply, and paragraph (c) of that subsection shall apply as if the words “ or any member thereof as such ” were omitted.

(4) A petition for winding up a board may be presented by the Minister as well as by any person authorised under the provisions of the Companies Act, 1948, to present a petition for winding up a company.

5. In the event of the winding up of a board, every person who, at any time during the relevant period, was a registered producer shall be liable to contribute to the payment of the debts and liabilities of the board and to the payment of the costs and expenses of the winding up an amount assessed in such manner and subject to such limitations as may be provided by the scheme, but save as

aforesaid no person shall be liable to contribute to the assets of the board in the winding up by reason only of his being or having been a registered producer or a member of the board.

2ND SCH.
—cont.

In this paragraph "the relevant period" means—

- (a) in a case where, before the commencement of the winding up, the scheme has been revoked, the year immediately before the revocation of the scheme ;
- (b) in any other case, the year immediately before the commencement of the winding up.

6.—(1) Where a scheme is revoked by a subsequent scheme, the subsequent scheme may provide for the dissolution, without winding up, of the board administering the scheme revoked.

(2) The board administering a scheme shall not be deemed to be dissolved by reason only that the scheme has been revoked, and, except in a case where the board are dissolved under the foregoing sub-paragraph without winding up, so much of the scheme as relates to the winding up of the board shall continue in force notwithstanding the revocation.

THIRD SCHEDULE

Section 52.

MATTERS REFERRED TO IN THE DEFINITION OF "THE MINISTER"

PART I

Matters in relation to which the Minister of Agriculture, Fisheries and Food and the Secretaries of State concerned with agriculture in Scotland and Northern Ireland respectively are denoted by the expression "the Minister".

1. Any scheme applicable in either England or Wales, or in both England and Wales, which is also applicable in Scotland and in Northern Ireland.
2. An Agricultural Marketing Reorganisation Commission for Great Britain and Northern Ireland.

PART II

Matters in relation to which the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with agriculture in Scotland are denoted by the expression "the Minister".

1. Any scheme applicable in either England or Wales, or in both England and Wales, which is also applicable in Scotland but is not applicable in Northern Ireland.
2. The consumers' committee for Great Britain.
3. The committee of investigation for Great Britain.
4. The Agricultural Marketing Facilities Committee for Great Britain.
5. An Agricultural Marketing Reorganisation Commission for Great Britain.

3RD SCH.
—cont.

PART III

Matters in relation to which the Minister of Agriculture, Fisheries and Food and the Secretary of State concerned with agriculture in Northern Ireland are denoted by the expression "the Minister".

1. Any scheme applicable in either England or Wales, or in both England and Wales, which is also applicable in Northern Ireland but is not applicable in Scotland.
2. An Agricultural Marketing Reorganisation Commission for England, Wales and Northern Ireland.

PART IV

Matters in relation to which the Secretaries of State concerned with agriculture in Scotland and Northern Ireland respectively are denoted by the expression "the Minister".

1. Any scheme applicable in both Scotland and Northern Ireland, but not in either England or Wales.
2. An Agricultural Marketing Reorganisation Commission for Scotland and Northern Ireland.

PART V

Matters in relation to which the Minister of Agriculture, Fisheries and Food is denoted by the expression "the Minister".

1. Any scheme applicable only in England and Wales, only in England or only in Wales.
2. The consumers' committee for England and Wales.
3. The committee of investigation for England and Wales.
4. The Agricultural Marketing Fund.
5. The Agricultural Marketing Facilities Committee for England and Wales.
6. An Agricultural Marketing Reorganisation Commission for England and Wales.

PART VI

Matters in relation to which the Secretary of State concerned with agriculture in Scotland is denoted by the expression "the Minister".

1. Any scheme applicable only in Scotland.
2. The consumers' committee for Scotland.
3. The committee of investigation for Scotland.
4. The Agricultural Marketing (Scotland) Fund.
5. The Agricultural Marketing Facilities Committee for Scotland.
6. An Agricultural Marketing Reorganisation Commission for Scotland.

FOURTH SCHEDULE
ENACTMENTS REPEALED

Section 54.

Session and Chapter	Short Title	Extent of Repeal
21 & 22 Geo. 5. c. 42.	The Agricultural Marketing Act, 1931.	The whole Act.
23 & 24 Geo. 5. c. 31.	The Agricultural Marketing Act, 1933.	The whole Act except section twenty.
24 Geo. 5. c. 1.	The Agricultural Marketing (No. 2) Act, 1933.	The whole Act.
24 & 25 Geo. 5. c. 51.	The Milk Act, 1934.	The whole Act except section ten.
1 Edw. 8 & 1 Geo. 6. c. 66.	The Milk (Amendment) Act, 1937.	The whole Act.
2 & 3 Geo. 6. c. 46.	The Milk Industry Act, 1939.	The whole Act.
9 & 10 Geo. 6. c. 29.	The Agriculture (Artificial Insemination) Act, 1946.	Section five.
12, 13 & 14 Geo. 6. c. 37.	The Agriculture (Miscellaneous Provisions) Act, 1949.	Section six and in section fifteen, subsection (2).
12, 13 & 14 Geo. 6. c. 38.	The Agricultural Marketing Act, 1949.	The whole Act.
14 Geo. 6. c. 36	The Diseases of Animals Act, 1950.	In section seventy-two, subsection (2).
5 & 6 Eliz. 2. c. 57.	The Agriculture Act, 1957.	Section twenty-nine.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
County Officers and Courts (Ireland) Act, 1877	40 & 41 Vict. c. 56.
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Tribunals of Inquiry (Evidence) Act, 1921	11 & 12 Geo. 5. c. 7.
Trusts (Scotland) Act, 1921	11 & 12 Geo. 5. c. 58.
Trustee Act, 1925	15 & 16 Geo. 5. c. 19.
Agricultural Credits Act, 1928	18 & 19 Geo. 5. c. 43.
Agricultural Credits (Scotland) Act, 1929	19 & 20 Geo. 5. c. 13.
Agricultural Marketing Act, 1931	21 & 22 Geo. 5. c. 42.
Agricultural Marketing Act, 1933	23 & 24 Geo. 5. c. 31.
County Courts Act, 1934	24 & 25 Geo. 5. c. 53.
Import, Export and Customs Powers (Defence) Act, 1939	2 & 3 Geo. 6. c. 69.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
Companies Act, 1948	11 & 12 Geo. 6. c. 38.
Agricultural Marketing Act, 1949	12, 13 & 14 Geo. 6. c. 38.
Arbitration Act, 1950	14 Geo. 6. c. 27.
Diseases of Animals Act, 1950	14 Geo. 6. c. 36.
Crofters (Scotland) Act, 1955	3 & 4 Eliz. 2. c. 21.
Agriculture Act, 1957	5 & 6 Eliz. 2. c. 57.

CHAPTER 48

An Act to amend section fifty-four of the Metropolitan Police Act, 1839, for the purpose of increasing the maximum penalty for threatening, abusive or insulting words or behaviour in any thoroughfare or public place. [23rd July, 1958]

BE it enacted by the Queen'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 section fifty-four of Metropolitan Police Act, 1839.
2 & 3 Vict. c. 47.

Short title and citation.

1. Every person who is convicted of an offence under paragraph 13 of section fifty-four of the Metropolitan Police Act, 1839, shall be liable on summary conviction to a fine not exceeding ten pounds or in the case of a second or subsequent conviction to a fine not exceeding twenty pounds.

2. This Act may be cited as the Metropolitan Police Act, 1839 (Amendment) Act, 1958, and this Act and the Metropolitan Police Acts, 1829 to 1952, may be cited together as the Metropolitan Police Acts, 1829 to 1958.

CHAPTER 49

An Act to control the making of representations by traders with respect to the employment or assistance of blind or other disabled persons in connection with the production, preparation, packing or sale of goods, and for purposes connected therewith. [23rd July, 1958]

BE it enacted by the Queen'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:—

Sellers of goods advertised as made by, or sold for benefit of, blind or otherwise disabled persons, to be registered.

1.—(1) It shall not be lawful, in selling or soliciting orders for goods of any description in the course of a business carried on by any person, for any representation that, or implying that, blind or otherwise disabled persons, or any description of such persons,—

(a) are employed in the production, preparation or packing of the goods or,

- (b) benefit (otherwise than as users of the goods) from the sale of the goods or the carrying on of the business,

to be made in the course of visits from house to house, or by post, unless the person carrying on the business is registered under this Act in respect of goods of that description; and any person who contravenes this subsection shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(2) The foregoing subsection shall not apply where the business is being carried on—

(a) by a local authority, or

(b) by any fund, institution, association or undertaking which is registered or exempted from registration under the War Charities Act, 1940 or that Act as extended by section forty-one of the National Assistance Act, 1948, or
3 & 4 Geo. 6. c. 31.
11 & 12 Geo. 6. c. 29.

(c) by a company, association or body providing facilities under section fifteen of the Disabled Persons (Employment) Act, 1944 in pursuance of arrangements under subsection (2) of that section, or
7 & 8 Geo. 6. c. 10.

(d) by any body of persons exempted by the Minister of Labour and National Service (hereinafter referred to as “the Minister”) from the operation of the foregoing subsection, being a body appearing to the Minister to be carrying on business without profit to its members,

or where the person carrying on the business is substantially disabled and all goods with respect to which the representation is made were either produced, prepared, packed or otherwise made ready for sale by his own labour.

(3) In England or Wales a local authority may institute proceedings for an offence under this section.

(4) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

(5) In this section “house” includes a place of business, and “local authority” means the council of a county, county borough or county district or a metropolitan borough or the Common Council of the City of London, or, in Scotland, a county or town council.

(6) This section shall come into operation on the first day of January, nineteen hundred and fifty-nine.

Registration
for purposes
of Act.

2.—(1) Registration under this Act shall be effected by the Minister on applications made to him and in accordance with the following provisions of this section.

(2) The Minister shall not register a person under this Act unless the Minister is satisfied, in relation to goods of the description as respects which registration is applied for,—

(a) that the extent and nature of the employment for substantially disabled persons, or any description of such persons, to be provided by the applicant for registration in connection with the production, preparation, packing or sale of the goods, or as the case may be the benefit to such persons, or any description of such persons, to be provided by the sale of the goods or the carrying on of the business, is such that such representations as are mentioned in subsection (1) of the foregoing section can reasonably and properly be made in relation to the goods, and

(b) that the relevant representations which it is proposed to make will fairly convey the extent and nature of the said employment or benefit;

and the Minister shall not proceed with an application for registration under this Act until the expiration of twenty-one days from the publication, in a newspaper the area of circulation of which is such as to be adequate to inform persons likely to be concerned, of an advertisement by the applicant stating that the applicant proposes to apply for registration, specifying the description of goods in respect of which registration is applied for, and stating that representations with respect to the application may be made to the Minister within fourteen days after the publication of the advertisement.

(3) Registration under this Act may be granted either for a specified period or indefinitely.

(4) The Minister may impose requirements on persons registered under this Act for securing the matters specified in paragraph (a) or (b) of subsection (2) of this section.

(5) If at any time while a person is registered under this Act in respect of goods of any description the Minister is not satisfied of the matters specified in paragraph (a) of subsection (2) of this section, or is satisfied that relevant representations are made which do not fairly represent the extent and nature of the employment or benefit provided as aforesaid, the Minister shall cancel the registration; and if any requirement imposed under the foregoing subsection on a person registered under this Act is not complied with the Minister may cancel the registration.

(6) On an application for registration under this Act the applicant shall furnish such information as the Minister may require with respect to—

- (a) the number of persons to be employed by the applicant in connection with the production, preparation, packing and sale of goods of the description to which the application relates, the capacities in which or operations in which they are to be so employed, and the proportion of the whole, or of those to be employed in particular capacities or operations, which consists of persons who are substantially disabled or of any description of such persons;
- (b) the terms of employment, and in particular the remuneration, of persons to be employed as aforesaid who are substantially disabled or of any description of such persons;
- (c) the source from which the applicant will obtain the goods of the description in question to be offered for sale by the applicant, where they are not to be produced by the applicant, and the persons by whom such goods will be prepared or packed where the goods are not to be prepared, or as the case may be packed, by the applicant;
- (d) the nature of the representations with respect to employment of, or benefit to, substantially disabled persons which it is proposed to make in connection with the sale of the goods, and, where it is proposed to make the representations in relation to a particular description of such persons, the nature of that description of persons,

and with respect to any other matters relevant to determining whether the applicant should be registered.

(7) At any time while a person is registered under this Act the Minister may require him to furnish such information as may be relevant to the exercise by the Minister of his powers of cancelling registration; and if any person required to furnish such information fails to do so without reasonable excuse the Minister may cancel his registration.

(8) On the registration of any person under this Act the Minister shall send to him a certificate of registration, and if the registration is for a period the certificate shall specify the date of expiration of that period; and where the Minister refuses to register a person, imposes any requirement on a person under subsection (4) of this section (whether on registration or subsequently) or cancels any registration he shall send notice in writing of the refusal, requirement or cancellation to the applicant for registration or, as the case may be, the person to whom the registration relates.

Any certificate or notice under this subsection may be sent by post to the usual or last known address of the person to whom it is to be sent.

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(9) A certificate purporting to be signed by or on behalf of the Minister that any person was or was not on any date specified in the certificate, or during any period so specified, registered under this Act in respect of goods of a description so specified shall be evidence until the contrary is proved of the facts certified.

(10) In this section "relevant representation" means a representation such as is mentioned in subsection (1) of the foregoing section, being a representation made or to be made in selling or soliciting orders for the goods in question and in the course of visits from house to house or by post.

Appeals against
refusal to
register,
requirements,
and
cancellations

3.—(1) Where the Minister refuses to register an applicant for registration under this Act the applicant may appeal to a magistrates' court acting for the petty sessions area comprising the appellant's place of business; and the court, if satisfied of the matters specified in paragraphs (a) and (b) of subsection (2) of the foregoing section, shall direct the Minister to register the applicant.

(2) Any person aggrieved by any requirements imposed on him under subsection (4) of the foregoing section, by his being registered for a period, or by the shortness of the period for which he is registered, may appeal to a magistrates' court acting as aforesaid; and the court may vary or cancel the requirements or give directions to the Minister as to the duration of the registration, as the case may require.

(3) Where the Minister cancels a registration under this Act, the person registered may appeal to a magistrates' court acting as aforesaid; and the court, if satisfied that grounds did not exist for the cancellation of the registration or, in the case of cancellation for a breach of a requirement or failure to furnish information, that the registration ought not to have been cancelled, shall annul the cancellation.

(4) The time within which such an appeal may be brought shall be twenty-one days from the sending, in pursuance of subsection (8) of the foregoing section, of the relevant notice or certificate to the person appealing.

(5) An appeal shall lie to quarter sessions from the decision of a magistrates' court under this section.

(6) The cancellation of a registration under this Act shall not have effect until the time for appealing has expired or, if an appeal is brought, until either the appeal is abandoned or all proceedings thereon or in consequence thereof are determined.

(7) In the application of this section to Scotland, for references to a magistrates' court acting for the petty sessions area comprising the appellant's place of business there shall be substituted references to the sheriff having jurisdiction in the place where the appellant's place of business is situated, and subsection (5) shall be omitted.

4.—(1) The references in subsection (1) of section one of this Act to blind or otherwise disabled persons are references to persons under any disability, whether physical or mental, attributable to illness, injury, imperfect development or congenital deformity. Interpretation
of references
to disablement.

(2) The references in this Act to substantially disabled persons are references to persons substantially handicapped, whether permanently or not, by any such disability as aforesaid.

5.—(1) This Act may be cited as the Trading Representations (Disabled Persons) Act, 1958. Short title
and extent.

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

CHAPTER 50

An Act to make provision as to the erection and maintenance of omnibus shelters and queue barriers by local authorities in Scotland; and for purposes connected therewith. [23rd July, 1958]

BE it enacted by the Queen'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 a local authority may provide and maintain in any highway within their district which is comprised in the route of public service vehicles or on any land abutting on such a highway, at stopping places on the route, shelters for the use of persons intending to travel on such vehicles and barriers or posts for controlling the movement of such persons. Provision of
omnibus
shelters, etc.

(2) Any local authority, or any person authorised to run public service vehicles, may enter into and carry into effect any agreement with a local authority with respect to the provision and maintenance of shelters or barriers or posts under this section by the last-mentioned authority; and any such agreement may in particular provide for the payment by the first-mentioned authority or person of the whole or any part of the cost of the provision and maintenance of the shelters or barriers or posts.

Consents to
exercise of
powers under
s. 1.

2.—(1) A local authority shall not have power by virtue of section one of this Act to provide a shelter or barriers or posts in any such situation or position as is described in the first column of the following Table, except with the consent of the person named in the second column of that Table:—

TABLE

	In any highway for which there is a highway authority other than the local authority, or on land abutting on any such highway.	The highway authority.
	In any highway belonging to and repairable by any railway, dock, harbour, canal, inland navigation or passenger road transport undertakers and forming the approach to any station, dock, wharf or depot of those undertakers.	The undertakers.
12, 13 & 14 Geo. 6. c. 67.	In any highway provided and maintained for the purposes of civil aviation under section 16 (1) of the Civil Aviation Act, 1949.	The Minister.
	On any bridge not vested in the local authority or on the approaches to any such bridge.	The authority or other person in whom the bridge is vested.
	On any bridge carrying a highway over any railway, canal or inland navigation, or on the approaches to any such bridge, or under any bridge carrying a railway, canal or inland navigation over a highway.	The railway, canal or inland navigation undertakers concerned.
10 & 11 Geo. 6. c. 43.	In a position obstructing or interfering with any existing access to any land or premises abutting on a highway.	The owner (as defined by the Local Government (Scotland) Act, 1947) of the land or premises.

(2) Any consent required by this section in respect of a shelter or barriers or posts shall not unreasonably be withheld but may be given subject to any reasonable conditions, including a condition that the local authority shall remove the shelter or barriers or posts either at any time or at or after the expiration of a period if reasonably required so to do by the person giving the consent.

(3) Any dispute as to whether a consent required by this section is unreasonably withheld or is given subject to reasonable conditions, or as to whether the removal of any shelter or barriers or posts in accordance with any condition of the consent is reasonably required shall be determined by arbitration.

3.—(1) Where a shelter or barriers or posts are provided by a local authority under section one of this Act in a position obstructing access to any telegraphic line as defined by the Telegraph Act, 1878, and the Postmaster General notifies the local authority that he requires to obtain access to that line, the authority shall, unless they temporarily remove the shelter or barriers or posts for the purpose of affording such access, or so much thereof as is necessary for that purpose, be liable to repay to the Postmaster General so much of the expenses reasonably incurred by him in obtaining such access as is attributable to the situation of the shelter or barriers or posts.

Supplementary provisions as to omnibus shelters, etc.
41 & 42 Vict. c. 76.

(2) The provisions of the foregoing subsection shall apply in relation to any sewers, pipe-subways, pipes, wires or other apparatus belonging to or maintained by the Minister or any local authority or any gas, electricity, water, hydraulic power, tramcar or trolley vehicle undertakers, as they apply in relation to any such telegraphic line as is therein mentioned, and as if for any reference therein to the Postmaster General there were substituted a reference to the Minister or the local authority or the undertakers, as the case may be.

(3) Any dispute as to the amount (if any) payable by a local authority under the foregoing provisions of this section shall be determined by arbitration.

4.—(1) Where, at any time before the commencement of this Act, a local authority, acting in the exercise of powers conferred under Regulation 54B of the Defence (General) Regulations, 1939, or without statutory powers, have provided accommodation, being any such shelter or barriers or posts as described in section one of this Act, the local authority shall have power by virtue of this section to maintain that accommodation.

Maintenance of existing bus shelters and queue barriers.

(2) The provisions of sections two and three of this Act shall apply to the maintenance of any accommodation under this section, and to accommodation maintained thereunder, as they apply to the provision of accommodation under section one of this Act, and to accommodation provided under that section; but where any consent required under the said section two has been given by any authority or person before the commencement of this Act in respect of the provision of any accommodation to which this section applies, nothing in this subsection shall be construed as requiring any further consent on the part of that authority or person in respect of the maintenance of that accommodation.

5.—There shall be defrayed out of moneys provided by Parliament—

Financial provisions.

(a) any administrative expenses incurred for the purposes of this Act by the Secretary of State or the Minister; and

- (b) any increase in the sums payable out of moneys so provided, under the Local Government (Financial Provisions) (Scotland) Act, 1954, as amended by the Valuation and Rating (Scotland) Act, 1956, which is attributable to the provisions of this Act.
- 2 & 3 Eliz. 2. c. 13.
4 & 5 Eliz. 2. c. 60.
- Arbitration. 6. Any question which is required by this Act to be determined by arbitration shall be determined by a single arbiter agreed upon by the parties or, failing such agreement, appointed by the sheriff on the application of any of the parties to the question.
- Interpretation. 7.—(1) In this Act—
“local authority” means a county council, town council or district council;
“public service vehicle” has the meaning assigned to it by section thirty-nine of the Road Traffic Act, 1956, except that it includes a tramcar or trolley vehicle as defined in section fifty-four of that Act;
“the Minister” means the Minister of Transport and Civil Aviation.
- 4 & 5 Eliz. 2. c. 67.
- (2) Any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
- Short title and extent. 8.—(1) This Act may be cited as the Local Government (Omnibus Shelters and Queue Barriers) (Scotland) Act, 1958.
(2) This Act shall extend only to Scotland.

CHAPTER 51

Public Records Act, 1958

ARRANGEMENT OF SECTIONS

Section

1. General responsibility of the Lord Chancellor for public records.
2. The Public Record Office.
3. Selection and preservation of public records.
4. Place of deposit of public records.
5. Access to public records.
6. Destruction of public records in Public Record Office or other place of deposit.
7. Records for which Master of the Rolls remains responsible.
8. Court records.
9. Legal validity of public records and authenticated copies.

Section

10. Interpretation.
11. Public Record Office Acts to cease to have effect.
12. Northern Ireland.
13. Short title, repeals and commencement.

SCHEDULES:

- First Schedule—Definition of public records.
- Second Schedule—Enactments prohibiting disclosure of information obtained from the public.
- Third Schedule—Consequential amendments.
- Fourth Schedule—Repeals.

An Act to make new provision with respect to public records and the Public Record Office, and for connected purposes. [23rd July, 1958]

BE it enacted by the Queen'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 direction of the Public Record Office shall be transferred from the Master of the Rolls to the Lord Chancellor, and the Lord Chancellor shall be generally responsible for the execution of this Act and shall supervise the care and preservation of public records.

General responsibility of the Lord Chancellor for public records.

(2) There shall be an Advisory Council on Public Records to advise the Lord Chancellor on matters concerning public records in general and, in particular, on those aspects of the work of the Public Record Office which affect members of the public who make use of the facilities provided by the Public Record Office.

The Master of the Rolls shall be chairman of the said Council and the remaining members of the Council shall be appointed by the Lord Chancellor on such terms as he may specify.

(3) The Lord Chancellor shall in every year lay before both Houses of Parliament a report on the work of the Public Record Office, which shall include any report made to him by the Advisory Council on Public Records.

2.—(1) The Lord Chancellor may appoint a Keeper of Public Records to take charge under his direction of the Public Record Office and of the records therein and may, with the concurrence of the Treasury as to numbers and conditions of service, appoint such other persons to serve in the Public Record Office as he may think fit.

The Public Record Office.

(2) The Keeper of Public Records and other persons appointed under this Act shall receive such salaries and remuneration as the Treasury may from time to time direct.

(3) It shall be the duty of the Keeper of Public Records to take all practicable steps for the preservation of records under his charge.

(4) The Keeper of Public Records shall have power to do all such things as appear to him necessary or expedient for maintaining the utility of the Public Record Office and may in particular—

- (a) compile and make available indexes and guides to, and calendars and texts of, the records in the Public Record Office ;
- (b) prepare publications concerning the activities of and facilities provided by the Public Record Office ;
- (c) regulate the conditions under which members of the public may inspect public and other records or use the other facilities of the Public Record Office ;
- (d) provide for the making and authentication of copies of and extracts from records required as evidence in legal proceedings or for other purposes ;
- (e) accept responsibility for the safe keeping of records other than public records ;
- (f) make arrangements for the separate housing of films and other records which have to be kept under special conditions ;
- (g) lend records, in a case where the Lord Chancellor gives his approval, for display at commemorative exhibitions or for other special purposes ;
- (h) acquire records and accept gifts and loans.

(5) The Lord Chancellor may by regulations made with the concurrence of the Treasury and contained in a statutory instrument prescribe the fees which may be charged for the inspection of records under the charge of the Keeper of Public Records, for authenticated copies or extracts from such records and for other services afforded by officers of the Public Record Office and authorise the remission of the fees in prescribed cases.

(6) Fees received under the last foregoing subsection shall be paid into the Exchequer.

Selection and preservation of public records.

3.—(1) It shall be the duty of every person responsible for public records of any description which are not in the Public Record Office or a place of deposit appointed by the Lord Chancellor under this Act to make arrangements for the selection of those records which ought to be permanently preserved and for their safe-keeping.

(2) Every person shall perform his duties under this section under the guidance of the Keeper of Public Records and the said

Keeper shall be responsible for co-ordinating and supervising all action taken under this section.

(3) All public records created before the year sixteen hundred and sixty shall be included among those selected for permanent preservation.

(4) Public records selected for permanent preservation under this section shall be transferred not later than thirty years after their creation either to the Public Record Office or to such other place of deposit appointed by the Lord Chancellor under this Act as the Lord Chancellor may direct:

Provided that any records may be retained after the said period if, in the opinion of the person who is responsible for them, they are required for administrative purposes or ought to be retained for any other special reason and, where that person is not the Lord Chancellor, the Lord Chancellor has been informed of the facts and given his approval.

(5) The Lord Chancellor may, if it appears to him in the interests of the proper administration of the Public Record Office, direct that the transfer of any class of records under this section shall be suspended until arrangements for their reception have been completed.

(6) Public records which, following the arrangements made in pursuance of this section, have been rejected as not required for permanent preservation shall be destroyed or, subject, in the case of records for which some person other than the Lord Chancellor is responsible, to the approval of the Lord Chancellor, disposed of in any other way.

(7) Any question as to the person whose duty it is to make arrangements under this section with respect to any class of public records shall be referred to the Lord Chancellor for his decision.

(8) The provisions of this section shall not make it unlawful for the person responsible for any public record to transmit it to the Keeper of the Records of Scotland or to the Public Record Office of Northern Ireland.

4.—(1) If it appears to the Lord Chancellor that a place outside the Public Record Office affords suitable facilities for the safe-keeping and preservation of records and their inspection by the public he may, with the agreement of the authority who will be responsible for records deposited in that place, appoint it as a place of deposit as respects any class of public records selected for permanent preservation under this Act.

Place of
deposit of
public records.

(2) In choosing a place of deposit under this section for public records of—

(a) courts of quarter sessions or magistrates' courts, or

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(b) courts of coroners of counties or boroughs, the Lord Chancellor shall have regard to any arrangements made by the person for the time being responsible for the records with respect to the place where those records are to be kept and, where he does not follow any such arrangements, shall, so far as practicable, proceed on the principle that the records of any such court ought to be kept in the area of the administrative county or county borough comprising the area for which the court acts or where it sits, except in a case where the authorities or persons appearing to the Lord Chancellor to be mainly concerned consent to the choice of a place of deposit elsewhere.

(3) The Lord Chancellor may at any time direct that public records shall be transferred from the Public Record Office to a place of deposit appointed under this section or from such a place of deposit to the Public Record Office or another place of deposit.

(4) Before appointing a place of deposit under this section as respects public records of a class for which the Lord Chancellor is not himself responsible, he shall consult with the Minister or other person, if any, who appears to him to be primarily concerned and, where the records are records of a court of quarter sessions the records of which are, apart from the provisions of this Act, subject to the directions of a *custos rotulorum*, the Lord Chancellor shall consult him.

(5) Public records in the Public Record Office shall be in the custody of the Keeper of Public Records and public records in a place of deposit appointed under this Act shall be in the custody of such officer as the Lord Chancellor may appoint.

(6) Public records in the Public Record Office or other place of deposit appointed by the Lord Chancellor under this Act shall be temporarily returned at the request of the person by whom or department or office from which they were transferred.

Access to
public records.

5.—(1) Public records in the Public Record Office, other than those to which members of the public had access before their transfer to the Public Record Office, shall not be available for public inspection until they have been in existence for fifty years or such other period, either longer or shorter, as the Lord Chancellor may, with the approval, or at the request, of the Minister or other person, if any, who appears to him to be primarily concerned, for the time being prescribe as respects any particular class of public records.

(2) Without prejudice to the generality of the foregoing subsection, if it appears to the person responsible for any public records which have been selected by him under section three of this Act for permanent preservation that they contain information

which was obtained from members of the public under such conditions that the opening of those records to the public after the period determined under the foregoing subsection would or might constitute a breach of good faith on the part of the Government or on the part of the persons who obtained the information, he shall inform the Lord Chancellor accordingly and those records shall not be available in the Public Record Office for public inspection even after the expiration of the said period except in such circumstances and subject to such conditions, if any, as the Lord Chancellor and that person may approve, or, if the Lord Chancellor and that person think fit, after the expiration of such further period as they may approve.

(3) Subject to the foregoing provisions of this section, subject to the enactments set out in the Second Schedule to this Act (which prohibit the disclosure of certain information obtained from the public except for certain limited purposes) and subject to any other Act or instrument whether passed or made before or after this Act which contains a similar prohibition, it shall be the duty of the Keeper of Public Records to arrange that reasonable facilities are available to the public for inspecting and obtaining copies of public records in the Public Record Office.

(4) Subsection (1) of this section shall not make it unlawful for the Keeper of Public Records to permit a person to inspect any records if he has obtained special authority in that behalf given by an officer of a government department or other body, being an officer accepted by the Lord Chancellor as qualified to give such an authority.

(5) The Lord Chancellor shall, as respects all public records in places of deposit appointed by him under this Act outside the Public Record Office, require arrangements to be made for their inspection by the public comparable to those made for public records in the Public Record Office and subject to restrictions corresponding with those contained in the foregoing provisions of this section.

6. If, as respects any public records in the Public Record Office or any place of deposit appointed under this Act, it appears to the Keeper of Public Records that they are duplicated by other public records which have been selected for permanent preservation or that there is some other special reason why they should not be permanently preserved, he may, with the approval of the Lord Chancellor and of the Minister or other person, if any, who appears to the Lord Chancellor to be primarily concerned with public records of the class in question, authorise the destruction of those records or, with that approval, their disposal in any other way.

Destruction of public records in Public Record Office or other place of deposit.

Records
for which
Master of
the Rolls
remains
responsible.

7.—(1) Subject to the provisions of this section, the Master of the Rolls shall continue to be responsible for, and to have custody of, the records of the Chancery of England, including those created after the commencement of this Act, and shall have power to determine where the said records or any of them are for the time being to be deposited.

(2) Section three and subsection (6) of section four of this Act shall not apply to any of the said records but if and so long as any of them are deposited in the Public Record Office those records shall be in the custody of the Keeper of Public Records and subject to the directions of the Lord Chancellor as in the case of any other records in the Public Record Office.

(3) Subject to the foregoing provisions of this section, the Master of the Rolls shall not have charge and superintendence over, or custody of, any public records and any public records which at the commencement of this Act were in the custody of the Master of the Rolls (other than records of the Chancery of England) shall thereafter be in the custody of the Keeper of Public Records or such other officer as the Lord Chancellor may from time to time appoint.

Court records.

8.—(1) The Lord Chancellor shall be responsible for the public records of every court of record or magistrates' court which are not in the Public Record Office or a place of deposit appointed by him under this Act and shall have power to determine in the case of any such records the officer in whose custody they are for the time being to be :

Provided that in the application of this subsection to public records of the Chancery Court of the County Palatine of Lancaster references to the Chancellor of the Duchy of Lancaster shall be substituted for references to the Lord Chancellor.

(2) The power of the President of the Probate Division of the High Court under section one hundred and seventy of the Supreme Court of Judicature (Consolidation) Act, 1925, to direct where the wills and other documents mentioned in that section are to be deposited and preserved (exercisable with the consent of the Lord Chancellor) shall be transferred to the Lord Chancellor.

(3) Where it appears to the President of the Probate Division that the copies of calendars of grants prepared under section one hundred and fifty-six of the Supreme Court of Judicature (Consolidation) Act, 1925, which are kept in a particular district probate registry, or such of those calendars as were issued before a particular date, are not being used by members of the public

to any appreciable extent and that, having regard to the facilities for consulting copies of the calendars kept elsewhere, it is reasonable to withdraw the public right of inspection of those copies of calendars in that particular probate registry, he may direct that subsection (3) of the said section one hundred and fifty-six shall cease to apply to those copies and, if he thinks fit, that they shall be transferred to and kept for public inspection in such other place as he may direct.

In this subsection the reference to a district probate registry includes a reference to the office of the commissary clerk of Edinburgh and the probate registry in Belfast.

(4) Where any private documents have remained in the custody of a court in England or Wales for more than fifty years without being claimed, the Keeper of Public Records may, with the approval of the Master of the Rolls, require the documents to be transferred to the Public Record Office and thereupon the documents shall become public records for the purposes of this Act.

(5) Section three of this Act shall not apply to such of the records of ecclesiastical courts described in paragraph (n) of subparagraph (1) of paragraph 4 of the First Schedule to this Act as are not held in any office of the Supreme Court or in the Public Record Office, but, if the Lord Chancellor after consulting the President of the Probate Division so directs as respects any of those records, those records shall be transferred to such place of deposit as may be appointed by the Lord Chancellor and shall thereafter be in the custody of such officer as may be so appointed.

(6) The public records which at the commencement of this Act are in the custody of the University of Oxford and which are included in the index a copy of which was transmitted to the principal probate registrar under section two of the Oxford University Act, 1860, shall not be required to be transferred under the last foregoing subsection but the Lord Chancellor shall make arrangements with the University of Oxford as to the conditions under which those records may be inspected by the public.

9.—(1) The legal validity of any record shall not be affected by its removal under the provisions of this Act, or of the Public Record Office Acts, 1838 to 1898, or by any provisions in those Acts with respect to its legal custody.

Legal validity of public records and authenticated copies.

(2) A copy of or extract from a public record in the Public Record Office purporting to be examined and certified as true and authentic by the proper officer and to be sealed or stamped with the seal of the Public Record Office shall be admissible as evidence in any proceedings without any further or other proof thereof if the original record would have been admissible as evidence in those proceedings.

In this subsection the reference to the proper officer is a reference to the Keeper of Public Records or any other officer of the Public Record Office authorised in that behalf by the Keeper of Public Records, and, in the case of copies and extracts made before the commencement of this Act, the deputy keeper of the records or any assistant record keeper appointed under the Public Record Office Act, 1838.

Interpretation. 10.—(1) In this Act “public records” has the meaning assigned to it by the First Schedule to this Act and “records” includes not only written records but records conveying information by any other means whatsoever.

(2) Where records created at different dates are for administrative purposes kept together in one file or other assembly all the records in that file or other assembly shall be treated for the purposes of this Act as having been created when the latest of those records was created.

Public Record Office Acts to cease to have effect.

11. The Public Record Office Acts, 1838 to 1898, shall cease to have effect and the enactments mentioned in the Third Schedule to this Act shall have effect subject to the amendments there specified, being amendments consequential on the provisions of this section.

Northern Ireland.

12.—(1) It shall be lawful for any government department or other body or person having the custody of any public records relating exclusively or mainly to Northern Ireland to transmit those records to the Public Record Office of Northern Ireland.

(2) No limitation or restriction imposed by virtue of any enactment on the powers of the Parliament of Northern Ireland shall preclude that Parliament from passing legislation, in relation to courts or tribunals whose jurisdiction extends only to Northern Ireland, for purposes similar to the purposes of subsection (4) of section eight of this Act.

Short title, repeals and commencement.

13.—(1) This Act may be cited as the Public Records Act, 1958.

(2) The enactments specified in the Fourth Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.

(3) This Act shall come into force on the first day of January, nineteen hundred and fifty-nine.

SCHEDULES

FIRST SCHEDULE

Section 10.

DEFINITION OF PUBLIC RECORDS

1. The provisions of this Schedule shall have effect for determining what are public records for the purposes of this Act.

Departmental records

2.—(1) Subject to the provisions of this paragraph, administrative and departmental records belonging to Her Majesty, whether in the United Kingdom or elsewhere, in right of Her Majesty's Government in the United Kingdom and, in particular,—

- (a) records of, or held in, any department of Her Majesty's Government in the United Kingdom, or
- (b) records of any office, commission or other body or establishment whatsoever under Her Majesty's Government in the United Kingdom,

shall be public records.

(2) Sub-paragraph (1) of this paragraph shall not apply—

- (a) to records of any government department or body which is wholly or mainly concerned with Scottish affairs, or which carries on its activities wholly or mainly in Scotland, or
- (b) to registers, or certified copies of entries in registers, being registers or certified copies kept or deposited in the General Register Office under or in pursuance of any enactment, whether past or future, which provides for the registration of births, deaths, marriages or adoptions, or
- (c) except so far as provided by paragraph 4 of this Schedule, to records of the Duchy of Lancaster, or
- (d) to records of the office of the Public Trustee relating to individual trusts.

3.—(1) Without prejudice to the generality of sub-paragraph (1) of the last foregoing paragraph, the administrative and departmental records of bodies and establishments set out in the Table at the end of this paragraph shall be public records, whether or not they are records belonging to Her Majesty.

(2) The provisions of this paragraph shall not be taken as applying to records in any museum or gallery mentioned in the said Table which form part of its permanent collections (that is to say records which the museum or gallery has acquired otherwise than by transfer from or arrangements with a government department).

1ST SCH.
—cont.

TABLE

PART I

BODIES AND ESTABLISHMENTS UNDER
GOVERNMENT DEPARTMENTS

<i>Responsible Government Department</i>	
<i>Ministry of Agriculture, Fisheries and Food.</i>	<p>Agricultural Wages Board. Agricultural Wages Committees. Organisation known as the "National Farm Survey". Official seed testing station for England and Wales.</p>
<i>Air Ministry ...</i>	Meteorological Office.
<i>Ministry of Education</i>	Victoria and Albert Museum. Science Museum.
<i>Ministry of Health ...</i>	<p>National Health Service Authorities other than local health authorities. National health service hospitals except— records of endowments passing to Boards of Governors under section seven of the National Health Service Act, 1946. records relating to funds held by Hospital Boards and Committees under sections fifty-nine and sixty of the said Act, and records of private patients admitted under section five of the said Act.</p>
<i>Home Office ...</i>	<p>Welsh Board of Health. Office of Commissioner of Police of the Metropolis. Office of Receiver for the Metropolitan Police District.</p>
<i>Ministry of Labour and National Service.</i>	<p>National Dock Labour Board. National Institute of Houseworkers Limited. Wages Boards and Wages Councils.</p>
<i>Ministry of Pensions and National Insurance.</i>	<p>National Insurance Advisory Committee. Industrial Injuries Advisory Council. National Insurance and Industrial Injuries Joint Authorities. Workmen's Compensation Supplementation Board. Pneumoconiosis and Byssinosis Benefit Board.</p>
<i>Ministry of Transport and Civil Aviation.</i>	<p>Air Transport Advisory Council. Air Registration Board.</p>

PART II

1ST SCH.
—cont.

OTHER ESTABLISHMENTS AND ORGANISATIONS

Anglo-Egyptian Resettlement Board.
 British Museum (including the Natural History Museum).
 Catering Wages Commission.
 Coal Industry Social Welfare Organisation.
 Crown Agents for Overseas Governments and Administrations
 except when acting for governments or authorities outside Her
 Majesty's dominions.
 Development Commission.
 Imperial War Museum.
 Irish Sailors' and Soldiers' Land Trust.
 London Museum.
 Monopolies Commission.
 National Coal Board.
 National Gallery.
 National Maritime Museum.
 National Parks Commission.
 National Portrait Gallery.
 National Savings Committee.
 Office of Registrar of Restrictive Trading Agreements.
 Remploy Limited.
 Royal Greenwich Observatory.
 Tate Gallery.
 Trustee Savings Banks Inspection Committee.
 United Kingdom Atomic Energy Authority.
 University Grants Committee.
 Wallace Collection.
 War Works Commission.

Any body established for the purpose of determining the boundaries
 of constituencies of the Parliament of the United Kingdom, or of local
 authorities in England or Wales.

Records of courts and tribunals

4.—(1) Subject to the provisions of this paragraph, records of the
 following descriptions shall be public records for the purposes of this
 Act:—

- (a) records of, or held in any department of, the Supreme Court
 (including any court held under a commission of assize);
- (b) records of county courts and of any other superior or inferior
 court of record established since the passing of the County
 Courts Act, 1846;
- (c) records of the Chancery Court of the County Palatine of
 Lancaster and of the Chancery Court of the County Palatine
 of Durham;
- (d) records of courts of quarter sessions;
- (e) records of magistrates' courts;
- (f) records of coroners' courts;
- (g) records of courts-martial held whether within or outside the
 United Kingdom by any of Her Majesty's forces raised in
 the United Kingdom;

1ST SCH.
—cont.

- (h) records of naval courts held whether within or outside the United Kingdom under the enactments relating to merchant shipping ;
- (i) records of any court exercising jurisdiction held by Her Majesty within a country outside Her dominions ;
- (j) records of any tribunal (by whatever name called)—
 - (i) which has jurisdiction connected with any functions of a department of Her Majesty's Government in the United Kingdom ; or
 - (ii) which has jurisdiction in proceedings to which such a government department is a party or to hear appeals from decisions of such a government department ;
- (k) records of the Lands Tribunal or of any Rent Tribunal or Local Valuation Court ;
- (l) records of the Industrial Court, of the Industrial Disputes Tribunal, and of the National Arbitration Tribunal (which was replaced by the Industrial Disputes Tribunal) ;
- (m) records of umpires and deputy-umpires appointed under the National Service Act, 1948, or the Reinstatement in Civil Employment Act, 1944 ;
- (n) records of ecclesiastical courts when exercising the testamentary and matrimonial jurisdiction removed from them by the Court of Probate Act, 1857, and the Matrimonial Causes Act, 1857, respectively ;
- (o) records of such other courts or tribunals (by whatever name called) as the Lord Chancellor may by order contained in a statutory instrument specify.

(2) This paragraph shall not apply to any court or tribunal whose jurisdiction extends only to Scotland or Northern Ireland.

(3) In this paragraph "records" includes records of any proceedings in the court or tribunal in question and includes rolls, writs, books, decrees, bills, warrants and accounts of, or in the custody of, the court or tribunal in question.

Records of the Chancery of England

5. The records of the Chancery of England shall be public records for the purposes of this Act.

Records in Public Record Office

6. Without prejudice to the foregoing provisions of this Schedule, public records for the purposes of this Act shall include—

- (a) all records within the meaning of the Public Record Office Act, 1838, or to which that Act was applied, which at the commencement of this Act are in the custody of the Master of the Rolls in pursuance of that Act, and
- (b) all records (within the meaning of the said Act or to which that Act was applied) which at the commencement of this Act are in the Public Record Office and, in pursuance of the said Act, under the charge and superintendence of the Master of the Rolls, and

- (c) all records forming part of the same series as any series of documents falling under sub-paragraph (a) or sub-paragraph (b) of this paragraph.

1ST SCH.
—cont.

Power to add further categories of records and to determine cases of doubt

7.—(1) Without prejudice to the Lord Chancellor's power of making orders under paragraph 4 of this Schedule, Her Majesty may by Order in Council direct that any description of records not falling within the foregoing provisions of this Schedule shall be treated as public records for the purposes of this Act but no recommendation shall be made to Her Majesty in Council to make an Order under this sub-paragraph unless a draft of the Order has been laid before Parliament and approved by resolution of each House of Parliament.

(2) A question whether any records or description of records are public records for the purposes of this Act shall be referred to and determined by the Lord Chancellor and the Lord Chancellor shall include his decisions on such questions in his annual report to Parliament and shall from time to time compile and publish lists of the departments, bodies, establishments, courts and tribunals comprised in paragraphs 2, 3 and 4 of this Schedule and lists describing more particularly the categories of records which are, or are not, public records as defined in this Schedule.

Interpretation

8. It is hereby declared that any description of government department, court, tribunal or other body or establishment in this Schedule by reference to which a class of public records is framed extends to a government department, court, tribunal or other body or establishment, as the case may be, which has ceased to exist, whether before or after the passing of this Act.

SECOND SCHEDULE

Section 5.

ENACTMENTS PROHIBITING DISCLOSURE OF INFORMATION OBTAINED FROM THE PUBLIC

The Land Registration Act, 1925 (15 & 16 Geo. 5. c. 21)	...	...	...	Section 112
The Import Duties Act, 1932 (22 & 23 Geo. 5. c. 58)	...	...	...	Section 10
The Ministry of Supply Act, 1939 (2 & 3 Geo. 6. c. 38)	...	...	...	Section 17
The War Damage Act, 1943 (6 & 7 Geo. 6. c. 21)	...	...	...	Section 118
The Coal Industry Nationalisation Act, 1946 (9 & 10 Geo. 6. c. 59)	...	...	...	Section 56
The Statistics of Trade Act, 1947 (10 & 11 Geo. 6. c. 39)	...	...	...	Section 9
The Cotton (Centralised Buying) Act, 1947 (10 & 11 Geo. 6. c. 26)	...	...	...	Section 23

2ND SCH.
—cont.

The Industrial Organisation and Development Act, 1947 (10 & 11 Geo. 6. c. 40)	Section 5
The Agriculture Act, 1947 (10 & 11 Geo. 6. c. 48)	Section 80
The Cotton Spinning (Re-Equipment Subsidy) Act, 1948 (11 & 12 Geo. 6. c. 31)	Section 4
The Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948 (11 & 12 Geo. 6. c. 66)	Section 17
The Legal Aid and Advice Act, 1949 (12 & 13 Geo. 6. c. 51)	Section 14
The Legal Aid and Solicitors (Scotland) Act, 1949 ... (12 & 13 Geo. 6. c. 63)	Section 15
The Restrictive Trade Practices Act, 1956 (4 & 5 Eliz. 2. c. 68)	Section 33
The Cinematograph Films Act, 1957 (5 & 6 Eliz. 2. c. 21)	Section 5
The Defence (General) Regulations, 1939	Regulation 84

Section 11.

THIRD SCHEDULE

CONSEQUENTIAL AMENDMENTS

The Forgery Act, 1913 (3 & 4 Geo. 5. c. 27)

In paragraph (d) of subsection (2) of section three the reference to a certified copy of a record purporting to be signed by an assistant keeper of the Public Records in England shall include a reference to a certified copy of a record purporting to be signed by the Keeper of Public Records or any officer of the Public Record Office authorised in that behalf by the Keeper of Public Records.

The Public Records (Scotland) Act, 1937 (1 Edw. 8 & 1 Geo. 6. c. 43)

In subsection (1) of section five the proviso (which requires the consent of the Master of the Rolls to the transmission of certain public records to the Keeper of the Records of Scotland) shall cease to have effect.

The Copyright Act, 1956 (4 & 5 Eliz. 2. c. 74)

As respects any reproduction made after the commencement of this Act, the reference in paragraph (a) of subsection (1) of section forty-two to records of the description there mentioned shall be taken as a reference to public records which are open to public inspection in pursuance of the provisions of this Act.

FOURTH SCHEDULE

Section 13.

REPEALS

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Vict. c. 94.	The Public Record Office Act, 1838.	The whole Act.
5 Vict. c. 5.	The Court of Chancery Act, 1841.	Section seventeen.
40 & 41 Vict. c. 55.	The Public Record Office Act, 1877.	The whole Act.
57 & 58 Vict. c. 60.	The Merchant Shipping Act, 1894.	In section two hundred and fifty-six, subsection (2).
61 & 62 Vict. c. 12.	The Public Record Office Act, 1898.	The whole Act.
15 & 16 Geo. 5. c. 49.	The Supreme Court of Judicature (Consolidation) Act, 1925.	In section nineteen, paragraph (6). Sections one hundred and seventy-three and one hundred and ninety-nine.
1 Edw. 8 & 1 Geo. 6. c. 43.	The Public Records (Scotland) Act, 1937.	In section five, in subsection (1), the proviso. Section six.
9 & 10 Geo. 6. c. 59.	The Coal Industry Nationalisation Act, 1946.	Section fifty-one.
1 & 2 Eliz. 2. c. 47.	The Emergency Laws (Miscellaneous Provisions) Act, 1953.	In section thirteen, the words "and 9". In the First Schedule, paragraph 9.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Public Record Office Act, 1838	1 & 2 Vict. c. 94.
Court of Chancery Act, 1841	5 Vict. c. 5.
County Courts Act, 1846	9 & 10 Vict. c. 95.
Court of Probate Act, 1857	20 & 21 Vict. c. 77.
Matrimonial Causes Act, 1857	20 & 21 Vict. c. 85.
Oxford University Act, 1860	23 & 24 Vict. c. 91.
Public Record Office Act, 1877	40 & 41 Vict. c. 55.
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Public Record Office Act, 1898	61 & 62 Vict. c. 12.
Forgery Act, 1913	3 & 4 Geo. 5. c. 27.
Land Registration Act, 1925	15 & 16 Geo. 5. c. 21.
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5. c. 49.
Import Duties Act, 1932	22 & 23 Geo. 5. c. 8.
Public Records (Scotland) Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 43.

Table of Statutes referred to in this Act—cont.

Short Title	Session and Chapter
Ministry of Supply Act, 1939	2 & 3 Geo. 6. c. 38.
War Damage Act, 1943	6 & 7 Geo. 6. c. 21.
Reinstatement in Civil Employment Act, 1944	7 & 8 Geo. 6. c. 15.
Coal Industry Nationalisation Act, 1946	9 & 10 Geo. 6. c. 59.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
Cotton (Centralised Buying) Act, 1947	10 & 11 Geo. 6. c. 26.
Statistics of Trade Act, 1947	10 & 11 Geo. 6. c. 39.
Industrial Organisation and Development Act, 1947	10 & 11 Geo. 6. c. 40.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
Cotton Spinning (Re-Equipment Subsidy) Act, 1948	11 & 12 Geo. 6. c. 31.
National Service Act, 1948	11 & 12 Geo. 6. c. 64.
Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948	11 & 12 Geo. 6. c. 66.
Legal Aid and Advice Act, 1949	12 & 13 Geo. 6. c. 51.
Legal Aid and Solicitors (Scotland) Act, 1949 ...	12 & 13 Geo. 6. c. 63.
Emergency Laws (Miscellaneous Provisions) Act, 1953	1 & 2 Eliz. 2. c. 47.
Restrictive Trade Practices Act, 1956	4 & 5 Eliz. 2. c. 68.
Copyright Act, 1956	4 & 5 Eliz. 2. c. 74.
Cinematograph Films Act, 1957	5 & 6 Eliz. 2. c. 21.

CHAPTER 52

An Act to make provision for the incidence of the costs of leases. [23rd July, 1958]

BE it enacted by the Queen'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:—

Costs of leases.

1. Notwithstanding any custom to the contrary, a party to a lease shall, unless the parties thereto agree otherwise in writing, be under no obligation to pay the whole or any part of any other party's solicitor's costs of the lease.

Interpretation.

2. In this Act—

- (a) "lease" includes an underlease and an agreement for a lease or underlease or for a tenancy or sub-tenancy;
- (b) "costs" includes fees, charges, disbursements (including stamp duty), expenses and remuneration.

Short Title.

3. This Act may be cited as the Costs of Leases Act, 1958.

CHAPTER 53

An Act to extend the jurisdiction of courts of law to vary trusts in the interests of beneficiaries and sanction dealings with trust property. [23rd July, 1958]

BE it enacted by the Queen'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) Where property, whether real or personal, is held on trusts arising, whether before or after the passing of this Act, under any will, settlement or other disposition, the court may if it thinks fit by order approve on behalf of—

- (a) any person having, directly or indirectly, an interest, whether vested or contingent, under the trusts who by reason of infancy or other incapacity is incapable of assenting, or
- (b) any person (whether ascertained or not) who may become entitled, directly or indirectly, to an interest under the trusts as being at a future date or on the happening of a future event a person of any specified description or a member of any specified class of persons, so however that this paragraph shall not include any person who would be of that description, or a member of that class, as the case may be, if the said date had fallen or the said event had happened at the date of the application to the court, or
- (c) any person unborn, or
- (d) any person in respect of any discretionary interest of his under protective trusts where the interest of the principal beneficiary has not failed or determined,

any arrangement (by whomsoever proposed, and whether or not there is any other person beneficially interested who is capable of assenting thereto) varying or revoking all or any of the trusts, or enlarging the powers of the trustees of managing or administering any of the property subject to the trusts:

Provided that except by virtue of paragraph (d) of this subsection the court shall not approve an arrangement on behalf of any person unless the carrying out thereof would be for the benefit of that person.

15 & 16 Geo. 5.
c. 19

(2) In the foregoing subsection “ protective trusts ” means the trusts specified in paragraphs (i) and (ii) of subsection (1) of section thirty-three of the Trustee Act, 1925, or any like trusts, “ the principal beneficiary ” has the same meaning as in the said subsection (1) and “ discretionary interest ” means an interest arising under the trust specified in paragraph (ii) of the said subsection (1) or any like trust.

(3) Subject as hereinafter provided the jurisdiction conferred by subsection (1) of this section shall be exercisable by the High Court, except that the question whether the carrying out of any arrangement would be for the benefit of a person falling within paragraph (a) of the said subsection (1) shall be determined by order of the Judge or Master in Lunacy if a committee has been appointed of that person’s estate or a receiver has been appointed of his income.

24 & 25 Geo. 5.
c. 53.

(4) In section fifty-two of the County Courts Act, 1934 (which confers equity jurisdiction on county courts) in paragraph (b) of subsection (1) after the word “ subsists ” there shall be inserted the words “ or proceedings under section one of the Variation of Trusts Act, 1958, being (in any case) proceedings ”; but section fifty-three of that Act (which enables jurisdiction to be conferred on the county court by agreement between the parties irrespective of the sum involved) shall not apply to proceedings under this section.

(5) Nothing in the foregoing provisions of this section shall apply to trusts affecting property settled by Act of Parliament.

15 & 16 Geo. 5.
c. 18.
15 & 16 Geo. 5.
c. 20.

(6) Nothing in this section shall be taken to limit the powers conferred by section sixty-four of the Settled Land Act, 1925, section fifty-seven of the Trustee Act, 1925, or section one hundred and seventy-one of the Law of Property Act, 1925, or the powers of the Judge in Lunacy.

Extent and
provisions as
to Northern
Ireland.

10 & 11 Geo.
c. 67.

2.—(1) This Act shall not extend to Scotland.

(2) The foregoing section shall not extend to Northern Ireland, but, notwithstanding anything in the Government of Ireland Act, 1920, the Parliament of Northern Ireland shall have power to make laws for purposes similar to any of the purposes of the foregoing section.

Short title

3. This Act may be cited as the Variation of Trusts Act, 1958.



CHAPTER 54

An Act to amend the law as to the circumstances in which, for the purposes of proceedings for divorce in England or Scotland, a person is to be treated as having been continuously under care and treatment and as to the effect of insanity on desertion; and to enable a petition for divorce to be presented on the ground of desertion notwithstanding any separation agreement entered into before desertion became a ground for divorce in English law. [23rd July, 1958]

BE it enacted by the Queen'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) Notwithstanding anything in subsection (2) of section one of the Matrimonial Causes Act, 1950, or subsection (3) of section six of the Divorce (Scotland) Act, 1938, a person shall be deemed to be under care and treatment for the purposes of the said section one, and under care and treatment as an insane person for the purposes of the said section six, at any time when he is receiving treatment for mental illness—

- (a) as a resident in a hospital or other institution provided, approved, licensed, registered or exempted from registration by any Minister or other authority in the United Kingdom, the Isle of Man or the Channel Islands; or
- (b) as a resident in a hospital or other institution in any other country, being a hospital or institution in which his treatment is comparable with the treatment provided in any such hospital or institution as is mentioned in paragraph (a) of this subsection.

(2) For the purposes of the foregoing subsection a certificate by the Admiralty or a Secretary of State that a person was receiving treatment for mental illness during any period as a resident in any naval, military or air-force hospital under the direction of the Admiralty, the Army Council or the Air Council shall be conclusive evidence of the facts certified.

(3) In determining for the purposes of the said section one or the said section six whether any period of care and treatment has been continuous, any interruption of such a period for twenty-eight days or less shall be disregarded.

Power of court to treat desertion as continuing during period of incapacity.

2. For the purposes of any petition or action for divorce or judicial separation the court may treat a period of desertion as having continued at a time when the deserting party was incapable of continuing the necessary intention, if the evidence before the court is such that, had he not been so incapable, the court would have inferred that that intention continued at that time.

Divorce for desertion notwithstanding separation agreement.

3. For the purposes of paragraph (b) of subsection (1) of section one of the Matrimonial Causes Act, 1950 (which provides that a petition for divorce may be presented to the High Court on the ground that the respondent has deserted the petitioner without cause for a period of at least three years immediately preceding the presentation of the petition), any agreement between the petitioner and the respondent to live separate and apart, whether or not made in writing, shall be disregarded if the agreement was entered into before the first day of January, nineteen hundred and thirty-eight, and either—

- (a) at the time when the agreement was made the respondent had deserted the petitioner without cause; or
- (b) the court is satisfied that the circumstances in which the agreement was made and the parties proceeded to live separate and apart were such as, but for the agreement, to amount to desertion of the petitioner by the respondent without cause.

Short title, extent and repeal.

4.—(1) This Act may be cited as the Divorce (Insanity and Desertion) Act, 1958.

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

(3) In paragraph (d) of subsection (2) of section one of the Matrimonial Causes Act, 1950, the words from “being treatment” to “this subsection”, and in subsection (3) of section six of the Divorce (Scotland) Act, 1938, the words “other than treatment as a voluntary patient” are hereby repealed.



CHAPTER 55

Local Government Act, 1958

ARRANGEMENT OF SECTIONS

PART I

GRANTS AND RATES

General grants

Section

1. General grants.
2. Fixing of annual aggregate of general grants, and adjustment of grants.
3. Power to reduce general grant in case of default.

Discontinuance of certain grants

4. Certain grants to be discontinued.

Rate-deficiency Grants to local authorities

5. Rate-deficiency Grants.
6. Limitation of Rate-deficiency Grant to normal expenditure.
7. Modification for special cases of provisions as to Rate-deficiency Grants.

Amendments as to London rate equalisation

8. Amendment of s. 10 of Act of 1948.

Rating: industrial and freight-transport hereditaments

9. Rating of industrial and freight-transport hereditaments.

Rating of Gas and Electricity Authorities

10. Gas and Electricity Boards: rating of showrooms.
11. Rateable value of Gas Board hereditaments.
12. Rating of Generating Board and Area Electricity Boards.
13. Rating of Electricity Council.

Consequential amendment of Valuation Lists

14. Consequential amendment of valuation lists.

Transitional adjustments

15. Adjustments transitional on coming into effect of Part I.

Supplementary

16. Supplementary provisions as to Part I.

PART II

REVIEWS OF LOCAL GOVERNMENT AREAS IN ENGLAND AND WALES

Reviews by Local Government Commissions

17. The Local Government Commissions.
18. General scope of Commission's proposals.
19. Scope of proposals for special review areas.
20. Special review areas: distribution of functions.
21. Procedure for Commission's reviews.
22. Commission's reports to Minister.
23. Power of Minister to give effect to proposals.
24. Power of Minister to initiate changes in default of proposals of Commission.
25. Variation of special review areas.

Joint Boards

26. Provisions as to joint boards.
27. Subsequent variation of provisions as to joint boards.

Section

County Reviews

28. Holding of reviews by county councils.
29. Procedure on county reviews.
30. Power of Minister to direct holding of county review by Commission.
31. Subsequent county reviews.
32. County reviews: consequential provisions as to joint boards.
33. Application of ss. 28 and 31 to special cases.

General provisions relating to Part II

34. Constitution of county boroughs: presumption as to size.
35. Restriction on promotion of Bills for changes of local government areas or status.
36. Regulations as to Commission.
37. Dissolution of Commissions.
38. Consequential and transitional arrangements relating to Part II.
39. Financial provisions.
40. Orders etc. under Part II subject to affirmative or negative resolution.
41. Revocation of orders.
42. Supplementary provisions as to statutory water undertakers.
43. Boundaries between English and Welsh areas not to be affected.
44. Provisions as to Cinque Ports.
45. Saving for Prerogative.

PART III

DELEGATION OF FUNCTIONS TO COUNCILS OF COUNTY DISTRICTS

Health and Welfare functions

46. Schemes for exercise of health and welfare functions by councils of county districts.
47. Procedure for bringing delegation scheme into operation.
48. Variation and revocation of delegation schemes.
49. Default powers of Minister of Health.
50. Proposals and schemes under National Health Service Act, 1946 and National Assistance Act, 1948.
51. Application of foregoing provisions to joint boards.

Education functions

52. New claims to status of excepted district.

Metropolitan area

53. Exclusion from Part III of metropolitan area.

PART IV

GENERAL AND SUPPLEMENTARY

General amendments relating to local government finance

54. Extension of power of trustees to lend to local authorities.
55. Consolidated Loans Funds.
56. Contributions by county councils to expenses of county district councils.
57. Abolition of compulsory county contributions to local health salaries.
58. Arrangements by local authorities for handling receipts and payments.

Supplementary provisions

59. Change of name of county or borough.
60. Transfer and compensation of officers.
61. Payments out of moneys provided by Parliament.
62. Minor and consequential amendments.
63. General provisions as to local inquiries.
64. Application of Statutory Instruments Act.
65. Ascertainment of population.
66. Interpretation.
67. Repeals.
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SCHEDULES:

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Part I—Relevant Expenditure.

Part II—Exclusions from Relevant Expenditure.

Part III—Amount of General Grants.

Part IV—Adjustments of General Grants for pooling, etc. arrangements.

Second Schedule—New provisions for rating Electricity Boards.

Part I—Calculation of rateable value on which rates are to be assessed.

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Third Schedule—Special Review Areas.

Fourth Schedule—Constitution and Proceedings of Local Government Commissions.

Fifth Schedule—The Metropolitan Area.

Sixth Schedule—Provisions as to Joint Boards.

Seventh Schedule—Boroughs included in rural districts.

Eighth Schedule—Minor and consequential amendments.

Ninth Schedule—Enactments repealed.

Part I—General repeals as from passing of Act.

Part II—General repeals for 1959–60 and subsequent years.

Part III—Repeals consequential on S. 11.

Part IV—Repeals consequential on S. 57.

Part V—Repeal of spent enactments.

An Act to make further provision, as respects England and Wales, with respect to grants to local or police authorities, with respect to the rating of industrial and freight-transport hereditaments and of transport, electricity and gas authorities, with respect to the making of changes in the area, name, status and functions of local authorities, and with respect to local government finance and elections; to amend the law in England and Wales and in Northern Ireland as to the making by trustees of loans to local and other authorities; and for purposes connected with the matters aforesaid. [23rd July, 1958]

BE it enacted by the Queen'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

GRANTS AND RATES

General grants

1.—(1) For the year 1959-60 and subsequent years the Minister shall make grants to the councils of counties and county boroughs in England and Wales and the Council of the Isles of Scilly; and those grants shall, save as provided in Part I of the First Schedule to this Act, be in lieu of the grants paid or payable for those years under any enactment passed before this Act in respect of expenditure (hereinafter referred to as "relevant expenditure") specified in the said Part I and not excluded by any provision of Part II of that Schedule. General grants.

PART I
—cont.

The grants payable under this section are hereinafter referred to as “general grants”, and the said councils as “recipient authorities”.

(2) For each of the said years there shall be a prescribed aggregate amount of the general grants payable to recipient authorities; and subject to the provisions hereinafter contained as to the adjustment of general grants by reference to the prescribed aggregate, and to the other provisions of this Part of this Act relating to general grants, the amount of the general grant payable to a recipient authority for any year shall be the aggregate of—

- (a) the basic grant specified in Part III of the First Schedule to this Act, and
- (b) any of the supplementary grants so specified which are payable in accordance with the provisions of the said Part III,

reduced, if it is so prescribed, by the product for the area of the authority of a rate of such sum in the pound as may be prescribed.

(3) The general grants payable to any recipient authority shall be paid at such times as the Minister may with the consent of the Treasury determine, and shall be payable in aid of the revenues of the recipient authority generally.

(4) The provisions of Part IV of the First Schedule to this Act shall have effect as to the making of adjustments of general grants and of the aggregate amount thereof in respect of matters specified in the said Part IV.

(5) The matters which under this section and Part III of the First Schedule to this Act are to be prescribed shall be prescribed by an order made by the Minister with the consent of the Treasury and after consultation with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable.

(6) Such an order (hereinafter referred to as a “general grant order”) shall be laid before the Commons House of Parliament together with a report by the Minister explaining the considerations leading to the provisions of the order, and shall not have effect until approved by a resolution of that House.

(7) General grant orders shall be made in advance for successive periods (hereinafter referred to as “grant periods”) of not less than two years, but as respects any matter to be prescribed by a general grant order the order may make different provisions for different years in the grant period.

2.—(1) In fixing the annual aggregate amount to be prescribed under the foregoing section the Minister shall take into consideration—

- (a) the latest information available to him of the rate of relevant expenditure (excluding, except in so far as the

Fixing of annual aggregate of general grants, and adjustment of grants.

Minister with the consent of the Treasury otherwise determines, any expenditure of a description in respect of which no grant has been paid for years before the year 1959-60), and the current level of prices, costs and remuneration, together with any future variation in that level which can be foreseen ;

- (b) any probable fluctuation in the demand for the services giving rise to relevant expenditure, so far as the fluctuation is attributable to circumstances prevailing in England and Wales as a whole which are not under the control of local authorities ;
- (c) the need for developing those services and the extent to which, having regard to general economic conditions, it is reasonable to develop those services.

(2) The provision to be made by a general grant order, other than the prescribing of the annual aggregate amount of the general grants, shall be such as to secure, to the best of the information available to the Minister when he makes the order, that the aggregate of the general grants for each year of the grant period shall approximate as nearly as may be to the aggregate for that year prescribed by the order and adjusted under Part IV of the First Schedule to this Act.

(3) If, when the general grants for any year fall to be paid, it appears to the Minister that their aggregate will exceed or fall short of the aggregate amount prescribed and adjusted as aforesaid, the Minister shall adjust the amount of the grant payable to each recipient authority as nearly as may be in the proportion which the aggregate amount prescribed by the general grant order, adjusted as aforesaid, bears to the amount, as estimated by the Minister, which would be the total of the general grants apart from this subsection.

(4) If it appears to the Minister that during any grant period any unforeseen increase has taken place in the level of prices, costs or remuneration, and that its effect on the cost of providing the services giving rise to relevant expenditure is of such magnitude that it ought not to fall entirely on local authorities, the Minister may by order (made in the like manner and subject to the like provisions as a general grant order) increase the annual aggregate amount of the general grants, or vary any other matter prescribed by the general grant order, for such part of that grant period (beginning either before or after the making of the order) as may be specified in the order.

3.—(1) Subject to the provisions of this section, if the appropriate Minister is satisfied that a recipient authority has failed to achieve or maintain reasonable standards in the provision of any of the services giving rise to relevant expenditure, regard being had to the standards maintained in other areas, and is of

Power to reduce general grant in case of default.

PART I
—*cont.*

opinion that the general grant payable to the authority ought therefore to be reduced, he may, after affording to the authority an opportunity of making representations, make and cause to be laid before Parliament a report stating the amount of the reduction, the reasons therefor, and any representations with respect thereto made by the recipient authority; and if the report is approved by a resolution of the Commons House of Parliament the Minister may reduce the grant accordingly.

(2) Where the provision of any service giving rise to relevant expenditure is a function of a rating authority in any administrative county, or of a joint board of which the district is wholly or partly comprised in any administrative county, the foregoing subsection shall in relation to that county apply to a failure on the part of the rating authority or joint board to achieve or maintain reasonable standards as it would apply if the failure were that of the county council; but—

(a) in the case of a failure by a rating authority, the amount of any reduction by virtue of this subsection in the general grant payable to the county council shall be recoverable by that council from the authority in default,

(b) in the case of a failure by a joint board of which the district does not comprise the whole of the county, the amount of any such reduction shall be recoverable by the county council from the rating authorities in the county whose areas are wholly or partly comprised in the district of the joint board, the amount recoverable being apportioned among the rating authorities of the areas or parts of areas so comprised in proportion to the aggregates of the rateable values shown in the valuation lists respectively in force for those areas or parts of areas on the first day of the year for which the general grant is payable,

and any sum recoverable by virtue of this subsection shall be recoverable by adjustment of the amount due under the county precept.

(3) Where the provision of any service giving rise to relevant expenditure is a function of a joint board of which the district is wholly or partly comprised in a county borough, subsection (1) of this section shall in relation to the county borough apply to a failure on the part of the joint board to achieve or maintain reasonable standards as it would apply if the failure were that of the county borough council.

(4) The appropriate Minister may make regulations, subject to annulment in pursuance of a resolution of either House of Parliament, for prescribing standards and general requirements for the administration of any of the services giving rise to relevant expenditure; and in determining for the purposes of this section

whether there has been any such failure as is referred to in the foregoing provisions of this section regard shall be had to any such regulations and any other standards or requirements imposed by or under any enactment.

PART I
—cont.

Discontinuance of certain grants

4.—(1) None of the grants to which this section applies shall be payable for the year 1959-60 or any part of that year, or for a subsequent year. Certain grants to be discontinued.

(2) This section applies to:—

- (a) the grants payable under subsection (2) of section seventeen of the Ministry of Transport Act, 1919, in respect of the salary and establishment charges of highway engineers and surveyors ;
- (b) the grants payable under subsection (3) of section fifty-seven of the Road Traffic Act, 1930 (which relates to weighbridges and other weighing-machines for vehicles) ;
- (c) the grants issuable out of the Redemption Annuities Account, towards making good the loss of income of rating authorities occasioned by the extinguishment or reduction of tithe rent charge, under paragraph (e) of subsection (4) of section twenty-five of the Tithe Act, 1936 ;
- (d) the grants payable under section one hundred and one of the Education Act, 1944, to local education authorities for areas in Wales and Monmouthshire ;
- (e) the grants payable under section eleven of the Prevention of Damage by Pests Act, 1949 ;
- (f) the grants payable under paragraph (b) of subsection (1) of section twenty-four of the Vehicles (Excise) Act, 1949 (which provides for grants representing the amounts which if the Roads Act, 1920, had not been passed would have been received by local and police authorities on account of fees or charges for the licensing of mechanically propelled hackney carriages not being public service vehicles) ;
- (g) the grants payable under subsection (5) of section twenty-nine of the Food and Drugs Act, 1955, towards the repayment of sums paid by way of compensation in respect of milk which is infected or suspected of being infected.

Rate-deficiency Grants to local authorities

5.—(1) The provisions of Part I of the Local Government Act, 1948 (hereinafter referred to as “ the Act of 1948 ”) relating to grants under section two of that Act (hereinafter referred to as “ Rate-deficiency Grants ”) shall as respects the year 1959-60 and subsequent years be amended in accordance with the following provisions of this section. Rate-deficiency Grants.

R

PART I
—cont.

(2) The local authorities to which Rate-deficiency Grants may become payable shall include county district councils, metropolitan borough councils, and the Common Council of the City of London, as well as county and county borough councils, and section nine of the Act of 1948 (which provides for capitation payments by county councils to local authorities in the county) shall not have effect.

(3) The condition for the payment of a Rate-deficiency Grant to a local authority for any year shall be that the product of a rate of one penny in the pound for the area of the authority for that year is less than the standard penny rate product for the area, and the amount of the grant for any year, subject to the following section, shall be the amount which bears to the expenditure of the authority for that year the same proportion as the difference between the said rate products bears to the standard penny rate product for the area for that year.

(4) For the purposes of this section the standard penny rate product for an area is the sum which bears to the product of a rate of one penny in the pound for the year in question for the whole of England and Wales the same proportion as the population of the area bears to the population of England and Wales:

Provided that in ascertaining the standard penny rate product for a county or county borough the population of any county in the case of which the ratio of the population to the road-mileage of the county is less than seventy shall be taken to be increased by two-fifths of the additional population needed in order that the population divided by the road-mileage should be seventy.

(5) For the purposes of this section the expenditure of a county council shall be taken to be so much of the total expenditure of the council for the year in question for general county purposes as would have to be met out of rates levied within the county if no Rate-deficiency Grants were payable.

(6) For the purposes of this section the expenditure of an authority, not being a county council, shall be taken to be so much of the total expenditure of the authority for the year in question as would have to be met out of rates levied within the area of the authority if no Rate-deficiency Grants and, in the case of a local authority within the administrative county of London, no payments under section ten of the Act of 1948 were payable, excluding the cost of the collection of rates, ascertained in the case of county boroughs in accordance with rules made by the Minister for the purposes of this Part of this Act and in the case of a county district or metropolitan borough or the Common Council of the City of London in accordance with the respective rules made under section nine of the Rating and Valuation Act, 1925:

Provided that any expenditure in pursuance of section twenty-five of the Land Drainage Act, 1930 (which enables urban rating authorities to pay to drainage boards the aggregate amount of the drainage rate for any part of their area within a drainage district, and to recover the sum paid out of the proceeds of an additional item of the general rate) shall be disregarded for the purposes of this section.

(7) For the purposes of this section—

- (a) sums payable by an authority by virtue of a precept issued by a county council, in so far as payable in respect of expenditure of the county council for general county purposes, and
- (b) sums payable by an authority by virtue of subsection (2) of section three of this Act in respect of the amount of any reduction in general grant recoverable from the authority,

shall not be treated as expenditure of the authority paying those sums.

(8) For the purposes of this section the amount of expenditure of an authority falling to be met out of rates shall be ascertained without regard to the provisions of section three of this Act or to any reduction of grant made thereunder.

(9) In accordance with the foregoing provisions of this section the Act of 1948 shall have effect, as respects the year 1959-60 and subsequent years, subject to the following amendments, that is to say:—

- (a) in section two, in subsection (1), for the words “1948-1949” there shall be substituted the words “1959-60” and for the words from “the rateable value for a county” to “this Act” there shall be substituted the words “the product of a rate of one penny in the pound for the area of a local authority is less than the standard penny rate product (as defined by the Local Government Act, 1958) for that area”, for the words from “the council of the county” to the end of the subsection there shall be substituted the words “the local authority a grant of such amount as is provided by sections five to seven of that Act”, and subsection (2) of that section shall not have effect;
- (b) for the words “Exchequer Equalisation Grants” or “Exchequer Equalisation Grant” wherever they occur there shall be substituted the words “Rate-deficiency Grants” or, as the case may be, “Rate-deficiency Grant”;
- (c) sections three and four shall not have effect;
- (d) in section one hundred and forty-four, in subsection (4), after the words “1925” there shall be inserted the

PART I
—cont.

words “ or, if the area is a county borough, as ascertained in accordance with rules made by the Minister for the purposes of Part I of the Local Government Act, 1958 ”.

Limitation of
Rate-deficiency
Grant to
normal
expenditure

6.—(1) Where, as respects a year for which Rate-deficiency Grants are payable (hereinafter referred to as “ the grant year ”), the expenditure of a local authority exceeds its normal expenditure as hereinafter ascertained, the amount of the excess shall be disregarded in determining the amount of any Rate-deficiency Grant payable to the authority for that year :

Provided that for any of the first four years for which Rate-deficiency Grants are payable the whole amount of the excess shall not be disregarded as aforesaid, but for the first of those years one-fifth only shall be disregarded, for the second two-fifths only and so on.

(2) For the purposes of this section local authorities shall be divided into the following six groups, that is to say,—

- (a) county councils ;
- (b) county borough councils ;
- (c) metropolitan borough councils and the Common Council of the City of London ;
- (d) non-county borough councils ;
- (e) urban district councils ; and
- (f) rural district councils,

and the normal expenditure of an authority of any group, in relation to the grant year, shall be ascertained as follows.

(3) For each authority comprised in the group, and for the group as a whole, there shall be ascertained the average of the expenditure per head of population for each of the three last years preceding the grant year.

The said averages are hereinafter referred to respectively as the triennial average of a local authority and the triennial average of the group.

(4) For the purposes of this section the population of a county in the case of which the ratio of the population to the road-mileage of the county is less than seventy shall be taken to be increased by two-fifths of the additional population needed in order that the population divided by the road-mileage should be seventy.

(5) If the triennial average of a local authority is less than the triennial average of the group, the normal expenditure of the authority for the grant year is the product of the population of the area of the local authority and the expenditure per head of population for that year of the group as a whole.

(6) If the triennial average of a local authority equals or is greater than the triennial average of the group,—

PART I
—cont.

(a) there shall be ascertained the expenditure per head of population for the grant year of the group as a whole,

(b) there shall be ascertained the ratio which that expenditure bears to the triennial average of the group ;

and unless that ratio is less than one, the normal expenditure of the local authority for the grant year shall be the product of the population of the area of the authority and the amount which bears that ratio to the triennial average of the authority, but if that ratio is less than one the normal expenditure of the authority for the grant year shall be the product of the population and the triennial average of the authority.

(7) For the purposes of this section expenditure for police purposes shall be left out of account, and the Minister may leave out of account any other expenditure of a local authority in so far as it appears to him that by reason of any special circumstances it ought to be excluded.

(8) Subject to the foregoing subsection, the expenditure of a local authority, or of the local authorities comprised in a group, shall be ascertained for the purposes of this section in like manner as for the purposes of the foregoing section.

(9) References in this section to the expenditure per head of population of the group as a whole are references to the aggregate of the expenditures of each of the local authorities comprised in the group divided by the aggregate of the numbers of the population of the area of each of those authorities.

(10) References in this section to local authorities or to county councils do not include references to the London County Council.

7.—(1) If the Minister is satisfied, as respects the councils of county districts in any county, that the part of their expenditure, as ascertained for the purposes of Rate-deficiency Grant, which is attributable to expenditure of the county council for special county purposes bears such a proportion to the whole of their expenditure as so ascertained that the provisions relating to that Grant will not apply equitably in relation to the county without modification, the Minister may make a scheme for applying those provisions with such modifications as may be specified in the scheme.

Modification for special cases of provisions as to Rate-deficiency Grants.

(2) Any scheme under this section may be varied or revoked by a subsequent scheme made by the Minister.

PART I

—cont.

Amendment
of s. 10 of
Act of 1948.*Amendments as to London rate equalisation*

8. In subsection (1) of section ten of the Act of 1948 (which provides for the annual payment by the London County Council to the councils of the metropolitan boroughs mentioned in subsection (2) of that section of such sums as may be prescribed by a scheme) for the words from "the councils" to "by a scheme" there shall be substituted the words "such local authorities in the administrative county as may be determined by or under a scheme", and at the end of the subsection there shall be added the words "such sums as may be so determined in relation to those authorities respectively."

*Rating : industrial and freight-transport hereditaments*Rating of
industrial and
freight-
transport
hereditaments.

9.—(1) For the year 1959-60 and subsequent years the fraction of net annual value by reference to which the rateable value of an industrial hereditament or of a freight-transport hereditament is to be ascertained shall be doubled, and accordingly subsection (1) of section sixty-eight of the Local Government Act, 1929, shall have effect in relation to those years with the substitution for the words "one-quarter", wherever they occur, of the words "one-half".

(2) Subsection (7) of section one of the Act of 1955 (which provides that where, in the year in which a new valuation list comes into force, a proposal is made in certain circumstances to reduce the value of a hereditament, the rates for any year recoverable until the proposal has been settled shall not exceed the amount levied on the hereditament for the last year before the new list came into force) shall have effect, in relation to rates leviable on industrial and freight-transport hereditaments for the year 1959-60 and subsequent years where the proposal was made in the year 1956-57, as if for the word "levied", in the second place where it occurs, there were substituted the words "which would have fallen to be levied" and after the words "into force" there were added the words "if the rateable value, or so much thereof as fell to be ascertained by reference to a fraction of net annual value, had been twice what it was".

(3) Where, on or after the first day of April, nineteen hundred and fifty-nine, an alteration having effect for a period preceding that date falls to be made in a valuation list with respect to an industrial hereditament or freight-transport hereditament, the alteration, so far as concerns rateable value, shall be made so as to indicate the value ascertained in accordance with subsection (1) of this section; but as respects any such period for which the alteration has effect the valuation list shall be deemed to indicate a rateable value ascertained by reference to net annual value in like manner as if subsection (1) of this section had not passed.

(4) In this section "industrial hereditament" and "freight-transport hereditament" have the same meanings as in the Local Government Act, 1929.

PART I
—cont.

Rating of Gas and Electricity Authorities

10.—(1) In respect of any rate period beginning after the thirty-first day of March, nineteen hundred and fifty-nine, a Gas Board or Electricity Board shall, notwithstanding anything in subsection (2) of section six of the Act of 1955 or in Part V of the Act of 1948, be liable to be rated in respect of any shop, room or other place occupied and used by the Board wholly or mainly for the sale, display or demonstration of apparatus or accessories for use by consumers of gas or, as the case may be, electricity; and accordingly any such place shall be rated for any such period, and shall be included in the valuation list in force during any such period for the rating area in which the place is situated, and in every rate made for any such period by the rating authority for that area.

Gas and
Electricity
Boards: rating
of showrooms.

(2) In determining whether any place is wholly or mainly occupied and used as aforesaid use for the receipt of payments for gas or electricity consumed shall be disregarded.

(3) This section shall apply to any shop, room or other place in England occupied and used as aforesaid by the South of Scotland Electricity Board as it applies to a place so occupied and used by a Board constituted under the Electricity Act, 1947.

11.—(1) As respects each Gas Board, the Minister shall certify the amount estimated by him to be the aggregate of the net annual values on the first day of April, nineteen hundred and fifty-nine, of all premises in respect of which the Board will on that day become liable to be rated by virtue of the provisions of the foregoing section; and—

Rateable value
of Gas Board
hereditaments.

(a) for the year 1959-60, sub-paragraph (3) of paragraph 4 of the Third Schedule to the Act of 1955 (which provides for the apportionment among rating areas of the adjusted basic total of rateable values of a Gas Board) shall have effect as if the amount required to be apportioned thereunder were the basic total of rateable values of the Board, as adjusted for that year, reduced by the amount so certified;

(b) for subsequent years, the said paragraph 4 shall have effect as if the basic total of rateable values of the Board, as certified under paragraph 2 of the said Third Schedule, had been the amount apportionable under the said paragraph 4 for the year 1959-60.

(2) In the application of the said paragraph 4 to the year 1960-61 and subsequent years the standard number of therms

PART I
—cont.

of a Gas Board, instead of being the number certified under paragraph 3 of the said Third Schedule, shall be the number certified by the Board to be the total number, as estimated by the Board, of therms in the gas supplied by them in the year 1957-58 to consumers in their area.

(3) In estimating, for the purposes of the foregoing subsection or of any adjustment to be made by reference to the standard number of therms fixed under the foregoing subsection, the number of therms in the gas supplied by a Gas Board in any year, there shall be deducted one half of the number of therms in any gas purchased by the Board in that year.

(4) As respects the making and levying of rates for any rate period beginning after the thirty-first day of March, nineteen hundred and fifty-nine,—

(a) gas produced by a Gas Board by the application, to gas purchased by the Board, of any process not consisting only of purification or blending with other gases, or both, shall be treated for the purposes of the Act of 1955 as gas manufactured by the Board, and the reference in subsection (1) of section six of that Act to the manufacture of gas shall be construed accordingly ;

(b) in estimating for the purposes of sub-paragraph (3) of paragraph 4 of the Third Schedule to the Act of 1955 the number of therms manufactured by a Gas Board, the number of therms in gas produced by the Board as aforesaid shall be treated as half the actual number thereof.

(5) If it appears to the Minister that by reason of any substantial change of circumstances it is expedient so to do, he may, by order made after consultation with the Gas Council and with such associations of local authorities as appear to him to be concerned, and with any local authority with whom consultation appears to him to be desirable, vary for all Gas Boards the amount of the basic total of rateable values ; but an order under this subsection shall not have effect until approved by a resolution of each House of Parliament.

Any order under this subsection may be varied or revoked by a subsequent order made in the like manner and subject to the like provisions.

**Rating of
Generating
Board and
Area Electricity
Boards.**

12.—(1) Payments for the benefit of local authorities in lieu of rates shall not be made by the Electricity Council under the provisions of Part V of the Act of 1948 in respect of any year beginning after the thirty-first day of March, nineteen hundred and fifty-nine ; but for the purposes of the making and levying of rates for any rate period beginning after that date,——

(a) the Generating Board shall be treated as occupying during that period, in each rating area in England and

Wales, a hereditament of a rateable value calculated in accordance with the provisions of Part I of the Second Schedule to this Act, and

PART I
—cont.

- (b) each Area Board shall be treated as occupying during that rate period, in each rating area which is wholly or partly within the area of that Board, a hereditament of a rateable value calculated in accordance with the provisions of the said Part I.

(2) The hereditament which the Generating Board or an Area Board is to be treated as occupying in a rating area by virtue of the foregoing subsection shall be taken not to be situated in any part of that area in which there are leviable (as an additional item of the general rate) expenses which are not leviable in the area taken as a whole.

(3) The provisions of Part II of the Second Schedule to this Act shall have effect for the purposes of this section.

13. In respect of any rate period beginning after the thirty-first day of March, nineteen hundred and fifty-nine, the Electricity Council shall, notwithstanding anything in Part V of the Act of 1948, be liable to be rated in respect of any premises occupied by the Council during that period; and accordingly any premises occupied by the Council during any such rate period shall be rated for that period, and shall be included in the valuation list in force during that period for the rating area in which the premises are situated, and in every rate made for that period by the rating authority for that area.

Rating of
Electricity
Council.

Consequential amendment of Valuation Lists

14.—(1) Valuation officers shall give to rating authorities directions for such alterations to be made in valuation lists in force on the first day of April, nineteen hundred and fifty-nine as are necessary in consequence of the provisions of sections nine, ten and thirteen of this Act; and rating authorities shall give effect to such directions.

Consequential
amendment of
valuation lists.

(2) Any alteration in a valuation list made in pursuance of a direction under this section shall be treated as having been made at the beginning of the year 1959-60; and if the alteration affects the amount of any rate levied in respect of any hereditament in accordance with the list, or any right to levy a rate in respect of the hereditament, any amount overpaid shall be repaid or allowed, or any amount underpaid shall be paid and may be recovered as if it were arrears of the rate.

(3) Valuation officers shall from time to time make such proposals under Part III of the Act of 1948 as may be requisite for altering valuation lists in consequence of any event whereby premises cease to be within the exemption from rating conferred

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PART I
—cont.

by section eighty-five of the Act of 1948 or by subsection (2) of section six of the Act of 1955:

Provided that this subsection shall not apply where premises cease to be within either of the said exemptions by virtue of the coming into operation of section ten or thirteen of this Act.

Transitional adjustments

Adjustments
transitional
on coming
into effect
of Part I.

15.—(1) For the years to which this section applies, contributions shall be made as hereinafter provided to or by rating authorities in respect of the loss or gain to them accruing from the coming into operation of the foregoing provisions of this Part of this Act other than section eight thereof.

(2) For the purposes of this section the loss or gain accruing to a rating authority as aforesaid shall be ascertained in accordance with regulations made by the Minister, and such regulations shall provide that it shall be ascertained, on such assumptions as may be specified in the regulations, by reference to the rate required to be levied for the year 1957-58, to the rate which would have been required to be levied for that year if the foregoing provisions of this Part of this Act (other than section eight thereof) had been in force for that year, and to the product for the area of the rating authority of a rate of one penny in the pound for that year, estimated as if the said provisions had been in force for that year, but with any exceptions or modifications specified in the regulations.

(3) This section applies to the years 1959-60 and 1960-61 and such number of subsequent years as may be specified by regulations under this section.

(4) The amount of the contribution to a rating authority for the first year to which this section applies shall be the amount of the loss accruing to the authority as ascertained under this section, for the second year to which this section applies shall be nine-tenths of that loss, and for any subsequent year to which this section applies shall be such fraction of that loss as may be provided in relation to that year by regulations under this section.

(5) The amount of the contributions for any year by rating authorities shall be such as in the aggregate to equal the amount of the contributions for that year to rating authorities, and the amount of the contribution by each rating authority shall be proportional to the gain accruing to the authority as ascertained under this section.

(6) Contributions under this section to or by county borough councils or the Council of the Isles of Scilly shall be made by additions to or deductions from the general grants payable under this Part of this Act.

(7) Contributions to or by other rating authorities shall be made by adjustments, in accordance with directions of the Minister, of the amounts due under precepts made on them by county councils, and the Minister shall make corresponding adjustments of the general grants payable under this Part of this Act to county councils.

PART I
—cont.

(8) Contributions under this section made to or by a local authority shall be disregarded in ascertaining the expenditure of the authority for the purposes of section five of this Act.

(9) Regulations under this section may contain such provisions as appear to the Minister necessary or expedient for the purposes of this section in consequence of any changes in the area, status or functions of local authorities.

(10) Regulations of the Minister under this section may impose on local authorities requirements to furnish estimates and other information appearing to the Minister necessary for the purposes of this section, including requirements as to the time at which and form in which the information is to be furnished.

(11) Regulations under this section shall not have effect until approved by a resolution of the Commons House of Parliament.

Supplementary

16.—(1) This Part of this Act shall be construed as one with Part I of the Act of 1948:

Supplementary provisions as to Part I.

Provided that section one hundred and forty-two of that Act shall not apply to regulations and orders under this Part of this Act.

(2) For the purposes of this Part of this Act the product of a rate of one penny in the pound for a county borough shall be ascertained in accordance with rules made by the Minister under this section.

PART II

REVIEWS OF LOCAL GOVERNMENT AREAS IN ENGLAND AND WALES

Reviews by Local Government Commissions

17.—(1) There shall be a Local Government Commission for England and a Local Government Commission for Wales, which shall be charged as respects England, exclusive of the metropolitan area, and Wales respectively with the duty of reviewing the organisation of local government—

The Local Government Commissions.

(a) in the areas specified in the Third Schedule to this Act (hereinafter referred to as “special review areas”),

(b) in the remainder of England (exclusive of the metropolitan area) or Wales, as the case may be,

and of making such proposals as are hereinafter authorised for effecting changes appearing to the Commissions desirable in the interests of effective and convenient local government.

PART II
—cont.

(2) If the Commission make a representation in that behalf, the Minister may by order direct that the Third Schedule to this Act shall have effect as if there were specified therein any such additional special review area in England as may be defined by the order, being the area specified in the representation or that area with such additions thereto or deletions therefrom as the Minister may determine to be expedient; but no one order under this subsection shall provide for more than one additional special review area.

(3) The provisions of the Fourth Schedule to this Act shall have effect as to the constitution of the Commissions and otherwise in relation to them and their members.

(4) In this Act “the metropolitan area” means the area specified in the Fifth Schedule to this Act.

(5) In this Part of this Act “the Commissions” means the Commissions established by this section, and “the Commission” means the Local Government Commission for England in relation to England, and the Local Government Commission for Wales in relation to Wales.

(6) For the purposes of this Part of this Act Monmouthshire shall be deemed to be part of Wales.

General
scope of
Commission's
proposals.

18. The changes which may be put forward in proposals of the Commission on the review of any area are changes to be produced by any of the following means or any combination of those means (including the application of any of the following paragraphs to an area constituted or altered under any of those paragraphs):—

- (a) the alteration of the area of an administrative county or county borough (including the abolition of any county district in the course of the extension of a county borough);
- (b) the constitution of a new administrative county by the amalgamation of two or more areas, whether counties or county boroughs, or by the aggregation of parts of such areas or the separation of a part of such an area;
- (c) the constitution of a new county borough by the amalgamation of two or more boroughs (whether county or non-county), the conversion of a non-county borough or urban district into a county borough, or the division of an existing county borough into parts and the constitution of all or any of the parts a county borough;
- (d) the abolition of an administrative county or county borough and the distribution of its area among other areas, being counties or county boroughs;
- (e) the conversion of a county borough into a non-county borough and its inclusion in an administrative county;
- (f) the inclusion of the Isles of Scilly, as one or more county districts, in an administrative county.

19. In relation to proposals on the review of a special review area, the foregoing section shall have effect as if the following paragraphs were added thereto:—

PART II
—cont.

Scope of proposals for special review areas.

- (a) the alteration of the area of a county district ;
- (b) the constitution of a new non-county borough by the amalgamation of a non-county borough with one or more other county districts ;
- (c) the constitution of a new urban or rural district by the amalgamation of areas being urban or rural districts or by the aggregation of parts of county districts or the separation of a part of a county district ;
- (d) the abolition of an urban district or rural district ;
- (e) the conversion of a rural district into an urban district or of an urban district into a rural district.

20.—(1) Where it appears to the Commission, and it is so stated in their report, that the nature of a special review area or a part of it is such that the organisation of local government therein should take the form of a continuous county, but that there should be a redistribution of functions as between the county council and the councils of the county districts in the county, the Commission may put forward proposals for—

Special review areas: distribution of functions.

- (a) the exercise of county functions by the councils of the said county districts or any of them,
- (b) the exercise of district functions by the county council, either as respects the whole or as respects a part of the county.

(2) In this section “continuous county” means a county within the extent of which there are no county boroughs, and in this Act—

“county functions” means functions which under the general law are exercisable by a county council, and includes the establishment, maintenance and administration of a police force and any other functions of the Standing Joint Committee,

“district functions” means functions which under the general law are exercisable by councils of county districts or of county districts of any description.

21.—(1) In determining the order in which reviews are to be carried out of special review areas, the Commission shall comply with any directions of the Minister.

Procedure for Commission's reviews.

(2) As respects the review by the Commission of the organisation of local government outside special review areas,—

- (a) the Minister may direct the Commission to hold separate reviews for such areas as may be specified in the direction ;

PART II
—cont.

(b) subject to any such direction the Commission may hold such reviews separately for such areas as they may determine ;

(c) in holding separate reviews the Commission shall comply with any directions of the Minister as to the order in which the reviews are to be held.

(3) In holding a review of any area, the Commission shall investigate the circumstances of local government in the area and consult with all local authorities in the area and with all such other public authorities and bodies of persons as appear to the Commission to be concerned, and shall then either—

(a) prepare draft proposals and furnish copies thereof to those authorities and bodies, or

(b) if the Commission have not formed the opinion that there are changes which are desirable in the interests of effective and convenient local government, shall notify the said authorities and bodies that they have no draft proposals to put forward,

and in either case shall specify a time within which any representations with respect to the draft proposals or, as the case may be, as to the desirability of proposals being put forward by the Commission, may be made.

(4) The Commission shall consider any representations made within the time specified under the foregoing subsection and confer with representatives of such of the authorities and bodies mentioned in that subsection as desire to be represented, and shall then formulate their proposals, if any.

(5) The following provisions shall have effect for informing the public of the holding of reviews and the action taken by the Commission under subsection (3) of this section :—

(a) before entering on their review of any area, the Commission shall give public notice, in such manner as appears to them sufficient for informing persons likely to be concerned, that they are proceeding to hold the review ;

(b) on furnishing to local authorities copies of their draft proposals on any review, the Commission shall give public notice as aforesaid that the copies have been furnished, stating that a copy of the draft proposals is available for public inspection at the offices of each of the local authorities in the area to which the review relates during such time (being the time within which under subsection (3) of this section representations with respect to the draft proposals may be made) as may be specified in the notice, and it shall be the duty of each local authority to whom copies of the draft proposals have been furnished to keep a copy thereof available for public inspection at their offices during that time ;

- (c) if the Commission notify local authorities that they have no draft proposals to put forward, the Commission shall give public notice thereof.

PART II
—cont.

22.—(1) When on any review the Commission have completed their proceedings under the foregoing section, they shall submit to the Minister a report on the review together with the proposals they have formulated or, as the case may be, a notification that they have no proposals to put forward.

Commission's reports to Minister.

(2) The report of the Commission on any review shall, if the Minister has so directed, include the Commission's observations on any matter specified in the direction, whether or not the Commission make proposals with respect to that matter.

(3) On any review of an area outside the special review areas—

(a) the Minister may direct the Commission to submit a separate report on any matter on which they are reporting to him, whether or not they make proposals with respect to that matter ;

(b) subject to the foregoing paragraph, it shall be for the Commission to determine whether they report to the Minister on the review in one or several reports.

(4) The Commission shall comply with any directions of the Minister as to the form in which their proposals and report on any review are to be submitted to him.

(5) The Minister shall secure that the report of the Commission on any review, together with copies of the proposals of the Commission or, as the case may be, their notification that they have no proposals to put forward, is furnished to all local authorities in the area to which the review related and to any other public authorities appearing to him to be concerned, that public notice of the submission of the report and proposals or notification is given and facilities are provided for enabling members of the public to inspect the report and any proposals, and that a time is fixed within which representations may be made with respect to any proposals by any local or public authority or member of the public.

23.—(1) Proposals of the Commission made on any review held in pursuance of section seventeen of this Act may be given effect by order of the Minister in accordance with the following provisions of this section.

Power of Minister to give effect to proposals.

(2) If within the time fixed under subsection (5) of the foregoing section an objection is made by any local authority, parish council or police authority concerned, and is not withdrawn, the Minister shall cause a local inquiry to be held into the objection :

Provided that, except where the objection is one made by a local authority to a proposal that the area of the authority should cease to be a separate area of local government, or should become

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a county district, the Minister may dispense with an inquiry if he is satisfied that for the purpose of considering the Commission's proposals he is sufficiently informed as to the matters to which the objection relates.

(3) Subject to compliance with the foregoing subsection, the Minister may if he thinks fit by order give effect to the proposals of the Commission either as submitted to him or with modifications; and any such order shall be laid before Parliament after being made, together with the report of the Commission.

(4) Where on the review of an area outside the special review areas the Minister gives effect (with or without modifications) to a proposal for any such change as is mentioned in paragraphs (b) to (f) of section eighteen of this Act, other than the conversion of a non-county borough or urban district into a county borough or the constitution of a new county borough by the amalgamation of two or more non-county boroughs, the Minister shall give effect thereto by an order not giving effect to any other proposals except such as appear to the Minister so connected with the first-mentioned proposal that it is requisite that effect should be given to them by the same order.

(5) On the review of an area outside the special review areas the power of the Minister to give effect to proposals with modifications shall include power to make provision for the conversion of a non-county borough or urban district into a county borough, or the constitution of a new county borough by the amalgamation of two or more non-county boroughs (with or without, in either case, the inclusion in the new county borough of part of another county borough or the whole or part of a county district), or for the extension of the area of a county borough (including the abolition of a county district in the course of the extension), in any case where an application for the change was made to the Commission by the council of the borough or urban district or, as the case may be, of any of the boroughs to be amalgamated and an inquiry has been held with respect to the change by reason of the council having objected to the Commission's proposals on the ground that they do not include a proposal for giving effect to the application.

Power of
Minister to
initiate changes
in default of
proposals of
Commission.

24.—(1) If, after consideration of the report and proposals of the Commission submitted to him on any review held in pursuance of section seventeen of this Act and after consultation with all local authorities in the area to which the review related, the Minister is of opinion—

- (a) that the proposals submitted by the Commission are not, either as submitted or subject to modifications, apt for the purpose of securing the effective and convenient organisation of local government in the area reviewed, and that provision is required for that purpose, or

(b) that it is expedient that any particular provision should be made for that purpose, and that notwithstanding any proposals submitted by the Commission and his powers of modifying such proposals he has no power apart from this section to make that provision,

the Minister may make proposals for the said provision.

(2) If, in a case where the Commission have notified the Minister that they have no proposals to put forward, the Minister is of opinion after consideration of the report of the Commission and of any representations made to him by any local or public authority or member of the public and after consultation with all local authorities in the area to which the review related, that provision is required for the purpose of securing the effective and convenient organisation of local government in the area reviewed, the Minister may make proposals for the said provision.

(3) The Minister shall give public notice, in such manner as appears to him sufficient for informing persons likely to be concerned, of any proposals of the Minister under this section, and shall consider any representations with respect to the proposals made within such time as may be limited by the notice, and shall cause a local inquiry to be held.

(4) After compliance with the foregoing subsection the Minister may by order give effect to the proposals, either as notified or with such modifications as appear to him expedient.

(5) Subsection (4) of the foregoing section shall apply in relation to proposals of the Minister under this section as it applies in relation to proposals of the Commission.

(6) Nothing in this section shall empower the Minister to make any provision which could not have been proposed by the Commission.

25.—(1) At any time after the Commission have entered on the review of a special review area, but before they have formulated their proposals, the Minister may, by order made on the representations of, or after consultation with, the Commission, vary the area either by the exclusion of any part thereof or the inclusion therein of any area not specified in the Third Schedule to this Act. Variation of special review areas.

Before making an order under this subsection the Minister shall consult with every local authority whose area, or any part of whose area, is proposed to be excluded from, or included in, the special review area.

(2) If for the purposes of their review of a special review area it appears to the Commission expedient that the whole or any part of a county district adjoining the special review area, or of the remainder of a county district part of which is in that area, should be treated as if it were comprised in that area, they may after consultation with the councils of the county and of the

PART II
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county district notify the Minister and the councils of the county district and of the county within which it is comprised that they propose so to treat the county district or part, and unless within two months from the notification the Minister directs them not to do so they shall so treat the district or part and proposals may be made, and given effect to, as if it were comprised in the special review area.

Joint Boards

**Provisions as
to joint boards.**

26.—(1) Where on the review of a special review area it appears to the Commission, or to the Minister acting under section twenty-four of this Act, that for the efficient discharge of any county or district functions (including any functions of statutory water undertakers within the meaning of the Water Act, 1945) in the special review area or any part thereof, or in that area or part and any adjoining area, it is expedient that there should be a joint board, the power of the Commission or Minister to make proposals shall include power to make proposals—

- (a) for the establishment of such a board for purposes specified in the proposals;
- (b) for the district for which the board is to be established;
- (c) for the authorities (whether or not they are or include authorities by whom the functions to be discharged by the board are dischargeable under the general law) which are to be the constituent members of the board;
- (d) for the undertakings (if any) which are to be transferred to the board.

(2) The power of the Commission or Minister to make proposals on the review of a special review area shall include power to make proposals for the dissolution of a joint board constituted for any district comprised or substantially comprised in the special review area, or for the variation of the constitution, functions or area of a joint board constituted for a district any part of which is in the special review area.

(3) Sections twenty-three and twenty-four of this Act shall have effect in relation to proposals made by virtue of the foregoing provisions of this section as if those sections, instead of providing for giving effect to proposals with or without modifications, provided respectively for approving and affirming proposals with or without modifications, and the provisions of the Sixth Schedule to this Act shall have effect in relation to such proposals.

(4) Without prejudice to subsection (2) of this section, where it appears to the appropriate Minister that in consequence of the provisions of any order made or to be made on any review held by the Commission (whether of a special review area or

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—cont.

not), being provisions for changing the functions, area or status of any local authority, it is expedient to dissolve, or vary the constitution, functions or area of, a joint board constituted under any enactment other than this Act, the appropriate Minister may by order dissolve the board or, as the case may be, make the variation.

27. Where, in the case of a joint board constituted by order under the Sixth Schedule to this Act, or a joint board of which the constitution, functions or area have been varied by an order under that Schedule or subsection (4) of the foregoing section, it appears to the appropriate Minister that the board should be dissolved or that any variation or further variation should be made in its constitution, functions or area,—

Subsequent variation of provisions as to joint boards.

- (a) the appropriate Minister may prepare a draft order for dissolving the board or, as the case may be, making the variation, and if he does so shall send copies of the draft to the board, to its constituent members, and to any other local or public authority appearing to the appropriate Minister to be concerned ;
- (b) the appropriate Minister shall consider any representations made to him with respect to the draft within such period as he may have specified in sending out the draft, and may then make an order either in the terms of the draft or subject to such modifications as he thinks proper.

County Reviews

28.—(1) It shall be the duty of each county council in England and Wales to review the circumstances of the county districts within the county and to make such proposals as are hereinafter authorised for effecting changes appearing to the county council desirable in the interests of effective and convenient local government.

Holding of reviews by county councils.

(2) A county council shall proceed, as respects the county or any part thereof, to carry out the duty imposed by the foregoing subsection so soon as it appears to the council, or they are notified by the Minister, that the proceedings under the foregoing provisions of this Part of this Act in relation to the county or part have been carried to the point at which it is practicable for the council to proceed under this section.

(3) Subject to the provisions of this section, the changes which may be put forward in proposals of a county council are changes to be produced by any of the following means or any combination of those means (including the application of any of the following paragraphs to an area constituted or altered under any of those paragraphs):—

- (a) any such means as are specified in paragraphs (a) to (e) of section nineteen of this Act ;

PART II
—*cont.*

- (b) the inclusion of a non-county borough in a rural district ;
- (c) the alteration of the area of a borough so included or of a parish ;
- (d) the constitution of a new parish by the amalgamation of parishes, by the aggregation of parts of areas within the same rural district, or by the separation of part of an area ;
- (e) the abolition of a parish ;
- (f) the grouping of two or more parishes under a common parish council.

(4) As respects any part of the county comprised in a special review area, or treated under subsection (2) of section twenty-five of this Act as so comprised, the county council shall not have power to propose any change authorised by paragraph (a) of the foregoing subsection.

(5) The Seventh Schedule to this Act shall apply to boroughs included in rural districts.

(6) Subsection (1) of this section shall not apply to the administrative county of London, and shall not apply to any other part of the metropolitan area except in so far as Her Majesty may by Order in Council apply that subsection thereto.

**Procedure on
county reviews.**

29.—(1) In carrying out their review of the whole or part of the county, a county council shall consult with the councils of the several county districts situated within the county or part, as the case may be, and shall confer with representatives of those councils.

(2) Forthwith after the review is completed, the county council shall submit to the Minister a report on the review together with the proposals as to the changes, if any, which they consider desirable, and shall send copies of the report and any proposals to the councils of the county districts in the area to which the review related, and shall publish in one or more local newspapers circulating in those county districts a notice that the report has been submitted to the Minister, stating whether any proposals have been made and that copies of the report and any proposals are available for inspection at a specified place within the county, and that representations with respect to any proposals may be made to the Minister within two months of the publication of the notice.

(3) The Minister may direct the county council, in carrying out the review, to include in their report observations on any matter specified in the direction, whether or not they make proposals with respect to that matter.

(4) The Minister shall consider any proposal submitted to him by the county council and any representations with respect thereto which have been made by the council of any borough or urban

or rural district or parish council or parish meeting, or by any local government electors, being a council, meeting or electors affected thereby, and may then if he thinks fit make an order giving effect to the proposals or any of them, with or without modifications:

Provided that if an objection with respect to any proposal is made by any such council or meeting as aforesaid 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) The Minister may direct the county council to submit their report by a date specified in the direction.

(6) If 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 change within the powers of a county council on the review, and that the county council have failed to make a proposal for the purpose, the Minister shall publish in one or more local newspapers circulating in the county districts affected a notice stating—

- (a) that he has it under consideration to make the change;
- (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 two months of the publication of the notice;

and the Minister, after considering any representations duly made, and, if any objections are made by the county council or the council of a borough or urban or rural district or a parish council or parish meeting 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:

Provided that where the county council have not submitted proposals they shall not be treated for the purposes of this subsection as having failed to make any particular proposal unless the Minister has fixed a date for the purposes of the foregoing subsection and that date has passed.

30.—(1) If, after consideration of the report and any proposals of a county council submitted to him on their review under section twenty-eight of this Act, and after consultation with every local authority appearing to him to be concerned,—

- (a) the Minister is of opinion that for the purpose of securing the effective and convenient organisation of local government in the county changes are required such as it is within the powers of the county council under section twenty-eight of this Act to propose, and either

Power of
Minister to
direct holding
of county
review by
Commission.

PART II
—*cont.*

- (b) the county council have submitted no proposals, or
- (c) the Minister is not satisfied that the proposals submitted, either as submitted or subject to modifications, are apt for the said purpose,

the Minister may direct that the Commission shall hold the like review as was required to be held by the county council.

(2) Before holding a review under this section the Commission shall confer with the county council, and the county council shall be included among the local authorities to whom copies of any proposals are to be sent and whose representations are to be considered and may involve the holding of a local inquiry.

(3) Subsection (3) of section twenty-eight of this Act and, subject to the foregoing subsection, section twenty-nine of this Act shall apply in relation to reviews held by the Commission under this section as they apply in relation to reviews held by county councils.

Subsequent
county reviews.

31.—(1) At any time after the expiry of a ten-year period the Minister may direct a county council to hold a further review, and thereupon subsections (1) and (3) of section twenty-eight, and section twenty-nine, of this Act shall apply in relation to the county council, subject however to the modification that the county council shall not submit their report and proposals to the Minister until after consultation with the council of any county borough adjoining the county, and—

- (a) the Minister shall give to any such county borough council an opportunity of laying before him their views on the proposals made by the county council ;
- (b) the proposals may, if the council of the county borough concerned agree, include proposals for the transference of part of the area of the borough to the county or of part or the whole of any county district in the county to the borough.

(2) In the foregoing subsection the reference to a ten-year period shall be construed as a reference to a period of ten years beginning with the submission to the Minister of the report and proposals on the previous or last previous review of the county or a part thereof.

(3) This section shall not apply to the administrative county of London.

County
reviews:
consequential
provisions as
to joint boards.

32. Where it appears to the appropriate Minister that in consequence of the provisions of any order made or to be made on a review held under section twenty-eight, thirty or thirty-one of this Act, being provisions for changing the area or status of any local authority, it is expedient to dissolve, or vary the constitution, functions or area of, a joint board constituted under any enactment other than this Act, the appropriate Minister may by

order dissolve the board or, as the case may be, make the variation; and section twenty-seven of this Act shall apply in relation to a joint board of which the constitution, functions or area have been varied by an order under this section as it applies in relation to the joint boards mentioned in that section.

PART II
—cont.

33.—(1) Sections twenty-eight and thirty-one of this Act shall have effect subject to the following subsections in the cases to which those subsections respectively apply. Application of ss. 28 and 31 to special cases.

(2) The council of a county constituted by order under this Part of this Act shall proceed to carry out the duty imposed by subsection (1) of the said section twenty-eight as soon as may be after the coming into operation of the order, and nothing in subsection (2) of that section shall be taken to apply to such a council.

(3) Where subsection (1) of the said section twenty-eight becomes applicable to any area by virtue of an Order in Council under subsection (6) of that section, the council of the county in which the area or any part thereof is comprised shall, subject to the following subsection, proceed to carry out the said duty as soon as may be after the coming into operation of the Order, and—

- (a) the review may include any other part of the county notwithstanding that the council have already reviewed it under the said section twenty-eight;
 - (b) nothing in subsection (2) of that section shall be taken to apply to the council.
- (4) In the case of a county—
- (a) which is constituted by order under this Part of this Act, or of which the area is altered by such an order, so that (in either case) the county lies wholly within a special review area and comprises no rural districts, or
 - (b) which is constituted by order under section one hundred and forty of the Act of 1933 made after the commencement of this Act,

subsection (1) of section twenty-eight of this Act shall not apply except by virtue of a direction under section thirty-one thereof, and the said section thirty-one shall apply as if a review of the county had already been held and the report and proposals thereon had been submitted to the Minister on the date of the coming into operation of the order mentioned in paragraph (a) or (b) of this subsection, as the case may be.

(5) If effect is given to a proposal under this Part of this Act to include the Isles of Scilly in an administrative county, subsection (1) of section twenty-eight of this Act shall not apply to that part of the county except by virtue of a direction under section thirty-one thereof.

PART II

—cont.

General provisions relating to Part II

Constitution of county boroughs: presumption as to size.

34. In so far as the question of the constitution of a new county borough is affected by considerations of population, the Commission and the Minister shall presume that a population of one hundred thousand is sufficient to support the discharge of the functions of a county borough council.

Restriction on promotion of Bills for changes of local government areas or status.

35.—(1) No local authority shall have power to promote a Bill for forming any new area of local government, or for altering, or altering the status of, any area of local government, before the expiration of fifteen years from the commencement of this Act.

(2) Without prejudice to the foregoing subsection 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 one hundred thousand or more.

(3) In subsection (1) of this section “area of local government” means a county, a borough, an urban or rural district, or a parish.

(4) Subsection (1) of this section shall not apply to the administrative county of London, and Her Majesty may by Order in Council provide for excluding the operation of that subsection in relation to any other part of the metropolitan area specified in the Order.

Regulations as to Commission.

36.—(1) The Minister may make regulations for the guidance of the Commission in the exercise of any of their functions under this Part of this Act, and it shall be the duty of the Commission to comply with any provision or direction contained in or having effect under the regulations.

(2) Nothing in the provisions of this Part of this Act empowering the Minister to give directions to the Commission shall be construed as limiting the generality of the power to make regulations conferred by this section.

Dissolution of Commissions.

37. When it appears to Her Majesty in Council that the functions under section seventeen of this Act of either of the Commissions have been fully performed, Her Majesty may by Order in Council provide for the dissolution of that Commission.

Consequential and transitional arrangements relating to Part II.

38.—(1) An order under this Part of this Act may contain such incidental, consequential, transitional or supplementary provisions as may be necessary or proper for the purposes or in consequence of the order and for giving full effect thereto; and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.

(2) Such provisions as are mentioned in the foregoing subsection may be made with respect to administrative and judicial arrangements and with respect to the transfer and management

or custody of property (whether real or personal), may provide for applying, amending or repealing any Act, and may provide for any of the matters specified in paragraphs (a) to (h) of subsection (1) of section one hundred and forty-eight of the Act of 1933; and subsections (2) and (3) of that section (which respectively empower the making of provision as to electoral divisions and wards and numbers of councillors and aldermen in the case of a change of area, and the making of provision for regulating matters incidental to the grant of a commission of the peace and a court of quarter sessions in the case of a union of boroughs) shall apply to such orders as are mentioned in the foregoing subsection.

(3) An order under this Part of this Act constituting a new borough by the amalgamation of county boroughs, the division of a county borough, or the amalgamation of a non-county borough with other county districts may make provision for the charter of the new borough, by applying thereto, with any necessary exceptions or modifications, the charter of any amalgamated borough, or of the divided borough, as the case may be, or, in the case of an amalgamation including two or more boroughs, by applying as aforesaid to the new borough provisions of charters of two or more amalgamated boroughs or the charter of one and provisions of the charter of one or more of the others.

(4) An order under this Part of this Act converting an urban district into a county borough may make any provision which, if the borough had been constituted in pursuance of Part VI of the Act of 1933, could have been made by the charter creating it or by a scheme confirmed under that Part; and the provisions of the Municipal Corporations Act, 1882, and the provisions of the Act of 1933 relating to boroughs, shall apply to any county borough created by such an order.

(5) In submitting their proposals under this Part of this Act the Commission or a county council may include recommendations as to the provision to be made in any order of the Minister in pursuance of subsections (1) to (4) of this section.

(6) Any order under this Part of this Act whereby any power to run public service vehicles (within the meaning of the Road Traffic Act, 1930) would otherwise become exercisable as respects any road as respects which it would not be exercisable apart from the order shall contain provision whereby the power shall be exercisable as respects that road only with the consent of the traffic commissioners or traffic commissioner for the traffic area in which the road is situated, and the order shall provide for applying section one hundred and two of the Road Traffic Act, 1930 (which provides for the procedure on applications for the consent of traffic commissioners and for appeals from their decisions) to applications for such consent under the order.

PART II
—*cont.*
Financial provisions.

39.—(1) Sections one hundred and fifty-one and one hundred and fifty-two of the Act of 1933 (which provide for financial adjustments in consequence of the alteration of areas or authorities under that Act) shall apply to orders under this Part of this Act.

(2) The following provisions shall have effect for enabling financial adjustments to be made where county functions become under this Part of this Act exercisable by county district councils or, as respects part only of a county, by a joint board, or where district functions become exercisable under this Part of this Act by a county council:—

- (a) an order giving effect to proposals for the exercise of county functions by the councils of county districts or, as respects a district comprising part only of a county (whether or not it includes any other area), by a joint board, may contain provision for the making of contributions by the county council to expenditure of the county district councils or, as the case may be, of the councils of county districts in the county which are wholly or partly comprised within the district of the joint board, in respect of the functions;
- (b) an order giving effect, as respects part only of a county, to proposals for the exercise of county functions by county district councils or a joint board may contain provisions as to what expenditure or receipts of the county council are to be treated as being for special county purposes;
- (c) an order giving effect, as respects part only of a county, to proposals for the exercise of district functions by the county council may provide for expenditure or receipts of the county council in respect of those functions to be treated as being for special county purposes.

Orders etc.
under Part II
subject to
affirmative
or negative
resolution.

40.—(1) Subject to the provisions of this section,—

- (a) no order giving effect to proposals made on a review held in pursuance of section seventeen of this Act, other than proposals made by virtue of section twenty-six of this Act,
- (b) no order approving or affirming proposals made by virtue of the said section twenty-six,
- (c) no order under subsection (2) of the said section seventeen, and
- (d) no regulations under section thirty-six of this Act,

shall have effect until approved by a resolution of each House of Parliament.

(2) No Order in Council under section thirty-seven of this Act shall be submitted to Her Majesty unless a draft of the Order has been approved by a resolution of each House of Parliament.

PART II
—cont.

(3) Subsection (1) of this section shall not apply to any order giving effect only to proposals, made on the review of an area outside the special review areas, for altering the area of an administrative county or county borough (including proposals for abolishing a county district in the course of the extension of a county borough); but—

- (a) any such order,
- (b) any order giving effect to proposals made on a review held in pursuance of section twenty-eight, thirty or thirty-one of this Act,
- (c) any order under subsection (1) of section twenty-five, subsection (4) of section twenty-six, section twenty-seven or section thirty-two of this Act, and
- (d) any Order in Council under subsection (6) of section twenty-eight or subsection (4) of section thirty-five of this Act,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

41.—(1) Any order of the Minister made on a review under this Part of this Act may be varied or revoked by order of the Minister made in accordance with the following provisions of this section. Revocation of orders.

(2) The Minister shall prepare a draft of the varying or revoking order, shall send copies of the draft to such local or public authorities as appear to him to be concerned, and shall give public notice, in such manner as appears to him sufficient for informing persons likely to be concerned, that the draft has been prepared, that a copy thereof is available for inspection at a place specified in the notice and that representations with respect thereto may be made to the Minister within two months of the publication of the notice.

(3) The Minister shall consider any representations duly made with respect to the draft and may then if he thinks fit make an order either in the form of the draft or subject to modifications, so however that if any objection to the draft is duly made by any authority appearing to the Minister to be affected thereby, and is not withdrawn, the Minister shall not make the order without first holding a local inquiry into the objection.

(4) The foregoing section shall apply to an order under this section as it applies to the order varied or revoked.

42. The powers conferred by the provisions of this Part of this Act relating to joint boards and the Sixth Schedule to this Act shall not be exercisable so as to affect the constitution, functions, area or undertaking of any statutory water undertakers not being either a local authority or a joint board of which the constituent members are all local authorities. Supplementary provisions as to statutory water undertakers.

PART II—*cont.*

Boundaries between English and Welsh areas not to be affected.

Provisions as to Cinque Ports.

43. Nothing in this Part of this Act shall be construed as enabling any alteration of areas to be made so as to alter the boundary between an area in England and one in Wales.

44.—(1) No change of area or status effected under this Part of this Act or under section one hundred and forty-one of the Act of 1933 shall affect the continuance of the Confederation of the Cinque Ports.

(2) An order under this Part of this Act or the said section one hundred and forty-one affecting any port or ancient town of the Confederation may make provision for securing the continued discharge of functions in relation to the Confederation (including, but without prejudice to the generality of the foregoing, provision for the preservation so far as necessary for the purposes of this section, and with or without modifications, of any existing corporation), for appropriating property or providing funds for the discharge of functions as aforesaid, and otherwise for securing that anything required or authorised to be done by, to, or in relation to the Confederation or any Court thereof may continue to be done.

(3) Subsection (5) of section thirty-eight of this Act shall apply in relation to the foregoing provisions of this section as it applies in relation to subsections (1) to (4) of that section.

Saving for Prerogative.

45. 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 Her Majesty by virtue of Her royal prerogative.

PART III

DELEGATION OF FUNCTIONS TO COUNCILS OF COUNTY DISTRICTS

Health and Welfare functions

Schemes for exercise of health and welfare functions by councils of county districts.

46.—(1) The following functions of a county council shall, so far as they relate to a county district for which a scheme under this section (in this Part of this Act referred to as a delegation scheme) is in force, be exercisable by the council of that district on behalf of the county council, that is to say, their functions under—

- (a) Part III of the National Health Service Act, 1946, except the functions mentioned in paragraph (g) of this subsection and the functions under section twenty-seven of that Act (which relates to ambulances),
- (b) sections twenty-nine and thirty of the National Assistance Act, 1948 (which relate to welfare arrangements for disabled persons),

- (c) the Nurseries and Child-Minders Regulation Act, 1948,
- (d) the Lunacy and Mental Treatment Acts, 1890 to 1930, and the Mental Deficiency Acts, 1913 to 1938,
- (e) subsection (2) of section fifty-one of the National Health Service Act, 1946 (which relates to contributions to voluntary organisations in connection with functions under the Mental Deficiency Acts, 1913 to 1938);

PART III
—cont.

and, subject to subsection (2) of this section, their functions under—

- (f) Part III of the National Assistance Act, 1948, so far as it relates to residential or temporary accommodation, and
- (g) section twenty-eight of the National Health Service Act, 1946, so far as it relates to the care in residential accommodation of persons suffering from mental illness or to the after-care in such accommodation of such persons.

(2) The functions mentioned in paragraphs (f) and (g) of the foregoing subsection shall not be exercisable under a delegation scheme by the council of a county district, and accordingly provisions for their exercise shall not be included in a delegation scheme, except with the consent of the Minister of Health; and the Minister's consent may be given as respects all or any of those functions, and shall on the application of the council be given if the Minister is satisfied after consultation with the county council that there are exceptional circumstances justifying the exercise of the functions by the council of the county district, but shall not be given in any other case.

(3) A delegation scheme may be made by the council of any county district which is a borough or urban district having a population of sixty thousand or more and, with the consent of the Minister of Health, by the council of any other county district; and the Minister shall give his consent if satisfied, after consultation with the county council and such other councils as may appear to him to be concerned, and such other consultations (if any) as he may think desirable, that there are special circumstances by reason of which the council of the county district ought to be allowed to make the scheme, but shall not give his consent in any other case.

(4) The functions exercisable by the council of a county district by virtue of a delegation scheme shall be included among the functions which, under section eighty-five of the Act of 1933, may be delegated by the council to a committee appointed by them under that section; but nothing in this section shall be taken as applying to such a council the provisions of Part II of the Fourth Schedule to the National Health Service Act, 1946 or Part I of the Third Schedule to the National Assistance Act, 1948 as to the establishment of committees.

PART III
—*cont.*

(5) Any power of a county council, in the exercise of functions with respect to which provision is made in a delegation scheme, to make contributions to voluntary organisations may, in relation to the county district for which the scheme is in force, be exercised by the county council as well as the council of that district.

(6) Nothing in subsection (1) of this section shall be taken as including among the functions exercisable under a delegation scheme any power of a county council to borrow money or issue a precept for a rate.

(7) A delegation scheme may prescribe conditions subject to which the functions exercisable thereunder are to be exercised, and shall specify the date on which it is to come into operation, shall make provision for the determination by the Minister of Health of questions arising as to the operation of the scheme, and may make provision for incidental and supplementary matters necessary or expedient for the purposes of the scheme (including provision as to financial matters and in particular as to the submission and approval of estimates and accounts, and the manner in which and times at which the council of the county district are to be reimbursed by the county council for expenditure incurred in the exercise of the functions exercisable under it).

Procedure for bringing delegation scheme into operation.

47.—(1) A delegation scheme shall be transmitted to the county council and submitted by them to the Minister of Health and shall not come into operation until after it has been approved by that Minister.

(2) Before making a delegation scheme the council of a county district shall give notice to the county council of their intention to do so (except in the case mentioned in subsection (4) of this section) and shall consult the county council on the proposed scheme, and for that purpose shall state their proposals to the county council in the form of a draft scheme.

(3) Subject to the following subsection, a notice under the foregoing subsection shall not be valid, and a delegation scheme shall not be submitted to the Minister of Health, unless the notice is given within a period of six months, and the scheme transmitted to the county council within a period of twelve months, beginning (in either case) on the day, or ten or a greater multiple of five years after the day, on which this Act is passed.

(4) An application for the consent of the Minister of Health under subsection (2) or (3) of section forty-six of this Act shall not be entertained unless it is made within such a period

of six months as is mentioned in the foregoing subsection ; but where such an application has been duly made—

- (a) no notice need be given under subsection (2) of this section but the Minister shall notify the county council of his decision on the application ; and
- (b) the period of twelve months mentioned in the foregoing subsection shall, if necessary, be extended so as not to expire until six months from the time at which the council making the scheme are notified of the Minister's decision.

(5) Where by an order of the Minister made in pursuance of a review by either of the Commissions or in pursuance of the review which a county council are required to undertake by section twenty-eight of this Act, a county district becomes comprised in a county in which it was not previously comprised, or a new county district has been constituted (whether on an amalgamation, by the conversion of a county borough into a non-county borough or otherwise) or the area of a county district has been altered, subsections (3) and (4) of this section shall have effect, in relation to a scheme made by the council of that county district, as if a further date were specified in the said subsection (3) as a day on which the periods mentioned therein may begin, namely the first date on which an estimate of the population of the district as at a time after the coming into operation of the order is published by the Registrar General for England and Wales.

(6) After submitting a delegation scheme a county council shall publish a notice stating that the scheme has been submitted to the Minister of Health and that representations may be made to him in writing within two months from the publication of the notice ; and in publishing any such notice the council shall comply with such regulations (if any) as to the form or manner in which the notice is to be published as may be made by the Minister of Health.

(7) The Minister of Health, after considering any representations duly made and not withdrawn, and after consultation with the county council and such other consultations (if any) as he may think desirable, shall approve the scheme either as submitted or with modifications ; and the scheme shall have effect in the form approved by him.

(8) In determining whether the consent of the Minister of Health under subsection (3) of section forty-six of this Act is required for the making of a scheme by the council of a borough or urban district any estimate of the population of the borough or urban district published after the beginning of the period within which the scheme may under subsection (3) of this

PART III
—*cont.*

section be transmitted to the county council shall be disregarded for the purposes of section sixty-five of this Act.

**Variation and
revocation of
delegation
schemes.**

48.—(1) A delegation scheme for any county district may be varied or revoked by a subsequent scheme made by the Minister of Health; and the foregoing provisions of this Part of this Act shall apply in relation to such a subsequent scheme as they apply in relation to delegation schemes, subject however to the modification that the consent of the Minister under subsection (3) of section forty-six of this Act shall not be required, whatever the circumstances of the county district.

(2) Where it appears to the Minister of Health that it is expedient that a delegation scheme for any county district should be varied or revoked and the council of the district have not made a varying or revoking scheme he may, subject to the following subsection, require the council to make such a scheme within such time as may be specified in the requirement; and if the council do not comply with the requirement the Minister may himself, after consultation with the county council, make such a scheme as appears to him to be required, and any scheme so made shall have effect, and may be varied or revoked, as if it had been made by the council and approved by the Minister.

(3) The Minister shall not require the revocation of a delegation scheme for a borough or urban district having a population of sixty thousand or more.

**Default powers
of Minister of
Health.**

49.—(1) Where the Minister of Health is of opinion, on complaint or otherwise, that the council of any county district have failed to carry out any functions exercisable by them under a delegation scheme or have in carrying out those functions failed to comply with any regulations or directions relating thereto, he may, after such inquiry as he may think fit and after consultation with the county council, make an order declaring the council of the county district to be in default.

(2) An order under the foregoing subsection shall direct the council of the county district, for the purpose of remedying the default, to discharge such of the said functions, and in such manner and within such time or times, as may be specified in the order, and if the council fail to comply with any direction given under this subsection, within the time limited for compliance therewith, the Minister of Health, in lieu of enforcing the order by mandamus or otherwise, may make an order providing for the exercise of the said functions by the county council during the continuance in force of the order, notwithstanding the delegation scheme.

(3) An order under this section may contain such supplementary and incidental provisions as appear to the Minister

of Health to be necessary or expedient, and may be varied or revoked by a subsequent order.

PART III
—cont.

(4) Section fifty-seven of the National Health Service Act, 1946 (which confers default powers on the Minister of Health) shall apply in relation to any functions exercisable by a county council under this Part of this Act as it applies in relation to functions exercisable by a local health authority under that Act.

50.—(1) The functions exercisable under a delegation scheme do not include the submission of proposals under subsection (4) of section twenty of the National Health Service Act, 1946, or of that section as applied by section fifty-one of that Act, or the amendment or revocation of schemes under subsection (3) of section twenty-one or subsection (3) of section twenty-nine of the National Assistance Act, 1948; but the council of a county district for which a delegation scheme is in force may from time to time submit to the county council proposals for the submission of new proposals under the said subsection (4) (or that subsection as applied by the said section fifty-one) or for the amendment or revocation of a scheme under subsection (3) of the said section twenty-nine and, if the delegation scheme includes provision for the exercise of the functions mentioned in paragraph (f) of subsection (1) of section forty-six of this Act, for the amendment or revocation of a scheme under subsection (3) of the said section twenty-one. Proposals and schemes under National Health Service Act, 1946, and National Assistance Act, 1948.

(2) A county council may adopt proposals submitted under the foregoing subsection and exercise their powers of submitting new proposals or varying or revoking schemes so as to give effect thereto; and—

- (a) in any case in which they do not exercise those powers so as to give full effect to the proposals of the council of the county district they shall forward a copy of those proposals to the Minister of Health with their observations thereon; and
- (b) if the county council submit to the Minister (whether on their own initiative or in compliance with a direction given by him) new proposals, or a scheme, which fail or fails to give full effect to proposals of the council of a county district, the power of the Minister to approve the new proposals or scheme with modifications shall include power to make any alteration thereof, omission therefrom or addition thereto which is required for giving effect to any of the proposals of that council.

51.—(1) The foregoing provisions of this Part of this Act shall apply in relation to joint boards, other than those excepted from those provisions, as they apply in relation to county councils. Application of foregoing provisions to joint boards.

PART III
—*cont.*

(2) A joint board constituted under Part II of this Act of which any of the constituent members is the council of a county district shall be excepted from the foregoing provisions of this Part of this Act.

Education functions

New claims
to status of
excepted
district.

52.—(1) A council of any county district which is not an excepted district within the meaning of Part III of the First Schedule to the Education Act, 1944 (which relates to the delegation of functions to divisional executives) may, within any of the periods mentioned in subsection (2) of this section, apply to the Minister of Education for a direction constituting the district an excepted district (that is to say, a district excepted from any scheme of divisional administration made by the local education authority but having its own scheme of divisional administration), and the Minister shall give the direction if—

- (a) the district is a borough or urban district having a population of sixty thousand or more ; or
- (b) the Minister, after consultation with the local education authority and such other councils as appear to him to be concerned, is satisfied that by reason of special circumstances the district ought to be an excepted district,

but shall not give the direction in any other case ; and upon his direction being given the district shall become an excepted district within the meaning of the said Part III and the provisions of that Part other than paragraph 4 shall apply to it accordingly.

(2) The said periods are periods of six months beginning on the day, or ten or a greater multiple of five years after the day, on which this Act is passed ; and subsections (5) and (8) of section forty-seven of this Act shall, with the necessary modifications, apply in relation to this and the foregoing subsection as they apply in relation to subsection (3) of that section and subsection (3) of section forty-six of this Act respectively.

(3) Where the local education authority is a joint board constituted under Part II of this Act, and any of the constituent members of the board is the council of a county district, the foregoing provisions of this section shall not apply to the council of any county district in the area of the authority.

Metropolitan area

Exclusion from
Part III of
metropolitan
area.

53.—(1) Subject to subsection (2) of this section this Part of this Act shall not apply to the metropolitan area.

(2) Her Majesty may by Order in Council direct that the provisions of this Part of this Act or such of them as may be specified in the Order shall, subject to such exceptions, adaptations and modifications, if any, as may be specified in the Order, extend to the metropolitan area or any part of it.

PART IV

GENERAL AND SUPPLEMENTARY

General amendments relating to local government finance

54.—(1) The manner in which a trustee may invest trust funds under the powers of section one of the Trustee Act, 1925, shall include—

Extension of power of trustees to lend to local authorities.

- (a) the lending of money to an authority to which this section applies, in any case where the money, when borrowed by the authority, is charged on all or any of the revenues of the authority or on a fund into which all or any of their revenues are payable; and
- (b) the purchase of any security created by an authority to which this section applies for the purpose of borrowing money so charged.

(2) Subsection (1) of section two of the said Act of 1925 (which extends the power of a trustee to invest in the securities mentioned or referred to in the said section one by authorising the purchase of redeemable securities at a price exceeding the redemption value, but with certain limitations as regards the securities specified in the proviso to that subsection) shall apply to any such security as is mentioned in the foregoing subsection as if it were among the securities mentioned or referred to in the said section one and also, except in the case of stock created by the London County Council, the Metropolitan Water Board, or the Belfast City and District Water Commissioners, among those specified in the said proviso.

(3) The following are the authorities to which this section applies, that is to say, any local authority, the council of any borough included in a rural district, any parish council, any body all the members of which are members of local authorities, any river board, any river purification board, the Metropolitan Water Board, the Belfast City and District Water Commissioners, the Conservators of the River Thames and the Lee Conservancy Catchment Board.

(4) In this section “local authority” means any of the following authorities in the United Kingdom, that is to say—

- (a) in England and Wales, a local authority as defined in section sixty-six of this Act, the Common Council of the City of London, the council of a metropolitan borough and the Council of the Isles of Scilly;
- (b) in Scotland, a local authority within the meaning of the Local Government (Scotland) Act, 1947;

PART IV
—cont.

(c) in Northern Ireland, the council of a county, county or other borough, or urban or rural district.

(5) The foregoing provisions of this section shall apply in relation to trusts the execution of which is governed by the law in force in Northern Ireland as if for the references to the Trustee Act, 1925, there were substituted references to the Trustee Act, 1893; and the references in those provisions as so applying to the proviso to subsection (1) of section two of the said Act of 1925 shall be construed as references to the proviso contained in subsection (2) of section two of the said Act of 1893.

(6) The foregoing subsection shall, for the purposes of section six of the Government of Ireland Act, 1920, be deemed to be a provision of an Act passed before the appointed day within the meaning of that section.

**Consolidated
Loans Funds.**

55.—(1) The council of any county or county borough may in accordance with a scheme made by the council and approved by the Minister establish and operate a Consolidated Loans Fund for defraying any expenditure which the council is authorised by or under any enactment to meet out of moneys borrowed by the council and for the repayment or redemption of debt.

(2) A scheme under this section shall make provision—

(a) as to the purposes for which payments are to be authorised or required to be made out of the Fund;

(b) as to the assets and liabilities which are to be authorised or required to be transferred to or paid into the Fund;

(c) without prejudice to the generality of the foregoing paragraphs, applying with the necessary modifications paragraphs (a) to (c) of subsection (1) of section eight of the Local Authorities Loans Act, 1945 (which authorises the application for other capital purposes of assets of a capital fund which are not for the time being required for the purposes of the fund) and for securing that payments shall be made to the Fund of such amounts and at such times as are necessary for fulfilling any requirements as to the period within which loans are to be repaid and the obligations of the council to repay loans and to pay interest on loans and for defraying the management expenses of the Fund;

(d) for the keeping of separate accounts of receipts and outgoings of the Fund determined by the scheme to be of a capital and of an income nature respectively, and of expenditure in connection with the management of the Fund;

(e) as to the investment of assets of the Fund which are for the time being not required for other purposes, or their application in the repayment or redemption of debt.

PART IV
—cont.

(3) The foregoing provisions of this section shall apply to the council of any county district having, at the time of the making of a scheme, a population of sixty thousand or more, or, with the consent of the Minister given before the making of a scheme, to the council of any other county district, and to the council of any metropolitan borough, as those provisions apply to the council of a county or county borough.

(4) A scheme under this section shall have effect notwithstanding anything in any enactment.

(5) A scheme under this section, or a scheme made under the corresponding provisions of any local Act, may be varied or revoked by a subsequent scheme made by the council and approved by the Minister.

56.—(1) Section three hundred and seven of the Public Health Act, 1936, and section one hundred and twenty-six of the Act of 1948 (which empower county councils to make certain contributions to the expenses of county district councils) shall cease to have effect, but a county council may make any contribution the council think fit to expenditure of the council of a county district in the county. Contributions by county councils to expenses of county district councils.

(2) A county council may make any contribution the council think fit towards expenditure of the council of a borough to which the Seventh Schedule to this Act applies or by a parish council or parish meeting in connection with the exercise of the functions of the council or meeting relating to public open spaces.

(3) Where an amount equal to the expenditure to which any contribution is made under subsection (1) of this section falls to be debited to the Housing Revenue Account of the council of the county district, that council shall carry to the credit of the account, in addition to the amounts which they are required to carry to the credit of that account under section one hundred and twenty-nine of the Housing Act, 1936, an amount equal to the contribution under subsection (1) of this section.

57. A county council shall not be required to contribute to any salary accruing after the thirty-first day of March, nineteen hundred and fifty-nine of a medical officer of health or public health inspector of a county district or metropolitan borough. Abolition of compulsory county contributions to local health salaries.

PART IV
—cont.

Arrangements
by local
authorities for
handling
receipts and
payments.

58.—(1) Every local authority shall make safe and efficient arrangements for the receipt of moneys paid to them and the issue of moneys payable by them, and those arrangements shall be carried out under the supervision of the treasurer :

Provided that in the case of a local authority of which the treasurer at the passing of this Act is not a whole-time officer (that is to say, a person who devotes substantially the whole of his time to his employment by the authority) the said arrangements shall at any time when the treasurer is not a whole-time officer be carried out under the supervision of such officer of the authority as may be designated by them as their chief financial officer.

(2) The following enactments, that is to say,—

- (a) subsection (2) of section eighty-six, and sections one hundred and eighty-four and one hundred and eighty-seven, of the Act of 1933, and
- (b) subsection (3) of section sixty, and sections one hundred and nineteen and one hundred and twenty-two, of the London Government Act, 1939,

(being enactments imposing requirements as to the manner in which payments into or out of funds of local authorities are to be made or authorised and the manner in which local authorities are to be authorised to incur liabilities exceeding one hundred pounds) shall cease to have effect.

(3) In this section “local authority” includes the council of a metropolitan borough.

(4) This section shall come into force on the first day of April, nineteen hundred and fifty-nine.

Supplementary provisions

Change of
name of
county or
borough.

59.—(1) The council of a county or of a borough may with the consent of the Minister change the name of the county or borough.

(2) Where the name of a borough is changed in pursuance of this section the charter of the borough shall have effect as if the new name were substituted for the old in the name of the borough and its corporation.

(3) Every change of name made in pursuance of this section shall be published in such manner as the Minister may direct.

(4) A change of name made in pursuance of this section shall not affect any rights or obligations of any county, of any borough, or of any 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.

60.—(1) Any order under Part II of this Act or scheme under Part III thereof may contain provisions as to the transfer of existing officers affected by the order or scheme and shall contain provisions for the protection of the interests of any such existing officers.

PART IV
—*cont.*
Transfer and compensation of officers.

(2) Provision shall be made, by regulations made by such Minister as may be determined by the Treasury to be appropriate in relation to the persons to whom the regulations relate, for the payment by such authority as may be prescribed by or determined under the regulations, but subject to such exceptions or conditions as may be so prescribed, of compensation to or in respect of persons who are, or who but for any national service of theirs would be, the holders of any such place, situation or employment as may be so prescribed and who suffer loss of employment or loss or diminution of emoluments which is attributable to the provisions of any such order or scheme as is mentioned in subsection (1) of this section or of any scheme or order under sections forty-three to forty-five, or Part VI, of the Act of 1933; and so much of section one hundred and fifty of that Act as provides for compensation shall not apply to any scheme or order under the said Part VI, but without prejudice to any instrument to which it is applied by any other enactment.

(3) Regulations under the foregoing subsection may include provision as to the manner in which and the person to whom any claim for compensation under this section is to be made, and for the determination of all questions arising under the regulations.

(4) In this section—

“existing officer”, in relation to an order or scheme, means an officer serving on such date or dates as may be specified in the order or scheme in relation to him;

“national service” means any such service in any of Her Majesty’s forces or other employment (whether or not in the service of Her Majesty) as may be prescribed by regulations under this section;

“officer” includes the holder of any place, situation or employment.

(5) Any regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

61. There shall be defrayed out of moneys provided by Parliament—

Payments out of moneys provided by Parliament

(a) the expenses of the Minister incurred in paying general grants under Part I of this Act;

PART IV
—*cont.*

- (b) any increase attributable to this Act in the sums payable out of moneys provided by Parliament under Part I of the Act of 1948 or under the Local Government (Financial Provisions) (Scotland) Act, 1954 as amended by the Valuation and Rating (Scotland) Act, 1956 ;
- (c) any expenses of the Minister of Health incurred in the exercise of default powers conferred by Part III of this Act ;
- (d) any expenses incurred by any Minister in pursuance of the foregoing section ;
- (e) any administrative expenses incurred under this Act by any Minister.

Minor and consequential amendments.

62. The enactments specified in the Eighth Schedule to this Act shall have effect, as respects England and Wales, subject to the amendments specified in that Schedule, being minor amendments or amendments consequential on the foregoing provisions of this Act.

General provisions as to local inquiries.

63.—(1) Without prejudice to any requirement under the foregoing provisions of this Act, a Minister may cause a local inquiry to be held for the purpose of any of his functions under this Act.

(2) Subsections (2) to (5) of section two hundred and ninety of the Act of 1933 (which relate to the giving of evidence at inquiries and the payment of costs) shall apply to all inquiries held for the purposes of this Act.

Application of Statutory Instruments Act.

64. Any power conferred on a Minister by this Act to make an order or rules or regulations shall be exercisable by statutory instrument.

Ascertainment of population.

65. Save as otherwise expressly provided, for the purposes of Parts II to IV of this Act the population of an area shall be taken to be its population as estimated in the latest estimate published by the Registrar General for England and Wales.

Interpretation.

66.—(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say :—

- “ Act of 1933 ” means the Local Government Act, 1933 ;
- “ Act of 1948 ” means the Local Government Act, 1948 ;
- “ Act of 1955 ” means the Rating and Valuation (Miscellaneous Provisions) Act, 1955 ;

“ Area Board ” means a Board constituted under the Electricity Act, 1947, “ the Generating Board ” means the Central Electricity Generating Board, and “ Electricity Board ” means the Generating Board or an Area Board ;

“ borough ” includes any description of borough ;

“ the Commission ” and “ the Commissions ” have the meanings assigned by subsection (5) of section seventeen of this Act ;

“ county functions ” and “ district functions ” have the meanings assigned by subsection (2) of section twenty of this Act ;

“ expenditure ” includes sums paid by virtue of a precept or other instrument or by way of contribution ;

“ functions ” means powers or duties ;

“ Gas Board ” means an Area Board constituted under the Gas Act, 1948, for an area in England or Wales ;

“ joint board ” includes a combined authority or joint committee ;

“ metropolitan area ” means the area specified in the Fifth Schedule to this Act ;

“ Minister ” means the Minister of Housing and Local Government ;

“ appropriate Minister ” means, in relation to any matter, the Minister in charge of the Government Department concerned or primarily concerned with that matter ;

“ parish ” means a rural parish ;

“ relevant expenditure ” means expenditure specified in Part I of the First Schedule to this Act and not excluded by any provision of Part II of that Schedule.

(2) In Parts II to IV of this Act, except where the context otherwise requires, the expression “ local authority ” means the council of a county, county borough or county district and in the said Part II includes the Council of the Isles of Scilly.

(3) Any question arising under this Act as to which Minister is the appropriate Minister shall be determined by the Treasury.

(4) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this Act.

PART IV
—cont.
Repeals.

67. The enactments specified in the Ninth Schedule to this Act are hereby repealed, as respects England and Wales, to the extent specified in the third column of that Schedule:

Provided that—

- (a) subject to the following paragraph, the repeal of the enactments specified in Part II or IV of that Schedule shall not have effect as respects any period before the first day of April, nineteen hundred and fifty-nine ;
- (b) the repeal of subsections (2) and (2A) of section one hundred and forty-four of the Act of 1948 and of section four of the Rating and Valuation Act, 1957, shall also have effect as respects payments for the benefit of local authorities for the year beginning with the said first day of April, but not for any earlier year ;
- (c) the repeal of the enactments specified in Part III of the Ninth Schedule to this Act shall not affect the levying of rates for any period before the first day of April, nineteen hundred and sixty ;
- (d) the repeal of the enactments specified in Part IV of the Ninth Schedule to this Act shall not affect contributions in respect of salary accruing before the first day of April, nineteen hundred and fifty-nine ;
- (e) the repeal of subsection (1) of section sixty-two of the Rating and Valuation Act, 1925, shall not affect the operation of the Overseers Order, 1927, and the repeal of section sixty-seven of the said Act of 1925 shall not affect the operation of any order made under the said section sixty-seven ;
- (f) the repeal of the Local Government Boundary Commission (Dissolution) Act, 1949, shall not affect the continuation in force of sections one hundred and forty to one hundred and forty-five of the Act of 1933 or of the Local Government (Alteration of Areas) (Notices) Regulations, 1934.

Short title.

68. This Act may be cited as the Local Government Act, 1958.

SCHEDULES

FIRST SCHEDULE

Sections 1, 2,
66.

GENERAL GRANTS

PART I

RELEVANT EXPENDITURE

Subject to the provisions of Part II of this Schedule, relevant expenditure for the purposes of this Act is expenditure falling within any of the following paragraphs.

1. Expenditure incurred by local education authorities as such.
2. Expenditure incurred by or on behalf of local health authorities within the meaning of the National Health Service Act, 1946, in respect of the carrying out of the functions of such authorities, whether under that Act or any other enactment, including the functions of such authorities as local supervising authorities under the Midwives Act, 1951.
3. Expenditure on fire services.
4. Expenditure incurred in the carrying out of any of the functions specified in subsection (1) of section thirty-nine of the Children Act, 1948.
- 5.—(1) Expenditure incurred in connection with—
 - (a) the acquisition of land under Part I of the Town and Country Planning Act, 1944, under section thirty-eight or forty of the Town and Country Planning Act, 1947, or in pursuance of section nineteen of the latter Act ;
 - (b) the acquisition under section forty-one of the said Act of 1947 of any building as respects which, immediately before the acquisition thereof, a building preservation order was in force or could have been made, the acquisition of any building by virtue of section nineteen of the said Act as applied by a building preservation order, or the acquisition under the said section forty-one of any land comprising or contiguous or adjacent to any such building ;
 - (c) the acquisition under any enactment not hereinbefore referred to of land for use as a public open space ;
 - (d) the payment of compensation under Part III or Part VIII of the said Act of 1947 ;

1st Sch.
—cont.

(e) the taking of any action under sections twenty-four to twenty-six of that Act, or the taking of action under the said section twenty-four as applied by any of the provisions of Part III of that Act ;

(f) the carrying out of any work of restoring, repairing or adapting any buildings in the case of a building in respect of which a building preservation order was in force or could have been made immediately before its acquisition.

(2) References in this paragraph to expenditure incurred in connection with the acquisition of land include references to expenditure incurred in connection with the clearing and preliminary development of land.

(3) Regulations made by the Minister with the consent of the Treasury may provide—

(a) for treating the appropriation of land, in such cases and subject to such conditions as may be prescribed by or under the regulations, as equivalent for the purposes of this paragraph to the acquisition of land at such cost as may be so prescribed ;

(b) for determining how expenditure is to be ascertained for the purposes of this paragraph, whether by reference to expenditure actually incurred or by reference to annual costs incurred or treated as incurred in respect of the borrowing of money, or by reference to the excess of such expenditure or costs over receipts or the annual value of receipts, or partly in one way and partly in another ;

(c) for the inclusion, in the expenditure incurred in the acquisition of land, of the whole or a part of any sum paid in connection with any restriction imposed on the development or use of the land by or under any enactment (whether by way of compensation or by way of contribution towards damage or expenses incurred in consequence of the restriction).

Any regulations under this sub-paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

6. Expenditure incurred by local authorities within the meaning of section five of the Road Traffic Act, 1956, in the making and carrying out of arrangements for promoting road safety by disseminating information or advice relating to the use of roads, or for giving practical training to road users or any class or description of road users (including the making of contributions towards the cost of arrangements for the like purposes).

7. Expenditure incurred in the provision and maintenance of vehicles or equipment for use by police forces in connection with the enforcement of the law relating to road traffic, so however that nothing in this Act shall affect the payment of the grants authorised by section three of the Miscellaneous Financial Provisions Act, 1950, in respect of expenses incurred for the purposes of police forces.

8. Expenditure incurred in the defraying of registration expenses within the meaning of the Representation of the People Act, 1949 (including any payments made by registration officers as part of their registration expenses).

1st Sch.
—cont.

9. Expenditure incurred by local authorities within the meaning of the Physical Training and Recreation Act, 1937, in the provision, or in aiding the provision, of facilities for physical training and recreation, including the provision and equipment of gymnasiums, playing fields, swimming baths, bathing places, holiday camps and camping sites, and other buildings and premises for physical training and recreation, and in respect of the training and supply of teachers and leaders.

10. Expenditure incurred in the provision of such accommodation as it is the duty of local authorities to provide under subsection (1) of section twenty-one of the National Assistance Act, 1948, or in the making of payments or contributions under section twenty-six of that Act to voluntary organisations or incurred in respect of arrangements under section twenty-nine of that Act (which relates to welfare arrangements for handicapped persons).

11. Expenditure incurred in the making and carrying out of arrangements under the School Crossing Patrols Act, 1953.

PART II

EXCLUSIONS FROM RELEVANT EXPENDITURE

1. Paragraph 1 of Part I of this Schedule does not include expenditure incurred—

- (a) in connection with the provision of milk for pupils in attendance at schools maintained by local education authorities or for full-time students under eighteen years in attendance at establishments for further education maintained or assisted by such authorities or in receipt of grant from the Minister of Education, or the provision of milk in pursuance of arrangements made under section seventy-eight of the Education Act, 1944 ;
- (b) in connection with the provision of main mid-day meals for day pupils in attendance at schools maintained by such authorities or the provision of such meals in pursuance of arrangements made under the said section seventy-eight or in pursuance of section eighty-one of that Act ;
- (c) in the removal of works constructed for the purposes of air-raid precautions or of temporary works constructed for defence purposes by or on behalf of the Secretary of State, the Admiralty or the Minister of Home Security in pursuance of Regulation fifty or fifty-one of the Defence (General)

1st Sch.
—cont.

Regulations, 1939, or by agreement, or in the reinstatement of premises so far as it is rendered necessary by any such removal ; or

(d) in pursuance of a scheme under section ten of the Employment and Training Act, 1948.

2. Paragraph 3 of Part I of this Schedule does not include expenditure incurred in the performance of functions imposed under section two of the Civil Defence Act, 1948.

3. Paragraph 4 of Part I of this Schedule does not include expenses incurred in the management of approved schools or in respect of children sent to approved schools or in respect of remand homes.

4.—(1) Sub-paragraph (1) (a) of paragraph 5 of Part I of this Schedule does not include expenditure incurred in connection with the acquisition of land for the redevelopment as a whole of areas of extensive war damage, or for the relocation of population or industry, or the replacement of open space, in the course of such redevelopment.

(2) Sub-paragraph (1) (d) of the said paragraph 5 does not include expenditure incurred in connection with the payment of compensation in respect of land acquired by virtue of section nineteen of the Town and Country Planning Act, 1947.

(3) Sub-paragraphs (1) (d) and (e) of the said paragraph 5 do not include the payment of compensation in respect of land of the National Coal Board to which the Fifth Schedule to the said Act of 1947 applies by virtue of regulations under section ninety of that Act, or in connection with the taking of any action under sections twenty-four to twenty-six of that Act in respect of such land of the National Coal Board.

(4) The said sub-paragraphs (1) (d) and (e) do not include expenditure incurred in connection with the payment of compensation under section twenty-six of the said Act of 1947, or the taking of action under that section, in respect of land in a National Park or area of outstanding natural beauty (within the meaning of the National Parks and Access to the Countryside Act, 1949) or any such expenditure as, under subsection (7) of section ninety-seven of the said Act of 1949, is to be treated for the purposes of that section as expenditure under the said section twenty-six and do not include expenditure in connection with the payment of compensation under tree-preservation orders under section twenty-eight of the said Act of 1947 in respect of such land as aforesaid.

(5) The said paragraph 5 does not include expenditure incurred in connection with the acquisition of any building excepted by direction of the Minister as being a building of outstanding historical or architectural interest, or the carrying out of any work of restoration, repair, maintenance or adaptation on or in the case of such a building.

(6) Sub-paragraphs (2) and (3) of the said paragraph 5 shall apply in relation to this paragraph as they apply in relation to that paragraph.

5. Part I of this Schedule does not include expenditure of any of the kinds specified in subsection (2) of section two of the Town Development Act, 1952 (which empowers the Minister to make contributions to councils of receiving districts in respect of certain expenditure).

1st SCH.
—cont.

PART III

AMOUNT OF GENERAL GRANTS

1. The basic grant shall be a grant of an amount equal to the aggregate of—

- (a) an amount arrived at by multiplying a prescribed sum by the estimated population of the area of the authority, and
- (b) an amount arrived at by multiplying a prescribed sum by the estimated number of children in that population under fifteen years of age.

2. In the case of every recipient authority, a supplementary grant shall be payable of an amount arrived at by multiplying a prescribed sum by the estimated number of persons under five years of age in the area of the authority.

3. In the case of every recipient authority, a supplementary grant shall be payable of an amount arrived at by multiplying a prescribed sum by the estimated number of persons over sixty-five years of age in the area of the authority.

4.—(1) A supplementary grant shall be payable if the estimated ratio which the aggregate number of pupils on the registers of schools maintained or assisted by the local education authority, of pupils at other schools the fees for whose education are paid by that authority (such adjustment being made, in the case of pupils in schools in receipt of grant from the Minister of Education or any description of such schools, as may be prescribed), and of children in attendance at occupation centres provided for the purpose of paragraph (cc) of section thirty of the Mental Deficiency Act, 1913 bears to the population of the area of the authority exceeds a prescribed ratio, and the amount of the grant shall be a prescribed sum multiplied by the excess and by the estimated population of the area of the authority.

(2) For the purposes of this paragraph—

- (a) children belonging to the area of one local education authority who are pupils on the register of a school maintained or assisted by the local education authority for another area shall, if it is so prescribed, be treated as if the school were maintained or assisted by the authority for the first-mentioned area and not by the authority for the other area ;
- (b) children belonging to the area of one local health authority who are in attendance at occupation centres provided by the local health authority for another area shall, if it is so prescribed, be treated as if the centre were provided by the authority for the first-mentioned area and not by the authority for the other area.

1st Sch.
—cont.

5. A supplementary grant shall be payable if the estimated number of persons per acre in the area of the authority exceeds a prescribed number, and the amount of the grant shall be the percentage of the basic grant arrived at by multiplying the excess by a prescribed percentage.

6. A supplementary grant shall be payable if the ratio of the road-mileage of the area of the authority to the estimated population of the area exceeds a prescribed ratio, and the amount of the grant shall be a proportion of the basic grant arrived at by applying to the amount of the basic grant a prescribed percentage multiplied by the ratio of the road-mileage to the estimated population of the area, so however that the supplementary grant shall not exceed a prescribed proportion of the basic grant.

7. A supplementary grant shall be payable if the estimated population of the area of the authority has declined over a prescribed period, and the percentage decline over that period exceeds a prescribed percentage, and the amount of the grant shall be an amount equal to the percentage of the basic grant arrived at by multiplying the excess by a prescribed fraction or number.

8.—(1) A supplementary grant shall be payable if the area of the authority or a part of it lies within the metropolitan district, and the amount of the grant shall be a prescribed percentage of the basic grant, being such percentage as appears to the Minister appropriate having regard to the higher level of prices, costs and remuneration in and around the area.

(2) Different percentages may be prescribed for the purposes of this paragraph in relation to authorities whose area lies wholly within the metropolitan district and authorities whose area lies partly within the district and partly outside it.

(3) In this paragraph “metropolitan district” means the administrative county of London together with the remainder of the Metropolitan Police District.

9. A general grant order may prescribe the manner in which, and date as at which, population or the number of persons of any description is to be estimated for any of the purposes of this Schedule.

PART IV

ADJUSTMENTS OF GENERAL GRANTS FOR POOLING, ETC., ARRANGEMENTS

Pooling of certain Expenditure of Education and Health Authorities

1.—(1) In respect of expenditure to which this paragraph applies, general grants shall be subject to adjustment in accordance with the following provisions of this paragraph.

(2) The appropriate Minister may by regulations, subject to annulment in pursuance of a resolution of either House of Parliament, provide for ascertaining the aggregate of the expenditure to which this paragraph applies of all recipient authorities, for apportioning the

aggregate among the authorities, and for ascertaining the amount by which the general grant to each authority ought to be increased or decreased.

1ST SCH.
—cont.

(3) The appropriate Minister shall, in accordance with regulations under this paragraph, certify to the Minister, at such times as may be provided by the regulations,—

(a) the estimated amount of the increases and decreases of general grant which ought to be made for any year,

(b) the actual amount of those increases and decreases,

and the Minister shall in paying general grants for any year adjust the amount of the grants in accordance with the certified estimated amounts and shall in paying general grants for the earliest practicable subsequent year make any adjustment necessary to offset differences between the estimated and actual amounts certified.

(4) This paragraph applies to expenditure incurred—

(a) in establishing, maintaining, or assisting colleges or other institutions for the training of teachers or in providing or assisting the provision of other facilities specified in directions under section sixty-two of the Education Act, 1944,

(b) in making payments, in such cases as may be prescribed by regulations under this paragraph, to or in respect of persons taking teachers' training or further training courses,

(c) in the provision, or in assisting the provision, of such facilities for further education of an advanced character as may be specified by or under regulations under this paragraph,

(d) in the making of provision for primary, secondary or further education of pupils not belonging to the area of any local education authority,

(e) in the training of persons to become health visitors or midwives or in respect of persons who are being so trained.

Adjustment of aggregate of general grants

2. The aggregate amount prescribed under section one of this Act for any year shall be reduced by—

(a) one-half of the expenditure incurred in that year under section twenty-three of the Fire Services Act, 1947, on the central training institution;

(b) three-quarters of the expenditure so incurred on local training centres;

(c) such proportion not exceeding one-half as the Secretary of State may with the consent of the Treasury determine of the expenditure incurred by the Secretary of State in that year under sections forty-five and forty-six of the Children Act, 1948.

Section 12.

SECOND SCHEDULE

NEW PROVISIONS FOR RATING ELECTRICITY BOARDS

PART I

CALCULATION OF RATEABLE VALUE ON WHICH RATES ARE TO BE ASSESSED

1. For any year, the rateable value of the hereditament which an Electricity Board is to be treated as occupying in any rating area as mentioned in subsection (1) of section twelve of this Act shall be the value of the distribution activities of the Board for that area and year, increased, in the case of a Board carrying on generating activities in the area, by the value for that area and year of the generating activities of the Board.

2. The value of the said activities for a rating area shall be an apportioned part of the aggregate value of the activities, and the apportionment shall be made—

- (a) in the case of distribution activities, by reference to the aggregate net annual value of the rating area, or so much thereof as is comprised in the area of the Board, and of the area of the Board,
- (b) in the case of generating activities, by reference to the generating capacity of the Board in the rating area and the aggregate generating capacity of the Board.

3.—(1) The aggregate value of the generating and of the distribution activities of the Generating Board shall each be taken to be one half of the Board's basic value for the year (as hereinafter determined).

(2) The aggregate value of the generating activities of an Area Board shall be taken to be an amount which bears to the aggregate value of the generating activities of the Generating Board the same proportion as the aggregate generating capacity of the Area Board bears to the aggregate generating capacity of the Generating Board, and the aggregate value of the distribution activities of an Area Board shall be taken to be the Board's basic value for the year (as hereinafter determined) reduced, in the case of a Board carrying on generating activities, by the aggregate value of the generating activities.

4.—(1) The basic value of an Electricity Board for any year shall be determined as follows.

(2) As soon as may be after the passing of this Act the Minister shall certify to each Electricity Board the amount which is to be the basic electricity rateable value.

(3) The amount to be certified by the Minister as the basic electricity rateable value shall be the amount estimated by him to represent the amount of the payment in lieu of rates made or to be made for the benefit of local authorities by the Electricity Council under Part V of the Act of 1948 in respect of the year 1958-59,—

- (a) multiplied by the fraction of which the numerator is the estimated rateable value for England and Wales for that year and the denominator is the estimated aggregate gross charge to rates for England and Wales for that year, and

(b) reduced by the estimated aggregate net annual values at the beginning of the year 1959-60 of all premises in respect of which the Electricity Council or an Electricity Board will by virtue of Part I of this Act then become liable to be rated,

2ND SCH
—cont.

and adjusted in such manner as appears to the Minister to be proper having regard to any other relevant considerations.

(4) For the year 1959-60 the basic value of an Electricity Board shall be its share of the basic electricity rateable value, that is to say the percentage of that value set out in the following table.

<i>Electricity Board</i>	<i>Percentage</i>
Generating Board	50.000
London Area	7.055
South Eastern Area	3.454
Southern Area	4.256
South Western Area	2.073
Eastern Area	4.949
East Midlands Area	4.204
Midlands Area	4.990
South Wales Area	2.359
Merseyside and North Wales Area ...	3.047
Yorkshire Area	4.972
North Eastern Area	3.107
North Western Area	5.534

(5) For any subsequent year the basic value of an Electricity Board shall be its share of the basic electricity rateable value adjusted as hereinafter mentioned by reference to the excess or deficiency of the Board's output, as calculated and certified by the Board, in the twelve months ending with the thirty-first day of December falling next but one before the beginning of the year for which the basic value is being ascertained, as compared with the Board's standard output, as hereinafter defined.

(6) The adjustment mentioned in the foregoing sub-paragraph shall be effected by multiplying the Board's share of the basic electricity rateable value by the fraction of which the numerator is the Board's standard output increased by one-fifth of the excess mentioned in the foregoing sub-paragraph or, as the case may be, decreased by one-fifth of the deficiency therein mentioned, and the denominator is the Board's standard output.

(7) For the purposes of the foregoing sub-paragraph the standard output of the Generating Board is the output of the Central Electricity Authority in the twelve months ending with the thirty-first day of December, nineteen hundred and fifty-seven, as calculated and certified by the Generating Board, and the standard output of any Area Board is the output of that Board in that twelve months, as calculated and certified by that Board; and for the purposes of this paragraph "output"—

(a) in relation to the Central Electricity Authority or the Generating Board, means the total number of units of electricity supplied by the Authority or Board to Area Boards or direct to consumers in England and Wales;

2ND SCH.
—cont.

(b) in relation to an Area Board, means the total number of units of electricity purchased or generated by the Board for supply direct to consumers, together with the estimated number of units of electricity supplied by the South of Scotland Electricity Board direct to consumers in the area of the Area Board, as certified by the South of Scotland Electricity Board.

(8) If it appears to the Minister that by reason of any substantial change of circumstances it is expedient so to do, he may by order made after consultation with the Electricity Council and with such associations of local authorities as appear to him to be concerned, and with any local authority with whom consultation appears to him to be desirable, vary the amount which for the purposes of this Schedule is to be the basic electricity rateable value, but an order under this sub-paragraph shall not have effect until approved by a resolution of each House of Parliament.

Any order under this sub-paragraph may be varied or revoked by a subsequent order made in the like manner and subject to the like provisions.

5.—(1) For the purposes of this Schedule an Electricity Board shall be treated, as respects any year, as carrying on generating activities, or carrying on such activities in a particular area, if (but only if) on the thirty-first day of March falling next but one before the beginning of that year there was a generating station in commission for operation by the Board, or as the case may be, there was a generating station in commission as aforesaid in that area.

(2) For the purposes of this Schedule the generating capacity or aggregate generating capacity of an Electricity Board for any year shall be taken to be the installed capacity or aggregate installed capacity, that is to say the maximum amount of electricity, as certified by the Board, capable of being generated in the station or stations in question at the thirty-first day of March falling next but one before the beginning of that year; and the said maximum amount shall be certified on the footing that all generators which were installed at any thirty-first day of March were capable of being fully used at that time.

(3) For the purposes of this Schedule a generating station situated partly in one rating area and partly in one or more other rating areas shall be treated as situated in each of the areas and its generating capacity, on any date, shall be treated as apportioned between the areas in such manner as may be agreed between the rating authorities of the areas and the Electricity Board.

(4) If the apportionment required by the foregoing sub-paragraph has not been agreed before the end of the month of September following the date as at which it is to be made, it shall be made by the Minister and notified by him to the rating authorities and the Board as soon as may be after the end of that month.

(5) For the purposes of this Schedule any group of premises lying within one curtilage and occupied for the purposes of the generation of electricity shall be treated as one generating station; and a group

of premises shall not be treated as not lying within one curtilage by reason only that it is traversed by a public highway or inland waterway.

2ND SCH.
—cont.

6.—(1) For the purposes of this Schedule the aggregate net annual value of a rating area for any year shall be taken to be the aggregate, as estimated and certified by the Commissioners of Inland Revenue (hereinafter referred to as “the Commissioners”) of the rateable value (or, where that value differs from the net annual value, of the net annual value) of every hereditament the rateable value of which appears in the valuation list for the area on the first day of April in the preceding year, other than any hereditament so appearing in pursuance of section twelve of this Act or section six of the Act of 1955, and of the values appearing to the Commissioners to represent the net annual values of hereditaments occupied by or on behalf of the Crown.

(2) For the purposes of this Schedule the aggregate net annual value for any year of the area of an Electricity Board, or of any part of a rating area of which part only is comprised within the area of an Electricity Board, shall be ascertained by such aggregation or apportionment as may be required; and any apportionment under this sub-paragraph shall be made, and the result thereof certified, by the Commissioners.

(3) References in this Schedule to the area of an Electricity Board shall be construed, in relation to the Generating Board, as references to the whole of England and Wales.

PART II

SUPPLEMENTARY PROVISIONS

7. It shall be the duty of each Electricity Board, before the sixteenth day of October preceding the beginning of any rate period in respect of which that Board will fall to be treated as occupying, in a rating area, a hereditament of a rateable value calculated in accordance with Part I of this Schedule, to transmit to the Commissioners a statement setting out particulars of all matters estimated, calculated and certified (otherwise than by the Minister or the Commissioners) for the purpose of computing the rateable value of that hereditament.

8. Before the fifteenth day of November preceding the beginning of the rate period the Commissioners shall transmit particulars to each Electricity Board of the aggregate net annual value of the area of the Board and of each rating area or part of a rating area within the area of the Board.

9. Before the said fifteenth day of November the Commissioners shall notify to each rating authority the particulars necessary to enable the authority to calculate the rateable value of the hereditament which any Electricity Board is to be treated as occupying in the area of the authority.

2ND SCH.
—cont.

10. The Commissioners shall calculate the rateable value of the hereditament which any Electricity Board is to be treated as occupying during the rate period in question, and shall notify the amount of that rateable value to the rating authority before the end of the month of December preceding the beginning of the rate period.

11. Where the Commissioners notify the amount of a rateable value to the rating authority in respect of an Electricity Board in accordance with the foregoing paragraph,—

- (a) the rating authority, in making and levying any rate for a rate period to which the notification relates, and in compiling any rate book relating to such a rate, shall include the Board as the occupiers of a hereditament of that rateable value ; and
- (b) the valuation officer, at or as soon as may be after the beginning of the year consisting of or comprising any such rate period, shall cause such alterations (if any) to be made in the valuation list for that area as may be requisite for showing the Board in the list as the occupiers of a hereditament of that rateable value ; and if any such alteration is made after the beginning of the year, it shall be treated as having been made at the beginning of the year :

Provided that if the year referred to in sub-paragraph (b) of this paragraph is a year beginning with the date on which a new valuation list for that area comes into force, that sub-paragraph shall not apply, but the valuation officer shall include the Board in the list as the occupiers of a hereditament of the said rateable value.

12. No proposal shall be made under Part III of the Act of 1948 for the alteration of a valuation list in so far as it relates to a hereditament included in the list by virtue of the foregoing paragraph.

Sections 17, 25.

THIRD SCHEDULE

SPECIAL REVIEW AREAS

1. The special review areas for the purposes of Part II of this Act are the Tyneside, West Yorkshire, South East Lancashire, Merseyside and West Midlands Areas hereinafter defined.

2. The Tyneside Area shall consist of the county boroughs of Gateshead, Newcastle upon Tyne, South Shields and Tynemouth, the following county districts in the county of Durham, that is to say the borough of Jarrow and the urban districts of Blaydon, Felling, Hebburn, Ryton and Whickham, and the following county districts in the county of Northumberland, that is to say the boroughs of Wallsend and Whitley Bay and the urban districts of Gosforth, Longbenton and Newburn.

3. The West Yorkshire Area shall consist of the county boroughs of Bradford, Dewsbury, Halifax, Huddersfield, Leeds and Wakefield, and the following county districts in the county of the West Riding of

Yorkshire, that is to say the boroughs of Batley, Brighouse, Castleford, Keighley, Morley, Ossett, Pontefract, Pudsey and Spenborough and the urban districts of Aireborough, Baildon, Bingley, Colne Valley, Denby Dale, Denholme, Elland, Featherstone, Heckmondwike, Holmfirth, Horbury, Horsforth, Kirkburton, Knottingley, Meltham, Mirfield, Normanton, Queensbury and Shelf, Ripponden, Rothwell, Shipley, Sowerby Bridge and Stanley.

3RD SCH.
—cont.

4. The South East Lancashire Area shall consist of the county boroughs of Bolton, Bury, Manchester, Oldham, Rochdale, Salford and Stockport, the following county districts and parishes in the county of Chester, that is to say the boroughs of Altrincham, Dukinfield, Hyde, Sale and Stalybridge, the urban districts of Alderley Edge, Bowdon, Bredbury and Romiley, Cheadle and Gatley, Hale, Hazel Grove and Bramhall, Marple and Wilmslow, the rural district of Disley and the parishes of Carrington, Partington and Ringway in the rural district of Bucklow, and the following county districts in the county of Lancaster, that is to say the boroughs of Ashton-under-Lyne, Eccles, Farnworth, Heywood, Middleton, Mossley, Prestwich, Radcliffe, Stretford and Swinton and Pendlebury and the urban districts of Audenshaw, Chadderton, Crompton, Denton, Droylsden, Failsworth, Horwich, Irlam, Kearsley, Lees, Littleborough, Little Lever, Milnrow, Royton, Tottington, Urmston, Wardle, Westhoughton, Whitefield, Whitworth and Worsley.

5. The Merseyside Area shall consist of the county boroughs of Birkenhead, Bootle, Liverpool and Wallasey, the following county districts in the county of Chester, that is to say the boroughs of Bebington and Ellesmere Port and the urban districts of Hoylake, Neston and Wirral, and the following county districts and parishes in the county of Lancaster, that is to say the borough of Crosby, the urban districts of Huyton-with-Roby, Kirkby and Litherland, and the parishes of Aintree and Simonswood in the rural district of West Lancashire.

6. The West Midlands Area shall consist of the county boroughs of Birmingham, Dudley, Smethwick, Walsall, West Bromwich and Wolverhampton, the following county districts in the county of Stafford, that is to say the boroughs of Bilston, Rowley Regis, Tipton and Wednesbury, and the urban districts of Aldridge, Amblecote, Brierley Hill, Brownhills, Coseley, Darlaston, Sedgley, Tettenhall, Wednesfield and Willenhall, the following boroughs in the county of Warwick, that is to say Solihull and Sutton Coldfield, the parishes of Castle Bromwich and Kingshurst in the rural district of Meriden in that county, and the following boroughs in the county of Worcester, that is to say Halesowen, Oldbury and Stourbridge.

7. The provisions of this Schedule shall have effect subject to the provisions of Part II of this Act authorising the variation of special review areas.

Section 17.

FOURTH SCHEDULE

CONSTITUTION AND PROCEEDINGS OF LOCAL GOVERNMENT
COMMISSIONS*Constitution*

1.—(1) The Commissions shall be bodies corporate by the respective names of the Local Government Commission for England and the Local Government Commission for Wales.

(2) Each of the Commissions shall consist of a chairman, a deputy chairman, and not more than five other members.

(3) At least one of the members of the Local Government Commission for Wales shall be a person able to speak the Welsh language.

2.—(1) The members of the Commissions shall be appointed by Her Majesty, and shall hold and vacate office in accordance with the terms of their respective appointments.

(2) A person who has ceased to be a member of either of the Commissions shall be eligible for re-appointment.

3. Part II of the First Schedule to the House of Commons Disqualification Act, 1957 (which specifies certain commissions, tribunals and other bodies all members of which are disqualified under that Act) shall have effect, in its application to the House of Commons of the Parliament of the United Kingdom, as if after the entry relating to the Leather Industries Export Corporation there were inserted:—

“The Local Government Commission for England
The Local Government Commission for Wales”.

4. There shall be paid to a member of either of the Commissions such salary or fees and allowances as may be from time to time determined by the Treasury.

5. Each of the Commissions shall have a common seal, which shall be authenticated by the signature of a member of the Commission or of some other person authorised in that behalf by the Commission.

Capacity and proceedings

6. Each of the Commissions shall have power to act notwithstanding a vacancy among the members thereof, and at any meeting three shall be the quorum.

7. All acts done at a meeting of either of the Commissions shall, notwithstanding that it is afterwards discovered that there was a defect in the appointment of a person purporting to be a member thereof, be as valid as if the defect had not existed.

8. Each of the Commissions may delegate, either to a member or members of the Commission or to a person appointed by the Commission for the purpose, any of their functions under this Act other than the preparation and formulation of proposals and the preparation of a report.

9. Subject to the foregoing provisions of this Schedule, and to any regulations made or directions given under Part II of this Act, the procedure of each of the Commissions shall be such as the Commission may from time to time determine.

*Officers and servants, and remuneration and expenses*4TH SCH.
—cont.

10. Each of the Commissions may appoint a secretary and such number of officers and servants as may be determined by the Commission after consultation with the Minister and with the consent of the Treasury, and there shall be paid to the secretary, officers and servants of each of the Commissions such salaries, fees and allowances as may be so determined.

11. The expenses of each of the Commissions, and the salaries, fees and allowances of their members and their secretary, officers and servants, shall be defrayed out of moneys provided by Parliament.

Proof of documents

12.—(1) Every document purporting to be an instrument made or issued by either of the Commissions and to be duly sealed with the seal of the Commission or to be signed by the secretary, or any person authorised to act in that behalf, shall be received in evidence, and shall, unless the contrary is proved, be deemed to be an instrument made or issued by the Commission.

(2) Prima facie evidence of any such instrument may in any legal proceedings be given by the production of a document purporting to be certified to be a true copy of the instrument by or on behalf of the secretary.

FIFTH SCHEDULE

Sections 17, 66.

THE METROPOLITAN AREA

For the purposes of this Act the metropolitan area shall consist of the administrative counties of London and Middlesex, the county boroughs of Croydon, East Ham and West Ham, the following county districts in the county of Surrey, that is to say the boroughs of Barnes, Beddington and Wallington, Epsom and Ewell, Kingston-upon-Thames, Malden and Coombe, Mitcham, Richmond, Surbiton, Sutton and Cheam and Wimbledon and the urban districts of Banstead, Carshalton, Caterham and Warlingham, Coulsdon and Purley, Esher, Merton and Morden and Walton and Weybridge, the following county districts in the county of Kent, that is to say the boroughs of Beckenham, Bexley, Bromley, Dartford and Erith and the urban districts of Chislehurst and Sidcup, Crayford, Orpington and Penge, the following county districts and parishes in the county of Hertford, that is to say the borough of Watford, the urban districts of Barnet, Bushey, Cheshunt, Chorleywood, East Barnet and Rickmansworth, the rural district of Elstree and the parish of Northaw in the rural district of Hatfield and the parishes of Aldenham and Watford Rural in the rural district of Watford, and the following county districts in the county of Essex, that is to say the boroughs of Barking, Chingford, Dagenham, Ilford, Leyton, Romford, Walthamstow and Wanstead and Woodford and the urban districts of Chigwell, Hornchurch and Waltham Holy Cross.

Sections 26,
27, 42.

SIXTH SCHEDULE

PROVISIONS AS TO JOINT BOARDS

1. Effect may be given to any proposals approved or affirmed by the Minister, in pursuance of subsection (3) of section twenty-six of this Act, by an order made by the appropriate Minister.

2. An order of the appropriate Minister made under the foregoing paragraph for giving effect to proposals for the establishment of a joint board may contain provision—

- (a) for the constitution and incorporation of the joint board ;
- (b) for conferring on the joint board any of the powers of any of the constituent members (being powers conferred by or under enactments relating to the purposes for which the board is constituted), and for conferring such powers subject to any limitation or condition specified in the order (whether or not the limitation or condition applies to the exercise of the powers by the constituent member), or free from any limitation or condition so specified which applies to the exercise of the powers by the constituent member ;
- (c) as to the extent to which and manner in which the joint board is to have power to borrow money ;
- (d) for prohibiting or restricting, within the district for which the board is constituted, the discharge by other authorities or bodies of persons of functions exercisable by the board, or for the exercise within that district of such functions by other authorities or bodies of persons concurrently with the board or by virtue of delegation by the board ;
- (e) for empowering the board to acquire land by agreement or, if authorised by the appropriate Minister, compulsorily, and for applying in relation to the board the provisions of the Acquisition of Land (Authorisation Procedure) Act, 1946 ;
- (f) for applying to the board the provisions of section one hundred and thirty of the Act of 1948 (under which local authorities can insure against accidents to their members) ;
- (g) as to the procedure of the board (including its quorum) ;
- (h) for appointing the date as from which the board is to exercise its functions ;
- (i) in the case of a board constituted for the purpose of supplying water, for any matter for which provision could be made by an order under section nine of the Water Act, 1945 (which relates to the combination of water undertakers and the transfer of undertakings) other than the provision of a supply of water in bulk and the compulsory acquisition of rights to take water.

3. Section two hundred and ninety-three of the Act of 1933 (which enables provisions of that Act to be applied to joint boards the constituent members of which are local authorities) shall apply to any joint board constituted by order under paragraph 1 of this Schedule if any of its constituent members are local authorities.

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4. Section three hundred and nine of the Public Health Act, 1936 (which provides for defraying expenses of joint boards constituted under that Act) shall apply to joint boards constituted by order under paragraph 1 of this Schedule.

5.—(1) Where the appropriate Minister proposes to make an order under paragraph 1 of this Schedule—

- (a) he shall prepare a draft of the order and shall send copies of the draft to the constituent members and to any other local or public authority or body of persons appearing to him to be concerned ;
- (b) he shall consider any representations made to him with respect to the draft within such period as he may have specified in sending out the draft, and may then make an order either in terms of the draft or subject to such modifications as he thinks proper.

(2) In this paragraph “constituent member” means, in relation to a draft order for establishing a joint board, the authorities specified in the draft as constituent members of the proposed board, and in relation to a draft order for dissolving, or varying the constitution, functions or area, of a joint board, the constituent members of the joint board.

SEVENTH SCHEDULE

Section 28.

BOROUGHS INCLUDED IN RURAL DISTRICTS

Status of boroughs included in rural districts

1.—(1) On the inclusion of a borough in a rural district—

- (a) the Municipal Corporations Act, 1882, and the provisions of the Act of 1933 relating to boroughs shall cease to apply to it ;
- (b) any other provision made with respect to local authorities, or the areas, functions or officers of local authorities, by any enactment passed or instrument made before the commencement of this Act, except a provision as to any matter as to which provision is made by this Act, shall apply in relation to the borough as it applies in relation to a parish having a separate parish council,

except as otherwise provided in this Schedule.

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—cont.

(2) References in any enactment or instrument (whether passed or made before or after the commencement of this Act) to a borough shall be construed, except as otherwise provided in this Schedule, as not including a borough which has been included in a rural district, and, in any provision applied by sub-paragraph (1) of this paragraph, references to a parish council and the chairman of such a council shall be construed as including respectively the council and the mayor of such a borough.

(3) On the inclusion of a borough in a rural district any power under its charter to make byelaws shall, except as otherwise provided by the order effecting the inclusion, cease, but without prejudice to any power of the council of the borough under the provisions applied by sub-paragraph (1) of this paragraph.

(4) Notwithstanding the inclusion of a borough in a rural district any parish comprised in the borough shall remain an urban parish.

Power to act by council

2. The corporation of a borough which has been included in a rural district shall be capable of acting by the council of the borough.

Name of corporation

3. On the inclusion of a borough in a rural district the corporate name of its inhabitants shall be changed by the omission of the word "aldermen".

Status and composition of council

4.—(1) The council of a borough which has been included in a rural district shall be a local authority within the meaning of the Act of 1933 and shall consist of the mayor and councillors.

(2) There shall be no parish meeting for such a borough, and any power exercisable, under the provisions applied by sub-paragraph (1) of paragraph 1 of this Schedule, by a parish meeting shall in the case of such a borough be exercisable by the council thereof and so much of those provisions as requires the consent of the parish meeting, and section forty-five of the Act of 1933 (which enables a county council on the application of a parish meeting to group parishes under a common parish council) shall not apply to such a borough.

Mayor and deputy mayor

5.—(1) The mayor of a borough which has been included in a rural district shall be elected annually by the council from among the councillors or persons qualified to be councillors of the borough.

(2) The election of the mayor shall be the first business transacted at the annual meeting of the council.

(3) The mayor 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 mayor shall continue to be a member of the council, notwithstanding the provisions of this Schedule relating to the retirement of councillors.

(5) The council may pay to the mayor for the purpose of enabling him to meet the expenses of his office such allowance as the council may think reasonable.

(6) The mayor shall have precedence in all places in the borough, but this sub-paragraph shall not affect Her Majesty's royal prerogative.

(7) The mayor may appoint a member of the council to be deputy mayor.

(8) The deputy mayor shall, unless he resigns or ceases to be qualified or becomes disqualified, hold office until immediately after the election of a mayor 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 Schedule relating to the retirement of councillors.

(9) Subject to any standing orders made by the council of the borough, anything authorised or required to be done by, to or before the mayor may be done by, to or before the deputy mayor.

Number and election of councillors

6.—(1) The number of councillors of a borough which has been included in a rural district shall be such number, not being less than five nor more than twenty-one, as may be fixed from time to time by the Minister.

(2) The term of office of councillor shall be three years and shall begin and end on the twentieth day of May, except that a person elected to fill a casual vacancy among councillors shall hold office from the date of his election until the date on which the person in whose place he was elected would have been due to retire.

(3) The councillors shall be elected by the local government electors for the borough except that a casual vacancy among councillors shall be filled by the council, which shall be convened forthwith for that purpose.

(4) An order for the inclusion of a borough in a rural district may divide it into wards for the purpose of the election of councillors; and (without prejudice to the generality of paragraph 1 of this Schedule) sections fifty-two and fifty-five of the Act of 1933 shall apply in relation to boroughs included in rural districts, and the wards and councillors of such boroughs, as they apply in relation to parishes, parish wards and parish councillors.

Consequential amendments of Representation of the People Act, 1949

7.—(1) The Representation of the People Act, 1949, shall be amended as follows.

(2) In section twenty-three, in subsection (7), after the words "rural district" there shall be inserted the words "rural borough".

(3) In section twenty-nine, in subsection (1), for the words "district or parish councillors" there shall be substituted the words "district, rural borough or parish councillors", and for the words "district

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election rules or parish election rules” there shall be substituted the words “district election rules, rural borough election rules or parish election rules”; in subsection (2), for the words “district or parish election rules” in both places where they occur, there shall be substituted the words “district, rural borough or parish election rules”; and in subsection (5), after the word “District” there shall be inserted the words “rural borough”.

(4) In section thirty-four, for the words from “in cases” to the end of the section there shall be substituted the words “in cases where the polls at elections of rural district councillors, rural borough councillors, and parish councillors or any two of such elections are held together, to all or both of those elections”.

(5) In section thirty-six, in subsection (4), after the words “parish councillors” there shall be inserted the words “or (under that section as applied to rural boroughs by the Local Government Act, 1958) with respect to an election of rural borough councillors” and after the words “parish election rules” there shall be inserted the words “or, as the case may be, rural borough election rules”.

(6) In section seventy-eight, in subsection (1), after the words “election of” there shall be inserted the words “rural borough councillors or” and after the words “prescribed by” there shall be inserted the words “rural borough election rules or”.

(7) In section one hundred and thirty-nine, in subsection (3), in the definition of “corporate office” after the words “borough, district” there shall be inserted the words “rural borough”.

(8) In section one hundred and sixty-five, in subsection (1), for the words “district or parish councillors” there shall be substituted the words “district, rural borough or parish councillors” and after the words “district council or” there shall be inserted the words “mayor of a rural borough or chairman of a”, for the words “district or parish election rules” there shall be substituted the words “district, rural borough or parish election rules”, and for the words “an election of district or parish councillors not regulated by district or parish election rules” there shall be substituted the words “an election of district, rural borough or parish councillors not regulated by district, rural borough or parish election rules”.

(9) In section one hundred and seventy-two, in subsection (1), in the definition of “local government Act”, after the words “Local Government Act, 1933,” there shall be inserted the words “or the Local Government Act, 1958”; in the definition of “local government area”, after the word “district” there shall be inserted the words “rural borough”; and at the end of the subsection there shall be added the following definition—

“‘rural borough’ means a borough which has been included in a rural district”.

Consequential amendments of Local Government Elections Act, 1956

8.—(1) In section three of the Local Government Elections Act, 1956, there shall be added the following subsection—

“(2) A rural borough divided into rural borough wards shall not, for the purpose of the election of councillors for the rural

district in which the rural borough is situate, be divided into wards any one of which is not co-extensive with a rural borough ward or a combination of rural borough wards”.

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(2) In subsection (2) of section four of the said Act of 1956, in sub-paragraph (i) of paragraph (b) ~~there shall be~~ inserted, at the beginning of the paragraph, the words “an election of rural borough councillors for a rural borough within the district or”.

(3) In subsection (3) of the said section four, after the words “at an election of”, in the second place where they occur, there shall be inserted the words “rural borough councillors or”.

(4) In section eight of the said Act of 1956, the following paragraph shall be added at the end of subsection (2)—

“(c) the expression ‘rural borough’ means a borough which has been included in a rural district, and the expression ‘rural borough ward’ means one of the wards into which a rural borough may be divided for the purpose of the election of rural borough councillors”.

Town clerk and other officers

9.—(1) The person appointed under section one hundred and fourteen of the Act of 1933 as applied by paragraph 1 of this Schedule to be clerk of the council of a borough which has been included in a rural district shall be styled town clerk.

(2) The council of a borough which has been included in a rural district shall have power, in addition to that conferred by the said section one hundred and fourteen as so applied, to appoint such officers and servants (who shall hold office or be employed during the pleasure of the council) as the council think necessary for the efficient discharge of the functions of the council, and may pay to any person appointed under this sub-paragraph such reasonable remuneration as they may determine.

Power to take security

10. The council of a borough which has been included in a rural district shall have the same power under section one hundred and nineteen of the Act of 1933 to take security as if the borough had not been so included, and any officer appointed by the council from among their number shall for the purposes of that section be deemed to be an officer employed by them.

Additional expenses of council

11. An order for the inclusion of a borough in a rural district may modify subsection (3) of section one hundred and ninety-three of the Act of 1933 in its application to the borough by adding such expenses as may be specified in the order to those which are exempted from the limit imposed by that subsection on the sums that may be raised to meet the expenses of the council.

Saving for boroughs being counties and boroughs having separate commissions of the peace

12.—(1) Paragraph 1 of this Schedule shall not affect the application or construction of any enactment in so far as it refers to a borough as an area being a county of itself or having a sheriff or an

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area for which justices are appointed or an area having a separate court of quarter sessions, except that section one hundred and seventy-one of the Municipal Corporations Act, 1882 (which relates to the appointment of coroners) shall not apply to a borough which has been included in a rural district.

Provisions as to land

13.—(1) The corporation of a borough which has been included in a rural district shall have power to hold land for the purposes of their constitution without licence in mortmain.

(2) Without prejudice to any power to acquire land under the provisions applied by sub-paragraph (1) of paragraph 1 of this Schedule, where a borough has been included in a rural district any power under its charter to acquire land shall cease, but (whether or not its charter confers any such power) the council of the borough shall have power to acquire land in exchange for, or with capital money arising from, corporate land of the borough.

(3) For the purposes of their functions under subsection (1) of section twenty-five of the Justices of the Peace Act, 1949 (which relates to the provision of court houses) the council of a borough which has been included in a rural district shall have the same powers of acquiring or appropriating land as if it had not been so included.

(4) Sections one hundred and sixty-three and one hundred and seventy-two and paragraph (a) of section two hundred and seventeen of the Act of 1933 (which confer powers of appropriation of land and disposal of corporate land and contain savings for mortgages) shall apply in relation to a borough which has been included in a rural district as they apply in relation to a borough not so included.

(5) In this paragraph “corporate land” has the same meaning as in the Act of 1933.

Application of enactments relating to trusts, freemen, and records and documents

14. The following enactments shall apply in relation to a borough which has been included in a rural district as they apply in relation to a borough not so included, that is to say, sections one hundred and thirty-four and one hundred and thirty-five of the Municipal Corporations Act, 1882, and Part XIV, subsection (2) of section two hundred and seventy-nine and subsection (5) of section two hundred and eighty-three of the Act of 1933.

Saving for charter

15. The inclusion of a borough in a rural district shall not affect the provisions of its charter except in so far as they are inconsistent with the foregoing provisions of this Schedule or with any provision of the order effecting the inclusion or of any order amending that order.

Surrender of charter

16. Where a borough has been included in a rural district no petition shall be presented for the amendment of its charter or the grant to it of an amending or supplementary charter; but if a petition is presented for the acceptance of a surrender of its charter the Minister may by order provide for the conversion of the borough into a parish, and section thirty-eight of this Act shall apply accordingly.

EIGHTH SCHEDULE

Section 62.

MINOR AND CONSEQUENTIAL AMENDMENTS

1.—(1) In section six of the Teachers (Superannuation) Act, 1925, in subsection (2), the reference to employment in respect of which a grant is made out of moneys provided by Parliament shall include a reference to employment the remuneration of which is relevant expenditure for the purposes of the provisions of this Act relating to general grants.

(2) In section twenty-one of the said Act of 1925, in paragraph (b) of subsection (1), the reference to institutions in receipt of a grant, or in respect of which a grant is made, out of moneys provided by Parliament shall include a reference to institutions in respect of which expenditure is incurred which is relevant expenditure within the meaning of the said provisions.

2.—(1) Where contributions under section eighty-six of the Children and Young Persons Act, 1933, in respect of a child or young person committed to, or received into, the care of a local authority are payable, by the person liable to make the contributions, to an authority other than the authority responsible for maintenance, the authority receiving the contributions from the said person shall pay them over to the authority responsible for maintenance, subject however to such deductions in respect of services rendered by the authority paying the contributions over as may be agreed between the two authorities or as in default of agreement may be determined by the Secretary of State.

(2) In the foregoing sub-paragraph references to the authority responsible for maintenance—

(a) in relation to a child or young person committed to the care of a local authority, are references to that authority ;

(b) in relation to a child received into the care of a local authority, are references to the local authority into whose care the child has been received, except that where the authority to whom the contributions are payable by the person liable to make them has been notified that under subsection (4) of section one of the Children Act, 1948, expenses are being recovered from another authority, the said references shall be construed as references to that other authority.

(3) In subsection (3) of section eighty-six of the Children and Young Persons Act, 1933, after the word “and” where it first occurs there shall be inserted the words “in the case of a child or young person ordered to be sent to an approved school”.

(4) References in paragraph (b) of subsection (2) of section eighty-seven and in subsection (1) of section eighty-eight of the said Act of 1933 to a council entitled to receive contributions shall be construed as references to the council to whom the contributions are payable by the person under a duty to make them.

(5) The power of the Secretary of State under subsection (1) of section eighty-nine of the said Act of 1933 to remit the whole or any part of the payments to which that subsection applies shall cease to

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be exercisable as respects payments in respect of a child or young person committed to, or received into, the care of a county or county borough council.

3. At the end of section eleven of the Act of 1933 (which provides for the alteration of electoral divisions of counties) there shall be added—

“(7) Any order under this section may contain such incidental, consequential or supplementary provisions as appear to be necessary or proper for bringing the order into operation and giving full effect thereto”.

4. Any order under subsection (2) of section thirty-eight of the Act of 1933 (which relates to the election of rural district councillors) or any like order made under the Local Government Act, 1929, under Part VI of the Act of 1933 or the corresponding provisions of any enactment repealed by that Act, or under Part II of this Act may be varied or revoked by a subsequent order of the county council; and any such order as aforesaid may contain such incidental, consequential or supplementary provisions as appear to be necessary or proper for bringing the order into operation and giving full effect thereto.

5.—(1) In subsection (5) of section forty-three of the Act of 1933 (which relates to the establishing of a parish council for a parish included in a grouping order made under section forty-five of the said Act) after the words “as hereinafter defined” there shall be inserted the words “or in a like order made, whether before or after the commencement of this Act, under any other Act”.

(2) In section forty-five of the Act of 1933 (which relates to the grouping of parishes) in subsection (2) after the words “A grouping order” there shall be inserted the words “or the like order under Part II of the Local Government Act, 1958”.

(3) At the end of subsection (3) of the said section forty-five there shall be added the words “or formed by an order under Part II of the Local Government Act, 1958”.

(4) Subsection (3) of section fifty-two of the Act of 1933 (which provides for the revocation or variation of orders made under that section dividing a parish into wards for the election of parish councillors) shall apply to the like orders made under the Local Government Act, 1929, under Part VI of the Act of 1933 or the corresponding provisions of any enactment repealed by that Act, or under Part II of this Act; and any order under the said section fifty-two may contain such incidental, consequential or supplementary provisions as appear to be necessary or proper for bringing the order into operation and giving full effect thereto.

6.—(1) In section one hundred and eight of the Act of 1933, subsection (2) shall cease to have effect.

(2) In section one hundred and ten of the Act of 1933, in subsection (2), for the words from the beginning of the subsection to the end of paragraph (b) there shall be substituted the words “This section applies to a medical officer of health or a sanitary inspector

of any county borough or county district other than one existing immediately before the passing of the Local Government Act, 1958, to which this section did not then apply, but for the purposes of this subsection an urban district or rural district shall be treated as having existed before the passing of that Act if it was constituted by the conversion of a rural district or urban district existing at the passing of that Act:”.

7.—(1) In section one hundred and forty of the Act of 1933, in subsection (1) for the words “council of a borough” there shall be substituted the words “council of a county borough”; and in paragraph (iii) of the said subsection (1) the words “in the case of a county borough” shall cease to have effect.

(2) In the said subsection (1), in the proviso, for the words from “except in the case” to the end there shall be substituted the words “an order under this section shall not have effect until approved by a resolution of each House of Parliament,” but the following provisions shall have effect where proposals are made to the Minister as mentioned in the said section one hundred and forty:—

- (a) the local authority making the proposals shall deposit in the office of the authority such maps illustrating the proposals as the Minister may require, and the maps so deposited shall be available for inspection, without payment, at all reasonable hours by local or public authorities or other persons concerned;
- (b) notice of the submission of the proposals and of the deposit of the maps, together with copies of the proposals and such maps as the Minister may require, shall be sent to every county council, borough council, urban or rural district council, parish council and parish meeting appearing to the council submitting the proposals to be concerned, and the notice shall indicate that representations with respect to the proposals may be made to the Minister within six weeks of the giving of the notice;
- (c) the like notice shall be published in the London Gazette and in one or more newspapers circulating in the locality to which the proposals relate;
- (d) the requirement of the said subsection (1) that the Minister shall cause a local inquiry to be held before making an order shall not apply if the Minister is satisfied in any particular case that an inquiry is unnecessary.

(3) Subsections (2) to (5) of the said section one hundred and forty shall cease to have effect.

(4) Where by an order under the said section one hundred and forty a new borough is constituted by the union of any areas, the order may make provision for the charter of the new borough, by applying thereto, with any necessary exceptions or modifications, the charter of any borough comprised in the union, provisions of charters of two or more boroughs comprised in the union, or the charter of one and provisions of the charters of one or more of the others.

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8.—(1) Section one hundred and forty-one of the Act of 1933 shall have effect as if for the changes specified in subsection (1) thereof there were substituted the changes to be produced by any such means or combination of means as is specified in subsection (3) of section twenty-eight of this Act, excluding the means specified in paragraph (f) of that subsection but including the constitution of new urban parishes by the amalgamation of urban parishes; and in subsection (7) of the said section one hundred and forty-one for the words from “alteration” to “parts thereof” there shall be substituted the words “constitution of new urban parishes by the amalgamation of urban parishes”.

(2) The Minister shall not be required to hold a local inquiry before taking further action under subsection (5) of the said section one hundred and forty-one in any case where he is satisfied that the holding of the inquiry is unnecessary.

(3) An order of the Minister confirming an order under the said section one hundred and forty-one constituting a new borough by the amalgamation of a non-county borough with other county districts may make provision for the charter of the new borough, by applying thereto, with any necessary exceptions or modifications, the charter of any amalgamated borough, or, in the case of an amalgamation including two or more boroughs, by applying as aforesaid to the new borough provisions of charters of two or more amalgamated boroughs or the charter of one and provisions of the charters of one or more of the others.

9. In section one hundred and forty-three of the Act of 1933, subsection (1) shall cease to have effect, and subsection (2) of that section shall be amended as follows:—

- (a) the subsection shall apply to a joint representation by two county councils as it applies to a joint representation by a county council and a county borough council;
- (b) the reference to altering the boundary shall include a reference to any transference of part of the county or county borough, as the case may be, but not so as to authorise the abolition of any county district.

10.—(1) In section one hundred and forty-five of the Act of 1933, in subsection (1), for the words from “shall, by notice” to “boundary line” there shall be substituted the words “shall, by order of which notice shall be published in such manner as he thinks fit, declare that such line as may be specified in the order (whether or not consisting wholly or in part of the line of the watercourse as altered) shall be substituted as the boundary line for the former line of the watercourse”.

(2) Subsection (2) of the said section one hundred and forty-five shall cease to have effect.

11. Section one hundred and forty-six of the Act of 1933 shall cease to have effect.

12. In section one hundred and forty-seven of the Act of 1933, in subsection (2) for the words from “may” to the end of the subsection there shall be substituted the words “of a non-county

borough or of a borough to which the Seventh Schedule to the Local Government Act, 1958, applies may change the name of any urban parish situate in the borough.”; and in subsection (3) of the said section the words “borough or” shall cease to have effect.

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13. In section one hundred and forty-eight of the Act of 1933, in subsection (1), after the word “consequential” there shall be inserted the word “transitional”, after the word “purposes” there shall be inserted the words “or in consequence”, and after the word “thereto” there shall be inserted the words “(including provisions applying, amending or repealing any Act)”.

14. In section two hundred and seventy-five of the Act of 1933, in paragraph (b), after the words “repealed by this Act” there shall be inserted the words “or under the Local Government Act, 1958”.

15. Subsection (3) of section twenty-five of the Tithe Act, 1936, shall have effect—

(a) as respects the twelve months beginning on the second day of October, nineteen hundred and fifty-eight, as if for the words “six hundred and eighty-five thousand pounds” there were substituted the words “four hundred and eighty-five thousand pounds”;

(b) as respects any subsequent period of twelve months, as if for the first mentioned words there were substituted the words “two hundred and eighty-five thousand pounds”.

16.—(1) Subsection (1) of section ninety-nine of the Education Act, 1944, shall apply to any failure to discharge a duty imposed by regulations under subsection (4) of section three of this Act as it applies to a failure to discharge a duty imposed for the purposes of the said Act of 1944.

(2) In section one hundred of the said Act of 1944, in paragraph (a) of subsection (1), for the words from “in the exercise of any of their functions” to the end of the paragraph there shall be substituted the words—

“(i) in connection with the provision of milk for pupils in attendance at schools maintained by such authorities or for full-time students under eighteen years of age in attendance at establishments for further education maintained or assisted by such authorities or in receipt of grant from the Minister, or the provision of milk in pursuance of arrangements made under section seventy-eight of this Act;

(ii) in connection with the provision of main mid-day meals for day pupils in attendance at schools maintained by such authorities or the provision of such meals in pursuance of arrangements made under the said section seventy-eight or in pursuance of section eighty-one of this Act;

(iii) in the removal of works constructed for the purposes of air-raid precautions or of temporary works constructed for defence purposes by or on behalf of the Secretary of State.

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the Admiralty or the Minister of Home Security in pursuance of Regulation fifty or fifty-one of the Defence (General) Regulations, 1939, or by agreement, and in the reinstatement of premises so far as it is rendered necessary by any such removal”.

17.—(1) In section one of the Teachers (Superannuation) Act, 1945, in paragraph (a) and in paragraph (b) of subsection (1), the words from “being” to the end shall cease to have effect.

(2) In paragraph (f) of subsection (1) of section one, and in subsection (2) of section two, of the said Act of 1945 after the words “grants are made by the Minister” there shall be inserted the words “or who are in receipt of financial assistance from a local education authority”, and subsection (2) of section thirteen of that Act shall cease to have effect.

18. In section seven of the Police Act, 1946, for the words from “at any time” to “1945” there shall be substituted the words “an order is made under the Local Government Act, 1958”, and after the words “specified in the order” there shall be inserted the words “then without prejudice to the provisions of Part II of the said Act of 1958 as to joint boards and combined authorities”.

19. The approval of the Minister of Health shall not be required for the making by a local authority of contributions under subsection (5) of section twenty-two, subsection (3) of section twenty-eight, or subsection (2) of section fifty-one of the National Health Service Act, 1946 (which empower local authorities to contribute to voluntary organisations concerned with the care of mothers and young children, the prevention of illness, the care or after-care of the sick and matters arising under the Lunacy and Mental Treatment Acts and the Mental Deficiency Acts).

20. In section ten of the Fire Services Act, 1947, for the words “the Local Government (Boundary Commission) Act, 1945” there shall be substituted the words “the Local Government Act, 1958”, and after the words “specified in the order” there shall be inserted the words “then without prejudice to the provisions of Part II of the said Act of 1958 as to joint boards and combined authorities”.

21. In section ninety-three of the Town and Country Planning Act, 1947, as set out in section fifty of the Town and Country Planning Act, 1954, in paragraph (a) of subsection (1) after the word “acquisition” there shall be inserted the words “for war-damage redevelopment”, and after the word “acquired” there shall be inserted the words “for such redevelopment”, in paragraph (b) after the word “compensation” where it first occurs there shall be inserted the words “in respect of land of the National Coal Board to which the Fifth Schedule to this Act applies by virtue of regulations under section ninety of this Act, being compensation payable”, and for the words from the first “twenty-four” to the end of the paragraph there shall be substituted the words “twenty-five or twenty-six of this Act in respect of such land of the National Coal Board as aforesaid”.

paragraph (c) shall not have effect, and at the end of the subsection there shall be inserted—

“ In this section ‘ war-damage redevelopment ’ means the redevelopment as a whole of an area of extensive war damage, and includes the relocation of population or industry, or the replacement of open space, in the course of such redevelopment ”, and the proviso to subsection (4) shall cease to have effect.

22. In section thirty-four of the Act of 1948, subsection (2) shall have effect, by virtue of this Act, as if for the words “ nineteen hundred and fifty-seven ” there were substituted the words “ nineteen hundred and sixty-one ”; and the New Valuation Lists (Postponement) Act, 1952, shall cease to have effect.

23.—(1) Subsection (1) of section eighty-seven of the Act of 1948 (which provides that a railway or canal hereditament occupied partly for non-rateable purposes and partly for other purposes shall be rated, but by reference only to its occupation for those other purposes) shall have effect as if references to other purposes included only references to other purposes being (within the meaning of section eighty-six of the Act of 1948)—

- (a) purposes of any parts of the undertaking of the Commission which are concerned with the carriage of goods or passengers by road transport or sea transport or with harbours, or
- (b) purposes of any parts of the undertaking of the Commission which are subsidiary or incidental to any such part as aforesaid, or
- (c) purposes of the supply of electricity to an Electricity Board (including the generation of electricity so supplied).

(2) Subsections (1) and (2) of section fourteen of this Act shall apply in relation to this paragraph as they apply in relation to the provisions of this Act mentioned in subsection (1) of that section.

24.—(1) For the purposes of section ninety-four of the Act of 1948 (which provides for the adjustment, for changes in the average rates, of payments by the British Transport Commission for the benefit of local authorities) it shall be sufficient for the aggregate gross charge to rates for England and Wales to be estimated and certified by the Minister instead of being ascertained and certified by him as provided by subsection (2) of the said section ninety-four.

(2) For the purposes of the said subsection (2) the rateable value for England and Wales for any year shall be taken to be the aggregate of the rateable values for that year of the areas of all rating authorities in England and Wales, and the rateable value of the area of a rating authority for any year shall be taken to be the aggregate, as certified by the valuation officer, of the rateable values shown on the first day of that year in the valuation list in force on that day for that area, subject however to any alteration in the list made in consequence of the provisions of any enactment (including an enactment contained in this Act) whereby the alteration is to be treated as having been made at the beginning of the year.

8TH SCH.
—cont.

25.—(1) Subsection (2) of section one hundred of the Act of 1948 (which provides for sums paid under Part V of that Act for the benefit of local authorities to be distributed among rating authorities and county councils) shall have effect as if for the words from “in the manner following” to the end of the subsection there were substituted the words “among the rating authorities in England and Wales in proportion to the rateable values for their respective areas for that year.”.

(2) Sub-paragraph (2) of the foregoing paragraph, so far as it relates to the rateable value of the area of a rating authority, shall apply for the purposes of subsection (2) of section one hundred of the Act of 1948 as it applies for the purposes of subsection (2) of section ninety-four of that Act.

26. Section one hundred and two of the Act of 1948 shall have effect as if in subsection (1) (which provides that payments made by the British Transport Commission shall, if and so far as it is so prescribed, be taken into account as if they were paid on account of rates, and in computing the product of a penny rate) the words “if and so far as it is so prescribed” were omitted.

27. In section one hundred and fourteen of the Act of 1948 the proviso to subsection (2) shall cease to have effect, and in subsection (4) the words from the beginning to the first “any” shall cease to have effect and after the word “Parliament” there shall be inserted the words “under any enactment, whether passed before or after the passing of this Act”.

28. The power conferred by section one hundred and forty-six of the Act of 1948 and subsection (1) of section sixteen of this Act to modify the provisions of Part I of this Act in relation to the Isles of Scilly shall include power to provide that in the application of subsection (4) of section five of this Act both to those Isles and to counties and county boroughs references to a county shall include references to those Isles.

29. In section forty-six of the Children Act, 1948, in subsection (2), the words “with the consent of the Secretary of State” shall cease to have effect.

30. In section eight of the Nurseries and Child Minders Regulation Act, 1948, in subsection (3), after the words “nursery school” there shall be inserted the words “maintained or assisted by a local education authority or”.

31.—(1) Nothing in subsection (3) of section twenty-nine of the Representation of the People Act, 1949 (which provides that district election rules or parish election rules shall not affect the hour at which under the local elections rules the poll is to close) shall prevent provision being made by district election rules and parish election rules for securing that where an election of rural district councillors and an election of parish councillors for a parish in the rural district are being held simultaneously, and candidates in one of the elections

have requested that the poll shall be kept open for a further hour, the poll for the other election shall be kept open likewise.

8TH SCH.
—cont.

(2) In the proviso to subsection (3) of section forty-three of the said Act of 1949, for the words "the whole amount" there shall be substituted the words "any such fees or other sums as aforesaid, other than as aforesaid".

(3) In section forty-four of the said Act of 1949, in subsection (3), for the words "the Treasury", in each place where they occur, there shall be substituted the words "the Secretary of State", but nothing in this sub-paragraph shall affect any scale of expenses framed, or sanction given, before the coming into effect of this sub-paragraph.

(4) In the Second Schedule to the said Act of 1949, in head (i) of sub-paragraph (1) of paragraph 22 of the Parliamentary Elections Rules and in head (a) of sub-paragraph (1) of paragraph 18 of the Local Elections Rules for the words from "in receipt of a grant" to the end there shall be substituted the words "maintained or assisted by a local education authority or a school in respect of which grants are made out of moneys provided by Parliament to the person or body of persons responsible for the management of the school".

32. Subsections (1) and (2) of section three of the School Crossing Patrols Act, 1953 (which provide for grants to local authorities and to the Metropolitan Police Fund in respect of expenditure on school crossing patrols) shall cease to have effect.

33. Subsection (7) of section nine of the Act of 1955 (which empowers the Minister by order to repeal certain provisions of that section as to the exemption from rating of advertisements on railway and canal hereditaments) shall cease to have effect.

34. In the Road Traffic Act, 1956, in section five, at the end of subsection (2) there shall be added the words "being arrangements made by authorities or bodies other than local authorities".

35. Paragraphs 1, 2, 6, 16, 17, 19, 21, 23 to 27, 29 to 32 and 34 of this Schedule shall not have effect for any period before the first day of April, nineteen hundred and fifty-nine, except that paragraph 24 of this Schedule shall have effect for ascertaining the payment to be made for the benefit of local authorities for the year beginning with that day.

Section 67.

NINTH SCHEDULE

ENACTMENTS REPEALED

PART I

GENERAL REPEALS AS FROM PASSING OF ACT

Session and Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 5. c. 19.	The Trustee Act, 1925.	In section one, in subsection (1), in paragraph (<i>f</i>) the words from "consolidated" to the next "or in" and the words "or in metropolitan water stock", paragraph (<i>m</i>) and paragraph (<i>p</i>); in section two, in subsection (1), the words " <i>(m)</i> " and " <i>(p)</i> ."
23 & 24 Geo. 5. c. 51.	The Local Government Act, 1933.	In section forty-six, the words "and compensation" in each place where they occur; section one hundred and thirty-nine; in section one hundred and forty, in subsection (1), in paragraph (iii) the words "in the case of a county borough", and subsections (2) to (5); in section one hundred and forty-three, subsection (1); in section one hundred and forty-five, subsection (2); section one hundred and forty-six; in section one hundred and forty-seven, in subsection (3), the words "borough or".
25 & 26 Geo. 5. c. 47.	The Restriction of Ribbon Development Act, 1935.	In section nineteen, in subsection (5), the words from the beginning to "and".
26 Geo. 5 & 1 Edw. 8. c. 49.	The Public Health Act, 1936.	Section three hundred and seven.
1 Edw. 8 & 1 Geo. 6. c. xlv.	The City of London (Various Powers) Act, 1937.	Section thirty-three.
11 & 12 Geo. 6. c. 26.	The Local Government Act, 1948.	Section one hundred and twenty-six.
4 & 5 Eliz. 2. c. 9.	The Rating and Valuation (Miscellaneous Provisions) Act, 1955.	In section nine, subsection (7); in the Third Schedule, in paragraph 11, sub-paragraph (c).

PART II

GENERAL REPEALS FOR 1959-60 AND SUBSEQUENT YEARS

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 5. c. 50.	The Ministry of Transport Act, 1919.	In section seventeen, in subsection (2), the words from "and may" to the end.
20 & 21 Geo. 5. c. 43.	The Road Traffic Act, 1930.	In section fifty-seven, subsections (3) and (4).

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 12.	The Children and Young Persons Act, 1933.	In section one hundred and four, in subsection (1), paragraph (b).
23 & 24 Geo. 5. c. 51.	The Local Government Act, 1933.	In section eighty-six, subsection (2); in section one hundred and twenty-four, subsection (3); section one hundred and eighty-four; section one hundred and eighty-seven; in the Third Schedule, in Part I, in paragraph 2, sub-paragraph (4).
24 & 25 Geo. 5. c. 50.	The Road Traffic Act, 1934.	In the Third Schedule, the entry relating to subsection (3) of section fifty-seven of the Road Traffic Act, 1930.
26 Geo. 5 & 1 Edw. 8. c. 43.	The Tithe Act, 1936.	In section twenty-five, in subsection (4), paragraph (e); in section forty-seven, in subsection (1), the definition of "present value"; the Fifth Schedule.
1 Edw. 8 & 1 Geo. 6. c. 5.	The Trunk Roads Act, 1936.	In section nine, subsections (2) and (3).
1 Edw. 8 & 1 Geo. 6. c. 46.	The Physical Training and Recreation Act, 1937.	In section three, in subsection (1), in paragraphs (a) and (b), the words "local authority or".
2 & 3 Geo. 6. c. 40.	The London Government Act, 1939.	In section sixty, subsection (3); section one hundred and nineteen; section one hundred and twenty-two.
7 & 8 Geo. 6. c. 31.	The Education Act, 1944.	In section one hundred, subsection (2) and in subsection (3) the words "or the Minister of Health"; section one hundred and one.
8 & 9 Geo. 6. c. 14.	The Teachers Superannuation Act, 1945.	In section one, in subsection (1), in paragraphs (a) and (b), the words from "being" to the end; in section thirteen, subsection (2).
9 & 10 Geo. 6. c. 30.	The Trunk Roads Act, 1946.	In the Fourth Schedule, the entry relating to section nine of the Trunk Roads Act, 1936.
9 & 10 Geo. 6. c. 46.	The Police Act, 1946	In the Second Schedule, paragraph 11.
9 & 10 Geo. 6. c. 81.	The National Health Service Act, 1946.	In section twenty-two, in subsection (5), the words "with the approval of the Minister"; in section twenty-eight, in subsection (3), the words "with the approval of the Minister"; in section fifty-one, in subsection (2), the words "with the approval of the Minister"; section fifty-three.

9TH SCHEDULE
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Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 41.	The Fire Services Act, 1947.	Section twenty-five.
10 & 11 Geo. 6. c. 51.	The Town and Country Planning Act, 1947.	In section ninety-three, paragraph (c) of subsection (1) and the proviso to subsection (4).
11 & 12 Geo. 6. c. 26.	The Local Government Act, 1948.	In section two, subsection (2); sections three and four; in section six, in subsection (1), paragraph (b); section seven; section nine; in section ten, subsection (2); in section eighty-five, in subsection (1), the words "the Electricity Council" in paragraph (b), the second "the British Electricity Authority" and the proviso; in section ninety-one, the words "the Electricity Council"; in section ninety-six, in subsection (1A), paragraph (a), in subsection (2) the words "England and Wales or, as the case may be, in" and in subsection (3), the words from the first "in relation to" to "pounds, and"; in section ninety-seven, subsection (1); in section ninety-eight, in subsection (2) the words from the beginning to "Wales) and" and the words "(5) or", in subsection (3) the words "The Minister of Fuel and Power or", the words "as the case may be" and the words from "Central" to "or the", subsection (5); in section one hundred and two, in subsection (1), the words from "if" to "prescribed" and the words from "but" to the end; in section one hundred and fourteen, in subsection (2), the proviso, and in subsection (4) the words from the beginning to the first "any"; section one hundred and twenty-eight; in section one hundred and forty-four, subsections (2) and (2A).
11 & 12 Geo. 6. c. 29.	The National Assistance Act, 1948.	Section twenty-eight.
11 & 12 Geo. 6. c. 43.	The Children Act, 1948.	In section forty-six, in subsection (2), the words "with the consent of the Secretary of State"; section forty-seven.
12, 13 & 14 Geo. 6. c. 55.	The Prevention of Damage by Pests Act, 1949.	Section eleven.

9TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6. c. 68.	The Representation of the People Act, 1949.	In section forty-three, in subsection (1), paragraph (a) and in subsection (3) the words from "and any sums" to "the Exchequer of the United Kingdom" where those words first occur.
12, 13 & 14 Geo. 6. c. 89.	The Vehicles (Excise) Act, 1949.	In section twenty-four, in subsection (1), paragraph (b).
12, 13 & 14 Geo. 6. c. 97.	The National Parks and Access to the Countryside Act, 1949.	In section ninety-seven, subsection (5).
14 & 15 Geo. 6. c. 53.	The Midwives Act, 1951.	In section twenty-seven, subsection (3).
1 & 2 Eliz. 2. c. 33.	The Education (Miscellaneous Provisions) Act, 1953.	In the First Schedule, the entry relating to section one hundred of the Education Act, 1944.
1 & 2 Eliz. 2. c. 45.	The School Crossing Patrols Act, 1953.	In section three, subsections (1) and (2).
2 & 3 Eliz. 2. c. 72.	The Town and Country Planning Act, 1954.	In the Seventh Schedule, the entry relating to the National Parks and Access to the Countryside Act, 1949.
3 & 4 Eliz. 2. c. 26.	The Public Service Vehicles (Travel Concessions) Act, 1955.	Section two.
4 & 5 Eliz. 2. c. 9.	The Rating and Valuation (Miscellaneous Provisions) Act, 1955.	In section nine, in subsection (6), paragraph (a); in the Seventh Schedule, in Part I, the entry relating to section one hundred and forty-four of the Act of 1948 and, in Part IV, the entry relating to the Tithe Act, 1936.
4 & 5 Eliz. 2. c. 16.	The Food and Drugs Act, 1955.	In section twenty-nine, subsection (5).
4 & 5 Eliz. 2. c. 67.	The Road Traffic Act, 1956.	In section five, in subsection (4), the words "and grants in respect thereof"; in the Second Schedule, in paragraph 2, the words from "and" to the end.
5 & 6 Eliz. 2. c. 17.	The Rating and Valuation Act, 1957.	In section two, the words "and the Central Electricity Authority or the Electricity Council respectively" and the words from "and the standard amount" to the end; section four.
5 & 6 Eliz. 2. c. 48.	The Electricity Act, 1957.	In the Fourth Schedule, in Part II, in the entry relating to section eighty-five of the Act of 1948, the first "the Electricity Council" and the words from "and at the" to the end of the entry, in the entry relating to section ninety-one of the said Act, the

9TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
5 & 6 Eliz. 2. c. 48—cont.	The Electricity Act, 1957—cont.	words “ the Electricity Council ”, the entry relating to section ninety-seven of the said Act, in the entry relating to section ninety-eight of the said Act, the words from “ in subsection (3) ” to “ and ”, the entry relating to the Rating and Valuation Act, 1957.

PART III

REPEALS CONSEQUENTIAL ON S. 11

Session and Chapter	Short Title	Extent of Repeal
4 & 5 Eliz. 2. c. 9.	The Rating and Valuation (Miscellaneous Provisions) Act, 1955.	In the Third Schedule, paragraph 3.
5 & 6 Eliz. 2. c. 17.	The Rating and Valuation Act, 1957.	Section three.

PART IV

REPEALS CONSEQUENTIAL ON S. 57

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 51.	The Local Government Act, 1933.	In section one hundred and eight, subsection (2); section one hundred and nine; section one hundred and seventeen.
2 & 3 Geo. 6. c. 40.	The London Government Act, 1939.	Section eighty; section eighty-four; in section ninety-six, paragraph (ii) of the proviso.
14 & 15 Geo. 6. c. 65.	The Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951.	In section fifty, in subsection (2), paragraphs (a) and (c).

PART V

REPEAL OF SPENT ENACTMENTS

Session and Chapter	Short Title	Extent of Repeal
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	In the Fifth Schedule, the words “ Payments which may not be made without Order ”.
51 & 52 Vict. c. 41.	The Local Government Act, 1888.	In section five, subsection (6); in section eight, in subsection (1),

Session and Chapter	Short Title	Extent of Repeal
51 & 52 Vict. c. 41— <i>cont.</i>	The Local Government Act, 1888— <i>cont.</i>	the words “ the basis or standard for the county rate or against that or ” and “ other ”; section twenty-nine; in section thirty-two, in subsection (3), paragraph (d); section thirty-three; in section thirty-four, in subsection (3), in paragraph (f), the words from “ and the ” to the end; in section thirty-nine, subsection (1); in section forty, paragraphs (7) and (8); in section forty-six, paragraph (1) and in paragraph (6) the words from the beginning to “ cease, and ”; in section sixty-four, in subsection (1) the words preceding paragraph (a), subsection (2), and in subsection (5) the words “ debts and liabilities ” wherever they occur and the words “ and of clerk of gaol sessions for clerk of the peace ”; in section sixty-seven, the words “ or of costs under the Burial of Drowned Persons Act, 1808 ”; section seventy-two; section eighty-six; section ninety; in section ninety-three, in subsection (1), the words from “ alter ” to “ grants ”; section ninety-six; in section one hundred the definitions of “ division of a county ”, “ guardians ”, “ poor law union ” and “ rural authority ”, the words from “ Any expression ” to “ area; and ”; so much of the definition of “ property ” as relates specifically to the county of Chester, and the definitions of “ pension ” and “ County and Borough Police Acts ”; section one hundred and seventeen.
56 & 57 Vict. c. 73.	The Local Government Act, 1894.	In section seven, in subsection (7), the words “ after the appointed day ”; in section sixty-two, subsection (2); in section sixty-three, subsection (2); section seventy; in section seventy-five, in subsection (2), the definitions of “ population ” and “ rateable value ”; section eighty-one.

9TH SCH.
—*cont.*

9TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 5. c. 90.	The Rating and Valuation Act, 1925.	<p>In section one, in subsection (1), the words "from and after the appointed day" and, in subsection (2), the words "As from the appointed day"; in section two, in subsection (1), the words from the beginning to "valuation", in subsection (2), the words from the beginning to "day", the proviso to subsection (3) and, in subsection (8), the words from "on" to the end; in section four, in subsection (1), the words "on or after the appointed day" and the words from "and" to the end and, in subsection (2), the words from the first "in the case of" to "subsequent general rate"; in section nine, in subsection (2), the words from "in respect of any period" to "twenty-nine", the second "or" in sub-paragraph (i) of paragraph (b) and sub-paragraph (ii) of the said paragraph; in section ten, in subsection (1), the words from the beginning to "rating area", the word "then" and the words "on that date" and, in subsection (2), the words from the beginning to "hereinafter provided" and the proviso; in section eleven, in subsection (10), the words from "shall come" to "valuation and", the words from "for the provisions" to "1875, and", and the words from "and as from", to the end; in section thirteen, in subsection (1), the words "after the passing of this Act"; in section twenty-two, in subsection (1), the words from "the first new" to "Act and of" and the word "subsequent", and, in subsection (2), the words from the beginning to "valuation"; in section forty-eight, in subsection (1), the words "on the appointed day", in subsection (2), the words "on the appointed day" and the words from "and the</p>

Session and Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 5. c. 90— <i>cont.</i>	The Rating and Valuation Act 1925— <i>cont.</i>	provisions" to the end, in subsection (4), the words "The assessment committee or" and the words "as the case may require"; in subsection (5), the words "as from the appointed day" and, in subsection (8), the words "The assessment committee or", the words "as the case may require" and the words "assessment committee or"; section fifty; in section fifty-two, the words from "the transfer" to "other"; in section fifty-nine, in subsection (3), the words "(including an assessment committee)"; in section sixty-two, subsections (1) and (2); section sixty-five; section sixty-seven; in section sixty-nine, subsection (1), in subsection (2), the words from "Provided that" to "item of the general rate:", the words "the assessment committee or to" and the words "the assessment committee under this Act, and" and subsection (3); the Seventh Schedule, except paragraph 7.
18 & 19 Geo. 5. c. 8.	The Rating and Valuation Act, 1928.	In section one, subsection (2).
18 & 19 Geo. 5. c. 44.	The Rating and Valuation (Apportionment) Act, 1928.	In section one, subsection (3); the First Schedule.
19 & 20 Geo. 5. c. 17.	The Local Government Act, 1929.	In section fifty-seven, in subsection (3), the words "wholly or partly"; in section fifty-nine, subsection (1); section sixty-five; section sixty-six; in section sixty-seven, in subsection (1), the words from "in respect of" to "appointed day" and the words from "made" to the end and, in subsection (2), the words from the beginning to "value, and" and the word "subsequent"; in section sixty-eight, in subsection (1), the words from "in force" to "subsequent valuation lists" and subsections (2) and (3); in section seventy-one, the words from "and in the proviso" to the end; in section seventy-two,

9TH SCH.
—*cont.*

9TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
19 & 20 Geo. 5. c. 17—cont.	The Local Government Act, 1929—cont.	the words from the beginning to “thirty”; in section seventy-three, in subsection (1), the words “as from the appointed day”; in section seventy-four, subsection (1); in section seventy-five, in subsection (1), the words “as from the appointed day”; section seventy-six; in sections seventy-seven to seventy-nine, the words “as from the appointed day” in each place where they occur; in section eighty-two, subsection (2); in section eighty-three, in subsection (1), the words from “as from” to “thirty” and, in subsection (2), the words “as from the appointed day”; in section eighty-five, subsections (1) to (3); section one hundred and thirteen; in section one hundred and fourteen, in subsection (1), paragraph (b), in paragraph (c) the words from “but the Minister” to the end, paragraphs (d) and (e); in section one hundred and fifteen, subsection (1), in subsection (2) the words from “and any enactment” to “have effect”, subsection (5); section one hundred and sixteen; in section one hundred and seventeen, subsections (1), (2) and (4), in subsection (5) the words from “and the property” to “this section and”, subsection (6); in section one hundred and eighteen, subsection (3); sections one hundred and nineteen and one hundred and twenty; in section one hundred and twenty-four, in subsection (5), paragraph (a); in section one hundred and twenty-seven, subsection (1); in section one hundred and twenty-nine, subsection (3); section one hundred and thirty-three; in section one hundred and thirty-four in the definition of “appointed day” the words from “except” to the end, the definitions of “appropriate percentage” and “appropriate

Session and Chapter	Short Title	Extent of Repeal
19 & 20 Geo. 5. c. 17—cont.	The Local Government Act, 1929—cont.	<p>year”, in the definition of “certified”, the words from “in relation to roads” to “any other matter”, the definitions of “losses on account of grants”, “losses on account of rates” and “parish rate”, in the definition of “prescribed”, the words from “save as” to “of this Act”, the definition of “public health services”, in the definition of “reduced rateable value”, the words “subject to the provisions of the last foregoing section”, the definition of “Registration Acts”, in the definition of “registration officer”, the words “Part II and”, the definitions of “separately rated area”, “special rate”, “standard year”, “transferred services”, “unemployed insured men” and “unemployed insured women”, in the definition of “unreduced rateable value”, the words “subject to the provisions of the last foregoing section” and the definition of “weighted population”; the Second Schedule; the Sixth Schedule; in the Ninth Schedule, in Part I, paragraphs 2 to 4, sub-paragraphs (1) and (2) of paragraph 7, and paragraph 8, Part II; in the Tenth Schedule, paragraphs 12, 13 and 20.</p>
19 & 20 Geo. 5. c. 26.	The Agricultural Rates Act, 1929.	The whole Act.
23 & 24 Geo. 5. c. 51.	The Local Government Act, 1933.	<p>In section six, in subsection (2), the proviso; in section eleven, in subsection (3), in paragraph (b) the words “wholly or in part comprised”; in section thirty-three, in subsection (5), the words “or for each county” and the words “wholly or in part”; section forty-one; in section forty-two, subsection (2); in section sixty-one, in subsection (1), the words “after the commencement of this Act” and, in subsection (4), the words “after the commencement of this Act”; in section sixty-three, in subsection (1),</p>

9TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5. c. 51—cont.	The Local Government Act, 1933—cont.	<p>paragraph (c) of the proviso; in section one hundred and eleven, in subsection (1), the words “wholly or in part” and, in subsection (5), the words “wholly or in part”; in section one hundred and forty, in subsection (1), in paragraphs (a) and (i), the words “or definition”, paragraph (d); in section one hundred and forty-one, subsection (8); in section one hundred and forty-three, in subsection (2), the words “or define”; in section one hundred and forty-eight, in subsection (1), in paragraph (c), the words “wholly or in part”; in section one hundred and fifty-two, in subsection (1), in paragraph (a), the words from “or of the” to “Local Government Act, 1929”; section one hundred and fifty-three; in section one hundred and sixty-three, in subsection (1), in subparagraph (b) of paragraph (i) of the proviso, the words “or hospital for infectious diseases”; in section one hundred and seventy-nine, paragraph (h); in section one hundred and ninety, in subsection (3), the words from “whether” to “Act”, in subsection (4), the words from “whether” to “Act” and, in subsection (5), the words from “whether” to “Act”; in section one hundred and ninety-seven, subsection (4); in section two hundred and forty-two, in subsection (1), the words “wholly or in part”; in section two hundred and fifty, in subsection (9), the words “wholly or in part”, in each place where they occur; in section two hundred and seventy-four, in subsection (1), the words “wholly or in part”; section three hundred; in section three hundred and seven, in subsection (1), paragraphs (iii) and (vi) of the proviso; in the Seventh Schedule, the words “The Electricity (Supply) Acts, 1882 to 1933”.</p>

9TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
26 Geo. 5. & 1 Edw. 8. c. 49.	The Public Health Act, 1936.	In section one, the proviso to subsection (2).
1 Edw. 8 & 1 Geo. 6. c. 46.	The Physical Training and Recreation Act, 1937.	In section five, subsection (2).
2 & 3 Geo. 6. c. 40.	The London Government Act, 1939.	In section two hundred and seven, in subsection (1), paragraph (iii) of the proviso; in the Fifth Schedule, the words " The Electricity (Supply) Acts, 1882 to 1936 "
9 & 10 Geo. 6. c. 81.	The National Health Service Act, 1946.	In the Tenth Schedule, the entry relating to section three hundred and seven of the Public Health Act, 1936.
10 & 11 Geo. 6. c. 51.	The Town and Country Planning Act, 1947.	Section ninety-six.
11 & 12 Geo. 6. c. 26.	The Local Government Act, 1948.	Section one; section five; in section six, in subsection (1), the words " or Exchequer Transitional Grant "; in section eight, the words " or an Exchequer Transitional Grant "; in section ten, subsection (5); sections eleven to thirteen; in section fifteen, in subsection (1), in paragraph (b), the words " and Exchequer Transitional Grants " and, in the proviso, the words " or Exchequer Transitional Grants "; in section thirty-three, in subsection (1), paragraph (a); in section thirty-four, subsection (1), in subsection (2) the word " Thereafter ", the words " subject to the provisions of subsection (3) of this section " and the words " whether within or outside London ", and subsection (3); in section fifty-four, in subsection (1), the words from " and any " to the end; in section fifty-seven, subsection (2); in section seventy-one, paragraphs (d) and (e); section seventy-two; in section eighty-five, in subsection (1), in paragraph (b), the words " the British Electricity Authority "; in section eighty-eight, subsection (1) and, in subsection (2), the words from the beginning to " Authorities, and " and the proviso; sections eighty-nine and ninety; in section ninety-one, the words " the British

9TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 26—cont.	The Local Government Act, 1948—cont.	Electricity Authority"; section ninety-two; in section ninety-three, in subsection (2), paragraphs (a) and (b) and, in paragraph (c), the words "in the case of subsequent years"; in section ninety-six, subsection (1), in subsection (2) paragraph (a) and, in paragraph (b), the words "in the case of subsequent years"; in section one hundred, in subsection (2), the words from "subject to" to the second "Authority"; section one hundred and five; section one hundred and six; in section one hundred and eleven, in subsection (1), paragraph (e); in section one hundred and thirteen, subsection (2); in section one hundred and twenty, in subsection (3), the words from "and the" to the end; in section one hundred and twenty-one, in subsection (1), the words from the beginning to "forty-eight, but", subsection (8); in section one hundred and twenty-two, the words from "and subsection (1)" to the end; in section one hundred and forty, in subsection (1) the words "or the Anglo-Scottish Railways Assessment Authority" and in subsection (3), in paragraph (f), the words "and the Anglo-Scottish Railways Assessment Authority"; in section one hundred and forty-three, subsection (2); in section one hundred and forty-four, in subsection (1), the definition of "garden" and, in sub-section (4), paragraph (a) of the proviso; section one hundred and forty-seven; in the First Schedule, paragraph (2); the Second Schedule.
12, 13 & 14 Geo. 6. c. 83.	The Local Government Boundary Commission (Dissolution) Act, 1949.	The whole Act.
14 Geo. 6. c. 36.	The Diseases of Animals Act, 1950.	In section fifty-nine, in subsection (2), in sub-paragraph (i) of paragraph (a), the words from the beginning to "that is to say".

9TH SCH.
—cont.

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Eliz. 2. c. 4.	The New Valuation Lists (Postponement) Act, 1952.	The whole Act.
1 & 2 Eliz. 2. c. 42.	The Valuation for Rating Act, 1953.	Section one; in section six, in subsection (3), the proviso.
4 & 5 Eliz. 2. c. 9.	The Rating and Valuation (Miscellaneous Provisions) Act, 1955.	In section one, in subsection (1), the words from "and sections" to the end; in section two, the proviso to subsection (1) and subsections (2) and (4); in section six, in subsection (3), the word "whether" and the words "or by means of a special rate"; subsection (5); in section seven, in subsection (1), the words from "beginning" to the end, subsection (4) and, in subsection (5), the words "subject to the last preceding subsection"; in section nine, in subsection (2), the first "first new", the words "or in any subsequent list" and the words from "beginning" to the end, in subsection (4) the first "first new", the words "or in any subsequent list" and the words from "beginning" to "force"; in section ten, in subsection (2), the words from "for a year" to "situated", and the proviso; in section fourteen, in paragraph (c), the words "and of the Fourth Schedule thereto"; in section fifteen the words from "and the enactments" to the end; in section seventeen, subsection (2); the Fourth Schedule; the Sixth Schedule; in the Seventh Schedule, in Part I, the entry relating to section thirty-four of the Act of 1948; the Eighth Schedule.
4 & 5 Eliz. 2. c. 43.	The Local Government Elections Act, 1956.	In the Second Schedule, in Part II, paragraph 7.
5 & 6 Eliz. 2. c. 17.	The Rating and Valuation Act, 1957.	Section five; the Schedule.
5 & 6 Eliz. 2. c. 48.	The Electricity Act, 1957.	In the Fourth Schedule, in Part II, the entry relating to section ninety-two of the Act of 1948 and, in the entry relating to section ninety-six of the said Act, the words from "nothing" to "subsection (1), but".

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Municipal Corporations Act, 1882	45 & 46 Vict. c. 50.
Trustee Act, 1893	56 & 57 Vict. c. 53.
Mental Deficiency Act, 1913	3 & 4 Geo. 5. c. 28.
Ministry of Transport Act, 1919	9 & 10 Geo. 5. c. 50.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Roads Act, 1920	10 & 11 Geo. 5. c. 72.
Trustee Act, 1925	15 & 16 Geo. 5. c. 19.
Teachers (Superannuation) Act, 1925	15 & 16 Geo. 5. c. 59.
Rating and Valuation Act, 1925	15 & 16 Geo. 5. c. 90.
Local Government Act, 1929	19 & 20 Geo. 5. c. 17.
Land Drainage Act, 1930	20 & 21 Geo. 5. c. 44.
Road Traffic Act, 1930	20 & 21 Geo. 5. c. 43.
Children and Young Persons Act, 1933	23 & 24 Geo. 5. c. 12.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Tithe Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 43.
Public Health Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 49.
Housing Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 51.
Physical Training and Recreation Act, 1937	1 Edw. 8. & 1 Geo. 6. c. 46.
London Government Act, 1939	2 & 3 Geo. 6. c. 40.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Town and Country Planning Act, 1944	7 & 8 Geo. 6. c. 47.
Teachers (Superannuation) Act, 1945	8 & 9 Geo. 6. c. 14.
Local Authorities Loans Act, 1945	8 & 9 Geo. 6. c. 18.
Local Government (Boundary Commission) Act, 1945	8 & 9 Geo. 6. c. 38.
Water Act, 1945	8 & 9 Geo. 6. c. 42.
Police Act, 1946	9 & 10 Geo. 6. c. 46.
Acquisition of Land (Authorisation Procedure) Act, 1946	9 & 10 Geo. 6. c. 49.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
Fire Services Act, 1947	10 & 11 Geo. 6. c. 41.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
Electricity Act, 1947	10 & 11 Geo. 6. c. 54.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
National Assistance Act, 1948	11 & 12 Geo. 6. c. 29.
Children Act, 1948	11 & 12 Geo. 6. c. 43.
Employment and Training Act, 1948	11 & 12 Geo. 6. c. 46.
Nurseries and Child Minders Regulation Act, 1948	11 & 12 Geo. 6. c. 53.
Gas Act, 1948	11 & 12 Geo. 6. c. 67.
Civil Defence Act, 1948	12, 13 & 14 Geo. 6. c. 5.
Prevention of Damage by Pests Act, 1949	12, 13 & 14 Geo. 6. c. 55.
Representation of the People Act, 1949	12, 13 & 14 Geo. 6. c. 68.
Local Government Boundary Commission (Dissolution) Act, 1949.	12, 13 & 14 Geo. 6. c. 83.
Vehicles (Excise) Act, 1949	12, 13 & 14 Geo. 6. c. 89.
National Parks and Access to the Countryside Act, 1949.	12, 13 & 14 Geo. 6. c. 97.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Miscellaneous Financial Provisions Act, 1950	14 Geo. 6. c. 21.
Midwives Act, 1951	14 & 15 Geo. 6. c. 53.

Short Title	Session and Chapter
Town Development Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 54.
New Valuation Lists (Postponement) Act, 1952	1 & 2 Eliz. 2. c. 4.
School Crossing Patrols Act, 1953	1 & 2 Eliz. 2. c. 45.
Local Government (Financial Provisions) (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 13.
Town and Country Planning Act, 1954 ...	2 & 3 Eliz. 2. c. 72.
Rating and Valuation (Miscellaneous Provisions) Act, 1955	4 & 5 Eliz. 2. c. 9.
Food and Drugs Act, 1955	4 & 5 Eliz. 2. c. 16.
Local Government Elections Act, 1956 ...	4 & 5 Eliz. 2. c. 43.
Valuation and Rating (Scotland) Act, 1956 ...	4 & 5 Eliz. 2. c. 60.
Road Traffic Act, 1956	4 & 5 Eliz. 2. c. 67.
Rating and Valuation Act, 1957	5 & 6 Eliz. 2. c. 17.
House of Commons Disqualification Act, 1957	5 & 6 Eliz. 2. c. 20.

CHAPTER 56

Finance Act, 1958

ARRANGEMENT OF SECTIONS

PART I

PURCHASE TAX

Section

1. Rates of tax, and descriptions of chargeable goods.
2. Meaning of "business".

PART II

CUSTOMS AND EXCISE

3. Entertainments duty.
4. Wines.
5. Sweets.
6. Repeal of spirits duty on certain methyl alcohol.
7. Date and periods of road vehicle licences.
8. Use of motor vehicle unlicensed on way to or from compulsory test, etc.
9. Use of trade licences for collection and delivery of road vehicles.
10. Extension of time for repayments to tobacconists on pensioners' tokens.
11. Dog licences.

PART III
INCOME TAX

Section

12. Charge of tax for 1958-59.
13. Surtax rates for 1957-58.
14. Increase of personal reliefs.
15. Increase of certain initial allowances.
16. Fees and subscriptions to professional bodies, learned societies, etc.
17. Amendment as to reliefs in respect of property belonging to charities and certain other institutions or occupied by ministers of religion.
18. Purchases of shares by financial concerns and persons exempted from tax.
19. Disallowance for certain purposes of dividends paid out of accumulated profits.
20. Settlements on children.
21. Revocable settlements and settlements made abroad.
22. Settlements—discretionary power for benefit of settlor, &c.
23. Time limits.
24. Penalty for incorrect accounts.

PART IV
THE PROFITS TAX

25. Change of rate, and basis of charge.
26. Amendments as to special classes of business.
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ESTATE DUTY

28. Purchases of interests in expectancy.
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31. Works of art, etc. bought at auction for public collections.
32. Power to give property in satisfaction of death duty.
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PART VI
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34. Conveyances on sale, etc.
35. Miscellaneous amendments.

PART VII
MISCELLANEOUS

36. Exchequer advances to nationalised industries and undertakings.
37. Pensions under Overseas Service Act, 1958 (income tax and estate duty).
38. Annuities under Tithe Acts, 1936 and 1951.
39. Winding up of Treasury Chest Fund.
40. Short title, construction, extent and repeal.

SCHEDULES:

- First Schedule—Substantive changes in purchase tax rates, etc.
- Second Schedule—Purchase tax (new list of chargeable goods, etc.).
- Third Schedule—Wines (rates of customs duty).
- Fourth Schedule—Sweets (rates of excise duty).
- Fifth Schedule—Statutory fees and contributions eligible for deduction under section sixteen.
- Sixth Schedule—Extension of time limits.
- Seventh Schedule—Profits tax (transitional provisions).
- Eighth Schedule—Estate duty (quick successions).
- Ninth Schedule—Enactments repealed.

An Act to grant certain duties, to alter other duties, and to amend the law relating to the National Debt and the Public Revenue, and to make further provision in connection with Finance. [1st August, 1958]

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 Queen'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**PURCHASE TAX**

1.—(1) Subject to any order of the Treasury made after the passing of this Act under section twenty-one of the Finance Act, 1948, there shall be made the changes in purchase tax provided for by the First Schedule to this Act. Rates of tax, and descriptions of chargeable goods.

(2) Accordingly Part I of the Second Schedule to this Act (which reproduces with the said changes the effect of Part I of the Eighth Schedule to the Finance Act, 1948, as set out in the Purchase Tax (Consolidation) Order, 1956, and subsequently amended) shall have effect for determining what goods are chargeable goods for the purposes of purchase tax and the rates

PART I
—cont.

of purchase tax chargeable in respect of goods of any class; and Part II of the said Second Schedule shall have effect for the purpose of adapting references to Part I of the Eighth Schedule to the said Act of 1948.

(3) Subsection (1) of this section and the First Schedule to this Act shall be deemed to have had effect from the sixteenth day of April, nineteen hundred and fifty-eight, save as otherwise provided in that Schedule, but subsection (2) and the Second Schedule shall not have effect until the beginning of October, nineteen hundred and fifty-eight (except as respects the making of orders by the Treasury).

Meaning of
“ business ”.

2.—(1) For the purposes of the enactments relating to purchase tax, and in particular of section eighteen of the Finance Act, 1946 (which, among other things, requires the registration of a person applying a chargeable process in the course of or for the purposes of his business), the performance by a local authority of the functions of the authority and the carrying out by any other body of persons, whether incorporated or not, of the objects of that body shall be deemed to constitute a business of the authority or body.

(2) This section shall be deemed to have had effect from the sixteenth day of April, nineteen hundred and fifty-eight.

PART II**CUSTOMS AND EXCISE****Entertainments**
duty.

3.—(1) Subject to subsection (2) of section one of the Entertainments Duty Act, 1958 (which provides for a reduced rate of duty in the case of certain mixed entertainments), the amount of entertainments duty chargeable on any payment for admission to an entertainment given after the third day of May, nineteen hundred and fifty-eight, shall be one-third of the amount, if any, by which the total amount of the payment (not excluding the amount of the duty) exceeds one shilling and six pence; and if before the date of the passing of this Act duty has been charged on any such payment, and by virtue of this subsection a less amount of duty or no duty should have been charged, the person by whom the duty was paid shall be entitled to repayment of the overcharge.

(2) In the case of entertainments given after the fourth day of October, nineteen hundred and fifty-eight, entertainments duty shall not be paid by means of stamps, but shall in all cases be accounted for and paid by the proprietor of the entertainment in accordance with regulations of the Commissioners of

Customs and Excise made under section six of the Entertainments Duty Act, 1958 ; and as respects entertainments so given those regulations may in particular include provision for all or any of the following matters—

PART II
—*cont.*

(a) for ascertaining the amounts of duty chargeable, for regulating and recording admissions to chargeable entertainments, and for requiring security for the payment of duty ;

(b) for requiring the proprietor of an entertainment to give the Commissioners prior notice of it, and to furnish such other information about it as may be required of him, to keep and produce records and make returns of admissions to the entertainment and of payments for admission, and to display notices stating the prices of admission.

(3) For any failure to comply with an obligation under the regulations to account for or pay the duty chargeable in respect of any payment for admission, the penalty under subsection (3) of the said section six shall be fifty pounds or three times the amount of the duty, whichever is the greater.

(4) Section seven of the Entertainments Duty Act, 1958 (which authorises the Commissioners to delegate their powers with respect to entertainments and entertainments duty to local authorities and police authorities), shall cease to have effect.

(5) In section nine of the Entertainments Duty Act, 1958 (which relates to the interpretation of that Act), any reference to that Act shall include a reference to this section and any other enactment relating to entertainments duty.

4.—(1) In lieu of the duties of customs charged on wines **Wines.** under section four of the Finance Act, 1949, there shall be charged on wines imported into the United Kingdom duties of customs at the rates set out in the Third Schedule to this Act, the rates specified in the second column of that Schedule applying to wines which do not qualify for Commonwealth preference and those specified in the third column to wines which do:

Provided that each of the rates specified in that Schedule for light wines which qualify for Commonwealth preference shall be increased by one shilling, unless the Treasury by order direct otherwise.

(2) Subsections (2) to (9) of section two of the Import Duties Act, 1958 (which define the goods qualifying for Commonwealth preference under that Act), shall apply for the purposes of this section as they apply for the purposes of that section ; and subsections (1) to (4) of section thirteen of that Act (which relate to the making, revocation, annulment and approval of orders

PART II
—cont.

under that Act) shall apply in relation to orders under subsection (1) of this section as they apply in relation to orders under that Act.

(3) For the purposes of this section “ wine ” includes the lees of wine.

(4) The foregoing provisions of this section shall have effect from the beginning of the year nineteen hundred and fifty-nine ; and as respects the period between the fifteenth day of April, nineteen hundred and fifty-eight, and the coming into force of those provisions section four of the Finance Act, 1949, shall have and be deemed to have had effect as if the rates of duty specified in the second and third columns of the Second Schedule to that Act for wines other than light wines had been those specified in the second and third columns of the Third Schedule to this Act.

Sweets.

5.—(1) There shall be charged on sweets, in lieu of the duty charged under section six of the Finance Act, 1927, a duty of excise at the rates shown in the Fourth Schedule to this Act.

(2) This section shall be deemed to have had effect as from the sixteenth day of April, nineteen hundred and fifty-eight.

**Repeal of
spirits duty
on certain
methyl
alcohol.**

6.—(1) Methyl alcohol, notwithstanding that it is so purified or prepared as to be potable, shall not be deemed for the purposes of the Customs and Excise Act, 1952, to be spirits nor be chargeable with the customs and excise duties on spirits, nor shall naphtha or any mixture or preparation containing naphtha or methyl alcohol and not containing spirits within the meaning of that Act.

(2) Methyl alcohol shall be included among the alcohols mentioned in subsection (2) of section one hundred and fifteen of that Act (which empowers the Commissioners of Customs and Excise for the purpose of protecting the revenue arising from the said duties to make regulations relating to those alcohols).

(3) This section shall have effect as from the first day of August, nineteen hundred and fifty-eight.

**Date and
periods of road
vehicle licences.**

7.—(1) Subject to the provisions of this section, licences under the Vehicles (Excise) Act, 1949 (other than the annual licence provided for by section one of that Act and other than trade licences), may be taken out for such periods as may be prescribed by order of the Minister of Transport and Civil Aviation, being periods of a fixed number of months (not exceeding fifteen) running from the beginning of the month in which the licence first has effect.

(2) A licence for any period prescribed by an order under the foregoing subsection shall be taken out on payment of duty at such rate as may be so prescribed :

Provided that—

- (a) the rate of duty on any licence taken out for a period of twelve months shall be the same as on the corresponding annual licence provided for by section one of the said Act, and any other rate of duty shall be such as to bear to that rate no less proportion than the number of months for which the licence is taken out bears to a year ; and
- (b) the rate of duty for any licence taken out for a period of three months or for a period of four months shall not exceed for each month of the period ten per cent. of the duty on the corresponding annual licence.

(3) Any order made by the Minister under this section may be made so as to apply only to vehicles of specified descriptions and may make different provision for vehicles of different descriptions or for different circumstances ; and the power to make orders under this section shall be exercisable by statutory instrument and shall include power to vary or revoke any order so made.

(4) On the surrender of a licence, not being a licence for a period ending at or before the end of the year nineteen hundred and fifty-eight, the amount of any repayment under subsection (2) of section twelve of the Vehicles (Excise) Act, 1949, shall, in all cases except that of a general trade licence taken out for one quarter of the year, be that specified in paragraph (b) of that subsection (that is to say, one-twelfth of the full annual duty for each complete month unexpired of the period of the currency of the licence) ; and for paragraph (a) of that subsection there shall be substituted—

“(a) in the case of a general trade licence taken out for one quarter of a year only, an amount equal to one-third of the duty charged on that licence”.

(5) In subsection (5) of section eleven of the Vehicles (Excise) Act, 1949 (which authorises the issue of general trade licences for one quarter of the year only), the expression “quarter” shall, as respects the year nineteen hundred and fifty-nine or any later year, mean any period of three months beginning with the first day of January, of April, of July or of October.

(6) An order made under this section as respects any description of vehicles may provide that for one (but not more than one) of the first three years in which licences of the kind provided for by subsection (1) of this section may be issued for vehicles of that description, annual licences shall not be issued for those

PART II
—cont.

vehicles in any cases prescribed by the order, being cases in which the order provides instead for the issue of licences for some period of not less than eleven months.

(7) This section shall have effect in place of subsections (2) and (4) of section eleven of the Vehicles (Excise) Act, 1949; but neither this section nor any repeal by this Act of a provision contained in or amending section eleven or twelve of that Act shall affect the operation of that Act in relation to licences for any description of vehicles, except as respects licences issued after the date on which an order comes into force under this section with respect to vehicles of that description.

Use of motor vehicle unlicensed on way to or from compulsory test, etc.

8.—(1) A mechanically propelled vehicle shall not be chargeable with any duty under the Vehicles (Excise) Act, 1949, by reason of its use on public roads—

- (a) for the purpose of submitting it by previous arrangement for, or bringing it away from, a compulsory test; or
- (b) where a test certificate is refused on a compulsory test, for the purpose of delivering it by previous arrangement at, or bringing it away from, a place where work is to be or has been done on it to remedy for a further compulsory test the defects on the ground of which the test certificate was refused.

(2) In this section “test certificate” has the same meaning as in the Road Traffic Act, 1956, and “compulsory test” means an examination under section one of that Act with a view to obtaining a test certificate without which a licence cannot be granted for the vehicle under the Vehicles (Excise) Act, 1949.

Use of trade licences for collection and delivery of road vehicles.

9.—(1) The purposes for which the holder of a trade licence within the meaning of the Vehicles (Excise) Act, 1949, may be authorised to use the licence by regulations under section ten of that Act shall not include the collection or delivery of mechanically propelled vehicles on or by means of another mechanically propelled vehicle except in connection with activities which would be treated for the purposes of the said section ten as part of his business as a motor trader apart from subsection (5) of section seven of the Finance Act, 1952 (under which in certain circumstances the collection and delivery of motor vehicles is to be treated as itself constituting or forming part of the business of a motor trader).

(2) This section shall not invalidate any regulations made under the said section ten before the coming into force of this section, but the purposes for which they authorise trade licences to be used shall be taken to be limited in accordance with the foregoing subsection.

(3) This section shall come into force on the first day of January, nineteen hundred and fifty-nine, or such later date (if any) as may be appointed by order of the Minister of Transport and Civil Aviation made by statutory instrument.

PART II
—cont.

10. Paragraph 4 of the Sixth Schedule to the National Insurance (No. 2) Act, 1957 (which contained transitional provisions in connection with the withdrawal of the pensioner's tobacco relief under section four of the Finance Act, 1947), shall have, and be deemed to have had, effect as if the date specified in sub-paragraph (3) as the latest date on which tokens may be surrendered by a dealer had been the thirtieth day of September, nineteen hundred and fifty-eight (instead of, in the events which happened, the thirty-first day of March).

Extension
of time for
repayments to
tobacconists
on pensioners'
tokens.

11. The proviso to subsection (4) of section six of the Finance Act, 1908 (under which, on a change in the rate of any duty transferred by that section to local authorities in England and Wales, the transfer becomes inoperative), shall cease to apply to the duty on dog licences; and accordingly those licences and the duty on them shall in England and Wales cease to be excise licences or an excise duty for any purpose (but without prejudice to the operation of the excise Acts in relation to them, in so far as those Acts apply at the coming into force of this section).

Dog
licences.

PART III

INCOME TAX

12. Income tax for the year 1958-59 shall be charged at the standard rate of eight shillings and sixpence in the pound, and, in the case of an individual whose total income exceeds two thousand pounds, at such higher rates in respect of the excess as Parliament may hereafter determine.

Charge of tax
for 1958-59.

13. Income tax for the year 1957-58 shall be charged, in the case of an individual whose total income exceeded two thousand pounds, at the same higher rates in respect of the excess as were charged for the year 1956-57.

Surtax rates
for 1957-58.

14.—(1) In section thirteen of the Finance Act, 1957 (relief for persons over sixty-five with small incomes)—

Increase of
personal
reliefs.

(a) for the references to two hundred and fifty pounds and four hundred pounds (which refer to the income limits for exemption under that section) there shall be substituted references to two hundred and seventy-five pounds and four hundred and forty pounds respectively; and

(b) for the reference to fifty pounds (which refers to the excess over those limits by reference to which relief under that section by reduction of tax is limited) there shall be substituted a reference to fifty-five pounds.

U

PART III
—*cont.*

(2) In subsections (2) and (3) (old age relief) of section two hundred and eleven of the Income Tax Act, 1952, for the references to seven hundred pounds (which refer to the income limit for the full relief under subsection (2)) there shall be substituted references to eight hundred pounds.

(3) In section two hundred and sixteen of the Income Tax Act, 1952 (dependent relatives), for the references to one hundred and sixty-five pounds and one hundred and five pounds (which refer to the income of the dependent relative) there shall be substituted respectively references to one hundred and ninety-five pounds and one hundred and thirty-five pounds.

(4) Subsections (1) and (2) of this section shall not be deemed to have required any change in the amounts deducted or repaid under section one hundred and fifty-seven (pay as you earn) of the Income Tax Act, 1952, before the twenty-second day of June, nineteen hundred and fifty-eight.

**Increase of
certain initial
allowances.**

15.—(1) An initial allowance under Chapter I (industrial buildings and structures, etc.) of Part X of the Income Tax Act, 1952, in respect of expenditure to which this section applies shall be equal to three-twentieths of the expenditure, and accordingly in relation to such an allowance subsection (1) of section two hundred and sixty-five of that Act shall have effect with the substitution of the words “three-twentieths” for the words “one-tenth”.

(2) An initial allowance under Chapter II (machinery and plant) of the said Part X in respect of expenditure to which this section applies shall be equal to three-tenths of the expenditure, and accordingly, in relation to such an allowance—

(a) subsection (2) of section sixteen of the Finance Act, 1953 (which in relation to certain expenditure reduced the rates of initial allowances under the said Chapter II from two-fifths to one-fifth) shall not apply ;

(b) subsection (1) of section two hundred and seventy-nine of the said Act of 1952 shall have effect with the substitution of the words “three-tenths” for the words “two-fifths” ;

(c) sub-paragraph (2) of paragraph 3 of the Fourteenth Schedule to the said Act of 1952 shall have effect with the substitution in paragraph (d) and paragraph (i) of the words “seven-tenths” for the words “three-fifths”.

(3) Notwithstanding subsection (3) of section fifteen of the Finance Act, 1956 (which exempted certain fuel economy expenditure from the suspension of investment allowances), an initial allowance under Chapter I or Chapter II of the said Part X shall, if the person entitled so elects, be made instead of an

investment allowance in respect of any such expenditure as is mentioned in paragraph (a) or paragraph (b) of that subsection, being expenditure to which this section applies.

(4) An initial allowance under section seventeen of the Finance Act, 1956 (dredging), in respect of expenditure to which this section applies shall be equal to three-twentieths of the expenditure, and accordingly in relation to such an allowance that section shall have effect with the substitution in paragraph (a) of subsection (1) thereof of the words "three-twentieths" for the words "one-tenth".

(5) Subject to the next following subsection, this section applies to expenditure incurred on or after the fifteenth day of April, nineteen hundred and fifty-eight; but expenditure shall not be treated for the purposes of this section as having been so incurred by virtue of the following provisions, that is to say,—

- (a) subsection (6) of section two hundred and sixty-five or subsection (2) of section two hundred and seventy-nine of the Income Tax Act, 1952 (which relate to expenditure incurred by a person for the purposes of a trade before he begins to carry it on);
- (b) subsection (4) of section two hundred and sixty-five and subsection (2) of section two hundred and seventy-seven of that Act (which relate to cases where mills, factories, etc., allowances cease to be allowable);

if it would not be so treated apart from those provisions.

(6) This section does not apply to any expenditure in respect of which an initial allowance under Chapter II of Part X of the Income Tax Act, 1952, may be made by virtue of the proviso to subsection (5) of section two hundred and seventy-nine of the said Act of 1952.

16.—(1) Subject to the following provisions of this section, the following may be deducted from the emoluments of any office or employment to be assessed to tax, if defrayed out of those emoluments, that is to say,—

- (a) any fee or contribution mentioned in the Fifth Schedule to this Act;
- (b) any annual subscription paid to a body of persons approved for the purposes of this section by the Commissioners of Inland Revenue.

Fees and subscriptions to professional bodies, learned societies, etc.

(2) The Commissioners of Inland Revenue may on the application of the body approve for the purposes of this section any body of persons not of a mainly local character whose activities

PART III
—cont.

are carried on otherwise than for profit and are solely or mainly directed to all or any of the following objects, that is to say,—

- (a) the advancement or spreading of knowledge (whether generally or among persons belonging to the same or similar professions or occupying the same or similar positions) ;
- (b) the maintenance or improvement of standards of conduct and competence among the members of any profession ;
- (c) the indemnification or protection of members of any profession against claims in respect of liabilities incurred by them in the exercise of their profession.

(3) If the activities of a body approved for the purposes of this section are to a significant extent directed to objects other than those mentioned in subsection (2) of this section the Commissioners may determine that such specified part only of any annual subscription paid to the body may be deducted under this section as corresponds to the extent to which its activities are directed to objects mentioned in that subsection ; and in doing so the Commissioners shall have regard to all relevant circumstances and, in particular, to the proportions of the body's expenditure attributable to the furtherance of objects so mentioned and other objects respectively.

(4) A fee, contribution or subscription shall not be deducted under this section from the emoluments of any office or employment unless—

- (a) the fee is payable in respect of a registration (or retention of a name in a roll or record) or certificate which is a condition or one of alternative conditions of the performance of the duties of the office or employment or, as the case may be, the contribution is payable on the issue of such a certificate ;
- (b) the subscription is paid to a body the activities of which, so far as they are directed to the objects mentioned in subsection (2) of this section, are relevant to the office or employment, that is to say, the performance of the duties of the office or employment is directly affected by the knowledge concerned or involves the exercise of the profession concerned.

(5) Any approval given and any determination made under this section may be withdrawn, and any such determination varied, so as to take account of any change of circumstances ; and where a body is approved for the purposes of this section in pursuance of an application made before the end of any year of assessment a deduction may be made under this section in respect of a subscription paid to the body in that year, whether the approval is given before or after the end of that year.

(6) Any body aggrieved by the failure of the Commissioners of Inland Revenue to approve the body for the purposes of this section, or by their withdrawal of the approval, or by any determination made by them under this section or the variation of or a refusal to withdraw or vary such a determination may, by notice in writing given to the Commissioners within thirty days from the date on which the body is notified of their decision, require the matter to be determined by the Special Commissioners, and the Special Commissioners shall thereupon hear and determine the matter in like manner as an appeal made to them against an assessment under Schedule D; and the provisions of the Income Tax Acts relating to such appeals (including the provisions relating to the statement of a case for the opinion of the High Court on a point of law) shall apply accordingly with the necessary modifications.

(7) References in the Income Tax Acts to paragraph 7 of the Ninth Schedule to the Income Tax Act, 1952, shall be construed as including references to this section, and the proviso to subsection (1) of section one hundred and sixty of that Act shall apply to a deduction under this section as it applies to a deduction under the said paragraph 7 in respect of money expended wholly, exclusively and necessarily in performing the duties of the office or employment.

17.—(1) The amount of the total income of a person occupying or having the use and enjoyment of any property shall not affect—

- Amendment as to reliefs in respect of property belonging to charities and certain other institutions or occupied by ministers of religion.
- (a) the allowance directed by paragraph (c) of subsection (1) of section one hundred and three of the Income Tax Act, 1952, to be made under Schedule A in respect of public buildings, offices and premises belonging to any hospital, public school or almshouse;
 - (b) the exemption granted by paragraphs (a) and (b) of subsection (1) of section four hundred and forty-eight of that Act in respect of property owned and occupied or, as the case may be, occupied by a charity.

(2) Subsection (3) of section four hundred and seventy-nine of the Income Tax Act, 1952 (which relates to certain dwelling-houses occupied by ministers of religion), is hereby repealed.

18.—(1) Section four of and the Third Schedule to the Finance (No. 2) Act, 1955 (which make provision as to the treatment of certain dividends paid to any extent out of accumulated profits), shall have effect subject to the amendments specified in subsections (2) to (4) of this section.

(2) In subsection (3) of the said section four, for the words “and in doing so were acting in concert” there shall be substituted the words “and the transactions in pursuance of which

Purchases of shares by financial concerns and persons exempted from tax.

PART III
—cont.

the acquisition was made were either transactions entered into by those persons acting in concert or transactions together comprised in any arrangements made by any person”.

(3) In sub-paragraph (3) of paragraph 5 of the said Third Schedule, the following shall be inserted after paragraph (c):—

“ and

(d) if the company is not engaged in carrying on such a trade as is mentioned in subsection (1) of section four of this Act and has received in a year of assessment in the period a dividend which, if the company had been engaged in such a trade, would have been required by the said subsection (1) to be brought into account to any extent as mentioned therein, such amount as would, after deduction of income tax at the standard rate in force in that year of assessment, be equal to the amount which would have been so required to be brought into account.”

(4) At the end of paragraph 4 of the said Third Schedule there shall be added the following sub-paragraph:—

“ (3) In ascertaining for the purposes of this paragraph the amount of income tax and profits tax by which the income of the company for the period is to be diminished any tax on the amount to be deducted under paragraph (d) of sub-paragraph (3) of paragraph 5 of this Schedule shall be left out of account.”

(5) Where such a company as is mentioned in the new paragraph (d) set out in subsection (3) of this section has received such a dividend as is mentioned therein, any question whether any dividend on shares in that company is to be brought into account as mentioned in subsection (1) of the said section four or whether any exemption from income tax extending to any dividend on such shares is to be excluded to any extent by subsection (2) of that section shall be determined as if the words “being shares sold or issued to him or otherwise acquired by him after the twenty-sixth day of October, nineteen hundred and fifty-five, and not more than six years before the date on which the dividend becomes payable” in subsection (1) of the said section four, and all similar expressions in that section, were omitted.

(6) Where a person has acquired any shares before the sixteenth day of April, nineteen hundred and fifty-eight,—

(a) nothing in subsection (2) of this section shall require him to bring into account as mentioned in subsection (1) of the said section four the amount of any dividend received by him on those shares or exclude to any extent any exemption from income tax extending to dividends so received by him ; and

(b) subsection (3) of this section shall have effect, in relation to any dividend received by him on those shares, as if in the new paragraph (d) set out in that subsection the reference to a dividend received by the company did not include any dividend on shares acquired by the company before the said sixteenth day of April ;

PART III
—cont.

and subsections (5) and (6) of the said section four (which make provision as to the time at which and the person by whom shares are to be treated as having been acquired), and the definition of “share” in subsection (8) of that section, shall apply for the purposes of this subsection.

19.—(1) Where a person carries on a trade other than such a trade as is mentioned in subsection (1) of section four of the Finance (No. 2) Act, 1955, and his income for any year of assessment includes a dividend the net amount of which would, if the trade were such a trade as is mentioned in that subsection, be required to any extent to be brought into account as a trading receipt which has not borne tax, then, in ascertaining whether any or what repayment of tax is to be made to that person under section three hundred and forty-one of the Income Tax Act, 1952, subsection (3) of section fifteen of the Finance Act, 1953, or paragraph 3 of the Third Schedule to the Finance Act, 1954, by reference to any loss sustained in the trade and the aggregate amount of his income for the said year of assessment, there shall be left out of account—

Disallowance
for certain
purposes of
dividends paid
out of accumu-
lated profits.

- (a) the gross amount corresponding to so much of the said net amount as would have been required to be brought into account as aforesaid ; and
- (b) any tax paid on the amount required to be left out of account under paragraph (a) of this subsection.

(2) Where—

- (a) a company carries on a trade other than such a trade as is mentioned in subsection (1) of section four of the Finance (No. 2) Act, 1955 ; or
- (b) the business of a company consists mainly in the making of investments ;

and the company's income for any year of assessment includes a dividend the net amount of which would, if the company carried on such a trade as is mentioned in the said subsection (1), be required to any extent to be brought into account as a trading receipt which has not borne tax,—

- (i) the gross amount corresponding to so much of the said net amount as would have been required to be brought into account as aforesaid shall be left out of account in determining for the purposes of section twenty of the

PART III
—cont.

Finance Act, 1953 (which relates to payments between associated companies in respect of losses), whether the company has any surplus for tax purposes during any period or what is the amount of that surplus ; and

- (ii) if any annual payment payable by the company is to any extent payable out of the said dividend, that annual payment shall be deemed to that extent not to be payable out of profits or gains brought into charge to tax, and section one hundred and seventy of the Income Tax Act, 1952, shall apply accordingly.

(3) Where the shares on which the dividend is paid were acquired by the said person or company before the sixteenth day of April, nineteen hundred and fifty-eight, the foregoing provisions of this section shall not apply to the net amount of the dividend except to the extent (if any) that, if the trade or business were such a trade as is mentioned in subsection (1) of section four of the said Act of 1955, the said amount—

- (a) would be required to be brought into account as aforesaid by virtue of the last foregoing section ; but
(b) would not be required to be so brought into account apart from that section.

(4) Where shares in a company were acquired by another company from a third company at a time when the three companies were associated, any question whether or to what extent a dividend on those shares was paid out of profits accumulated before the acquisition, shall, for the purposes of this section (but for no other purposes), be determined as if the acquisition had taken place at whichever of the following times is the later, that is to say—

- (a) the time when the shares were acquired by the said third company ;
(b) the time when the said other company and the said third company became associated ;

except that if the said third company had acquired the shares from a fourth company at a time when the four companies were associated, the foregoing provisions of this subsection shall have effect as if for the references in paragraphs (a) and (b) to the third company there were substituted references to the fourth company and for the reference in paragraph (b) to the said other company a reference to the third company ; and so on for any greater number of associated companies.

In this subsection “ associated ” means, as regards two companies, that one is a subsidiary of the other or both are subsidiaries of a third company, and, as regards three or more companies, that one is associated with each of the others ; and “ subsidiary ” has the meaning assigned to it for certain purposes of the profits tax by section forty-two of the Finance Act, 1938.

(5) Subsections (5) and (6) of section four of the said Act of 1955 (which make provision as to the time at which and the person by whom shares are to be treated as having been acquired), and the definitions of "company" and "share" in subsection (8) of that section, shall apply for the purposes of this section.

PART III
—cont.

20.—(1) Chapter II of Part XVIII of the Income Tax Act, 1952 (which relates to settlements on children), shall be amended in accordance with the following provisions of this section.

(2) In relation to a payment to which this subsection applies, the words "at the time of the payment" shall be substituted for the words "at the commencement of that year" in subsection (1) of section three hundred and ninety-seven of that Act (which relates to payments in any year of assessment to or for the benefit of a child who at the commencement of that year was an infant and unmarried) and for the words "at the commencement of the year of assessment in which the sum is paid" in paragraph (b) of subsection (2) of section three hundred and ninety-eight of that Act (which makes provision supplementary to the said section three hundred and ninety-seven).

(3) The reference in the said paragraph (b) to another sum previously paid to or for the benefit of a child who, at the commencement of the year of assessment in which it was paid, was an infant and unmarried, shall be construed, in relation to a payment to which this subsection applies of any such sum, as a reference to a sum so paid to or for the benefit of a child who at the time of the payment was an infant and unmarried.

(4) Subsections (2) and (3) of this section apply to any payment made after the year 1957-58, except a payment made in the year 1958-59 to or for the benefit of a child born after the sixth day of April, nineteen hundred and fifty-eight, and so made by virtue or in consequence of a settlement made before the ninth day of July of that year.

(5) In paragraph (ii) of the proviso to section three hundred and ninety-nine of the Income Tax Act, 1952 (which enables a settlement to be treated as irrevocable for the purposes of the said Chapter II notwithstanding that it provides for its determination, if the determination will not, during the lifetime of such a child as is mentioned in that section, benefit any person other than such a child, or the wife, husband or issue of such a child), for the words from "any person" to "issue of such a child" there shall be substituted the words "the settlor or the wife or husband of the settlor".

(6) In relation to a settlement which would not have been irrevocable within the meaning of the said Chapter II but for subsection (5) of this section, the reference in paragraph (b) of

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PART III
—*cont.*

subsection (2) of the said section three hundred and ninety-eight to the date when it became irrevocable shall be construed as referring to the sixth day of April, nineteen hundred and fifty-eight.

Revocable settlements and settlements made abroad.

21.—(1) In subsection (1) of section four hundred and four of the Income Tax Act, 1952,—

- (a) the references to a power to revoke or otherwise determine a settlement or any provision thereof shall be deemed to include references to any power to diminish the amount of any payments which are or may be payable under the settlement or any provision thereof and to any power to diminish the amount of any annual payments which the settlor or the wife or husband of the settlor is or may be liable to make by virtue or in consequence of any provision of the settlement ;
- (b) the references to the settlor or the wife or husband of the settlor ceasing to be liable to make any annual payments payable by virtue or in consequence of any provision of the settlement shall be deemed to include references to a diminution of the amount of any such annual payments which the settlor or the wife or husband of the settlor is or may be liable to make ;

but the sums to be treated under the said subsection (1) as the income of the settlor for any year of assessment and not as the income of any other person shall, where that subsection would not apply but for paragraph (b) of this subsection, be such part only of the sums payable as aforesaid by the settlor or the wife or husband of the settlor in that year as corresponds to the diminution mentioned in that paragraph.

(2) In subsection (2) of the said section four hundred and four the references to a power to revoke or otherwise determine a settlement or any provision thereof shall be deemed to include references to—

- (a) any power to diminish the property comprised in the settlement ; and
- (b) any power to diminish the amount of any payments which are or may be payable under the settlement or any provision thereof to any person other than the settlor and the wife or husband of the settlor.

(3) Subject to subsection (4) of this section, the foregoing provisions of this section shall apply for all the purposes of income tax for the year 1958-59 and subsequent years of assessment and also for estimating an individual's total income for the purposes of surtax for the year 1957-58.

(4) Where, in the case of any settlement made before the sixteenth day of April, nineteen hundred and fifty-eight, any sums payable by the settlor or by the wife or husband of the settlor, or any income arising under the settlement, would, by virtue of the foregoing provisions of this section, fall to be treated (whether for purposes of surtax or for all the purposes of income tax) as the income of the settlor and not as the income of any other person, but would not fall to be so treated apart from those provisions, the sums or income shall not be so treated if—

- (a) no power by reason of which they or it would fall to be so treated has been exercised after the fifteenth day of April, nineteen hundred and fifty-eight, or is or can become exercisable after the fifth day of April, nineteen hundred and fifty-nine, or such later date as the Commissioners of Inland Revenue may in any particular case allow ; and
- (b) neither the settlor nor the wife or husband of the settlor has received or is entitled to any consideration or benefit in connection with the fulfilment of the condition set out in paragraph (a) of this subsection ;

or if, in the case of a settlement to which subsection (1) of the said section four hundred and four applies by virtue of subsection (1) of this section, the settlement was entered into in connection with any judicial separation or any agreement between spouses to live separate and apart or with the dissolution or annulment of a marriage.

(5) For the removal of doubts it is hereby declared that sections four hundred and four and four hundred and five of the Income Tax Act, 1952 (which re-enact, without amendment, the provisions of subsections (1) to (4) of section thirty-eight of the Finance Act, 1938), apply and always have applied in relation to any settlement in relation to which the said section thirty-eight would have applied but for its repeal by the said Act of 1952, that is to say, in relation to any settlement, wherever made.

22.—(1) If and so long as the terms of any settlement (wherever made) are such that any person has or may have power, whether immediately or in the future, and whether with or without the consent of any person—

Settlements—
discretionary
power for
benefit of
settlor, etc.

- (a) to pay or apply to or for the benefit of the settlor or the wife or husband of the settlor the whole or any part of the income or property which may at any time arise under or be comprised in the settlement ; or
- (b) to secure the payment or application to or for the benefit of the settlor or the wife or husband of the settlor of the whole or any part of that income or property ;

being a power exercisable at his discretion, any income arising under the settlement in any year of assessment or, as the case

PART III
—cont.

may be, any income so arising from the property comprised in the settlement or from a corresponding part of that property, or a corresponding part of any such income, shall (so far as it is not so treated apart from this section) be treated for all the purposes of the Income Tax Acts as the income of the settlor for that year and not as the income of any other person, subject however to the following provisions of this section.

(2) Where the power mentioned in subsection (1) of this section cannot be exercised within six years from the time when any income or class of income first arises under the settlement or from the time when any particular property first becomes comprised in the settlement, then, so long as the power cannot be exercised, that subsection shall not apply to any income arising under the settlement or, as the case may be, any income of that class or income from that property or property representing that property.

(3) Where, under the proviso to subsection (2) of section four hundred and five of the Income Tax Act, 1952, the settlor is not deemed to have an interest in any income arising under or property comprised in the settlement, subsection (1) of this section shall not apply to that income or, as the case may be, to income arising from that property.

(4) Subject to subsection (5) of this section, the foregoing provisions of this section shall apply for all the purposes of income tax for the year 1958-59 and subsequent years of assessment and also for estimating an individual's total income for the purposes of surtax for the year 1957-58.

(5) Where, in the case of any settlement made before the ninth day of July, nineteen hundred and fifty-eight, any income arising under the settlement would, by virtue of the foregoing provisions of this section, fall to be treated (whether for purposes of surtax or for all the purposes of income tax) as the income of the settlor and not as the income of any other person, but would not fall to be so treated apart from those provisions, it shall not be so treated if—

- (a) no power by reason of which it would fall to be so treated has been exercised after the eighth day of July, nineteen hundred and fifty-eight, or is or can become exercisable after the fifth day of April, nineteen hundred and fifty-nine, or such later date as the Commissioners of Inland Revenue may in any particular case allow; and
- (b) neither the settlor nor the wife or husband of the settlor has received or is entitled to any consideration or benefit in connection with the fulfilment of the condition set out in paragraph (a) of this subsection.

(6) This section shall be deemed to be included in Chapter III of Part XVIII of the Income Tax Act, 1952, and to precede section four hundred and six thereof, and the references in subsection (1) of section four hundred and seven and subsection (2) of section four hundred and eight of that Act to section four hundred and four thereof shall be construed as including references to this section.

PART III
—cont.

23. The provisions of the Sixth Schedule to this Act shall have effect for extending the time limits specified in the enactments mentioned in that Schedule. Time limits.

24.—(1) Where, after the passing of this Act, incorrect accounts are submitted to the surveyor or any Commissioners in connection with the ascertainment of a person's liability to income tax for any year of assessment, that person shall be liable, subject to the following provisions of this section, to be proceeded against as mentioned in paragraph (a) or (b) of subsection (3) of section twenty-five of the Income Tax Act, 1952 (which imposes penalties on persons failing to make certain statements), and the amounts mentioned therein shall be forfeited and recovered accordingly. Penalty for incorrect accounts.

(2) Proceedings under the said subsection (3) shall not be taken against the same person both by virtue of this section and apart from this section in respect of the same year of assessment.

(3) Where a person discovers that accounts submitted in connection with the ascertainment of his liability to income tax are incorrect and he submits a statement rectifying the accounts, no proceedings shall thereafter be taken against him by virtue of this section in respect of the accounts.

(4) In proceedings taken against any person by virtue of this section it shall be a defence to prove that the accounts were submitted without his consent or connivance.

(5) Where accounts for a period not exceeding a year are submitted in connection with the ascertainment of a person's liability to tax for more than one year the penalty recoverable by virtue of this section shall be recoverable in respect of such one only of those years as the Commissioners of Inland Revenue may elect.

PART IV

THE PROFITS TAX

25.—(1) As from the beginning of April, nineteen hundred and fifty-eight, the profits tax shall be charged on the profits arising in any chargeable accounting period from a trade or business to which section nineteen of the Finance Act, 1937, applies at the rate of ten per cent. on the amount of those profits, Change of rate, and basis of charge.

PART IV
—cont.

subject to the provisions for abatement in section thirty-three of the Finance Act, 1947, but without any relief for non-distribution or any distribution charge for chargeable accounting periods ending after the beginning of that month.

(2) Section sixty-nine of the Finance Act, 1948 (under which certain payments between interconnected companies, though not allowable as deductions in computing the profits of the payer, are to be included in computing profits of the recipient), shall not have effect for the purpose of computing profits or losses for any chargeable accounting period ending as aforesaid.

(3) The transitional provisions contained in the Seventh Schedule to this Act shall have effect in relation to the foregoing provisions of this section.

Amendments
as to special
classes of
business.

26.—(1) The following provisions shall cease to have effect, namely,—

- (a) the proviso to sub-paragraph (1) of paragraph 7 of the Fourth Schedule to the Finance Act, 1937 (as set out in section thirty-two of the Finance Act, 1947), and subsection (2) of section twenty-nine of the Finance Act, 1951 (which provide that income received from certain statutory undertakers by way of distribution of profits is not to be included in computing profits of a body corporate having a controlling interest in the undertakers, but is to be included in other cases);
- (b) subsection (3) of section forty of the Finance Act, 1947, and section forty of the Finance Act, 1957 (which make special provision as respects certain payments by nationalised undertakings);
- (c) section forty-two of the Finance Act, 1947 (which limits the profits tax chargeable in the case of a building society to two per cent. of the profits computed without deduction for interest on money borrowed from members or depositors).

(2) In the case of—

- (a) a society registered under the Industrial and Provident Societies Acts, 1893 to 1954, or under the Industrial and Provident Societies Acts (Northern Ireland), 1893 to 1955; or
- (b) a society regulated by any of the Acts regulating building societies (including Acts of the Parliament of Northern Ireland);

dividends, bonuses and similar distributions to members on their shares in the society shall, in computing for the purposes of the

profits tax the profits or losses either of the society or of the recipient, be treated in the same way as interest on moneys borrowed by the society.

(3) Where for any year of assessment a building society enters into arrangements under section four hundred and forty-five of the Income Tax Act, 1952, and by reason thereof income tax is not deducted from dividends or interest of any description, then for the purposes of the profits tax—

- (a) in computing profits or losses of the society for any accounting period ending in that year, the deduction to be made for any dividends or interest from which income tax is not deductible by reason of arrangements under the said section shall include an amount computed by reference to the last mentioned dividends and interest in accordance with the provision made by the arrangements with reference to dividends and interest for charging the society to income tax for the said year ; and
- (b) the amount to be included in the recipient's profits in respect of any dividend or interest from which tax is not deducted as aforesaid shall be the same as if the amount actually paid or credited were the part remaining after deduction of income tax at the standard rate in force for the said year.

(4) This section shall have effect as respects any chargeable accounting period ending after the beginning of April, nineteen hundred and fifty-eight.

27.—(1) No assessment to the profits tax shall be made more than six years after the end of the chargeable accounting period in respect of which it is made, except in the following cases—

Time limit
for assessments
and claims for
relief.

- (a) where any form of fraud or wilful default has been committed in connection with or in relation to the profits tax, and the assessment is made for the purpose of making good to the Crown any loss of tax attributable to the fraud or wilful default ;
- (b) where tax for the last chargeable accounting period of a trade or business (being a period ending at or before the beginning of April, nineteen hundred and fifty-eight) is chargeable by reason of a distribution made after the end of that period, and the person assessable has not given notice in writing to the Commissioners of Inland Revenue, after the making of the distribution, that no further distribution is to be made, or, if he has, a year has not elapsed since he did so ;
- (c) where a longer time is allowed for a particular class of case by the enactments relating to the profits tax other than this subsection.

PART IV
—cont.

(2) Any application for relief in respect of an assessment to the profits tax made by virtue of subsection (2) of section thirty-five of the Finance (No. 2) Act, 1945 (which provides for relief in respect of errors or mistakes in a return or statement made for the purpose of an assessment), shall be made not later than six years after the making of the assessment; but any notice of appeal against the determination of the Commissioners on such an application may be given within thirty days of the notification of the determination (instead of twenty-one days as provided by the Fifth Schedule to the said Act).

(3) This section shall not prevent the making of an assessment or application for the purposes of the profits tax at any time when an assessment or application can be made in respect of the same matter for the purposes of income tax under any provision enlarging for a particular class of case the time ordinarily allowed for making assessments or applications for relief.

(4) In this section “assessment” includes an additional assessment.

(5) This section shall not apply to assessments or applications for relief made before the end of the year nineteen hundred and fifty-eight, except in so far as it enlarges the time for giving notice of appeal.

PART V

ESTATE DUTY

Purchases of
interests in
expectancy.

28.—(1) Where at any time within five years before a death—

- (a) there has been in any settled property an interest limited to cease on the death; and
- (b) a purchase of another interest in that property expectant on or subject to the interest so limited has been made either by the deceased or out of or by means of any property which would have passed for the purposes of estate duty on his death if he had died immediately before the purchase;

then, subject to the following provisions of this section, there shall be deemed for purposes of estate duty on the death to be included in the property passing on the death (in addition to the other property, if any, so included) a sum of money equal to the amount or value of the consideration given for the purchase of that other interest:

Provided that, subject to subsections (2) and (3) of this section, where the settlement is subsisting at the death, this subsection shall not apply unless the interest purchased passes for purposes of

estate duty on the death, and if it does so pass, the persons who are or would be accountable for any duty chargeable on the death in respect of it may (by notice in writing given to the Commissioners of Inland Revenue within twelve months of the death or such longer period as the Commissioners may allow) elect that neither this subsection nor subsection (10) of section seven of the Finance Act, 1894 (which provides that the same property shall not be twice charged or twice aggregated on the same death), shall have effect on the death in relation to that interest.

(2) For the purposes of the proviso to subsection (1) of this section—

- (a) where the settlement has come to an end as respects part but not the whole of the settled property, there shall be deemed to have been a separate settlement of that part; and
- (b) where at the death there are separate interests in or derived out of the interest purchased, the purchase of that interest shall be treated as having comprised a separate purchase of each of those interests.

(3) Where a purchased interest as respects which an election might otherwise be made under the proviso to subsection (1) of this section has ceased to subsist as a separate interest before the death and before the time when it was originally limited to determine, any other interest into which the interest purchased has been absorbed or enlarged shall be treated for the purposes of this section (including this subsection) as if it had been the subject matter of the purchase:

Provided that where an election under that proviso is made as respects any interest by virtue of this subsection, the value for the purposes of estate duty of that interest shall be limited to the proportion thereof attributable to the purchased interests which that interest is treated under this subsection as representing.

(4) In determining under this section the duty chargeable by reason of the purchase of an interest in settled property, any consideration for the purchase consisting of another interest under the settlement shall be disregarded, unless there has been a prior purchase of that other interest, being a purchase in respect of which duty would be chargeable on the death under this section apart from the proviso to subsection (1) and apart from this subsection; and if there has been such a prior purchase, the consideration for it shall be treated for the purposes of this section (except for the purpose of determining its value) as given not for that purchase but, in place of the said other interest, for the first-mentioned purchase.

PART V
—cont.

(5) Where an interest limited to cease on a death ceases to subsist as a separate interest in consequence of any dealing with another interest expectant on or subject to it or of a dealing with that other interest and a dealing with the interest so limited, then this section shall apply to a purchase of that other interest or any interest expectant on or subject to it, as if the interest so limited had continued to subsist as a separate interest until the time when it was originally limited to determine.

(6) Where the interest referred to in paragraph (a) of subsection (1) of this section is such that on the cesser of that interest the settled property (or, if the interest purchased is an interest in part only of that property, that part of it) is to be treated for purposes of estate duty as passing to a limited extent only, then the consideration for the purchase shall be treated for the purposes of this section as reduced to a corresponding extent.

(7) Any sum deemed to pass on a death by virtue of subsection (1) of this section shall for the purpose of aggregation, or of determining the persons accountable for duty—

- (a) where the purchase was made by the deceased, be treated as having been property to which he was absolutely entitled at his death ; and
- (b) in any other case, be treated as forming part of the property out of or by means of which the purchase was made ;

but where the settlement has come to an end before the death as respects all or any of the property in which the interest purchased subsisted, section forty-four of the Finance Act, 1950 (which provides for the trustees of a settlement to be accountable for duty chargeable by virtue of section forty-three of the Finance Act, 1940, by reason of a disposition or determination of a life interest), shall apply as if the duty were chargeable by virtue of the said section forty-three in respect of the property in which the interest purchased subsisted.

(8) Section fifty-seven of the Finance (1909-10) Act, 1910 (which provides that in valuing an estate for duty purposes no allowance shall be made in certain cases for debts or incumbrances incurred or created for the purchase of an interest in expectancy), shall not apply to debts or incumbrances incurred or created for the purpose of or in consideration for a purchase made within the five years before the death of the deceased ; and where duty is chargeable by virtue of this section by reason of a purchase of an interest, and the deceased incurred any debt or created any incumbrance wholly or partly as consideration for that purchase, that consideration for the debt or incumbrance shall be left out of account for the purpose of section thirty-one of the Finance Act, 1939 (which excludes or limits

the making for purposes of estate duty of an allowance for certain debts incurred or incumbrances created by the deceased for the purchase of property coming ultimately from himself).

(9) Any allowance for a debt or incumbrance, to the extent to which it could not be made apart from subsection (8) of this section, shall, where an election under the proviso to subsection (1) of this section has effect in relation to the purchase in question, be deducted from the value, on which by reason of that purchase duty is chargeable, of the interest chargeable by virtue of the election, and shall not be made otherwise.

(10) In relation to a purchase from a body of persons established for public or charitable purposes only, or from the trustees of a trust so established, references to one year before the death shall be substituted for the references in subsections (1) and (8) of this section to five years before the death.

(11) For the purposes of this section—

- (a) any transaction whereby a person for money or money's worth acquires an interest or secures its extinction for his benefit shall be deemed to be a purchase of that interest by him, and any interest extinguished shall be treated as absorbed into the interest benefiting from the extinction ;
- (b) any consideration for a purchase given otherwise than in cash shall be valued as at the date of the purchase ;
- (c) any consideration given for the purchase of more than one interest under a settlement, or for the purchase of an interest under a settlement and for something else, shall be apportioned as may be just ;
- (d) the property in which an interest under a settlement from time to time subsists (or is treated for the purposes of this section as subsisting) shall be treated as the same property, notwithstanding any substitution of one item for another or any accretion thereto.

(12) This section shall not apply where estate duty neither is chargeable on the settled property on the death by reason of the coming to an end of the interest referred to in paragraph (a) of subsection (1), nor would have been if that interest had continued to subsist as a separate interest until the time when it was originally limited to determine, or where the settled property is or, as the case may be, would have been of no principal value, or of too small a principal value for duty to be payable.

(13) This section shall have effect in relation to any purchase made after the fifteenth day of April, nineteen hundred and fifty-eight, and in relation to any such purchase shall have effect notwithstanding that the death occurs before the date of the passing of this Act.

PART V
—*cont.*

Effect of pre-
sumptions as to
order of deaths.

29.—(1) In all cases where, after the fifteenth day of April, nineteen hundred and fifty-eight, two or more persons have died in circumstances rendering it uncertain which of them survived the other or others, the property chargeable with estate duty in respect of each death shall be ascertained as if they had died at the same instant and all relevant property had devolved accordingly.

(2) Property shall not be deemed for purposes of estate duty to pass, or to have passed, on a person's death because on a later or simultaneous death (occurring after the said fifteenth day of April) a testamentary disposition of that property takes effect, under section thirty-three of the Wills Act, 1837, or otherwise, as if that person had survived the testator.

Quick
successions.

30.—(1) Where estate duty becomes payable on any property on a death occurring after the fifteenth day of April, nineteen hundred and fifty-eight, and the Commissioners of Inland Revenue are satisfied—

- (a) that estate duty has been payable on the same property on an earlier death occurring within five years before the later death ; and
- (b) that the person entitled to the property immediately before the later death did not acquire his title by or under a purchase for a consideration in money or money's worth made since the earlier death (whether by him or by another) ;

then, subject to the provisions of this section, the amount of the estate duty payable on the property on the later death shall be reduced as follows—

where the earlier death occurred within three months before the later, by seventy-five per cent. ;

where the earlier death occurred within one year before the later, by fifty per cent. ;

where the earlier death occurred within two years before the later, by forty per cent. ;

where the earlier death occurred within three years before the later, by thirty per cent. ;

where the earlier death occurred within four years before the later, by twenty per cent. ;

where the earlier death occurred within five years before the later, by ten per cent.

(2) Where the estate duty payable on a death in respect of any property falls to be reduced under subsection (1) of this section,

but is payable on a greater value than the net value of the property after the earlier death, the duty shall not be reduced on an amount in excess of that net value.

PART V
— cont.

(3) Relief under this section shall not be given on any death in respect of the same property by reference to more than one earlier death.

(4) This section shall have effect subject to and in accordance with the Eighth Schedule to this Act.

(5) If the enactments relating to estate duty in force in Northern Ireland make provision corresponding to this section, and include provision for giving relief by reference to duty paid under the law in force in Great Britain, then for the purpose of determining the relief (if any) to be given under this section on any death, account shall be taken of the operation of the said enactments on that or any earlier death in relation to property on which estate duty is not payable under the law of Great Britain, so that the like relief shall be given under this section as if in the case of any such property duty payable and relief allowable under the said enactments were payable or allowable under the law of Great Britain ; and for this purpose any reference in the Eighth Schedule to this Act to any provision of the law of Great Britain shall include a reference to any corresponding provision of the law of Northern Ireland.

31. In section forty-four of the Finance Act, 1921, and in the proviso to subsection (2) of section forty of the Finance Act, 1930 (which provide that estate duty shall not become chargeable on certain sales to national institutions or other bodies or persons of works of art or other property previously exempted), and in any subsequent enactment extending the sales to which those provisions apply, the references to a sale shall not include a sale after the commencement of this Act otherwise than by private treaty.

Works of art,
etc. bought at
auction for
public
collections.

32.—(1) Where a person has power to sell any property in order to raise money for the payment of any estate duty, he may agree with the Commissioners of Inland Revenue for the property to be accepted in satisfaction of that duty in pursuance of any enactment authorising its acceptance by the Commissioners ; and, except as regards the nature of the consideration, and the receipt and application thereof, any such agreement shall be subject to the same provisions and shall be treated for all purposes as a sale made in the exercise of the said power, and any conveyance or transfer made or purporting to be made to give effect to such an agreement shall have effect accordingly.

Power to give
property in
satisfaction of
death duty.

(2) The foregoing subsection shall not affect subsection (3) of section thirty of the Finance Act, 1953, as originally enacted

PART V
—cont.

or as applied by section thirty-four of the Finance Act, 1956 (which provide that the acceptance of certain works of art or other objects in satisfaction of estate duty is not to be treated as a sale so as to raise a charge of duty under subsection (2) of section forty of the Finance Act, 1930).

(3) This section shall be deemed always to have had effect, and to apply and have applied to any former death duties as it applies to estate duty.

Relief in cases
of demolition
or clearance
orders.

33.—(1) In the case of deaths occurring after the commencement of this Act, section thirty-three of the Finance Act, 1956 (which reduces the estate duty chargeable on land compulsorily purchased within five years after the date as at which it is valued for the purposes of duty), shall apply in relation to an interest in a house which is demolished in pursuance of a demolition order under Part II of the Housing Act, 1957, or a clearance order under Part III of that Act, as if—

- (a) the house had been purchased at site value in pursuance of a compulsory purchase order made by virtue of the said Part II or the said Part III, and compensation in respect of the interest had been payable accordingly; and
- (b) the purchase had been made in pursuance of a notice to treat served on the date on which the clearance order or demolition order was made.

(2) Subsection (1) of this section shall apply where a house which might have been the subject of a demolition order is, without the making of such an order, vacated and demolished in pursuance of an undertaking given to the local authority, as if there had been a demolition order made at the date when the undertaking is given.

(3) In this section—

“house” includes any building constructed or adapted wholly or partly as, or for the purposes of, a dwelling;

“site value” in relation to a house means the value, at the time the valuation is made, of the site as a cleared site available for development in accordance with the requirements of the building bye-laws for the time being in force in the district.

(4) This section shall have effect in relation to a house in Scotland as if for the references to the Housing Act, 1957, there were substituted references to the Housing (Scotland) Act, 1950, and for the reference to the building bye-laws there were substituted a reference to the building regulations.

PART VI
STAMP DUTIES

34.—(1) Subject to the following provisions of this section, any stamp duty chargeable under the heading “Conveyance or Transfer on sale” in the First Schedule to the Stamp Act, 1891, shall be charged at the following rates for every fifty pounds or fractional part of fifty pounds (in amount or value) of the consideration for the sale, that is to say:—

Where the consideration is £3,500 or under, and the instrument is certified at £3,500	Nil.
Where the consideration is £4,500 or under, and the instrument is certified at £4,500	5s.
Where the consideration is £5,250 or under, and the instrument is certified at £5,250	10s.
Where the consideration is £6,000 or under, and the instrument is certified at £6,000	15s.
In any other case 	20s.

(2) Where the amount or value of the consideration is less than three hundred pounds, but the instrument is not certified at three thousand five hundred pounds, the duty instead of being charged at the rates stated in subsection (1) above for every fifty pounds or fractional part of fifty pounds of the consideration shall be charged at rates equal to half the amounts so stated for every twenty-five pounds or fractional part of twenty-five pounds of the consideration or, if the consideration is less than twenty-five pounds, at rates equal to one tenth of the amounts so stated for every five pounds or fractional part of five pounds of the consideration.

(3) Any duty chargeable by reference to the said heading “Conveyance or Transfer on sale” shall be charged accordingly, except as provided by subsection (5) of this section.

(4) References in this section to an instrument being certified at a particular amount mean that it contains a statement certifying that the transaction effected by the instrument does not form part of a larger transaction or series of transactions in respect of which the amount or value, or aggregate amount or value, of the consideration exceeds that amount; and for this purpose—

(a) any sale or contract or agreement for the sale of goods, wares or merchandise shall be disregarded in the case either—

(i) of an instrument chargeable under the said heading “Conveyance or Transfer on sale”, other than an actual conveyance or transfer of the goods, wares or merchandise (with or without other property); or

PART VI
—cont.

(ii) of an instrument chargeable by reference to that heading under section fifty-nine of the Stamp Act, 1891 (which makes a contract or agreement for sale of certain property chargeable with duty as if it were an actual conveyance on sale); and

(b) any such statement as aforesaid shall be construed as leaving out of account any matter which in accordance with paragraph (a) of this subsection is to be disregarded.

(5) In relation—

(a) to duty chargeable by reference to the said heading “Conveyance or Transfer on sale” by virtue of the heading “Lease or Tack” in the same Schedule, in a case where part of the consideration consists of rent, and that rent exceeds the sum of fifty pounds a year; or

(b) to duty chargeable under or by reference to the said heading “Conveyance or Transfer on sale” as it applies to a conveyance or transfer of stock or marketable securities;

so much of the foregoing subsections as relates to instruments certified at six thousand pounds or at a lower figure shall not apply, and subject to subsection (6) of this section the rate of duty shall be determined according to the rates given by subsections (1) and (2) for instruments not so certified:

Provided that in the case of duty on a conveyance or transfer on sale of new local authority stock within the meaning of subsection (2) of section thirty-one of the Finance Act, 1953, or of duty chargeable by reference to the amount of the duty on such a conveyance or transfer, the rate of duty shall be one half the rate determined as aforesaid.

(6) Where a conveyance, transfer or letting is made or agreed to be made to a body of persons established for charitable purposes only or to the trustees of a trust so established, any duty chargeable under or by reference to the said heading “Conveyance or Transfer on sale” shall be chargeable at the rate of ten shillings for every fifty pounds or fractional part of fifty pounds (or the corresponding rate under subsection (2) of this section) where apart from this subsection it would be chargeable at any higher rate:

Provided that no instrument not stamped with the duty to which it would apart from this subsection be liable shall be deemed by virtue of this subsection to be duly stamped unless it has in accordance with the provisions of section twelve of the Stamp Act, 1891, been stamped with a particular stamp denoting that it is duly stamped.

(7) Nothing in this section shall affect any enactment imposing an upper limit on the amount of duty chargeable ad valorem.

(8) In exemption (11) in the heading "Receipt" in the same Schedule (which exempts certain receipts endorsed or otherwise written upon or contained in an instrument liable to stamp duty and duly stamped), the reference to an instrument liable to stamp duty and duly stamped shall be taken to extend to any instrument wholly relieved of duty by the provisions of this section relating to instruments certified at three thousand five hundred pounds.

(9) The foregoing subsections shall have effect as from the beginning of August, nineteen hundred and fifty-eight.

(10) In relation to duty chargeable by reference to the said heading "Conveyance or Transfer on sale" by virtue of the said heading "Lease or Tack", section thirty-seven of the Finance Act, 1956 (which among other things excluded in certain cases the increase in duty so chargeable provided for by section seventy-three of the Finance (1909-10) Act, 1910), shall be deemed to have had effect as if the reference to section seventy-three had included a reference to section seventy-five of the said Act of 1910 (which had the same effect as section seventy-three in doubling the duty so chargeable).

35.—(1) In the First Schedule to the Stamp Act, 1891,— Miscellaneous amendments.

(a) neither the heading "Bond, Covenant or Instrument of any kind whatsoever" nor the heading "Mortgage, Bond, Debenture, Covenant" shall extend to any instrument in respect of a covenant or agreement by any person, whether as principal or as surety—

(i) to pay, or to guarantee the payment of, sums payable for or in relation to the sale or hire of any goods, wares or merchandise, the sale, hire, construction or installation of any machinery or plant, the supply of electricity, or the execution of any building works or any works of civil engineering; or

(ii) to reimburse or guarantee the reimbursement of advances made for or in respect of the payment of sums payable as aforesaid;

and the heading "Agreement or any Memorandum of an Agreement" and the heading "Deed of any kind whatsoever, not described in this schedule" shall be construed accordingly; and

(b) in the said heading "Agreement or any Memorandum of an Agreement" exemption (3) (which comprises any agreement, letter or memorandum made for or relating to the sale of any goods, wares or merchandise) shall not apply where the consideration for the sale includes sums payable at stated periods.

PART VI
—*cont.*

This subsection shall not be taken as affecting the duty chargeable on an instrument under the said heading "Mortgage, Bond, Debenture, Covenant" in respect of any security by way of charge on property or in respect of an agreement to give such a security.

(2) Any discharge (by re-conveyance, surrender or otherwise) of a security given for an advance made by a local authority under any of the enactments mentioned below in this subsection shall be exempt from stamp duty.

The enactments in question are—

(a) as regards England and Wales, section one of the Small Dwellings Acquisition Act, 1899, section ninety-one and section ninety-two of the Housing Act, 1925, section ninety and section ninety-one of the Housing Act, 1936, section four of the Housing Act, 1949, and section forty-three of the Housing (Financial Provisions) Act, 1958 ; and

(b) as regards Scotland, section one of the Small Dwellings Acquisition Act, 1899, section seventy-four and section seventy-five of the Housing (Scotland) Act, 1925, section twenty-nine of the Housing (Scotland) Act, 1949, and section seventy-five of the Housing (Scotland) Act, 1950.

(3) Any discharge (by re-conveyance, surrender or otherwise) of a security for sums payable to a local authority in respect of the sale or letting of houses by that authority under any of the enactments mentioned below in this subsection shall be exempt from stamp duty.

The enactments in question are—

(a) as regards England and Wales, paragraph (d) of subsection (1) of section fifty-nine of the Housing Act, 1925, paragraph (d) of subsection (1) of section seventy-nine of the Housing Act, 1936, and subsection (1) of section one hundred and four of the Housing Act, 1957 ; and

(b) as regards Scotland, paragraph (d) of subsection (1) of section forty-five of the Housing (Scotland) Act, 1925, and paragraph (d) of subsection (1) of section sixty-five of the Housing (Scotland) Act, 1950.

(4) In section seventy-four of the Finance Act, 1952 (which relieves from stamp duty certain transfers of water undertakings and other property to joint boards or joint committees of local authorities, and certain conveyances and agreements for such transfers)—

(a) in paragraph (a) of subsection (1) (which relates to transfers of water undertakings by order under the Water Act, 1945) after the words "by an order under the Water Act, 1945" there shall be inserted the words

“or by or under any local Act of Parliament”, and for the words “to a joint board or joint committee consisting exclusively of representatives of local authorities” there shall be substituted the words “to any other water undertakers”;

PART VI
—cont.

- (b) both in paragraph (b) of subsection (1) and in subsection (3) (which relate to transfers of property under the Public Health Act, 1936, or the Local Government (Scotland) Act, 1947, and to conveyances and agreements for such transfers under the said Act of 1947) for the words “from a local authority which is represented on the board or committee” there shall be substituted the words “from any local authority or from another such board or committee”; and
- (c) in subsection (2) (which relates to contracts and agreements for transfers of water undertakings which are conditional on orders under the Water Act, 1945) after the words “an order under the Water Act, 1945” there shall be inserted the words “or under any local Act of Parliament or on the passing of such an Act”.

(5) No stamp duty shall be chargeable under or by reference to the heading “Conveyance or Transfer on sale” in the First Schedule to the Stamp Act, 1891, on any agreement made under section fourteen of the New Towns Act, 1946, by a development corporation under that Act for the transfer of the whole or part of the water undertaking or sewerage undertaking of that corporation, or on any conveyance, agreement or assignment made, or instrument executed, solely for the purpose of giving effect to such a transfer.

(6) This section shall have effect as from the beginning of August, nineteen hundred and fifty-eight.

PART VII

MISCELLANEOUS

36. In subsection (3) of section forty-two of the Finance Act, 1956 (which, as amended by the Nationalised Industries Loans Act, 1958, limits to seven hundred million pounds the total of the advances which may be made under that section and prohibits the making of such advances after the end of August, nineteen hundred and fifty-eight), there shall be substituted, for the words “seven hundred” the words “one thousand and seventy” and for the words “nineteen hundred and fifty-eight” the words “nineteen hundred and fifty-nine”.

Exchequer
advances to
nationalised
industries and
undertakings.

PART VII
—*cont.*

Pensions under Overseas Service Act, 1958 (income tax and estate duty).

37.—(1) So much of any pension paid to or in respect of any person—

- (a) under an order made under section two of the Overseas Service Act, 1958, or under a pension scheme provided and maintained under such an order ; or
- (b) under subsection (2) of section four of that Act ;

as may be certified by the Secretary of State to be attributable to the employment of that person in the public services of an overseas territory shall not be liable to charge to income tax if it is the income of a person who satisfies the Commissioners of Inland Revenue that he is not resident in the United Kingdom.

(2) Subsections (3) and (4) of section one hundred and ninety of the Income Tax Act, 1952 (which confer a right of appeal on questions of residence under that section), shall apply to any decision of the Commissioners of Inland Revenue on any question as to residence arising under subsection (1) of this section as they apply to such decisions under that section.

(3) For the purposes of the enactments relating to estate duty so much of any pension paid as mentioned in subsection (1) of this section as is certified by the Secretary of State to be attributable to service under the Government of an overseas territory shall be treated as if it had been paid by the Government of that territory.

(4) In this section—

- “ pension ” includes a gratuity or any sum payable on or in respect of death, and a return of contributions with or without interest thereon or any addition thereto ;
- “ overseas territory ” means any territory or country outside the United Kingdom ;

and references in this section to employment in the public services of an overseas territory and to the Government of an overseas territory shall be construed as if they occurred in the Overseas Service Act, 1958, and subsections (2) and (3) of section seven of that Act (which relate to the construction of such references) shall apply accordingly.

Annuities under Tithe Acts, 1936 and 1951.

38.—(1) The following provisions shall have effect with respect to annuities within the meaning of the Tithe Acts, 1936 and 1951.

(2) For the year beginning with the second day of October, nineteen hundred and fifty-eight, and subsequent years, instead of annuities being payable by half-yearly instalments on the first day of April and the first day of October, they shall be payable in one yearly sum on the first day of October ; and accordingly—

- (a) in the Tithe Acts, 1936 and 1951, and in any other enactment relating to those annuities the expression

“ payment date ” shall mean the first day of October, and references to an instalment of an annuity shall be construed as referring to the yearly sum payable on that day ; and

PART VII
—cont.

- (b) in subsection (1) of section fourteen of the Tithe Act, 1936 (which makes provision for remitting from each instalment of an annuity charged on agricultural land one half of any excess of the annuity over one third of the annual value of the land), the words “ one half of ” shall be omitted.

(3) In paragraph (a) of subsection (1) of section eleven of the Tithe Act, 1936 (which provides for the compulsory redemption in certain circumstances of an annuity of one pound or less, or two or more annuities amounting in the aggregate to one pound or less), for the references to one pound there shall be substituted references to three pounds or such higher amount as may from time to time be specified in rules made by the Treasury under section fifteen of that Act.

39. The amount of the available balance of the Treasury Chest Fund as at the end of March, nineteen hundred and fifty-eight, shall be paid into the Exchequer, and no further payments shall be made into or out of that Fund or any Treasury chest.

Winding up of
Treasury
Chest Fund.

40.—(1) This Act may be cited as the Finance Act, 1958.

Short title,
construction,
extent and
repeal.

(2) Parts I to VI of this Act shall be construed as one with the enactments mentioned in this subsection respectively, that is to say—

- (a) Part I with Part V of the Finance (No. 2) Act, 1940 ;
- (b) Part II with the Customs and Excise Act, 1952 ;
- (c) Part III with the Income Tax Acts ;
- (d) Part IV with Part III of the Finance Act, 1937, and the other enactments relating to the profits tax ;
- (e) Part V with Part I of the Finance Act, 1894 ;
- (f) Part VI with the Stamp Act, 1891.

(3) Any reference in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended or applied by or under any other enactment, including this Act.

(4) Such of the provisions of this Act as relate to matters in respect of which the Parliament of Northern Ireland has power to make laws shall not extend to Northern Ireland.

(5) The enactments specified in the Ninth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule :

Provided that the repeals effected by any Part of that Schedule shall have effect from the dates and subject to the savings (if any) provided for in that Part.

SCHEDULES

FIRST SCHEDULE

Section 1.

SUBSTANTIVE CHANGES IN PURCHASE TAX RATES, ETC.

NOTE: In this Schedule references to Groups are references to Groups in Part I of the Eighth Schedule to the Finance Act, 1948, as in force on the fifteenth day of April, nineteen hundred and fifty-eight.

1.—(1) Subject to the following provisions of this Schedule—

- (a) for any charge of tax at 90 per cent. there shall be substituted a charge at 60 per cent.;
- (b) for any charge at 60 per cent. or 50 per cent. there shall be substituted a charge at 30 per cent.;
- (c) for any charge at 30 per cent. under Group 5 (haberdashery), Group 10 (wallpaper and certain other papers and articles of paper), Group 16 (b) (garden furniture), Group 23 (b) (baskets and other cane or wicker receptacles) or Group 26 (c) (trophy cups, etc.), there shall be substituted a charge at 15 per cent.;
- (d) for any charge at 10 per cent. there shall be substituted a charge at 5 per cent.:

Provided that the reduction from 60 per cent. to 30 per cent. shall not apply to tax chargeable under Group 18 (wireless apparatus), to tax chargeable under Group 19 in respect of gramophones, radio-gramophones, player pianos, musical boxes and similar instruments, or parts thereof or accessories thereto, or in respect of gramophone records, or to tax chargeable under Group 35 (road vehicles).

(2) There shall be the following additional reductions in the case of the articles mentioned, that is to say,—

- (a) in the case of helmets designed to protect the head from injury, where the rate under Group 3 would be reduced under sub-paragraph (1) above to 5 per cent., tax shall not be chargeable under that Group after the sixteenth day of July, nineteen hundred and fifty-eight;
- (b) in the case of minor articles of apparel and in the case of accessories to apparel of the kind worn on the person, where the rate under Group 5 would be reduced under sub-paragraph (1) above to 15 per cent., it shall instead be reduced to 5 per cent.;
- (c) in the case of tissues and fabrics exceeding 12 inches in width, where the rate under Group 7 would be so reduced to 5 per cent., tax shall not be chargeable under that Group;
- (d) in the case of calendars, postcards and letter-cards and articles of any of the descriptions known as greeting cards, where the rate under Group 25 or 34 would be so reduced to 60 per cent., it shall instead be reduced to 30 per cent.;
- (e) in the case of nippers and knives (being toilet requisites), where the rate under Group 31 would be so reduced to 60 per cent., it shall instead be reduced to 30 per cent.;
- (f) in the case of baby dusting powders, where the rate under Group 32 would be so reduced to 60 per cent., it shall instead be reduced to 30 per cent.

2.—(1) The following provisions shall have effect as respects furs and fur articles.

(2) For the purposes of any charge to tax or exemption from tax in the case of articles comprised in Groups 1, 3 and 5 (garments, headgear and haberdashery), rabbit skin and woolled sheep and lamb skin shall be treated as not being fur skin, and any such articles made wholly or partly of rabbit skin or woolled sheep or lamb skin shall be chargeable with the same tax (if any) as if not so made.

(3) Rabbit skin and woolled sheep and lamb skin previously chargeable under Group 8 at 50 per cent. shall be chargeable at 5 per cent. (and not at 30 per cent. as provided by paragraph 1 above).

(4) Subject to sub-paragraph (2) above, headgear comprised in Group 3 (g) (babies' wear) and by virtue thereof exempt from tax shall cease to be so, if made wholly or partly of fur skin (including any skin with fur, hair or wool attached) and not merely trimmed with fur skin.

(5) Subject to sub-paragraph (2) above, any tax chargeable under Group 5 on insoles made wholly or partly of fur skin (including any skin with fur, hair or wool attached) shall, notwithstanding paragraph 1 above, continue to be chargeable at 30 per cent.

3.—(1) The following provisions shall have effect as respects furniture and other articles comprised in Group 11.

(2) The rate of 5 per cent. applicable under paragraph (b) of the Group to furniture of a kind used for domestic purposes and comprised in the list there set out shall apply also to furniture so comprised of a kind used for office purposes, and the list shall be extended so as to include articles named in the list but previously excluded as made of metal, and so as to name hat, coat and umbrella stands and racks.

(3) The following articles shall be exempt from tax, namely—

(a) draught excluder strip; and

(b) water filters designed to remove bacteria and other suspended impurities from drinking water by mechanical means but not including filters also employing chemical reaction.

4.—(1) The following provisions shall have effect as respects appliances and apparatus of a kind used for domestic purposes and comprised in Group 12.

(2) Tax shall be chargeable at 30 per cent. in respect of the following articles, including those previously exempt from tax, that is to say, in respect of oil burning space heaters (including heaters of a kind used for cooking or boiling and also for space heating, but not including furnaces for central heating systems or hot water systems); but, subject to that, the following shall be exempt from tax, namely, parts not electrically operated of oil burning space heaters, and parts of cooking, space heating or water heating appliances comprised in paragraphs (c) and (d) of the Group.

(3) As from the seventeenth day of July, nineteen hundred and fifty-eight, the following gas burning furnaces for central heating systems, whether or not incorporating electric fans or electric pumps or both, but not otherwise electrically operated, shall be exempt from tax, that is to say—

(a) water boilers, but not including appliances of an output less than 30,000 British thermal units per hour;

1ST SCH.
—cont.

(b) appliances supplied with a system of ducting and designed only for the transmission of heated air through such ducting to two or more rooms simultaneously.

(4) Subject to the last foregoing sub-paragraph, appliances of the sort described in paragraph (f) of the Group (which relates to certain heating appliances incorporating electric fans or electric pumps or both) shall cease to be exempt from tax if otherwise electrically operated or if operated by gas.

(5) Tax shall be chargeable at 30 per cent. in respect of cabinets, bases, covers, tables and stands for sewing machines.

5.—(1) Notwithstanding anything in paragraph 1 above, any tax chargeable in respect of the following articles shall be chargeable at 30 per cent., namely—

- (a) hairpins, hair grips, hair curlers, dress combs, hair slides and similar articles;
- (b) beads, sequins and similar articles;
- (c) cuff links and studs;
- (d) hat-pins;
- (e) tie-pins, tie-retainers, scarf rings, scarf holders, and similar articles;

and the exemption in Group 5 for pins of base metal shall no longer extend to hat-pins or tie-pins.

(2) Tax shall also be chargeable at 30 per cent. in respect of grass boxes for lawn mowers.

(3) The following articles, so far as comprised in the provision mentioned in relation to them and by virtue thereof exempt from tax, or not chargeable under the Group in question, shall cease to be so, that is to say,—

- (a) haberdashery, the following:—
 - (i) laces of a kind used for fastening garments or footwear (Group 5 (f));
 - (ii) insoles (Group 5 (i));
- (b) trunks, bags, wallets, jewel cases, pouches, purses, suit cases, attaché cases, baskets and similar receptacles of a kind used for personal or domestic purposes (whether fitted or not), the following:—
 - (i) document, folio, despatch or brief cases (Group 23 (c));
 - (ii) shopping-baskets, other than baskets of cane or wicker, and shopping bags (Group 23 (e)).

6.—(1) In the case of calendars, postcards and letter-cards, and of articles of any of the descriptions known as greeting cards, the reductions of tax under this Schedule shall not be deemed to have had effect before the twenty-first day of April, nineteen hundred and fifty-eight.

(2) In the case of buttons, including shapes and moulds therefor, the reduction under this Schedule of tax chargeable under Group 5 shall not be deemed to have had effect before the twelfth day of June, nineteen hundred and fifty-eight.

7.—(1) As respects the period ending with the eleventh day of June, nineteen hundred and fifty-eight, tax shall be chargeable in respect of shopping-baskets comprised in Group 23 (not being baskets fitted with lids or any other means of closing them) at 15 per cent. in the case of baskets which, except for external fitments, and except for bottoms of wood or other vegetable substance, are made wholly of cane or wicker, and at 30 per cent. in the case of other baskets of cane or wicker.

1st Sch.
—cont.

(2) As respects the period ending with the eleventh day of June, nineteen hundred and fifty-eight, tax shall be chargeable at 5 per cent. in respect of any such clogs and wooden-soled footwear as are comprised in Group 2 (c).

SECOND SCHEDULE

Section 1.

PURCHASE TAX (NEW LIST OF CHARGEABLE GOODS, ETC.)

PART I

LIST OF CHARGEABLE AND EXEMPT GOODS, AND RATES OF TAX

NOTE:—The list in this Part of this Schedule is to be interpreted in accordance with the following rules.

1. Where a Group begins with a general description of the goods comprised in the Group, the goods mentioned below in the Group (including those mentioned under a heading "Exempt") comprise only goods falling within the general description.

2. Goods comprised in a heading "Exempt" are exempt from all charge to purchase tax (but so that an exemption of a vehicle under Group 27 shall not be taken as an exemption of its chassis from tax chargeable under Group 28).

3. A heading "Not chargeable under this Group" is to be taken as excluding the goods referred to from any charge to tax under that Group (but not other Groups), and not as restricting or extending the descriptions of goods to be treated as comprised in the Group.

4. Where any goods are chargeable at more than one rate, tax is to be chargeable in respect of them at the higher or highest of those rates.

5.—(1) "Fur skin" includes any skin with fur, hair or wool attached.

(2) Any reference in Group 1 to the cost of any component of a garment to the manufacturer of the garment is to be taken as referring to the total cost to him of that component ready for assembling into the garment, or, where the Commissioners of Customs and Excise are not satisfied both that the whole of the cost of the component is actually borne by the manufacturer of the garment and as to the amount thereof, the cost which in their opinion would be incurred by the manufacturer of a similar garment who did bear the whole of the said cost.

X

2ND SCH.
—cont.

GROUP 1

comprising Garments, headgear, footwear and gloves.

(a) Articles not comprised below in this Group ... 5 per cent.

(b) Fur garments and fur headgear, that is to say, garments and headgear made wholly or partly of fur skin (other than rabbit skin or woolled sheep or lamb skin) but excluding articles merely trimmed with such fur skin unless, in the case of a garment, the trimming represents a cost to the manufacturer of the garment greater than the cost to him of the other components or has an area greater than one-fifth of the area of the outside material. 30 per cent.

Not chargeable under this Group

Helmets designed to protect the head from injury.

Exempt

(1) Garments and footwear of a kind suitable for young children's wear, but not including fur garments as described above.

(2) Headgear and gloves suitable only for babies' wear, but not including fur headgear as described above.

(3) Protective boots designed for use by miners or quarrymen or moulders, and protective helmets designed for use by miners or quarrymen.

(4) Clogs and other wooden-soled footwear, other than articles made wholly or partly of fur skin.

(5) Surgical appliances.

(6) Wigs.

(7) Articles knitted or crocheted by hand without mechanical aid, including such articles embroidered by hand-needlework.

GROUP 2

comprising Haberdashery and minor articles of apparel.

(a) Articles not comprised below in this Group ... 15 per cent.

(b) Minor articles of apparel (including handkerchiefs), and accessories to apparel of the kind worn on the person. 5 per cent.

(c) Articles made wholly or partly of fur skin (other than rabbit skin or woolled sheep or lamb skin). 30 per cent.

Not chargeable under this Group

Tissues and fabrics, whether in the piece, shaped or partly made up.

Exempt

(1) Sewing thread, and mending and knitting wool.

(2) Sewing and darning needles, knitting needles, bodkins, crochet hooks, pins of base metal (except hairpins, hat-pins, and tie-pins), thimbles, finger shields for needlework and tape measures.

(3) Paper patterns.

(4) Articles knitted or crocheted by hand without mechanical aid, including such articles embroidered by hand-needlework.

GROUP 3

2ND SCH.
—cont.

- (a) Beads, sequins and similar articles 30 per cent.
 (b) Cuff links and studs 30 per cent.
 (c) Hat-pins 30 per cent.
 (d) Tie-pins, tie-retainers, scarf rings, scarf holders and similar articles. 30 per cent.
 (e) Hairpins, hair grips, hair curlers, dress combs, hair slides and similar articles. 30 per cent.

GROUP 4

- (a) Jewellery and imitation jewellery being articles consisting wholly or partly of stones (precious, semi-precious or imitation) or of pearls (real, cultured or imitation) or of beads. 30 per cent.
 (b) Articles of personal adornment and other articles of a kind worn on the person, being articles made wholly or partly of gold, silver or other precious metal (not including base metal which is coated or plated with precious metal). 30 per cent.
 (c) Trophy cups, bowls and similar articles of a kind awarded as prizes. 15 per cent.

Exempt

Miniatures or reproductions of the insignia of orders, decorations and medals granted by the Sovereign or conferred by or in the gift of a foreign Sovereign State or the Head of a foreign Sovereign State, and ribbons, bars and clasps designed to wear with, or with miniatures or reproductions of, such orders, decorations and medals (including made-up ribbon bars).

GROUP 5

- Paper serviettes, paper doyleys, paper table covers, paper table decorations, shelf paper and similar articles of paper. 15 per cent.

GROUP 6

- Cushions, cushion pads, pillows, bolsters, overlay mattresses and mattress shapes, being articles of a kind used for domestic purposes. 5 per cent.

Exempt

Air pillows, air cushions, water beds, water pillows and water cushions, being articles of a kind used for domestic purposes.

GROUP 7

comprising Tissues and fabrics, whether in the piece, shaped or partly made up, including such tissues or fabrics which have been dyed, printed, coated or otherwise treated.

- Tissues and fabrics not exceeding 12 inches in width 5 per cent.

Not chargeable under this Group

- Tissues and fabrics exceeding 12 inches in width.

2ND SCH.
—cont.

Exempt

(1) Fabrics of the following descriptions, not being woven-figured fabrics, pile fabrics, elastic fabrics, braids, fringes, gimps or similar trimmings, furnishing fabrics, floor coverings, suitings or overcoatings, nor fabrics which have been shaped or partly made-up or have been bleached, printed, embroidered or otherwise decorated:—

(i) jute, felt, glass fibre or asbestos fabrics;

(ii) woven fabrics not containing wool which weigh not less than 12 ounces per square yard;

(iii) woven fabrics containing wool which weigh not less than 18 ounces per square yard;

(iv) woven hemp fabrics and woven hemp and jute fabrics, being fabrics which weigh not less than 6 ounces per square yard but less than 12 ounces per square yard and in which the total number of picks per linear inch together with the number of ends per linear inch does not exceed forty;

(v) bonded fibre fabric, being a structure consisting of a web or mass of fibres held together with a bonding substance.

(2) Knitted cotton cloth, unbleached and uncoloured, made with at least one needle omitted in every fifty needles.

(3) Woven fabrics on which the words "industrial processing", continuously repeated from one edge of the fabric to another, are printed in indelible ink of a contrasting colour and in letters not less than half an inch high in such a way that each side of the material is defaced by a line of the printing appearing at least every six inches or, if the printing is in straight lines running diagonally across the material at an angle of about 45 degrees, every fifteen inches.

(4) Netting of cordage, rope or twine, including fishing net, but not including composite fabrics incorporating such netting and not including sports netting.

(5) Bolting cloth.

(6) Tracing cloth.

(7) Abrasive cloth.

(8) Machinery belting.

(9) Grass tape, being weftless material of a width not exceeding one inch made of cotton threads laid side by side and held together by a bonding substance.

(10) Adhesive cloth tape in widths not exceeding three inches and in lengths of not less than fifty yards.

(11) Varnished or bitumenised cloth and varnished or bitumenised tape of the kinds used for the purpose of electrical insulation.

(12) Lamp wick.

(13) Lining socks and seat socks, being shaped pieces of fabric for incorporation in footwear.

(14) Fabrics of a kind suitable for and prepared or put up in special packs as surgical dressings.

(15) Rags.

GROUP 8

comprising Fur skin, dressed.

- (a) Fur skin not comprised below in this Group ... 30 per cent.
 (b) Rabbit skin and woolled sheep or lamb skin ... 5 per cent.

Exempt

Australasian red opossum, undyed, in strips measuring not more than 9 inches in length and not more than one inch in width.

GROUP 9

- (a) (i) Floor coverings of textile material and (except for tiles, strips and blocks, and except for rugs made of fur skin) other floor coverings. 15 per cent.
 (ii) Tiles, strips and blocks of a kind suitable for laying or fixing to floors or sub-floors, not of metal, and of a thickness (excluding any backing) of less than three-eighths of an inch, or, if of cork, of less than five-eighths of an inch. 15 per cent.
 (b) Rugs made of fur skin, whether floor rugs or not:—
 (i) rugs not comprised below in this paragraph ... 30 per cent.
 (ii) lined floor rugs made of skin of the kind commonly known as sheep skin, but not containing any other fur skin. 15 per cent.

GROUP 10

- (a) Wallpaper 15 per cent.
 (b) Window display papers, being fancy papers coated, stained, printed, embossed, laminated or otherwise decorated, including coated poster papers, but not including papers in the following list. 15 per cent.

Goods not comprised in paragraph (b)

1. Single-coloured corrugated papers.
2. Single-coloured papers not decorated by printing, embossing or otherwise, being chromo, surface or enamel papers, flint papers, metal-faced papers or coated art papers.
3. Papers not produced for general sale, being papers decorated with a pattern consisting of or incorporating a trade name and designed for use as box papers or wrapping papers.
4. Papers cut to a size suitable for use as box papers or as printing paper.

GROUP 11

comprising Furniture, hardware, ironmongery, turnery, table-ware, kitchen-ware and toilet-ware, being articles of a kind used for domestic or office purposes.

- (a) Articles not comprised below in this Group ... 15 per cent.
 (b) Furniture, the following 5 per cent.
 (i) wardrobes, cupboards, tallboys, cabinets other than refrigerator cabinets, chests, chests of drawers,

2ND SCH.
—cont.

dressing chests, sideboards, bureaux, bookcases, bookcase units, and sets of shelves;

(ii) tables, including writing and dressing tables, and trolleys;

(iii) chairs, settees, stools, pouffes and other seats;

(iv) hat, coat and umbrella stands and racks;

(v) divans, bunks, ottomans, spring-bases, box-spring mattresses and other mattresses, not being overlay mattresses;

(vi) headboards and bedstead ends;

(vii) fireside curbs.

(c) Mirrors, whether framed or not 30 per cent.

Not chargeable under this Group

Builders' hardware, sanitary ware and other articles of kinds ordinarily installed by builders as fixtures.

Exempt

(1) Babies' high chairs, babies' cradles and stands therefor, cots and playpens.

(2) Invalid chairs, commode chairs, commode stools and over-bed tables.

(3) Sanitary pans, chambers, urinals, commode pans, and lids for any of those articles.

(4) Clothes lockers of a kind installed in cloakrooms other than domestic cloakrooms, being either metal lockers or lockers with doors and frames of metal and sides and backs of hardboard.

(5) Household brushes, brooms and mops.

(6) Hot-water bottles and stoppers therefor.

(7) Fire-guards, except those incorporating heating elements.

(8) Accessories for domestic stoves, grates, ranges and fireplaces, the following:—

(i) trivets and similar articles;

(ii) accessories designed for use as fuel economisers, being fire-bricks or similar articles or being accessories designed so as, when placed above the fuel in an open fire, temporarily to convert the fire into an enclosed fire.

(9) Thermal insulation covers designed for domestic water systems.

(10) Thermostats.

(11) Draught excluder strip.

(12) Water filters designed to remove bacteria and other suspended impurities from drinking water by mechanical means, but not including filters also employing chemical reaction.

GROUP 12

comprising Appliances and apparatus, whether mechanically operated or not, of a kind used for domestic purposes, including cooking, heating and refrigerating appliances and apparatus of a kind so used, but not including mechanical lighters.

(a) Appliances and apparatus not comprised below in this Group.	15 per cent.	2ND SCH. —cont.
(b) Appliances and apparatus designed for operation by electricity or gas.	30 per cent.	
(c) Oil burning space heaters, including heaters of a kind used for cooking or boiling and also for space heating.	30 per cent.	
(d) Sewing machines, electrically operated or not, electric motors for sewing machines, and cabinets, bases, covers, tables and stands for sewing machines.	30 per cent.	

Not chargeable under this Group

Thermometers and barometers; lighting appliances.

Exempt

(1) Cooking, space heating and water heating appliances (but not including oil burning space heaters other than furnaces for central heating or hot water systems, nor appliances designed for operation by electricity or gas) the following:—

- (i) stoves, grates, ranges, fireplaces and ovens;
- (ii) boiling rings, grillers and hot-plates;
- (iii) radiators and convectors;
- (iv) storage water heaters, circulator water heaters for tank storage, water boilers for tank storage or central heating and instantaneous water heaters.

(2) Cooking appliances designed for operation by electricity or gas (not being appliances of a kind used for cooking and also for space heating) the following, stoves, ovens, boiling rings, grillers and hot-plates.

(3) Parts of appliances comprised in paragraphs (1) and (2) above, and parts, not electrically operated, of oil burning space heaters, but not including in either case any part or collection of parts constituting an oil burning space heater.

(4) Appliances of the following descriptions incorporating electric fans or electric pumps or both, but not otherwise electrically operated nor operated by gas:—

- (i) solid fuel burning space or water heaters;
- (ii) oil burning furnaces for central heating or hot water systems, other oil burning water heaters and burners (not being space heaters) for such furnaces and water heaters;
- (iii) radiators and convectors for connection to steam or hot water central heating systems.

(5) Gas burning furnaces for central heating systems, whether or not incorporating electric fans or electric pumps or both, but not otherwise electrically operated, the following:—

- (i) water boilers, but not including appliances of an output less than 30,000 British thermal units per hour;
- (ii) appliances supplied with a system of ducting and designed only for the transmission of heated air through such ducting to two or more rooms simultaneously.

2ND SCH.
—cont.

- (6) Wash boilers and wash coppers.
(7) Vaporisers (not being toilet requisites) and fumigating lamps.

GROUP 13

comprising Cutlery suitable for domestic or personal use, and spoons, forks and similar articles suitable for domestic use, including blanks of any such cutlery and of any such spoons, forks and similar articles.

Articles not comprised below in this Group 15 per cent.

Exempt

- (1) Articles designed for use solely in the course of any trade, profession, employment or vocation and unsuitable for use for other purposes, and blanks thereof.
(2) Articles specially designed for use by persons not having the full use of their arms, and blanks thereof.

GROUP 14

(a) Fittings of a kind used for interior domestic or office lighting, the following:— 30 per cent.

- (i) table and floor standards (whether complete or not);
(ii) brackets, pendants, candelabra and electroliers;
(iii) lanterns, shades, bowls and reflectors;
(iv) other illuminating glassware.

(b) Incandescent mantles 30 per cent.

(c) Electric filament lamps not exceeding 250 watts, and fluorescent lighting tubes not exceeding 80 watts. 30 per cent.

Exempt

- (1) Articles of a kind used for interior domestic or office lighting, the following:—
(i) oil burning lamps and accessories therefor, other than globes, shades and reflectors;
(ii) glass chimneys and similar primary glasses, being chimneys and glasses designed for candle lamps.
(2) Electric filament lamps suitable only for use in cinematograph projectors or in projectors for slides or for film strips.

GROUP 15

comprising Hand lamps and hand torches.

Articles not comprised below in this Group 30 per cent.

Exempt

Acetylene hand lamps, and miners' safety lamps.

GROUP 16

(a) Garden rollers, lawn mowers and grass boxes for lawn mowers. 30 per cent.

(b) Garden furniture 15 per cent.

(c) Garden ornaments 30 per cent.

GROUP 172ND SCH.
—cont.

comprising Clocks and watches; movements and cases for, and accessories to, clocks and watches; and watch chains, wristlet watch straps and similar articles.

Articles not comprised below in this Group 30 per cent.

Exempt

(1) Clocks designed for use as public clocks with dials not less than 2 ft. in diameter or with dials having a diagonal measurement of 2 ft. 6 ins. or more.

(2) Movements, complete with hands, designed—

(i) for mechanical and impulse clocks with dials not less than 2 ft. in diameter or with dials having a diagonal measurement of 2 ft. 6 ins. or more; or

(ii) for synchronous clocks with dials not less than 2 ft. 6 ins. in diameter or with dials having a diagonal measurement of 3 ft. or more.

GROUP 18

(a) Wireless receiving sets of the domestic, portable or road vehicle types (including kits of parts, whether or not assembled and whether or not complete, of a kind used in the assembly of such sets) and valves and loud-speakers suitable for use therewith. 60 per cent.

(b) Apparatus of the domestic type designed for receiving wireless programmes re-transmitted by wire. 60 per cent.

Exempt

Batteries and accumulators suitable for use with wireless receiving sets of the domestic or portable type.

GROUP 19

(a) Musical instruments not comprised below in this Group, and parts thereof and accessories thereto. 30 per cent.

(b) Gramophones, radiogramophones, player pianos, musical boxes and similar instruments, and parts thereof and accessories thereto. 60 per cent.

(c) Gramophone records 60 per cent.

Exempt

(1) Keyboard musical instruments (except instruments of the types designed to be carried when played) and parts thereof and accessories thereto.

(2) Gramophones specially designed for reproduction of speech from records specially adapted for the use of the blind, gramophone records for the reproduction of speech, specially adapted for the use of the blind, and gramophone records of a kind not produced in quantity for general sale.

(3) Bells of a kind suitable for installation in a campanile or belfry, and parts thereof and accessories thereto (including playing mechanisms).

X*

2ND SCH.
—cont.

GROUP 20

comprising Toys and games (including coin or disc operated machines) and appliances, apparatus, accessories and requisites for sports, games, amusements, gymnastics or athletics (not being garments, footwear, road vehicles, bicycles, bicycle sidecars, bicycle and sidecar combinations or tricycles), including parts thereof and accessories thereto.

Articles not comprised below in this Group 30 per cent.

Exempt

(1) Swings, slides (including water chutes), see-saws, roundabouts and giant strides, not being mechanically operated articles.

(2) Gliders large enough to carry human beings, and accessories for such gliders.

(3) Boats and other vessels large enough to carry human beings, and accessories for such boats and vessels.

GROUP 21

comprising Umbrellas, sunshades, walking sticks and canes.

Articles not comprised below in this Group 30 per cent.

Exempt

Walking sticks and canes wholly of wood except for the ferrules.

GROUP 22

Smokers' requisites, except matches and mechanical lighters. 30 per cent.

GROUP 23

comprising Trunks, bags, wallets, jewel cases, pouches, purses, suitcases, attaché cases, baskets and similar receptacles of a kind used for personal or domestic purposes (whether fitted or not).

(a) Articles not comprised below in this Group 30 per cent.

(b) Articles which, except for external fitments, and except for bottoms of wood or other vegetable substance, are made wholly of cane or wicker. 15 per cent.

Not chargeable under this Group

Articles of a kind used primarily, and designed for use, for the purposes of any trade, profession, employment or vocation, other than document, folio, despatch or brief cases.

Exempt

(1) Shopping baskets of cane or wicker, not being baskets fitted with lids or any other means of closing them.

(2) Shoulder satchels of a kind designed for use by schoolchildren.

GROUP 24

comprising Photographic cameras, and photographic enlargers, lenses and other parts of, and accessories to, photographic cameras and photographic enlargers; and unexposed sensitized photographic paper, cloth, plates and film.

Articles not comprised below in this Group 30 per cent.

2ND SCH.
—cont.

Exempt

(1) Cinematograph cameras for film of standard width and parts of, and accessories to, such cameras, and cinematograph film of standard width.

(2) Cameras and enlargers, and parts thereof and accessories thereto, being articles suitable only for industrial, scientific or military use.

(3) Photographic paper, cloth, plates and film, the following:—

(i) X-ray plates, film and paper;

(ii) ferro-prussiate and ferro-gallic paper and cloth;

(iii) dye-line paper, cloth and film;

(iv) document base paper, transparent tracing paper base and tracing cloth.

GROUP 25

comprising Pictures, prints, engravings, photographs, figures, busts, reliefs and similar articles of a kind produced in quantity for general sale; and frames for pictures, frames and stands for photographs and similar frames and stands.

Articles not comprised below in this Group 30 per cent.

Not chargeable under this Group

1. Figures, busts and similar articles comprised in any other Group.

2. The following articles (being of a kind used for domestic purposes), namely, vessels designed for use primarily as containers for food or drink in the course of its storage, preparation or consumption, lids for use with vessels so designed, serving trays, breadboards, bowls, vases and jugs and ewers.

3. Wallpaper.

4. Maps.

Exempt

(1) Picture frames of wood, plain, gilt or coloured, with or without ornamental composition, which are made from moulding of a width not less at any point than 3 inches.

(2) Cinematograph films, film-strips and lantern slides being films, film-strips and lantern slides containing pictures for exhibition by means of a projector.

(3) The following articles, if designed specially for the display of wearing apparel or coiffures, namely, figures, busts, heads and mannequin shapes.

GROUP 26

(a) Diaries, calendars and similar articles; and articles 30 per cent. of any of the descriptions known as greeting cards.

(b) Stationery and office requisites, except furniture and 30 per cent. machinery.

Exempt

Labels, tags, gummed seals and other marking tickets.

2ND SCH. GROUP 27

—cont.

(a) Road vehicles not comprised below in this Group, being vehicles constructed or adapted solely or mainly for the carriage of passengers or having to the rear of the driver's seat roofed accommodation which is fitted with side windows or which is constructed or adapted for the fitting of side windows:—

- | | | |
|--|--------|--------------|
| (i) mechanically propelled vehicles | ... .. | 60 per cent. |
| (ii) vehicles not mechanically propelled | ... .. | 30 per cent. |

(b) Bicycles, bicycle and sidecar combinations and tricycles constructed or adapted solely or mainly for the carriage of passengers, bicycle sidecars (including sidecar bodies without chassis) so constructed or adapted, and bicycle sidecar chassis—

- | | |
|---|--------------|
| (i) mechanically propelled tricycles, being road vehicles of more than 8 cwt. unladen weight; | 60 per cent. |
| (ii) articles not comprised in the foregoing subparagraph. | 30 per cent. |

(c) Motor units (assembled or unassembled) suitable for fitting to pedal cycles to equip them with a system of mechanical propulsion. 30 per cent.

Exempt

(1) Ambulances, invalid carriages and perambulators; tramcars, trolley vehicles and other vehicles constructed to carry not less than twelve passengers; vehicles of not less than 3 tons unladen weight; prison vans and fire tenders; caravans; vehicles of a type approved by the Commissioner of Police of the Metropolis as conforming to the conditions of fitness for the time being laid down by him for the purposes of the London Cab Order, 1934.

(2) Vehicles of the following descriptions in which the accommodation for carrying passengers is only incidental to the use of the vehicle for other purposes, namely, bullion vans; mobile cinemas, sound film production vehicles and similar vehicles; mobile canteens, mobile clinics, travelling libraries, travelling shops, travelling showrooms and similar vehicles; mobile printing presses and other mobile workshops; pantechinons and horse boxes; hearses (but not including hearsettes); tower wagons, road construction, road cleansing, road watering, refuse collecting and similar vehicles; breakdown vehicles fitted with a crane or other lifting device.

GROUP 28

Road vehicle chassis, mechanically propelled	30 per cent
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GROUP 29

Fancy or ornamental articles suitable for personal or domestic use, and of a kind produced in quantity for general sale (but not including articles comprised in any other Group, textile articles of a kind used for domestic purposes or articles of a kind used as domestic soft furnishings or as domestic bedding).	30 per cent
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GROUP 30

2ND SCH.
—cont.

(a) Articles designed for use in one or more of the following processes, that is to say, waving, curling, setting, dyeing, tinting, bleaching or in any way dressing or treating the hair, including preparations and substances made up for sale for use (either alone or in conjunction with, or with an admixture of, any other preparation or substance) in any such process, but not including articles comprised in paragraph (c) below, or in Group 2, in Group 3 (e), in Group 31 (b) or in Group 32 (b) (ii). 60 per cent.

(b) Assemblies of two or more such articles as are comprised in paragraph (a) above, or of one or more such articles together with any other article not so comprised. 60 per cent.

(c) Hair waving and hair drying machines, and articles and appliances designed for heating the hair in the process of waving, curling or setting it. 30 per cent.

GROUP 31

comprising Toilet requisites, except face cloths and towels.

(a) Articles not comprised below in this Group ... 60 per cent.

(b) Brushes, combs, scissors, nippers, knives, razors and razor blades, razor strops, razor sharpeners, dry shavers and dry shaver heads, mirrors, sponges, dental sticks and toothpicks. 30 per cent.

Exempt

Toothbrushes; toilet paper.

GROUP 32

(a) Perfumery 60 per cent.

(b) Toilet preparations, whether medicated or not, including cosmetics:—

(i) preparations not comprised below in this paragraph. 60 per cent.

(ii) soap made up for sale as toilet soap; soap substitutes made up for sale as substitutes for toilet soap; baby dusting powders; shaving creams; shampoos; dentrifices; eye lotions, mouth washes and antiseptics; calamine lotion and similar alleviating preparations, unperfumed. 30 per cent.

GROUP 33

comprising Drugs and medicines, manufactured or prepared (except toilet preparations).

Goods not comprised below in this Group 30 per cent.

Exempt

(1) Goods complying with the provisions of Part II of the Eighth Schedule to the Finance Act, 1948.

(2) Goods specified in the Schedule to the Purchase Tax (No. 1) Order, 1958.

2ND SCH.
—cont.

PART II

CONSEQUENTIAL AMENDMENTS OF REFERENCES

1.—(1) In the Finance Act, 1950,—

- (a) for the reference in subsection (5) of section eighteen to an order varying or revoking Group 35 in Part I of the Eighth Schedule to the Finance Act, 1948, there shall be substituted a reference to an order varying or revoking the new Group 27 or 28; and
- (b) in sub-paragraph (2) of paragraph 3 of the Fifth Schedule for the reference in paragraph (a) to the said Group 35 and for the reference in paragraph (b) (as originally enacted) to paragraph (c) of the said Group 35 there shall be substituted references to the new Group 27.

(2) In subsection (9) of section seven of the Finance Act, 1956, for the reference to paragraph (a) or (b) of the said Group 35 there shall be substituted a reference to paragraph (a) or (b) of the new Group 27.

(3) Any reference in this paragraph to a new Group shall be construed as referring to the Groups in Part I of this Schedule.

2. Subject to the foregoing paragraph (and to any repeal made by this Act), for any reference in any enactment to Part I of the Eighth Schedule to the Finance Act, 1948, there shall be substituted a reference to Part I of this Schedule.

Section 4.

THIRD SCHEDULE

WINES (RATES OF CUSTOMS DUTY)

Description of Wine	Rate of duty per gallon	
	Not qualifying for Commonwealth preference	Qualifying for Commonwealth preference
	£ s. d.	£ s. d.
Light wines:—		
Still—		
not in bottle at	13 0	11 0
in bottle at	1 7 6	1 4 6
Sparkling at	1 17 6	1 15 6
Other wines:—		
Still—		
not in bottle at	1 18 0	1 8 0
in bottle at	2 0 6	1 9 6
Sparkling at	2 10 6	2 0 6
together, in the case of wine exceeding 42 degrees proof spirit, with an additional duty for each degree or fraction of a degree of the excess at	3 2	2 4

For the purposes of this Schedule, the expression "light wine" means wine not exceeding 25 degrees or, in the case of wine qualifying for Commonwealth preference, 27 degrees of proof spirit.

FOURTH SCHEDULE

Section 5.

SWEETS (RATES OF EXCISE DUTY)

Description of Sweets	Rate of duty per gallon		
	£	s.	d.
Not exceeding 27 degrees proof spirit—			
Still at	10	6	
Sparkling at	1	8	6
Exceeding 27 degrees proof spirit—			
Still at	18	6	
Sparkling at	1	8	6

FIFTH SCHEDULE

Section 16.

STATUTORY FEES AND CONTRIBUTIONS ELIGIBLE FOR
DEDUCTION UNDER SECTION SIXTEEN

Fee payable in respect of retention of name in the Register of Architects.

Fee payable in respect of retention of name in dentists register or in roll or record kept for a class of ancillary dental workers.

Fee payable in respect of retention of name in either of the registers of ophthalmic opticians or in the register of dispensing opticians.

Annual fee payable by registered patent agent.

Fee payable in respect of retention of name in register of pharmaceutical chemists.

Fee and contribution to Compensation Fund or Guarantee Fund payable on issue of solicitor's practising certificate.

Annual fee payable by registered veterinary surgeon or by person registered in the Supplementary Veterinary Register.

SIXTH SCHEDULE

Section 23.

EXTENSION OF TIME LIMITS

PART I

CLAIMS, ELECTIONS, ETC.

1. There shall be substituted—

- (a) in each of the enactments shown in Table I set out below, the words "six years" for the words "twelve months" or "one year", according as the enactment is shown in the first or second column of that Table;
- (b) in subsection (2) of section one hundred and twenty-nine of the Income Tax Act, 1952, the words "seven years" for the words "two years";

6TH SCH.
—cont.

(c) in subsection (2) of section twenty-two of the Finance Act, 1953, the words “ eight years ” for the words “ three years ”; and in subsection (2) of section one hundred and seven, and in subsection (3) of section one hundred and fifteen, of the Income Tax Act, 1952, after the words “ upon appeal ” there shall be inserted the words “ (notice of which may, notwithstanding anything in this Act, be given at any time not later than six years after the end of the year of assessment)”.

Table I

The Income Tax Act, 1952

Sections 107 (4), 129 (2), 131 (1), 133 (1) (c), 181 (2), 343 (1), 425 (8) (except the proviso), 471 (4).	Schedule 23, Part II, paragraph 9 (2).
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2. There shall be substituted—

- (a) in each of the enactments shown in Table II set out below, the words “ two years ” for the words “ twelve months ” or “ one year ”, according as the enactment is shown in the first or second column of that Table;
- (b) in subsection (2) of section one hundred and twenty-five of the Income Tax Act, 1952, the words “ not later than two years after the end of the year of assessment ” for the words “ within two months after the commencement of the year of assessment ”;
- (c) in subsection (1) of section four hundred and thirty-four and in subsection (1) of section four hundred and thirty-five of the Income Tax Act, 1952, the words “ two years after the end of the year of assessment ” for the words “ the end of the year of assessment next following the year of assessment ”;
- (d) in subsection (2) of section eighteen of the Finance Act, 1952, the words “ eight years ” for the words “ seven years ”;
- (e) in subsection (2) of section twenty of the Finance Act, 1953, the words “ the second year ” for the words “ the year ”.

Table II

The Income Tax Act, 1952

Sections 318 (1), 318 (2); Schedule 20, paragraph 2 (3).	Sections 324 (1), 341 (1).
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The Finance Act, 1952

Sections 18 (1) (c), 18 (2).	
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The Finance Act, 1953

Section 23 (2).	
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3. This Part of this Schedule shall be deemed to have come into force on the fifth day of April, nineteen hundred and fifty-eight, but this paragraph shall not enable any application, claim, election, payment or notice to be effectively made or given after that day which could not have been so made or given on that day.

4. Such repayments of tax, reductions of assessments and additional assessments shall be made as may be required in consequence of the foregoing provisions of this Schedule; and where any application, claim, election or notice is validly made or given in a year of assessment in which it could not have been made or given but for those provisions, no assessment or additional assessment made on any person in consequence thereof shall be out of time if made not later than three years after the end of the said year of assessment.

6TH SCH.
—cont.

PART II

APPEALS, ETC.

5. There shall be substituted in each of the enactments shown in Table III set out below the words "thirty days" for the words "twenty-one days", "twenty-eight days" or "ten days", according as the enactment is shown in the first, second or third column of that Table.

Table III

The Income Tax Act, 1952

Sections 51 (3), 64 (2), 64 (4), 66 (4), 200 (4), 247 (1), 247 (2), 248 (3), 450 (2), 471 (5), 510 (2), 510 (4); Schedule 5, Part II, paragraph 1; Schedule 7, Part I, paragraphs 1 and 2; Schedule 13, paragraph 1; Schedule 18, Part III, paragraph 4 (2).	Sections 251 (2) and 251 (4); Schedule 21, paragraph 7 (3), provisos (a) and (b).	Sections 42 (4), 43 (1), 45 (1), 45 (2); Schedule 23, Part I, paragraph 4 (2).
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SEVENTH SCHEDULE

Section 25.

PROFITS TAX (TRANSITIONAL PROVISIONS)

1.—(1) Subject to the provisions of this paragraph, where, in the case of a body corporate, society or other body, the rate of dividend for any chargeable accounting period falling between the end of the standard period of that body or society and the beginning of April, nineteen hundred and fifty-eight, is less than the rate of dividend for the standard period, the gross relevant distributions to proprietors of the body or society for that chargeable accounting period shall be deemed to include an additional distribution by way of dividend computed on the amount of the paid up share capital at the end of the period at a rate equal to the difference between those rates.

(2) If in the case of any body or society there is more than one such chargeable accounting period as is mentioned in sub-paragraph (1) of this paragraph, and the rate of dividend is higher for one, and lower for another, of those periods than for the standard period, then the amount or aggregate amount to be added by virtue of that sub-paragraph to the gross relevant distributions for the period or periods for which the rate is lower shall be reduced by the amount or aggregate amount by which the dividends included in the gross relevant distributions for any of the said periods exceed an amount computed on the amount of the paid up share capital at the end of that period at the rate of dividend for the standard period.

7TH SCH.
—cont.

(3) The amount to be added under the foregoing sub-paragraphs to the gross relevant distributions of a body or society for any chargeable accounting period shall not be greater than will amount, with any dividends included in those distributions, to three-fifths of the profits of the body or society for that period, computed without abatement and including franked investment income.

(4) Where a body or society has been charged to tax by virtue of sub-paragraph (1) of this paragraph, and for the period between the end of the standard period and the beginning of April, nineteen hundred and sixty (or the time, if earlier, when the body or society ceases to carry on any trade or business) both the rate of dividend and the rate of earnings are less than for the standard period, there shall be given such relief (if any) by way of repayment of tax as will secure that no more tax is charged by virtue of that sub-paragraph than would have been chargeable if the rate of dividend for the standard period had been the higher of the following rates, namely,—

- (a) the rate of dividend for the other period mentioned in this sub-paragraph; and
- (b) the rate which bears to the rate of dividend for the standard period the same proportion as the rate of earnings for the other period bears to the rate of earnings for the standard period.

(5) Where it is shown to the satisfaction of the Commissioners of Inland Revenue that for the standard period of a body or society the dividends included in the gross relevant distributions to proprietors comprised an amount of an exceptional nature, or the rate of dividend was for other special reasons (unrelated to the amount available for distribution) exceptionally high, and that in consequence that rate of dividend is inequitable as a measure of liability to tax under this paragraph, the Commissioners may direct that the rate of dividend of the body or society for the standard period shall be treated for the purposes of this paragraph as reduced to such extent as appears to the Commissioners to be just in the circumstances.

A body or society aggrieved by the decision of the Commissioners of Inland Revenue on an application for a direction under this sub-paragraph may appeal to the Special Commissioners, and all the provisions of the enactments relating to appeals against assessments to the profits tax (including the provisions enabling the Commissioners of Inland Revenue to make regulations) shall have effect with respect to any appeal to the Special Commissioners under this sub-paragraph.

(6) References in this paragraph to the rate of dividend or to the rate of earnings of a body or society for any period shall be taken as referring respectively to the monthly rate relative to the amount of the paid up share capital at the end of the period of the dividends included in the gross relevant distributions to proprietors for the period, and to the monthly rate relative to the said amount of the profits for the period computed without abatement and including franked investment income (any fraction of a month being reckoned in computing either rate as a month):

Provided that—

- (a) if the period is not a period for which accounts are made up (in this paragraph referred to as a "period of account"), the rate shall be the rate or the average of the rates for the period or periods of account in which it is comprised (any

such average being taken according to the number of months or parts of a month at each rate in the period); and

- (b) the gross relevant distributions for a period of account which is not a chargeable accounting period shall be computed as if it were.

(7) For the purposes of this paragraph any amount of share capital treated by a body or society as paid up since the end of the standard period in consideration of the retention by the body or society of sums distributable by way of dividend, or in consequence of the application by the body or society to that purpose of any sums, whether distributable or not, shall be disregarded.

(8) For the purposes of this paragraph the standard period of a body or society is its last period of account for which either—

- (a) the rate of dividend cannot be affected by virtue of paragraph (a) of subsection (1) of section thirty-five of the Finance Act, 1947, by any declaration of dividends made on or after the fifteenth day of April, nineteen hundred and fifty-eight; or

- (b) the body or society in general meeting has before the said day finally decided the total amount of the dividends. (if any):

Provided that—

- (i) where the length of a period of account is less than that regularly adopted for the preceding periods of account, it shall not be treated as the standard period but shall be disregarded, unless it is shown to the satisfaction of the Commissioners of Inland Revenue that the length of the period was determined before the said day; and
- (ii) where a decision as to dividends is made by a body or society in general meeting after the said day in accordance with a recommendation of the directors, and the directors' decision to make that recommendation was, with their authority, publicly announced before the said day, the decision of the body or society shall be treated for the purposes of this sub-paragraph as made before the said day.

2.—(1) Any notice given by a principal company under subsection (1) of section twenty-two of the Finance Act, 1937 (which relates to groups of companies), may, at any time within six months of the passing of this Act or such longer time as the Commissioners of Inland Revenue may allow, be revoked by that company by notice in writing to the Commissioners, and a notice given as respects more than one subsidiary may be so revoked as respects any or all of them.

(2) A notice revoked under this paragraph shall not have or be deemed to have had effect for any period after the end of March, nineteen hundred and fifty-eight, in relation to any subsidiary as respects which it is so revoked; but its revocation shall not revive any previous notice.

(3) Any election made by an assurance company under paragraph 5 of Part III of the Eighth Schedule to the Finance Act, 1947, may be revoked under this paragraph within the like time, in the like manner and with the like effect as such a notice as aforesaid.

(4) This paragraph shall not authorise the revocation of any notice given after the passing of this Act, unless the notice has effect for a period beginning before the end of March, nineteen hundred and fifty-eight.

7TH SCH.
—cont.

Section 30.

EIGHTH SCHEDULE

ESTATE DUTY (QUICK SUCCESSIONS)

1.—(1) The net value after the earlier death of any property forming part of the deceased's estate at his death and transferred to a person specifically entitled thereto shall be taken to be the value on which estate duty was payable on that death, less the amounts payable out of that property in respect of death duties on that death or of liabilities of the deceased or his estate, other than amounts deducted in arriving at that value or met in the course of administration out of or by means of other property passing on the death.

(2) Property paid or appropriated on the earlier death in or towards satisfaction of legacies (other than property forming part of the deceased's estate at his death and transferred to a person specifically entitled thereto) shall be regarded as being the same as the property passing on the death and not so transferred, and any property so paid or appropriated shall be treated as being of a net value after the death equal to its value at the time when it is paid or appropriated, after allowing for any charge or incumbrance subject to which it is paid or appropriated; and similarly with property distributed on the coming to an end of a settlement (whether on the earlier death or not).

In this sub-paragraph "legacy" includes any right conferred by a testamentary disposition or arising by reason of intestacy.

(3) Any sums received on the earlier death under any policy or contract of assurance on the life of the deceased, where sub-paragraph (2) of this paragraph does not apply, shall be regarded as being the same property as that policy or contract, and to be of a net value after the death equal to the value on which duty is payable on that death, less any death duties payable thereout on that death.

(4) Save as otherwise provided, the net value after the earlier death of any property shall be taken to be the value on which estate duty is payable on that death, less any death duties payable thereout on that death.

2.—(1) Property to which the (second) deceased is at his death or has at any time since the earlier death been beneficially entitled (not being property which is or would apart from this paragraph be regarded as being property on which duty was payable on the earlier death) shall be regarded as being the same property as any sum of money received by him on the earlier death (being a sum which is or is to be regarded as being property on which duty was payable as aforesaid), if and to the extent to which it is shown to the satisfaction of the Commissioners that the property can be so regarded on the assumption that the property at any time paid away or otherwise disposed of by the deceased since the earlier death was (as far as might be) property other than that representing the said sum, or, in so far as the property retained by the deceased at his death is not sufficient to represent the said sum, that the sum was applied by him rateably in making any gifts or settlements property comprised in which is chargeable with estate duty on his death.

(2) Where the (second) deceased received on the earlier death property other than a sum of money, and before his death he has

ceased to have possession and enjoyment of it in any circumstances in which he can be regarded as receiving money or money's worth in substitution for it, sub-paragraph (1) of this paragraph shall apply as if the property received by him on the earlier death had consisted of a sum of money equal to the net value of that property after the earlier death or to the amount or value (at the time when he ceased to have possession and enjoyment of that property) of what he so receives in substitution for that property, whichever is the less.

18TH SCH.
—cont.

(3) References in the foregoing sub-paragraphs to a sum of money or other property being received by the deceased on the earlier death include its being received by him under a gift inter vivos in respect of which estate duty was chargeable on the earlier death and to its being received by him on the distribution under a settlement of property in respect of which duty was so chargeable.

(4) The duty to be reduced by relief given by virtue of this paragraph shall be the duty payable on any property comprised in the deceased's estate at his death, or in the gift or settlement, as the case may be, other than property in respect of which relief is given apart from this paragraph, but subject to the limit imposed on the amount of the relief by subsection (2) of section thirty of this Act.

(5) For the purposes of subsection (3) of section thirty of this Act, relief given by virtue of this paragraph shall be treated as given only on a part of the property on which the duty is reduced equal in value to the amount on which relief is given.

3.—(1) The provisions of this paragraph shall have effect where the property chargeable with duty on the later death is or has been settled property.

(2) The property at any time comprised in a settlement shall be regarded as the same property, notwithstanding any substitution of one item for another; and any reference in paragraph (b) of subsection (1) of section thirty of this Act or in this Schedule to the person entitled to property shall, in the case of settled property, be taken as referring to the persons in whom the property is vested on the trusts of the settlement.

(3) Where there has been a purchase for a consideration in money or money's worth of an interest under the settlement, relief shall not be allowed on the death of a person who acquired his title to the property chargeable (or his interest therein) by or under that purchase, except by reference to the death of another such person, nor be allowed by reference to the death of such a person, except on the death of another such person.

(4) Where on the later death the settled property is chargeable with duty by virtue of section forty-three of the Finance Act, 1940, and the settlement has come to an end before the death as respects any part of that property, then in relation to that part of the property paragraph (b) of subsection (1) of section thirty of this Act and sub-paragraph (2) of this paragraph shall apply as if any reference to a time immediately before the death were a reference to a time immediately before the coming to an end of the settlement as respects that part of the property; and relief shall not be allowed by reference to a death occurring after the end of the settlement, other than the death of the

8TH SCH.
—cont.

settlor or of a person who received property distributed under the settlement when it came to an end and did not acquire his title thereto by or under a purchase for a consideration in money or money's worth made at any time (whether by him or another).

(5) Where relief is allowed in a case to which sub-paragraph (4) of this paragraph applies by reference to the death of a person receiving property distributed under the settlement, and that property includes (or is treated as including) a sum of money, then—

(a) the property chargeable with duty on the later death shall be regarded as being the same as any property forming part of the said person's estate or otherwise chargeable with duty on his death to the extent to which it is shown to the satisfaction of the Commissioners that that property can be regarded as being the same property as that sum, on the assumption that the property at any time paid away or otherwise disposed of by the said person since the coming to an end of the settlement was (as far as might be) property other than that representing the said sum, or, in so far as the property forming part of his estate is not sufficient to represent the said sum, that the sum was applied by him rateably in making any gifts or settlements the property comprised in which is chargeable with estate duty on his death; and

(b) where the said person has before his death ceased to have possession and enjoyment of any property distributed to him under the settlement other than a sum of money, and has done so in any circumstances in which he can be regarded as receiving money or money's worth in substitution for it, paragraph (a) of this sub-paragraph shall apply as if the property distributed to him had included, instead of that property, a sum of money equal to the amount or value (at the time when he ceases to have possession and enjoyment of that property) of what he so receives in substitution for it.

(6) Where on the later death settled property is chargeable with duty by reason of the coming to an end of an interest limited to cease on the death (or a disposition or determination of such an interest), and relief is allowed either—

(a) by reference to an earlier death on which there passed an interest expectant on or subject to the interest so limited; or

(b) in a case to which sub-paragraph (4) of this paragraph applies, by reference to the death of a person receiving property distributed under the settlement;

the net value of the relevant property after the earlier death shall be taken to be the value on which estate duty is payable on the earlier death, except that in the case of property referred to in paragraph (a) or (b) of sub-paragraph (5) of this paragraph it shall be taken to be the amount of the sum of money there referred to.

4.—(1) The provisions of this paragraph shall have effect where property is chargeable on the later death as property comprised in a gift inter vivos made by the deceased.

(2) Paragraph (b) of subsection (1) of section thirty of this Act shall apply as if any reference to a time immediately before the death were a reference to the time when the gift is made, but relief shall not be allowed by reference to the death of any person who has acquired his title to the property in question by or under a purchase for a consideration in money or money's worth made since that time (whether by him or by another).

(3) Subject to the following sub-paragraph the property on which duty is chargeable on the later death as property comprised in the gift shall be regarded as being the same as the property originally comprised in the gift.

(4) Where the donee has died before the donor, relief shall not be allowed by reference to any death subsequent to that of the donee, and for the purpose of allowing relief by reference to the death of the donee—

(a) the property chargeable on the later death shall be regarded as being the same as—

(i) the property on which duty would have been so chargeable if the donor had died immediately before the donee; and

(ii) if that property, not being settled property, includes (or is treated as including) a sum of money, any other property forming part of the donee's estate or otherwise chargeable with duty on his death to the extent to which it is shown to the satisfaction of the Commissioners that that property can be regarded as property comprised in the gift on the assumption that the property at any time paid away or otherwise disposed of by the donee since the gift was (as far as might be) property other than that representing the property so comprised, or, in so far as the property forming part of the donee's estate is not sufficient to represent the said sum, that the sum was applied by him rateably in making any gifts or settlements property comprised in which is chargeable with estate duty on his death; and

(b) the net value after the donee's death of the property referred to in sub-paragraph (i) of paragraph (a) above shall be taken to be the value on which estate duty is payable on the donee's death, and of the property referred to in sub-paragraph (ii) shall be taken to be the amount of the sum of money in question.

5. For the purposes of section thirty of this Act and of this Schedule, a disposition for partial consideration treated as a gift *inter vivos* for the purpose of charging duty on the later death shall not be regarded as a purchase for a consideration in money or money's worth; but where relief is given in respect of property comprised in the gift, the net value after the earlier death of the relevant property shall be abated in the same proportion in which the value on which estate duty is payable on the later death is abated by reason of the consideration.

6. In this Schedule "death duties" includes duties payable under the law of any country or territory.

Section 40.

NINTH SCHEDULE

ENACTMENTS REPEALED

PART I

CUSTOMS, EXCISE AND PURCHASE TAX REPEALS

Session and Chapter	Short title	Extent of Repeal
17 & 18 Geo. 5. c. 10.	The Finance Act, 1927 ...	Section six.
11 & 12 Geo. 6. c. 49.	The Finance Act, 1948 ...	From the beginning of October, nineteen hundred and fifty-eight, section twenty and in the Eighth Schedule, Part I; and, from the beginning of August, nineteen hundred and fifty-eight, the words "including naphtha and methylic alcohol purified so as to be potable" in the Third Schedule.
12, 13 & 14 Geo. 6. c. 47.	The Finance Act, 1949 ...	Section five; the Third Schedule; and, from the beginning of the year nineteen hundred and fifty-nine, section four and the Second Schedule.
12, 13 & 14 Geo. 6. c. 89.	The Vehicles (Excise) Act, 1949.	Subject to subsection (7) of section seven of this Act, subsections (2), (4) and (6) of section eleven and subsection (3) of section twelve.
15 & 16 Geo. 6. and 1 Eliz. 2. c. 44.	The Customs and Excise Act, 1952.	From the beginning of August, nineteen hundred and fifty-eight, subsection (1) of section one hundred and fifteen.
4 & 5 Eliz. 2. c. 54.	The Finance Act, 1956 ...	Subject to subsection (7) of section seven of this Act, subsection (4) of section five.
5 & 6 Eliz. 2. c. 49.	The Finance Act, 1957 ...	From the beginning of October, nineteen hundred and fifty-eight, section eight.
6 & 7 Eliz. 2. c. 6.	The Import Duties Act, 1958.	In the First Schedule, in paragraph 3, sub-paragraph (2) and sub-paragraph (3) from the second "and" onwards.
6 & 7 Eliz. 2. c. 9.	The Entertainments Duty Act, 1958.	In section one, subsection (1) from "of the amount" onwards; section seven; and, except as respects entertainments given on or before the fourth day of October, nineteen hundred and fifty-eight, and except as respects allowances for spoilt and unused stamps,

9TH SCH.
—cont.

Session and Chapter	Short title	Extent of Repeal
6 & 7 Eliz. 2. c. 9—cont.	The Entertainments Duty Act, 1958—cont.	subsection (1) of section three from the beginning of paragraph (a) to "ticket" in paragraph (b), in subsection (2) of section three the words "in the case of admission otherwise than by stamped ticket", subsections (3), (4) and (5) of section three and subsection (1) of section six from "and in particular" onwards.

Treasury Orders

Reference	Title	Extent of Repeal
S.I. 1956/383 (1956 II, p. 1927).	The Purchase Tax (Consolidation) Order, 1956.	The whole Order except in so far as it amends Part II of the Eighth Schedule to the Finance Act, 1948.
S.I. 1956/485 (1956 II, p. 1942).	The Purchase Tax (No. 2) Order, 1956.	The whole Order.

The repeals of Treasury orders shall have effect from the beginning of October nineteen hundred and fifty-eight.

9TH SCH
—cont.

PART II
PROFITS TAX REPEALS

A. Repeals resulting from this Act

Session and Chapter	Short title	Extent of Repeal
1 Edw. 8. & 1 Geo. 6. c. 54.	The Finance Act, 1937 ...	In section nineteen, subsections (1) and (5); and, from the beginning of the year nineteen hundred and fifty-nine, paragraph 5 of Part I of the Fifth Schedule, down to the word "and".
5 & 6 Geo. 6. c. 21.	The Finance Act, 1942 ...	In section thirty-six, subsection (1) to the word "accordingly", and subsection (2) from "and ending" onwards; in the Ninth Schedule the words "subsection (1) of section nineteen of the Finance Act, 1937 and".
9 & 10 Geo. 6. c. 13.	The Finance (No. 2) Act, 1945.	From the beginning of the year nineteen hundred and fifty-nine, the words "and the national defence contribution" in subsection (1) of section thirty-five.
10 & 11 Geo. 6. c. 35.	The Finance Act, 1947 ...	Section thirty; in subsection (1) of section thirty-two the proviso in the new subparagraph (1) of paragraph 7 of the Fourth Schedule to the Finance Act, 1937; section thirty-four; section thirty-five, except subsection (5); sections thirty-six and thirty-seven; in section thirty-eight, in subsection (1), the words "and the gross relevant distributions" in both places in paragraph (a), and the words from "and no distributions" to "as aforesaid" in paragraph (b), and subsection (2); sections thirty-nine to forty-two; in Part I of the Eighth Schedule, in paragraph 6, paragraph (d) of subparagraph (2).
11 & 12 Geo. 6. c. 49.	The Finance Act, 1948 ...	Sections sixty-nine and seventy; in section seventy-one, subsection (2) from "and the said increase" onwards.
14 & 15 Geo. 6. c. 43.	The Finance Act, 1951 ...	Section twenty-nine (but not so as to confer any new right to relief for losses or to deductions for wear and tear); section thirty-one.

9TH SCH.
—cont.

Session and Chapter	Short title	Extent of Repeal
15 & 16 Geo. 6. & 1 Eliz. 2. c. 10.	The Income Tax Act, 1952	In the Twenty-first Schedule, sub-paragraph (5) of paragraph 10.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 33.	The Finance Act, 1952 ...	Section thirty-five; subsection (3) of section sixty-seven.
1 & 2 Eliz. 2. c. 34.	The Finance Act, 1953 ...	Section twenty-eight.
4 & 5 Eliz. 2. c. 17.	The Finance (No. 2) Act, 1955.	In the Second Schedule, in sub-paragraph (3) of paragraph 3 the words "and subsections (1) and (2) of section thirty-nine", the word "respectively" and the words "and to persons resident outside the United Kingdom".
4 & 5 Eliz. 2. c. 54.	The Finance Act, 1956 ...	In section twenty-nine, subsections (1) and (2); in section thirty, in subsection (3) the words "or distributions" and the words "and about distributions", and subsections (4) and (5); section thirty-one; the Fourth Schedule except sub-paragraph (1) of paragraph 1.
5 & 6 Eliz. 2. c. 49.	The Finance Act, 1957 ...	Section forty; in the Seventh Schedule, paragraphs 4 to 8, paragraph 11 and sub-paragraph (2) of paragraph 12.

B. Repeals of provisions superseded by earlier Acts

10 & 11 Geo. 6. c. 35.	The Finance Act, 1947 ...	Subsections (2) to (5) of section forty-seven.
11 & 12 Geo. 6. c. 9.	The Finance (No. 2) Act, 1947.	Section seven.
12, 13 & 14 Geo. 6. c. 64.	The Profits Tax Act, 1949	The whole Act.
14 & 15 Geo. 6. c. 43.	The Finance Act, 1951 ...	Section twenty-eight; the Sixth Schedule.
15 & 16 Geo. 6. & 1 Eliz. 2. c. 33.	The Finance Act, 1952 ...	In section thirty-three, subsections (2) to (4); the Seventh Schedule.
4 & 5 Eliz. 2. c. 17.	The Finance (No. 2) Act, 1955.	Section two; the Second Schedule, except paragraph 3.

These repeals (other than repeals expressed to operate from the beginning of the year nineteen hundred and fifty-nine) shall not affect liability to the profits tax for chargeable accounting periods ending at or before the end of March, nineteen hundred and fifty-eight.

9TH SCH.
—cont.

PART III

STAMP DUTY REPEALS

Session and Chapter	Short title	Extent of Repeal
54 & 55 Vict. c. 39.	The Stamp Act, 1891 ...	In the First Schedule, in the heading "Conveyance or Transfer on sale", the words from "Where" to the last entry in the second column.
10 Edw. 7. c. 8.	The Finance (1909-10) Act, 1910.	Section seventy-three; section seventy-five, so far as it relates to duty chargeable by reference to the heading "Conveyance or Transfer on sale".
9 & 10 Geo. 5. c. 35.	The Housing, Town Planning, etc. Act, 1919.	In proviso (b) to paragraph (d) of section forty-nine, the words "shall not be liable to stamp duty and".
10 & 11 Geo. 5. c. 18.	The Finance Act, 1920 ...	Subsection (1) of section thirty-six.
10 & 11 Geo. 6. c. 35.	The Finance Act, 1947 ...	In subsection (2) of section fifty-two, sub-paragraphs (iii) and (viii) of paragraph (a) together with the reference to the said sub-paragraph (iii) in paragraph (c), and sub-paragraph (iv) of paragraph (a), together with the reference to it in paragraph (c) so far as they relate to duty chargeable by reference to the heading "Conveyance or Transfer on sale"; in subsection (1) of section fifty-four the words "the heading 'Conveyance or Transfer on sale'".
1 & 2 Eliz. 2. c. 34.	The Finance Act, 1953 ...	Subsection (2) of section thirty-one from the beginning to the words "transfer; and".
4 & 5 Eliz. 2. c. 54.	The Finance Act, 1956 ...	Section thirty-seven.

These repeals shall have effect from the beginning of August, nineteen hundred and fifty-eight.

PART IV

9TH SCH.
—cont.

MISCELLANEOUS REPEALS

Session and Chapter	Short title	Extent of Repeal
40 & 41 Vict. c. 45.	The Treasury Chest Fund Act, 1877.	The whole Act, but without prejudice to the operation of section four as respects accounts for the financial year 1957-58.
56 & 57 Vict. c. 18.	The Treasury Chest Fund Act, 1893.	The whole Act.
4 & 5 Geo. 5. c. 10.	The Finance Act, 1914 ...	Section fifteen.
26 Geo. 5. & 1 Edw. 8. c. 43.	The Tithe Act, 1936 ...	From the second day of October, nineteen hundred and fifty-eight, subsections (1) and (2) of section thirteen, in subsection (1) of section fourteen, the words "one half of" and the words "each instalment payable in", in subsection (1) of section forty-seven the words "and 'payment date'" and in subsection (4) of section forty-seven the words "and any instalment of an annuity".
15 & 16 Geo. 6. & 1 Eliz. 2. c. 10.	The Income Tax Act, 1952.	In section one hundred and three, in paragraph (c) of subsection (1), the words from "any individual" to "or by"; in section four hundred and forty-eight, in subsection (2), the words from "or to any parts" to the end of the subsection; in section four hundred and seventy-nine, subsection (3).
2 & 3 Eliz. 2. c. 44.	The Finance Act, 1954 ...	Subsection (4) of section thirty.
3 & 4 Eliz. 2. c. 15.	The Finance Act, 1955 ...	In section two, subsection (6).
5 & 6 Eliz. 2. c. 49.	The Finance Act, 1957 ...	In section twelve, subsection (2).
6 & 7 Eliz. 2. c. 19.	The Nationalised Industries Loans Act, 1958.	The whole Act.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Wills Act, 1837	7 Will. 4 & 1 Vict. c. 26.
Stamp Act, 1891	54 & 55 Vict. c. 39.
Finance Act, 1894	57 & 58 Vict. c. 30.
Small Dwellings Acquisition Act, 1899	62 & 63 Vict. c. 44.
Finance Act, 1908	8 Edw. 7. c. 16.
Finance (1909-10) Act, 1910	10 Edw. 7 & 1 Geo. 5. c. 8.
Finance Act, 1921	11 & 12 Geo. 5. c. 32.
Housing Act, 1925	15 & 16 Geo. 5. c. 14.
Housing (Scotland) Act, 1925	15 & 16 Geo. 5. c. 15.
Finance Act, 1927	17 & 18 Geo. 5. c. 10.
Finance Act, 1930	20 & 21 Geo. 5. c. 28.
Tithe Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 43.
Public Health Act, 1936... ..	26 Geo. 5 & 1 Edw. 8. c. 49.
Housing Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 51.
Finance Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 54.
Finance Act, 1938	1 & 2 Geo. 6. c. 46.
Finance Act, 1939	2 & 3 Geo. 6. c. 41.
Finance Act, 1940	3 & 4 Geo. 6. c. 29.
Finance (No. 2) Act, 1940	3 & 4 Geo. 6. c. 48.
Water Act, 1945	8 & 9 Geo. 6. c. 42.
Finance (No. 2) Act, 1945	9 & 10 Geo. 6. c. 13.
Finance Act, 1946	9 & 10 Geo. 6. c. 64.
New Towns Act, 1946	9 & 10 Geo. 6. c. 68.
Finance Act, 1947	10 & 11 Geo. 6. c. 35.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Finance Act, 1948	11 & 12 Geo. 6. c. 49.
Finance Act, 1949	12, 13 & 14 Geo. 6. c. 47.
Housing Act, 1949	12, 13 & 14 Geo. 6. c. 60.
Housing (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 61.
Vehicles (Excise) Act, 1949	12, 13 & 14 Geo. 6. c. 89.
Finance Act, 1950	14 Geo. 6. c. 15.
Housing (Scotland) Act, 1950	14 Geo. 6. c. 34.
Finance Act, 1951	14 & 15 Geo. 6. c. 43.
Tithe Act, 1951	14 & 15 Geo. 6. c. 62.
Income Tax Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 10.
Finance Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 33.
Customs and Excise Act, 1952	15 & 16 Geo. 6 & 1 Eliz. 2. c. 44.
Finance Act, 1953	1 & 2 Eliz. 2. c. 34.
Finance Act, 1954	2 & 3 Eliz. 2. c. 44.
Finance (No. 2) Act, 1955	4 & 5 Eliz. 2. c. 17.
Finance Act, 1956	4 & 5 Eliz. 2. c. 54.
Road Traffic Act, 1956	4 & 5 Eliz. 2. c. 67.
Finance Act, 1957	5 & 6 Eliz. 2. c. 49.
Housing Act, 1957	5 & 6 Eliz. 2. c. 56.
National Insurance (No. 2) Act, 1957	6 & 7 Eliz. 2. c. 1.
Import Duties Act, 1958	6 & 7 Eliz. 2. c. 6.
Entertainments Duty Act, 1958	6 & 7 Eliz. 2. c. 9.
Overseas Service Act, 1958	6 & 7 Eliz. 2. c. 14.
Nationalised Industries Loans Act, 1958	6 & 7 Eliz. 2. c. 19.
Housing (Financial Provisions) Act, 1958	6 & 7 Eliz. 2. c. 42.

CHAPTER 57

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 fifty-nine, and to appropriate the supplies granted in this Session of Parliament. [1st August, 1958]

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 Queen'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 Her Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and fifty-nine, the sum of two thousand, eight hundred and four million, six hundred and thirty-seven thousand, two hundred and seventy-five pounds. Issue of £2,804,637,275 out of the Consolidated Fund for the service of the year ending 31st March, 1959.

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 to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole two thousand, eight hundred and four million, six hundred and thirty-seven thousand, two hundred and seventy-five pounds. 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 fifty-nine, 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 any interest payable thereon, out 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.

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 Her Majesty amounting, as appears by the said schedule, in the aggregate, to the sum of four thousand, eight hundred and twenty-one million, five hundred and twenty-five thousand and sixty-five pounds, and fifteen shillings 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.

54 & 55 Vict. c. 24.

In addition to the said sums 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 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.

Sanction of Treasury for temporary application of surpluses on certain votes for Navy, Army, and Air Services, to meet deficiencies on other votes for the same service.

4.—(1) So long as the aggregate expenditure on Navy, Army, 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.

(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 Navy, Army, 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 Acts, 1956 and 1957, surpluses arising on certain votes for Army and Air Services have been applied towards making good deficits on those services respectively as shown in the statements set out in Schedule (C), Parts II and III, to this Act; and whereas surpluses arising on certain votes for Navy Services, together with the sum granted by this Act for those services, for the year ended on the thirty-first day of March, one thousand nine hundred and fifty-seven, have been applied towards meeting deficits on those services as shown in the statement set out in Schedule (C), Part I, to this Act:

Sanction in connection with Navy, Army and Air expenditure for 1956-57. 4 & 5 Eliz. 2. c. 55. 5 & 6 Eliz. 2. c. 63.

It is enacted that the application of those surpluses and of the said sum, as shown in the said statements, is hereby sanctioned.

6. This Act may be cited for all purposes as the Appropriation Short title. Act, 1958.

ABSTRACT
OF
SCHEDULES (A) and (B) to which this
Act refers

Section 3.

SCHEDULE (A)

£ s. d.
Grants out of the Consolidated Fund 4,821,525,065 15 0

Section 3.

SCHEDULE (B).—APPROPRIATION OF GRANTS

	Sums not exceeding					
	Supply Grants		Appropriations in Aid			
1956-57 and 1957-58	£	s.	d.	£	s.	d.
Part 1. Navy (Excess), 1956-57	469,975	15	0	*—879,829	0	1
Part 2. Civil (Excess), 1956-57	10	0	0	33,571	3	1
Part 3. Ministry of Defence (Supplementary), 1957-58	10	0	0	*—788,510	0	0
Part 4. Navy (Supplementary), 1957-58	35,000,000	0	0	*—9,500,000	0	0
Part 5. Air (Supplementary), 1957-58	10	0	0	*—2,180,000	0	0
Part 6. Civil and Revenue Departments (Supplementary), 1957-58	125,497,685	0	0	13,007,770	0	0
£	160,967,690	15	0	*—306,997	17	0

* Deficit

SCHEDULE (B).—APPROPRIATION OF GRANTS—*continued*

	Sums not exceeding					
	Supply Grants			Appropriations in Aid		
	£	s.	d.	£	s.	d.
1958-59						
Part 7. Ministry of Defence	16,750,000	0	0	2,611,000	0	0
Part 8. Navy	339,400,000	0	0	71,250,000	0	0
Part 9. Army	431,400,100	0	0	67,250,000	0	0
Part 10. Air	467,050,000	0	0	89,090,100	0	0
TOTAL, DEFENCE ...£	1,254,600,100	0	0	230,201,100	0	0
Part 11. Civil, Class I ...	17,161,471	0	0	8,828,493	0	0
Part 12. Civil, Class II ...	83,970,292	0	0	3,243,709	0	0
Part 13. Civil, Class III ...	99,215,009	0	0	12,648,894	0	0
Part 14. Civil, Class IV ...	520,816,916	0	0	36,203,709	0	0
Part 15. Civil, Class V ...	779,091,968	0	0	155,035,108	0	0
Part 16. Civil, Class VI ...	269,410,730	0	0	95,224,155	0	0
Part 17. Civil, Class VII ...	79,988,000	0	0	17,421,475	0	0
Part 18. Civil, Class VIII	360,965,439	0	0	22,515,148	0	0
Part 19. Civil, Class IX ...	221,836,728	0	0	28,880,155	0	0
Part 20. Civil, Class X ...	543,974,685	0	0	26,793,500	0	0
TOTAL, CIVIL ...£	2,976,431,238	0	0	406,794,346	0	0
Part 21. Revenue Departments	429,526,037	0	0	64,532,000	0	0
GRAND TOTAL ...£	4,821,525,065	15	0	701,220,448	3	0

SCHED. (A)

SCHEDULE (A)

GRANTS OUT OF THE CONSOLIDATED FUND

	£	s.	d.
For the service of the year ended on the 31st day of March 1957—			
Under Act 6 & 7 Eliz. 2. c. 18	469,985	15	0
For the service of the year ended on the 31st day of March 1958—			
Under Act 6 & 7 Eliz. 2. c. 7	54,108,813	0	0
Under Act 6 & 7 Eliz. 2. c. 18	106,388,892	0	0
For the service of the year ending on the 31st day of March, 1959—			
Under Act 6 & 7 Eliz. 2. c. 18	1,855,920,100	0	0
Under this Act	2,804,637,275	0	0
TOTAL	£4,821,525,065	15	0

SCHEDULE (B).—PART 1

NAVY (EXCESS), 1956–57

SCHED. (B).
Part 1.
Navy (Excess),
1956–57.

	Sums not exceeding			
	Supply Grants		Appropriations in Aid	
	£	s. d.	£	s. d.
Sum granted, and sum which may be applied as appropriations in aid in addition thereto, to make good an excess on the grants for Navy Services for the year ended on the 31st day of March, 1957 - - -	469,975	15 0	*—879,829	0 1

* Deficit.

SCHED. (B).
Part 2.
Civil
(Excess).
1956-57.

SCHEDULE (B).—PART 2

CIVIL (EXCESS), 1956-57

SUM granted, and sum which may be applied as appropriations in aid in addition thereto, to make good an excess on a certain grant for Civil Services for the year ended on the 31st day of March, 1957, viz.:—

	Sums not exceeding			
	Supply Grants		Appropriations in Aid	
	£	s. d.	£	s. d.
CLASS X				
Vote 5. National Assistance Board -	10	0 0	33,571	3 1

SCHEDULE (B).—PART 3

SCHED. (B).
Part 3.
Ministry of
Defence
(Supple-
mentary),
1957-58.

MINISTRY OF DEFENCE (SUPPLEMENTARY), 1957-58

SCHEDULE OF SUPPLEMENTARY SUM granted, and of the sum which may be applied as appropriations in aid in addition thereto, to defray the charge of the Ministry of Defence for the year ended on the 31st day of March 1958, viz.:—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
For the salaries and expenses of the Ministry of Defence; expenses in connection with International Defence Organisations, including international subscriptions; and certain grants in aid - - - - -	10	*— 788,510

* Deficit.

SCHED. (B).
Part 4.
Navy
(Supple-
mentary),
1957-58.

SCHEDULE (B).—PART 4

NAVY (SUPPLEMENTARY), 1957-58

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the grants for Navy Services for the year ended on the 31st day of March 1958, viz.:—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
Vote.	£	£
1. Pay, &c., of the Royal Navy and Royal Marines - - - -	Cr. 450,000	100,000
2. Victualling and Clothing for the Navy - - - - -	1,025,000	*— 425,000
4. Civilians employed on Fleet Services - - - - -	300,000	—
6. Scientific Services - - - -	Cr. 400,000	250,000
8. Shipbuilding, Repairs and Maintenance, &c.—		
Section I—Personnel - -	1,625,000	250,000
Section II—Matériel - -	11,000,000	*— 5,400,000
Section III—Contract Work -	19,500,000	*— 4,000,000
9. Naval Armaments - - - -	Cr. 100,000	*— 175,000
10. Works, Buildings and Repairs at Home and Abroad - - - -	Cr. 1,750,000	450,000
11. Miscellaneous Effective Services -	1,150,000	*— 550,000
12. Admiralty Office - - - - -	300,000	—
13. Non-Effective Services - - - -	2,800,000	—
TOTAL, NAVY (SUPPLEMENTARY), 1957-58 - - - -£	35,000,000	*— 9,500,000

* Deficit.

SCHEDULE (B).—PART 5

AIR (SUPPLEMENTARY), 1957–58

SCHED. (B).
Part 5.
Air
(Supple-
mentary),
1957–58.

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the grants for Air Services for the year ended on the 31st day of March 1958, viz:—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote.		
1. Pay, &c., of the Air Force - - -	<i>Cr.</i> 90,000	*— 50,000
2. Reserve and Auxiliary Services - - -	<i>Cr.</i> 270,000	*— 80,000
3. Air Ministry - - - - -	420,000	—
4. Civilians at Outstations - - - - -	1,890,000	*— 710,000
5. Movements - - - - -	<i>Cr.</i> 250,000	1,340,000
6. Supplies - - - - -	<i>Cr.</i> 690,000	570,000
7. Aircraft and Stores - - - - -	750,000	1,250,000
8. Works and Lands - - - - -	<i>Cr.</i> 6,720,000	*— 4,000,000
10. Non-effective Services - - - - -	4,960,010	—
11. Additional Married Quarters - - -	—	*— 500,000
TOTAL, AIR (SUPPLEMENTARY), 1957–58 - - - -£	10	*— 2,180,000

* Deficit.

Y*

SCHED. (B).
Part 6.
Civil and
Revenue
Departments
(Supple-
mentary),
1957-58.

SCHEDULE (B).—PART 6

CIVIL AND REVENUE DEPARTMENTS
(SUPPLEMENTARY), 1957-58

SCHEDULE OF SUPPLEMENTARY SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1958, viz.:—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
CIVIL	£	£
CLASS I		
Vote		
1. For the salaries and expenses of the House of Lords - - - -	1,167	3,448
2. For the expenses of the House of Commons, including certain grants in aid	12,710	1,056
4. For the salaries and other expenses in the Department of Her Majesty's Treasury and subordinate departments, the additional salary payable to the Chancellor of the Duchy of Lancaster and the salaries and other expenses of his office arising from his responsibility for the co-ordination of official information, and the salary and expenses of the Minister without Portfolio - - - -	148,000	—
6. For the salaries and expenses of the Charity Commission for England and Wales - - - -	487	*—100
7. For the salaries and expenses of the Civil Service Commission - -	23,040	3,050
8. For the salaries and expenses of the Department of the Comptroller and Auditor General - - - -	8,000	1,500
12. For a grant in aid of the Government Hospitality Fund - - - -	8,500	—
Carried forward - - - -	201,904	8,954

* Deficit.

SCHEDULE (B).—PART 6—*continued*

SCHED. (B).
Part 6.
Civil and
Revenue
Departments
(Supple-
mentary),
1957-58.

CIVIL— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
Brought forward - - -	£ 201,904	£ 8,954
CLASS I—<i>continued</i>		
Vote 14. For the salaries and expenses of the National Debt Office and Pensions Commutation Board - - -	10	2,710
16. For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - - - - -	10	2,914
18. For the salaries and other expenses of Royal Commissions, committees, special inquiries, &c., including provision for shorthand - - -	6,500	—
20. For the expenses of handling, storage and shipment of silver - - -	425	—
22. For certain miscellaneous expenses, including certain grants in aid - -	10	—
23. For the salaries and expenses of the Office of the Secretary of State for Scotland and of the Scottish Home Department, and the salary of a Minister of State; grants and expenses in connection with services relating to children and young persons and with probation services; grants in connection with school crossing patrols, physical training, coast protection and services in development areas; a grant to the Legal Aid (Scotland) Fund; expenses, including subsidies, in connection with certain transport services; grants to electricity undertakings in connection with civil defence measures; and sundry other services, including a grant in aid - - - - -	10	5,800
24. For the salaries and expenses of the Scottish Record Office - - -	10	830
Carried forward - - - -£	208,879	21,208

SCHED. (B).
Part 6.
Civil and
Revenue
Departments
(Supple-
mentary),
1957-58.

SCHEDULE (B).—PART 6—*continued*

CIVIL— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
Brought forward - - -	£ 208,879	£ 21,208
CLASS II		
Vote		
1. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Foreign Affairs, including Her Majesty's Missions and Consulates abroad, and the salaries of two Ministers of State -	10	49,990
2. For sundry grants and services connected with Her Majesty's Foreign Service, including subscriptions to international organisations and grants in aid - - - - -	553,310	*—85,000
3. For a grant in aid of the British Council	75,000	—
4. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Commonwealth Relations, including oversea establishments - - - - -	138,000	15,000
5. For sundry Commonwealth services, including subscriptions to certain international organisations and certain grants in aid; the salaries and expenses of Pensions Appeal Tribunals in the Republic of Ireland; a grant to the Republic of Ireland in respect of compensation to transferred officers; and certain expenditure in connection with former Burma services - - - - -	10	—
7. For the salaries and expenses of the Department of Her Majesty's Secretary of State for the Colonies, and the salary of the Minister of State for Colonial Affairs - - - -	86,641	2,970
Carried forward - - - - -	£1,061,850	4,168

* Deficit.

SCHEDULE (B).—PART 6—*continued*

SCHED. (B).
Part 6.
Civil and
Revenue
Departments
(Supple-
mentary),
1957-58.

CIVIL— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
Brought forward - - -	£ 1,061,850	£ 4,168
CLASS II— <i>continued</i>		
Vote 8. For sundry Colonial services, including subscriptions to certain international organisations and grants in aid; certain expenditure in connection with the liabilities of the former Government of Palestine and certain non-effective services - - -	5,878,502	2,334,644
CLASS III		
1. For the salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department and subordinate offices; grants towards the expenses of the probation of offenders, of magistrates' courts and of school crossing patrols; certain grants in aid; and sundry other services - - - - -	3,359,875	135,000
3. For expenses in connection with the police services in England and Wales, including the cost of inspection and training; grants in respect of expendi- ture incurred by police authorities and a subscription to the Inter- national Criminal Police Commission	1,448,925	5,000
4. For the salaries and expenses of the office of the Prison Commissioners and of prisons, borstal institutions and detention centres in England and Wales - - - - -	664,000	*— 195,000
Carried forward - - - -£	12,413,152	2,283,812

* Deficit.

SCHED. (B).
Part 6.
Civil and
Revenue
Departments
(Supple-
mentary),
1957-58.

SCHEDULE (B).—PART 6—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CIVIL—<i>continued</i>		
Brought forward - - -	12,413,152	2,283,812
CLASS III—<i>continued</i>		
Vote		
5. For grants in respect of the expenses of the managers of approved schools in England and Wales; grants to local authorities in respect of their expenditure in connection with the care and welfare of children and young persons; grants towards the expenses of voluntary homes; and expenses in connection with training in child care - - - - -	352,700	*— 53,900
6. For expenses in connection with the fire services in England and Wales, including the cost of inspection and training, and grants in respect of expenditure incurred by fire authorities; for certain superannuation and other expenses; and for remanet expenditure in connection with the National Fire Service, England and Wales - - -	168,300	—
7. For the salaries and expenses of the Carlisle State Management District, including the cost of provision and management of licensed premises -	10	73,390
8. For such of the salaries and expenses of the Supreme Court of Judicature, Court of Criminal Appeal and Courts-Martial Appeal Court as are not charged on the Consolidated Fund; the salaries and expenses of the Judge Advocate General and the Judge Advocate of the Fleet, Pensions Appeal Tribunals, the Lands Tribunal, and the Restrictive Practices Court; payments to jurors, trial of election petitions and fees to deputy metropolitan magistrates -	185,512	*— 63,950
Carried forward - - - -£	13,119,674	2,239,352
	* Deficit.	

SCHEDULE (B).—PART 6—continued

SCHED. (B).
Part 6.
Civil and
Revenue
Departments
(Supple-
mentary),
1957-58.

CIVIL—continued	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -	13,119,674	2,239,352
CLASS III—continued		
Vote		
9. For salaries and expenses in connection with the County Courts - - -	10	246,580
16. For the salary and expenses of the Inspector of Constabulary, the cost of special services, and grants in respect of police expenditure in Scotland - - - - -	237,510	1,050
17. For salaries and expenses in connection with the administration of Scottish prisons and Borstal institutions, including the maintenance of criminal lunatics - - - -	40,050	*— 10,000
19. For expenses in connection with the fire services in Scotland, including the cost of inspection and training, and grants in respect of expenditure incurred by fire authorities and joint fire committees; and for certain superannuation and other expenses	9,000	*— 1,000
20. For the salaries and expenses of the State Management Districts in Scotland, including the cost of provision and management of licensed premises	10	40,570
21. For the salaries and expenses of the Lord Advocate's Department and other law charges, including the provision of free legal assistance, and the salaries and expenses of the Courts of Law and Justice, of the office of the Scottish Land Court and of Pensions Appeal Tribunals -	10	23,760
22. For the salaries and expenses of the Department of the Registers of Scotland - - - - -	10	3,431
Carried forward - - -	-£ 13,406,274	2,543,743

* Deficit.

SCHED. (B).
Part 6.
Civil and
Revenue
Departments
(Supple-
mentary),
1957-58.

SCHEDULE (B).—PART 6—*continued*

CIVIL— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -	13,406,274	2,543,743
CLASS III—<i>continued</i>		
Vote 23. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland as are not charged on the Consolidated Fund; the salaries and expenses of Pensions Appeal Tribunals in Northern Ireland; and other expenses, including certain expenses in connection with land purchase in Northern Ireland, trial of election petitions and a grant in aid - - - - -	5,581	250
CLASS IV		
2. For the salaries and expenses of the British Museum, including a grant in aid - - - - -	79,700	15,000
3. For the salaries and expenses of the British Museum (Natural History), including a grant in aid - - -	14,932	*—250
4. For the salaries and expenses of the Imperial War Museum, including a grant in aid - - - - -	10	1,329
5. For the salaries and expenses of the London Museum, including a grant in aid - - - - -	1,700	10
6. For the salaries and expenses of the National Gallery, including a grant in aid - - - - -	16,390	10
7. For the salaries and expenses of the Tate Gallery, including a grant in aid	3,834	—
8. For the salaries and expenses of the National Maritime Museum, including a grant in aid - - -	1,401	63
Carried forward - - - -£	13,529,822	2,560,155

* Deficit.

SCHEDULE (B).—PART 6—*continued*

SCHED. (B).
Part 6.
Civil and
Revenue
Departments
(Supple-
mentary).
1957-58.

CIVIL— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -	13,529,822	2,560,155
CLASS IV—<i>continued</i>		
Vote		
9. For the salaries and expenses of the National Portrait Gallery, including a grant in aid - - - -	1,000	—
10. For the salaries and expenses of the Wallace Collection - - - -	740	—
12. For a grant in aid of the expenses of universities, colleges, &c., in Great Britain; for a grant to universities in respect of the cost of certain medical school accommodation; and for the cost of certain post-graduate studentships - - - -	1,700,000	—
13. For grants to and grants in aid of the British Broadcasting Corporation and the Independent Television Authority - - - -	694,000	4,000
CLASS V		
1. For the salaries and expenses of the Office of the Minister of Housing and Local Government and Minister for Welsh Affairs, and the salary and expenses of the Minister of State for Welsh Affairs; the salaries and expenses of Rent Control Tribunals, Local Valuation Panels and Courts, the Local Government Commissions for England and Wales, and the National Parks Commission; grants and other expenses in connection with water supply, sewerage, coast protection, flood emergency, abating the pollution of the air, and certain civil defence services; grants and other payments in connection with planning and redevelopment, town development, new towns, national parks, &c.; a contribution to the Ironstone Restoration Fund; and sundry other services - - - -	10	—
Carried forward - - -	-£ 15,925,572	2,564,155

SCHED. (B).
Part 6.
Civil and
Revenue
Departments
(Supple-
mentary),
1957-58.

SCHEDULE (B).—PART 6—*continued*

CIVIL— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -	15,925,572	2,564,155
CLASS V—<i>continued</i>		
Vote		
2. For grants and other payments in respect of the provision, reconditioning, maintenance and improvement of housing accommodation, and services in relation to emergency housing, in England and Wales - - -	10	134,230
4. For the salaries and expenses of the Ministry of Health and the Board of Control; expenses in connection with welfare food services and food hygiene; expenditure on the Polish health services; port health administration; residential accommodation for the aged, infirm, &c.; purchases on repayment for other Government Departments; and sundry other services, including a subscription to the World Health Organisation - - - - -	405,150	*—550,300
5. For the provision of a comprehensive health service for England and Wales and other services connected therewith, including payments to Northern Ireland and the Isle of Man, medical services for pensioners, &c., disabled as a result of war, or of service in the Armed Forces after the 2nd day of September 1939, certain training arrangements including a grant in aid, the purchase of appliances, equipment, stores, &c., necessary for the services, and certain expenses in connection with civil defence - - - - -	7,428,720	565,920
Carried forward - - - - -	£ 23,759,452	2,714,005

* Deficit.

SCHEDULE (B).—PART 6—*continued*

SCHED. (B).
Part 6.
Civil and
Revenue
Departments
(Supple-
mentary),
1957-58.

CIVIL— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -	23,759,452	2,714,005
CLASS V—<i>continued</i>		
Vote		
6. For a grant in aid of the Medical Research Council, and for a grant to the Council in respect of research schemes under Conditional Aid arrangements - - - - -	95,000	175
7. For the salaries and expenses of the Department of the Registrar General	10,630	5,635
9. For the salaries and expenses of the War Damage Commission - -	15,500	*—2,000
11. For the provision of a comprehensive health service for Scotland and other services connected therewith, including medical services for pensioners, &c., disabled as a result of war, or of service in the Armed Forces after the 2nd day of September 1939, certain training arrangements, the purchase of appliances, equipment, stores, &c., necessary for the services, certain expenses in connection with civil defence, and sundry other services - - - - -	1,561,500	244,000
12. For grants and other payments in respect of the provision, reconditioning, maintenance and improvement of housing accommodation in Scotland - - - - -	204,800	—
Carried forward - - - - -	-£ 25,646,882	2,961,815

* Deficit.

SCHED. (B).
Part 6.
Civil and
Revenue
Departments
(Supple-
mentary),
1957-58.

SCHEDULE (B).—PART 6—*continued*

CIVIL— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
Brought forward - - -	£ 25,646,882	£ 2,961,815
CLASS VI		
Vote		
1. For the salaries and expenses of the office of the Committee of Privy Council for Trade and subordinate departments, the Monopolies Commission and the Performing Right Tribunal - - - -	420,000	*—85,875
9. For the salaries and expenses of the Ministry of Labour and National Service, including expenses in connection with employment exchanges and the inspection of factories; expenses, including grants and loans, in connection with employment services, training, transfer, rehabilitation and resettlement; expenses in connection with national service; repayment of loan charges in respect of employment schemes; expenses of the Industrial Court and the Industrial Disputes Tribunal; a subscription to the International Labour Organisation; and sundry other services - - - -	345,000	81,000
10. For the salaries and expenses of the Ministry of Supply for the administration of supply (including research and development, inspection, storage, disposal, and capital and ancillary services related thereto); for administrative services in connection with the aircraft, light metals and electronics industries; and for miscellaneous services - - -	8,350,000	5,610,000
Carried forward - - -	£ 34,761,882	8,566,940

* Deficit.

SCHEDULE (B).—PART 6—*continued*

SCHED. (B).
Part 6.
Civil and
Revenue
Departments
(Supple-
mentary),
1957-58.

CIVIL— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -	34,761,882	8,566,940
CLASS VII		
Vote		
1. For the salaries and expenses of the Ministry of Works - - - -	150,000	*—22,000
8. For rates and contributions in lieu of rates, &c., in respect of property in the occupation of the Crown for the public service, and certain public buildings occupied in part, on repayment, by non-Exchequer bodies; for rates on buildings occupied by representatives of other Commonwealth countries and of foreign powers; and for the salaries and expenses of the Rating of Government Property Department -	1,350,000	—
9. For stationery, printing, paper, binding, and printed books for the public service; for the salaries and expenses of the Stationery Office; and for sundry miscellaneous services, in- cluding reports of parliamentary debates - - - - -	10	364,990
10. For the salaries and expenses of the Central Office of Information - -	60,000	*—18,000
CLASS VIII		
1. For the salaries and expenses of the Ministry of Agriculture, Fisheries and Food; of the Agricultural Land Commission; of the Royal Botanic Gardens, Kew; and of the White Fish Authority and the Scottish Committee thereof - - - -	853,200	—
Carried forward - - - -£	37,175,092	8,891,930

* Deficit.

SCHED. (B).
Part 6.
Civil and
Revenue
Departments
(Supple-
mentary),
1957-58.

SCHEDULE (B).—PART 6—*continued*

CIVIL— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -	37,175,092	8,891,930
CLASS VIII—<i>continued</i>		
Vote		
2. For the Ministry of Agriculture, Fisheries and Food for grants and subsidies to farmers and others for the encouragement of food production and the improvement of agriculture; for payments and services in implementation of agricultural price guarantees; and for certain other subsidies and services including a payment to the Exchequer of Northern Ireland - - -	44,983,490	—
3. For the Ministry of Agriculture, Fisheries and Food, for grants, grants in aid and expenses in connection with agricultural and food services; including land drainage and rehabilitation of land damaged by flood and tempest; purchase, development and management of land, including land settlement and provision of small-holdings; services in connection with livestock, and compensation for slaughter of diseased animals; provision and operation of machinery; training and supplementary labour schemes; control of pests; education, research and advisory services; marketing; agricultural credits; certain trading services; subscriptions to international organisations; and sundry other services including certain expenses in connection with civil defence - -	3,135,980	—
Carried forward - - -£	85,294,562	8,891,930

SCHEDULE (B).—PART 6—*continued*

SCHED. (B).
Part 6.
Civil and
Revenue
Departments
(Supple-
mentary),
1957-58.

CIVIL— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -	85,294,562	8,891,930
CLASS VIII—<i>continued</i>		
Vote		
5. For financial assistance to fishermen and for research and development in connection with fisheries and fish marketing; including grants and loans to the White Fish Authority; a grant in aid of the White Fish Marketing Fund; subscriptions to international organisations; and grants and loans towards the construction, improvement and repair of harbours and fishing facilities -	195,010	—
6. For the survey of Great Britain and other mapping services - -	189,000	6,000
7. For the salaries and expenses of the Office of the Crown Estate Commissioners - - - - -	1,900	—
12. For the salaries and expenses of the Department of Agriculture for Scotland and the Crofters Commission; for grants and subsidies to farmers and others for the encouragement of food production and the improvement of agriculture; for certain payments in implementation of agricultural price guarantees; and for grants, grants in aid and expenses in connection with services to agriculture; including land drainage and flood services; purchase, improvement and management of land; land settlement; public works in the congested districts and roads in other livestock rearing areas; services in connection with livestock and compensation for slaughter of diseased animals; provision and operation of machinery; training and labour schemes; control of pests; agricultural education, research and advisory services; marketing; and agricultural credits - - -	5,136,143	*—85,000
Carried forward - - -	£ 90,816,615	8,812,930

* Deficit.

SCHED. (B).
Part 6.
Civil and
Revenue
Departments
(Supple-
mentary),
1957-58.

SCHEDULE (B).—PART 6—*continued*

CIVIL— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -	90,816,615	8,812,930
CLASS IX		
Vote		
1. For the salaries and expenses of the Ministry of Transport and Civil Aviation, including the salaries and expenses of the Coastguard, the Transport and Transport Arbitration Tribunals, and the Air Transport Advisory Council, subscriptions to international organisations, and sundry other services -	354,700	358,300
3. For expenses, including war terminal expenses, in connection with the provision and use of ships for trooping, emigration and other purposes; and in respect of miscellaneous services connected with shipping, seamen, inland transport and ports, including the repair of damage by flood and tempest, and certain special services -	264,000	39,500
7. For the salaries and expenses of the Office of the Prime Minister and First Lord of the Treasury (Atomic Energy) and for grants and loans to the United Kingdom Atomic Energy Authority in connection with the supply of atomic energy and radioactive substances, including research and development, inspection, storage, disposal and capital and ancillary services related thereto and for subscriptions to international organisations - - - - -	10	1,583,040
8. For the salaries and expenses of the Department of Scientific and Industrial Research, including certain subscriptions to international organisations - - - - -	10	151,300
Carried forward - - - -£	91,435,335	10,945,070

SCHEDULE (B).—PART 6—continued

SCHED. (B).
Part 6.
Civil and
Revenue
Departments
(Supple-
mentary),
1957-58.

CIVIL—continued	Sums not exceeding	
	Supply Grants	Appropriations in Aid
Brought forward - - -	£ 91,435,335	£ 10,945,070
CLASS X		
Vote		
1. For superannuation and other non-effective annual allowances, additional allowances, gratuities, compassionate allowances, supplementary pensions, and certain other expenses in connection with superannuation in respect of civil employment - - - - -	850,000	20,000
2. For the salaries and expenses of the Ministry of Pensions and National Insurance, including certain expenses in connection with national insurance, industrial injuries insurance, family allowances, workmen's compensation, war pensions, a subscription to an international organisation and sundry other services - - - - -	200,400	565,100
3. For payments in respect of pensions, gratuities and allowances for disablement or death arising out of war, or out of service in the Armed Forces after the 2nd day of September 1939; sundry contributions in respect thereof; grants to ex-prisoners-of-war and other persons and bodies in respect of the distribution of Japanese assets in the United Kingdom and other countries and of proceeds of the sale of the Burma-Siam Railway; and other services, including payment of national service grants - - - - -	2,993,750	230,000
4. For sums payable by the Exchequer to the National Insurance Fund and the Industrial Injuries Fund and for payments in respect of family allowances - - - - -	6,575,000	5,000
Carried forward - - -	£102,054,485	11,765,170

SCHED. (B).
Part 6.
Civil and
Revenue
Departments
(Supple-
mentary),
1957-58.

SCHEDULE (B).—PART 6—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CIVIL—<i>continued</i>		
Brought forward - - -	102,054,485	11,765,170
CLASS X		
Vote		
5. For the salaries and expenses of the Department of the National Assistance Board and of certain Appeal Tribunals; non-contributory old age pensions, including pensions to blind persons; assistance grants, &c.; expenses of reception centres, &c.; the maintenance of certain classes of Poles in Great Britain; and the maintenance of Hungarian refugees in hostels - - - - -	5,459,000	150,000
REVENUE DEPARTMENTS		
1. For the salaries and expenses of the Customs and Excise Department, including a subscription to an international organisation - -	369,200	58,600
3. For the salaries and expenses of the Post Office, including telegraphs and telephones; and subscriptions to certain international organisations (revised sum) - - - - -	17,615,000	1,034,000
TOTAL, CIVIL AND REVENUE DEPARTMENTS (SUPPLEMENTARY), 1957-58-£	125,497,685	13,007,770

SCHEDULE (B).—PART 7

MINISTRY OF DEFENCE

SCHED. (B).
Part 7.
Ministry of
Defence,
1958-59.

SCHEDULE OF SUM granted, and of the sum which may be applied as appropriations in aid in addition thereto, to defray the charge of the MINISTRY OF DEFENCE, which will come in course of payment during the year ending on the 31st day of March 1959, viz. :—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
For the salaries and expenses of the Ministry of Defence; expenses in connection with International Defence Organisations, including international subscriptions; and certain grants in aid - - - -	16,750,000	2,611,000

SCHED. (B).
Part 8.
Navy,
1958-59.

SCHEDULE (B).—PART 8

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 1959, including provision for officers, seamen, juniors and Royal Marines, and members of the Women's Royal Naval Service and Queen Alexandra's Royal Naval Nursing Service, to a number not exceeding 112,000, in addition to reserve forces, viz. :—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the pay, &c., of the Royal Navy and Royal Marines - - - -	68,167,000	1,200,000
2. For victualling and clothing for the Navy, including the cost of victualling establishments at home and abroad -	13,026,000	4,257,000
3. For medical services, including the cost of medical establishments at home and abroad - - - -	1,487,000	49,000
4. For civilians employed on fleet services -	8,408,000	30,000
5. For educational services - - -	1,411,000	198,000
6. For scientific services, including a grant in aid to the National Institute of Oceanography, and a subscription to the International Hydrographic Bureau - - - -	17,099,000	1,394,000
7. For the Royal Naval Reserve and the Royal Fleet Reserve, &c. - -	1,194,000	500
8. Section I. For the personnel for ship-building, repairs, maintenance, &c., including the cost of establishments of dockyards and naval yards at home and abroad - - - -	43,945,000	442,000
Carried forward - - -	£154,737,000	7,570,500

SCHEDULE (B).—PART 8—*continued*SCHED. (B).
Part 8.
Navy,
1958-59.

NAVY— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -	154,737,000	7,570,500
Vote		
8. Section II. For the matériel for shipbuilding, repairs, maintenance, &c., including the cost of establishments of dockyards and naval yards at home and abroad - - -	44,417,000	26,146,000
8. Section III. For contract work on shipbuilding, repairs, maintenance, &c. - - - - -	64,967,000	19,854,000
9. For naval armaments - - - -	19,122,000	7,060,000
10. For works, buildings and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants and other charges connected therewith - - - - -	12,603,000	5,490,000
11. For various miscellaneous effective services - - - - -	9,521,700	3,097,500
12. For the Admiralty Office - - -	8,844,000	50,000
13. For non-effective services - - -	25,172,000	282,000
14. For the Directorate of Merchant Shipbuilding and Repairs and certain miscellaneous expenses - - -	16,200	—
15. For certain additional married quarters at home - - - - -	100	1,700,000
TOTAL, NAVY SERVICES - -	-£339,400,000	71,250,000

SCHED. (B).
Part 9.
Army,
1958-59.

SCHEDULE (B).—PART 9

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 the 31st day of March 1959, including provision for Land Forces to a number not exceeding 386,000, all ranks, in addition to the Reserve Forces, Territorial Army, Cadet Forces and Malta Territorial Force, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the pay, &c., of the Army (including a Supplementary Sum of £29,500,000)	127,720,000	17,020,000
2. For the Reserve Forces (to a number not exceeding 387,000, all ranks, including a number not exceeding 375,000 other ranks), Territorial Army (to a number not exceeding 274,800, all ranks), Cadet Forces and Malta Territorial Force - - -	15,990,000	470,000
3. For the salaries, wages, &c., of the civilian staff of the War Office- -	3,980,000	60,000
4. For civilians - - - - -	85,830,000	840,000
5. For movements - - - - -	29,140,000	1,680,000
6. For supplies, &c. - - - - -	47,820,000	10,460,000
7. For stores - - - - -	54,240,000	24,500,000
8. For works, buildings and lands - -	26,830,000	8,160,000
9. For miscellaneous effective services, including a grant in aid to the Council of Voluntary Welfare Work	5,380,000	2,780,000
10. For non-effective services - - -	34,470,000	530,000
11. For certain additional married quarters	100	750,000
TOTAL, ARMY SERVICES -	-£431,400,100	67,250,000

SCHEDULE (B).—PART 10

SCHED. (B).
Part 10.
Air,
1958–59.

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 1959, including provision for officers, airmen and airwomen for Air Force Service to a number not exceeding 203,000, all ranks, in addition to reserve and auxiliary services, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the pay, &c., of the Air Force -	101,910,000	11,690,000
2. For the reserve and auxiliary services (to a number not exceeding 215,000, all ranks, for the Royal Air Force Reserve, and 5,000, all ranks, for the Royal Auxiliary Air Force) - -	1,379,900	12,100
3. For the salaries, wages, &c., of civilian staff of the Air Ministry - - -	5,200,000	235,000
4. For the salaries, wages, &c., of civilians at outstations - - - - -	36,230,000	4,843,000
5. For movements - - - - -	12,870,000	2,560,000
6. For supplies - - - - -	63,140,000	7,040,000
7. For aircraft and stores - - -	196,800,000	32,900,000
8. For works and lands - - - -	31,450,000	24,700,000
9. For miscellaneous effective services, including certain grants in aid and a subscription to the World Meteorological Organisation - - -	4,870,000	4,090,000
10. For non-effective services - - -	13,200,000	320,000
11. For certain additional married quarters	100	700,000
TOTAL, AIR SERVICES - - -	£467,050,000	89,090,100

SCHED. (B).
PART 11.
Civil.
Class I.
1958-59.

SCHEDULE (B).—PART 11

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 1959, viz.:—

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Vote		
1. For the salaries and expenses of the House of Lords - - - -	188,376	17,988
2. For the salaries and expenses of the House of Commons, including certain grants in aid - - - -	1,526,556	6,463
3. For expenses in respect of the registration of electors - - - -	620,000	—
4. For the salaries and other expenses in the Department of Her Majesty's Treasury and subordinate departments, the additional salary payable to the Chancellor of the Duchy of Lancaster and the salaries and other expenses of his office arising from his responsibility for the co-ordination of official information, and the salary and expenses of the Minister without Portfolio - - - -	3,509,806	117,000
5. For the salaries and expenses of the Department of Her Majesty's most Honourable Privy Council - -	35,387	2,350
6. For the salaries and expenses of the Charity Commission for England and Wales - - - -	111,439	2,700
Carried forward - - - -	5,991,564	146,501

SCHEDULE (B).—PART 11—*continued*

SCHED. (B).
PART 11.
Civil.
Class I.
1958-59.

CIVIL— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		5,991,564	146,501
CLASS I— <i>continued</i>			
Vote			
7.	For the salaries and expenses of the Civil Service Commission - - -	489,015	59,320
8.	For the salaries and expenses of the Crown Estate Office - - -	128,025	—
9.	For the salaries and expenses of the Department of Comptroller and Auditor General - - - -	546,310	61,390
10.	For the salaries and expenses of the Registry of Friendly Societies -	90,150	6,125
11.	For the salaries and expenses of the Department of the Government Actuary - - - - -	40,021	26,180
12.	For the salaries and expenses of the Department of the Government Chemist - - - - -	366,991	2,000
13.	For a grant in aid of the Government Hospitality Fund - - - -	55,000	—
14.	For the salaries and expenses of the Royal Mint, including the withdrawal of coin from circulation, the purchase of metals and production of coinages, medals, badges, dies for postage and other stamps, and Her Majesty's seals	100	7,974,000
15.	For the salaries and expenses of the National Debt Office and Pensions Commutation Board - - -	100	51,840
16.	For the salaries and expenses of the National Savings Committee - -	1,227,450	—
17.	For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - - - - -	126,607	16,000
18.	For the salaries of the establishment under the Public Works Loan Commission and the expenses of the Commission - - - - -	100	49,862
Carried forward - - - -£		9,061,433	8,393,218

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SCHED. (B).
PART 11.
Civil.
Class I.
1958-59.

SCHEDULE (B).—PART 11—*continued*

CIVIL— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
Brought forward - - -		£ 9,061,433	£ 8,393,218
CLASS I— <i>continued</i>			
Vote			
19.	For the salaries and other expenses of Royal Commissions, committees, special inquiries, &c., including provision for shorthand - - -	275,200	—
20.	For Her Majesty's foreign and other secret services - - -	5,000,000	—
21.	For the salaries and expenses of the Tithe Redemption Commission -	100	329,770
22.	For certain miscellaneous expenses, including certain grants in aid -	191,240	1,800
22A.	For repayments to the Civil Contingencies Fund of certain miscellaneous advances - - -	68,645	—
22B.	For making good certain sums written off from the assets of the Local Loans Fund - - -	202,883	—
23.	For the salaries and expenses of the Office of the Secretary of State for Scotland and of the Scottish Home Department, and the salary of a Minister of State; grants and expenses in connection with services relating to children and young persons and with probation services; grants in connection with school crossing patrols, physical training, and coast protection; a grant to the Legal Aid (Scotland) Fund; expenses, including subsidies, in connection with certain transport services; grants to electricity undertakings in connection with civil defence measures; and sundry other services, including a grant in aid - - -	2,318,482	90,550
24.	For the salaries and expenses of the Scottish Record Office - - -	43,488	13,155
TOTAL, CIVIL, CLASS I - - -		£17,161,471	8,828,493

SCHEDULE (B).—PART 12

SCHED. (B).
PART 12.
Civil.
Class II.
1958-59.

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 1959, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Foreign Affairs, including Her Majesty's Missions and Consulates abroad, and the salaries of two Ministers of State -	15,207,130	2,183,500
2. For sundry grants and services connected with Her Majesty's Foreign Service, including subscriptions to international organisations and grants in aid (including a Supplementary sum of £3,270,000) - - - -	15,078,450	384,850
3. For a grant in aid of the British Council	2,737,300	—
4. For the salaries and expenses of the Department of Her Majesty's Secretary of State for Commonwealth Relations, including oversea establishments - - - -	2,890,219	82,800
5. For sundry Commonwealth services, including subscriptions to certain international organisations and certain grants in aid; the salaries and expenses of Pensions Appeal Tribunals in the Republic of Ireland; a grant to the Republic of Ireland in respect of compensation to transferred officers; and certain expenditure in connection with former Burma services - - - -	7,200,822	33,600
Carried forward - - - -£	43,113,921	2,684,750

SCHED. (B)
PART 12.
Civil.
Class II.
1958-59.

SCHEDULE (B).—PART 12—*continued*

CIVIL— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		43,113,921	2,684,750
CLASS II— <i>continued</i>			
Vote	6. For expenses connected with oversea settlement, including grants in aid -	187,175	850
	7. For the salaries and expenses of the Department of Her Majesty's Secretary of State for the Colonies, and the salary of the Minister of State for Colonial Affairs - - -	1,594,600	36,175
	8. For sundry Colonial services, including subscriptions to certain international organisations and grants in aid; certain expenditure in connection with the liabilities of the former Government of Palestine and certain non-effective services - - -	17,303,061	521,934
	9. For schemes made under the Colonial Development and Welfare Acts for the development of the resources of colonies, protectorates, protected states and trust territories, and the welfare of their peoples - - -	19,500,000	—
	10. For schemes made under the Colonial Development and Welfare Acts for the development of the resources of the Federation of Rhodesia and Nyasaland, and of the South African High Commission Territories, and the welfare of their peoples - - -	1,250,000	—
	11. For certain expenses of the Imperial War Graves Commission, including purchase of land in the United Kingdom and a grant in aid - - -	1,021,535	—
TOTAL, CIVIL, CLASS II - - -		£83,970,292	3,243,709

SCHEDULE (B).—PART 13

SCHED. (B).
PART 13.
Civil.
Class III.
1958–59.

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 1959, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department and subordinate offices; grants towards the expenses of the probation of offenders, of magistrates' courts and of school crossing patrols; certain grants in aid; and sundry other services - - - - -	7,511,248	1,388,000
2. For grants and expenses in connection with civil defence, including certain expenditure arising out of the war -	6,549,970	248,650
3. For expenses in connection with the police services in England and Wales, including the cost of inspection and training; grants in respect of expenditure incurred by police authorities, and a subscription to the International Criminal Police Commission	47,502,077	334,028
4. For the salaries and expenses of the office of the Prison Commissioners and of prisons, borstal institutions and detention centres in England and Wales - - - - -	10,770,689	1,190,000
5. For grants in respect of the expenses of the managers of approved schools in England and Wales; grants to local authorities in respect of their expenditure in connection with the care and welfare of children and young persons; grants towards the expenses of voluntary homes; and expenses in connection with training in child care	9,620,900	830,100
Carried forward - - - - -	£ 81,954,884	3,990,778

SCHED. (B).
PART 13.
Civil.
Class III.
1958-59.

SCHEDULE (B).—PART 13—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CIVIL.—<i>continued</i>		
Brought forward - - -	81,954,884	3,990,778
CLASS III—<i>continued</i>		
Vote		
6. For expenses in connection with the fire services in England and Wales, including the cost of inspection and training, and grants in respect of expenditure incurred by fire authorities; for certain superannuation and other expenses; and for remanet expenditure in connection with the National Fire Service, England and Wales - - - - -	5,808,300	21,680
7. For the salaries and expenses of the Carlisle State Management District, including the cost of provision and management of licensed premises -	100	1,974,770
8. For such of the salaries and expenses of the Supreme Court of Judicature, Court of Criminal Appeal and Courts-Martial Appeal Court as are not charged on the Consolidated Fund; the salaries and expenses of the Judge Advocate General and the Judge Advocate of the Fleet, Pensions Appeal Tribunals, the Lands Tribunal, and the Restrictive Practices Court; payments to jurors, trial of election petitions, and fees to deputy metropolitan magistrates -	108,692	1,907,400
9. For salaries and expenses in connection with the County Courts - - -	362,075	1,904,750
10. For a grant to the Legal Aid Fund -	1,404,275	—
11. For the salaries and expenses of the office of Land Registry - - -	100	995,210
12. For the salaries and expenses of the office of Public Trustee - - -	100	472,700
Carried forward - - -	£ 89,638,526	11,267,288

SCHEDULE (B).—PART 13—*continued*

SCHED. (B).
PART 13.
Civil.
Class III.
1958-59.

CIVIL.— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		89,638,526	11,267,288
CLASS III—<i>continued</i>			
Vote			
13.	For the salaries and expenses of the Law Officers' Department; the salaries and expenses of the Department of Her Majesty's Procurator-General and Solicitor for the Affairs of Her Majesty's Treasury, and of the Department of the Director of Public Prosecutions; and the costs of prosecutions and other legal proceedings, and of Parliamentary Agency - -	647,111	158,000
14.	For certain miscellaneous legal expenses - - - - -	64,895	—
15.	For grants and expenses in connection with civil defence in Scotland, including certain expenditure arising out of the war - - - -	457,713	10,600
16.	For the salary and expenses of the Inspector of Constabulary, the cost of special services, and grants in respect of police expenditure in Scotland - - - - -	5,017,094	9,260
17.	For salaries and expenses in connection with the administration of Scottish prisons and borstal institutions, including the maintenance of certain female State mental patients - -	958,308	145,575
18.	For grants in respect of the expenses of the managers of approved schools in Scotland - - - - -	271,700	9,300
19.	For expenses in connection with the fire services in Scotland, including the cost of inspection and training, and grants in respect of expenditure incurred by fire authorities and joint fire committees; and for certain superannuation and other expenses -	603,181	2,215
Carried forward - - -		-£ 97,658,528	11,602,238

SCHED. (B).
PART 13.
Civil.
Class III.
1958-59.

SCHEDULE (B).—PART 13—*continued*

CIVIL.— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		97,658,528	11,602,238
CLASS III— <i>continued</i>			
Vote			
20.	For the salaries and expenses of the State Management Districts in Scotland, including the cost of provision and management of licensed premises	100	547,535
21.	For the salaries and expenses of the Lord Advocate's Department and other law charges, including the provision of free legal assistance, and the salaries and expenses of the Courts of Law and Justice, of the office of the Scottish Land Court and of Pensions Appeal Tribunals - -	311,217	293,450
22.	For the salaries and expenses of the Department of the Registers of Scotland - - - - -	100	180,884
23.	For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland as are not charged on the Consolidated Fund; the salaries and expenses of Pensions Appeal Tribunals in Northern Ireland; and other expenses, including certain expenses in connection with land purchase in Northern Ireland, trial of election petitions and a grant in aid - - - - -	68,714	24,692
24.	For charges in connection with land purchase in Northern Ireland, and the expenses of management of guaranteed stocks and bonds issued for the purposes of Irish land purchase - - - - -	1,176,350	95
TOTAL, CIVIL, CLASS III - - -		99,215,009	12,648,894

SCHEDULE (B).—PART 14

SCHED. (B).
PART 14.
Civil.
Class IV.
1958-59.

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 1959, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the Ministry of Education, and of the various establishments connected therewith, including sundry grants in aid, a subscription to an international organisation, grants in connection with physical training and recreation, and grants to approved associations for youth welfare - - - -	381,667,154	31,338,150
2. For the salaries and expenses of the British Museum, including a grant in aid - - - - -	599,578	193,950
3. For the salaries and expenses of the British Museum (Natural History), including a grant in aid - - -	424,030	900
4. For the salaries and expenses of the Imperial War Museum, including a grant in aid - - - - -	49,625	3,200
5. For the salaries and expenses of the London Museum, including a grant in aid - - - - -	34,614	50
6. For the salaries and expenses of the National Gallery, including a grant in aid - - - - -	84,080	571
7. For the salaries and expenses of the Tate Gallery, including a grant in aid	61,092	325
8. For the salaries and expenses of the National Maritime Museum, including a grant in aid - - - -	61,215	110
Carried forward - - -	£382,981,388	31,537,256

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SCHED. (B).
PART 14.
Civil.
Class IV.
1958-59.

SCHEDULE (B).—PART 14—*continued*

CIVIL.— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		382,981,388	31,537,256
CLASS IV— <i>continued</i>			
Vote	9. For the salaries and expenses of the National Portrait Gallery, including a grant in aid - - - -	29,923	3,100
	10. For the salaries and expenses of the Wallace Collection - - - -	39,094	3,750
	11. For grants in aid to certain institutions and bodies concerned with science, learning and the arts, and for other services in connection therewith -	1,755,278	50
	12. For a grant in aid of the expenses of universities, colleges, &c., in Great Britain; for a grant to universities in respect of the cost of certain medical school accommodation; and for the cost of certain post-graduate studentships - - - -	49,024,140	10
	13. For grants to and grants in aid of the British Broadcasting Corporation -	33,889,500	254,500
	14. For public education in Scotland, including grants in aid and other payments into the Education (Scotland) Fund; for grants in aid and expenses in connection with the Royal Scottish Museum, Edinburgh; and for other educational services (including a Supplementary sum of £10) - - -	52,976,168	4,396,933
	15. For the salaries and expenses of the National Gallery, Scotland, and the Scottish National Portrait Gallery, including certain grants in aid - -	42,341	3,010
	16. For the salaries and expenses of the National Museum of Antiquities of Scotland, including a grant in aid -	19,110	80
	17. For the salaries and expenses of the National Library, Scotland, including a grant in aid - - - -	59,974	5,020
TOTAL, CIVIL, CLASS IV -		£520,816,916	36,203,709

SCHEDULE (B).—PART 15

SCHED. (B).
PART 15.
Civil.
Class V.
1958-59.

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, 1959, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the office of the Minister of Housing and Local Government and Minister for Welsh Affairs, and the salary and expenses of the Minister of State for Welsh Affairs; the salaries and expenses of Rent Control Tribunals, Local Valuation Panels and Courts, the Local Government Commissions for England and Wales, and the National Parks Commission; grants and other expenses in connection with water supply, sewerage, coast protection, flood emergency, abating the pollution of the air, and certain civil defence services; grants and other payments in connection with planning and re-development, town development, new towns, national parks, &c.; a contribution to the Ironstone Restoration Fund; and sundry other services - - - - -	21,049,320	667,000
2. For grants and other payments in respect of the provision, reconditioning, maintenance and improvement of housing accommodation, and services in relation to emergency housing, in England and Wales -	65,918,820	1,907,660
3. For Exchequer Equalisation Grants to local authorities in England and Wales - - - - -	92,866,000	—
Carried forward - - -	-£179,834,140	2,574,660

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SCHED. (B).
PART 15.
Civil.
Class V.
1958-59.

SCHEDULE (B).—PART 15—*continued*

CIVIL.— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		179,834,140	2,574,660
CLASS V.— <i>continued</i>			
Vote	4. For the salaries and expenses of the Ministry of Health and the Board of Control; expenses in connection with welfare food services and food hygiene; expenditure on the Polish health services: port health administration; residential accommodation for the aged, infirm, &c.; purchases on repayment for other Government Departments; and sundry other services, including a subscription to the World Health Organisation -	27,239,875	4,215,950
5.	For the provision of a comprehensive health service for England and Wales and other services connected therewith, including payments to Northern Ireland and the Isle of Man, medical services for pensioners, &c., disabled as a result of war, or of service in the Armed Forces after the 2nd day of September 1939, certain training arrangements including certain grants in aid, the purchase of appliances, equipment, stores, &c., necessary for the services, and certain expenses in connection with civil defence - -	472,459,430	131,724,790
6.	For a grant in aid of the Medical Research Council - - - -	3,137,100	—
7.	For the salaries and expenses of the Department of the Registrar General	417,073	351,853
8.	For the salaries and expenses of the Central Land Board - - -	65,400	1,300
9.	For the salaries and expenses of the War Damage Commission - -	480,860	31,500
Carried forward - - -		£683,633,878	138,900,053

SCHEDULE (B).—PART 15—*continued*

SCHED. (B).
PART 15.
Civil.
Class V.
1958-59.

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CIVIL.—<i>continued</i>		
Brought forward - - -	683,633,878	138,900,053
CLASS V.—<i>continued</i>		
Vote		
10. For the salaries and expenses of the Department of Health for Scotland and the General Board of Control for Scotland; for expenses in connection with welfare food services and food hygiene; for grants and other expenses in connection with water and sewerage services, abating the pollution of the air, town and country planning, and the creation of new towns; and for certain expenses in connection with civil defence and other services - - - - -	5,216,790	504,380
11. For the provision of a comprehensive health service for Scotland and other services connected therewith, including medical services for pensioners, &c., disabled as a result of war, or of service in the Armed Forces after the 2nd day of September 1939, certain training arrangements, the purchase of appliances, equipment, stores, &c., necessary for the services, certain expenses in connection with civil defence, and sundry other services -	58,253,000	15,242,625
12. For grants and other payments in respect of the provision, reconditioning, maintenance and improvement of housing accommodation in Scotland - - - - -	16,293,700	377,320
13. For Exchequer Grants to local authorities in Scotland - - - - -	15,637,000	—
14. For the salaries and expenses of the Department of the Registrar General of Births, Deaths and Marriages in Scotland - - - - -	57,600	10,730
TOTAL, CIVIL, CLASS V -	£779,091,968	155,035,108

SCHED. (B).
PART 16.
Civil.
Class VI.
1958-59.

SCHEDULE (B).—PART 16

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 1959, viz.:—

Vote	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, the Monopolies Commission, and the Performing Right Tribunal - - - - -	5,147,385	2,017,275
2. For the expenditure of the Board of Trade on assistance and subsidies to certain industries, and on trading and other services; subscriptions to international organisations and grants in aid - - - - -	1,767,330	82,250
3. For expenditure of the Board of Trade in connection with the procurement, maintenance and adjustment of strategic reserves - - - - -	1,336,000	852,000
4. For services in Development Areas -	2,765,060	—
5. For financial assistance to industrial undertakings in Development Areas, including remanet expenditure in respect of similar assistance in former Special Areas - - -	105,510	—
Carried forward - - - -£	11,121,285	2,951,525

SCHEDULE (B).—PART 16—*continued*SCHED. (B).
PART 16.
Civil.
Class VI.
1958-59.

CIVIL.— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -	11,121,285	2,951,525
CLASS VI— <i>continued</i>		
Vote		
6. For the salaries and expenses of the Export Credits Guarantee Department, including a subscription to an international organisation, and for payments under guarantees given after consultation with the Export Guarantees Advisory Council - - -	100	6,778,730
7. For payments under Special Guarantees given in the national interest by the Board of Trade on which consultation with the Export Guarantees Advisory Council is not required and for interest payments in connection therewith - - -	100	753,900
8. For the salaries and expenses of the office of the Registrar of Restrictive Trading Agreements - - -	152,145	—
9. For the salaries and expenses of the Ministry of Labour and National Service, including expenses in connection with employment exchanges and the inspection of factories; expenses, including grants and loans, in connection with employment services, training, transfer, rehabilitation and resettlement; expenses in connection with national service; repayment of loan charges in respect of employment schemes; expenses of the Industrial Court and the Industrial Disputes Tribunal; a subscription to the International Labour Organisation; and sundry other services - - -	21,087,000	3,790,000
Carried forward - - -	32,360,630	14,274,155

SCHED. (B).
PART 16.
Civil.
Class VI.
1958-59.

SCHEDULE (B).—PART 16—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
CIVIL.—<i>continued</i>		
Brought forward - - -	32,360,630	14,274,155
CLASS VI.—<i>continued</i>		
Vote 10. For the salaries and expenses of the Ministry of Supply for the administration of supply (including research and development, inspection, storage, disposal and capital and ancillary services related thereto); for administrative services in connection with the aircraft, light metals and electronics industries; and for miscellaneous services - - -	231,300,000	46,700,000
11. For expenditure of the Ministry of Supply on the supply of munitions, aircraft, electronic equipment, common-user and other articles for the Government service, and on miscellaneous supply - - -	100	—
12. For the expenses of operating the Royal Ordnance Factories - -	5,750,000	34,250,000
TOTAL, CIVIL, CLASS VI -	-£269,410,730	95,224,155

SCHEDULE (B).—PART 17

SCHED. (B).
PART 17.
Civil.
Class VII.
1958-59.

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 1959, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the Ministry of Works - - - -	7,286,260	4,053,385
2. For expenditure in respect of Houses of Parliament buildings - - -	337,000	3,100
3. For expenditure in respect of sundry public buildings in the United Kingdom, including a grant in aid, and sundry other services - -	28,945,200	5,566,650
4. For expenditure in respect of public buildings overseas - - - -	2,544,000	200,000
5. For expenditure in respect of Royal Palaces, including a grant in aid -	521,000	42,000
6. For expenditure in respect of Royal parks and pleasure gardens (including a Supplementary sum of £10) - -	801,810	118,940
7. For grants and expenses in connection with historic buildings and ancient monuments, including a grant in aid	1,006,000	241,000
8. For rates and contributions in lieu of rates, &c., in respect of property in the occupation of the Crown for the public service, and certain public buildings occupied in part, on repayment, by non - Exchequer bodies; for rates on buildings occupied by representatives of other Commonwealth countries and of foreign powers; and for the salaries and expenses of the Rating of Government Property Department -	21,157,130	1,212,000
Carried forward - - - -£	62,598,400	11,437,075

SCHED. (B).
PART 17.
Civil.
Class VII.
1958-59.

SCHEDULE (B).—PART 17—*continued*

CIVIL.— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		62,598,400	11,437,075
CLASS VII— <i>continued</i>			
Vote	9. For stationery, printing, paper, binding, and printed books for the public service; for the salaries and expenses of the Stationery Office; and for sundry miscellaneous services, including reports of parliamentary debates - - - - -	14,865,600	5,670,000
	10. For the salaries and expenses of the Central Office of Information - -	2,494,000	314,000
	11. For the construction of a harbour of refuge at Peterhead and services incidental thereto - - - -	30,000	400
TOTAL, CIVIL, CLASS VII - -£		79,988,000	17,421,475

SCHEDULE (B).—PART 18

CIVIL.—CLASS VIII

SCHED. (B).
PART 18.
Civil.
Class VIII.
1958—59.

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 1959, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the Ministry of Agriculture, Fisheries and Food; of the Agricultural Land Commission; of the Royal Botanic Gardens, Kew; and of the White Fish Authority and the Scottish Committee thereof - - - -	17,600,506	280,000
2. For the Ministry of Agriculture, Fisheries and Food for grants and subsidies to farmers and others for the encouragement of food production and the improvement of agriculture; for payments and services in implementation of agricultural price guarantees; and for certain other services, including a payment to the Exchequer of Northern Ireland - - - -	265,094,200	5,010
3. For the Ministry of Agriculture, Fisheries and Food, for grants, grants in aid and expenses in connection with agricultural and food services; including land drainage and rehabilitation of land damaged by flood and tempest; purchase, development and management of land, including land settlement and provision of small-holdings; services in connection with livestock, and compensation for slaughter of diseased animals; provision and operation of machinery; training and supplementary labour schemes; control of pests; education, research and advisory services; marketing; agricultural credits; certain trading services; subscriptions to international organisations; and sundry other services, including certain expenses in connection with civil defence (including a Supplementary sum of £63,000) - - - -	10,949,725	7,263,500
Carried forward - - - -	£293,644,431	7,548,510

SCHED. (B).
PART 18.
Civil.
Class VIII.
1958-59.

SCHEDULE (B).—PART 18—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
CIVIL.—<i>continued</i>		
Brought forward - - -	£ 293,644,431	£ 7,548,510
CLASS VIII.—<i>continued</i>		
Vote		
4. For expenditure of the Ministry of Agriculture, Fisheries and Food in connection with the procurement and maintenance of strategic reserves -	2,250,000	13,500,000
5. For financial assistance to fishermen and for research and development in connection with fisheries and fish marketing; including grants and loans to the White Fish Authority; a grant in aid of the White Fish Marketing Fund; subscriptions to international organisations; and grants and loans towards the construction, improvement and repair of harbours and fishing facilities - -	6,741,735	8,335
6. For the survey of Great Britain and other mapping services - - -	3,409,400	509,900
7. For a grant in aid of the Agricultural Research Fund - - - -	4,196,000	—
8. For a grant in aid of the Nature Conservancy - - - - -	350,000	—
9. For a grant in aid of the Development Fund - - - - -	1,104,500	—
10. For a grant in aid of the Forestry Fund	9,717,000	—
Carried forward - - -	£321,413,066	21,566,745

SCHEDULE (B).—PART 18—*continued*

SCHED. (B).
PART 18.
Civil.
Class VIII.
1958-59.

CIVIL.— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		321,413,066	21,566,745
CLASS VIII.— <i>continued</i>			
Vote			
11.	For the salaries and expenses of the Department of Agriculture for Scotland and the Crofters Commission: for grants and subsidies to farmers and others for the encouragement of food production and the improvement of agriculture; for certain payments in implementation of agricultural price guarantees; and for grants, grants in aid and expenses in connection with services to agriculture; including land drainage and flood services; purchase, improvement and management of land; land settlement; public works in the congested districts and roads in other livestock rearing areas; services in connection with livestock and compensation for slaughter of diseased animals; provision and operation of machinery; training and labour schemes; control of pests; agricultural education, research and advisory services; marketing; and agricultural credits.	36,578,193	944,003
12.	For Scottish fisheries and the United Kingdom herring industry; including the salaries and expenses of the fisheries' staff of the Scottish Home Department, and of the Herring Industry Board and Advisory Council; grants, loans and expenses in connection with assistance to fishermen, fishery protection, research and development relating to fisheries and fish marketing, and the construction, improvement, maintenance and repair of harbours and fishing facilities; and a grant in aid of the Herring Marketing Fund - - - -	2,974,180	4,400
TOTAL, CIVIL, CLASS VIII -		£360,965,439	22,515,148

SCHED. (B).
PART 19.
Civil.
Class IX.
1958-59.

SCHEDULE (B).—PART 19

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 1959, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the Ministry of Transport and Civil Aviation, including the salaries and expenses of the Coastguard, the Transport Tribunal, and the Air Transport Advisory Council, subscriptions to international organisations and sundry other services -	10,366,500	3,940,300
2. For expenditure, including grants and loans to highway, &c., authorities, in respect of roads in England and Wales and services connected therewith, including the construction, improvement and maintenance of roads, road research, road safety, the provision and maintenance of vehicles and equipment for use by police forces engaged on certain duties, salaries of surveyors, and the stopping up and diversion of highways; for expenses in connection with the collection of motor vehicle duties, &c., and the registration of motor vehicles in Great Britain; and for certain compensation payments -	70,398,260	2,791,000
3. For expenses, including war terminal expenses, in connection with the provision and use of ships for trooping, emigration and other purposes; and in respect of miscellaneous services connected with shipping, seamen, inland transport and ports, including the repair of damage by flood and tempest, and certain special services (including a Supplementary sum of £90,650) -	464,650	763,100
Carried forward - - -	-£ 81,229,410	7,494,400

SCHEDULE (B).—PART 19—*continued*SCHED. (B).
PART 19.
Civil.
Class IX.
1958-59.

CIVIL.— <i>continued</i>	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
Brought forward - - -	81,229,410	7,494,400
CLASS IX— <i>continued</i>		
Vote 4. For the construction, maintenance, and operation of aerodromes and other services in connection with civil aviation, including a subscription to an international organisation and certain grants and subsidies - -	7,018,500	5,599,000
5. For the salaries and expenses of the Ministry of Power, loans for the installation of fuel-saving equipment, a grant in respect of coal-mining subsidence damage, assistance to gas and electricity services in Development Areas, and expenses in connection with the nationalisation of the coal and gas industries and in connection with the recovery of scrap metal - - - -	4,423,650	515,810
6. For the supply, storage and distribution of petroleum products and certain other special services of the Ministry of Power, including expenditure on civil defence - - -	3,099,110	500,100
7. For the salaries and expenses of the Office of the Prime Minister and First Lord of the Treasury (Atomic Energy) and for grants and loans to the United Kingdom Atomic Energy Authority in connection with the supply of atomic energy and radioactive substances, including research and development, inspection, storage, disposal and capital and ancillary services related thereto, and for subscriptions to international organisations (including a Supplementary sum of £80,010) - - - -	106,080,010	13,520,010
Carried forward - - -	£201,850,680	27,629,320

SCHED. (B).
PART 19.
Civil.
Class IX.
1958-59.

SCHEDULE (B).—PART 19—*continued*

	Sums not exceeding	
	Supply Grants	Appropriations in Aid
CIVIL.—<i>continued</i>		
	£	£
Brought forward - - -	201,850,680	27,629,320
CLASS IX—<i>continued</i>		
Vote		
8. For the salaries and expenses of the Department of Scientific and Industrial Research, including certain subscriptions to international organisations - - - - -	9,297,358	1,175,635
9. For expenditure, including grants and loans to highway, &c., authorities, in respect of roads in Scotland and services connected therewith, including the construction, improvement and maintenance of roads, road research, road safety, the provision and maintenance of vehicles and equipment for use by police forces engaged on certain duties, salaries of surveyors, the stopping-up and diversion of highways, and certain compensation payments - - -	10,688,690	75,200
TOTAL, CIVIL, CLASS IX - - -	£221,836,728	28,880,155

SCHEDULE (B).—PART 20

SCHED. (B).
PART 20.
Civil.
Class X.
1958-59.

CIVIL.—CLASS X

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 1959, viz.:—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For superannuation and other non-effective annual allowances, additional allowances, gratuities, compassionate allowances, supplementary pensions, and certain other expenses in connection with superannuation in respect of civil employment	17,143,000	760,000
2. For the salaries and expenses of the Ministry of Pensions and National Insurance, including certain expenses in connection with national insurance, industrial injuries insurance, family allowances, workmen's compensation, war pensions, a subscription to an international organisation and sundry other services - - -	4,680,125	22,714,000
3. For payments in respect of pensions, gratuities and allowances for disablement or death arising out of war, or out of service in the Armed Forces after the 2nd day of September 1939; sundry contributions in respect thereof; grants to ex-prisoners-of-war and other persons and bodies in respect of the distribution of Japanese assets in the United Kingdom and other countries and of proceeds of the sale of the Burma-Siam Railway; and other services, including payment of national service grants - -	100,241,250	1,348,000
4. For sums payable by the Exchequer to the National Insurance Fund and the Industrial Injuries Fund and for payments in respect of family allowances	277,130,000	20,000
Carried forward - - -	£399,194,375	24,842,000

SCHED. (B).
PART 20.
Civil.
Class X.
1958-59.

SCHEDULE (B).—PART 20—*continued*

CIVIL.— <i>continued</i>		Sums not exceeding	
		Supply Grants	Appropriations in Aid
		£	£
Brought forward - - -		399,194,375	24,842,000
CLASS X— <i>continued</i>			
Vote	5. For the salaries and expenses of the Department of the National Assistance Board and of certain Appeal Tribunals; non-contributory old-age pensions, including pensions to blind persons; assistance grants, &c.; expenses of reception centres, &c.; the maintenance of certain classes of Poles in Great Britain; and the maintenance of Hungarian refugees in hostels - - - - -	136,533,000	1,950,000
	6. For pensions and allowances to certain members of the former Indian and Burma Services and their dependants, and to certain judges; for related medical and miscellaneous expenses; for payments in respect of commutation of pensions; and for certain payments to the Governments of India and Pakistan connected with pensions - - - - -	7,128,310	1,500
	7. For pensions, compensation allowances and gratuities awarded to retired and disbanded members and staff of the Royal Irish Constabulary, and to widows of such members, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances and certain extra-statutory payments -	1,119,000	—
TOTAL, CIVIL, CLASS X -		£543,974,685	26,793,500

SCHEDULE (B).—PART 21

REVENUE DEPARTMENTS

SCHED. (B).
PART 21.
Revenue
Departments.
1958-59.

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 herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1959, viz. :—

Vote	Sums not exceeding	
	Supply Grants	Appropriations in Aid
	£	£
1. For the salaries and expenses of the Customs and Excise Department, including a subscription to an international organisation - - -	17,008,037	869,000
2. For the salaries and expenses of the Inland Revenue Department - -	44,820,000	218,000
3. For the salaries and expenses of the Post Office, including telegraphs and telephones; and subscriptions to certain international organisations -	367,698,000	63,445,000
TOTAL, REVENUE DEPARTMENTS -£	429,526,037	64,532,000

SCHED. (C).
PART 1.
Navy Services,
1956-57.
Section 5.

SCHEDULE (C).—PART 1

Navy Services, 1956-57, 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 Royal Navy and Royal Marines	—		—		1,027,815	19 10	158,815	13 7
2. Victualling and Cloth- ing for the Navy ...	676,261	5 4	—		—		478,677	1 5
3. Medical Establishments and Services ...	8,049	11 6	—		—		12,168	19 8
4. Civilians employed on Fleet Services ...	28,511	15 3	—		—		5,168	4 2
5. Educational Services...	—		—		45,875	3 8	10,455	0 7
6. Scientific Services ...	—		—		942,573	17 6	24,991	19 5
7. Royal Naval Reserves	—		—		38,376	3 5	927	3 8
8. Shipbuilding, Repairs, Maintenance, &c.:								
Section I.—								
Personnel ...	—		168,125	6 8	46,525	9 5	—	
Section II.—								
Matériel ...	802,479	4 11	—		—		484,426	18 3
Section III.—								
Contract Work	1,143,861	9 8	1,278,379	13 5	—		—	
9. Naval Armaments ...	—		366,053	17 9	512,657	12 7	—	
10. Works, Buildings and Repairs at Home and Abroad	—		—		268,901	2 3	4,108	15 9
11. Miscellaneous Effective Services	—		318,720	14 8	63,666	17 11	—	
12. Admiralty Office ...	—		—		38,115	6 1	17,433	4 4
13. Non-Effective Services	—		—		99,454	16 8	54,277	11 7
14. Merchant Shipbuilding and Repair	2,100	16 3	—		—		—	
15. Additional Married Quarters	9,037	13 8	—		—		—	
Balances Irrecoverable and Claims Abandoned ...	3,807	7 8	—		—		—	
Excess Vote	2,674,109	4 3	2,131,279	12 6	3,083,962	9 4	1,251,450	12 5
	—		—		469,975	15 0	—	
	2,674,109	4 3	2,131,279	12 6	3,553,938	4 4	1,251,450	12 5
	£4,805,388 16s. 9d.				£4,805,388 16s. 9d.			

SCHED. (C).
Part 2.
Army
Services,
1956-57.
Section 5.

SCHEDULE (C).—PART 2

Army Services, 1956-57, 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	181,013	8 10	231,668	4 3	—	—	—	—
2. Reserve Forces, Territorial Army, Home Guard and Cadet Forces ...	132,777	18 6	66,338	2 10	—	—	—	—
3. War Office ...	20,115	3 5	—	—	—	—	2,678	3 4
4. Civilians	—	—	—	—	1,614,744	10 2	497,306	0 2
5. Movements ...	—	—	246,914	17 1	3,253,007	8 0	—	—
6. Supplies, &c. ...	—	—	1,072,740	16 10	1,072,408	9 6	—	—
7. Stores	96,761	15 11	—	—	—	—	2,894,015	4 3
8. Works, Buildings and Lands ...	—	—	—	—	1,174,037	16 4	203,664	19 0
9. Miscellaneous Effective Services ...	—	—	—	—	772,978	8 0	166,796	14 0
10. Non-Effective Services	198,189	7 2	—	—	—	—	55,420	0 11
11. Additional Married Quarters... ..	—	—	774,811	12 8	47,489	4 3	—	—
Balances Irrecoverable and Claims Abandoned	377,561	12 9	—	—	—	—	—	—
	1,006,419	6 7	2,392,473	13 8	7,934,665	16 3	3,819,881	1 8
	£3,398,893 0s. 3d.				£11,754,546 17s. 11d.			
	Net Surplus £8,355,653 17s. 8d.							

SCHED. (C).
Part 3.
Air
Services,
1956-57.
Section 5.

SCHEDULE (C).—PART 3

Air Services, 1956-57, 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	—		—		385,675	13 3	818,400	13 8
2. Reserve and Aux- iliary Services ...	—		17,246	6 9	266,443	1 3	—	
3. Air Ministry ...	378,389	17 4	5,688	2 4	—		—	
4. Civilians at Out- stations	3,019,748	7 6	35,172	13 7	—		—	
5. Movements ...	1,298,495	5 1	—		—		273,031	12 11
6. Supplies	—		—		1,490,987	2 9	1,960,986	7 9
7. Aircraft and Stores	—		18,015,871	18 7	26,571,667	17 11	—	
8. Works and Lands...	3,804,722	0 5	—		—		1,497,338	15 10
9. Miscellaneous Effec- tive Services ...	—		329,765	12 8	807,648	1 2	—	
10. Non-effective Ser- vices	—		—		192,044	7 5	66,519	9 0
11. Additional Married Quarters... ..	—		1,306,128	13 7	1,306,128	13 7	—	
Balances Irrecoverable and Claims Aban- doned	10,052	7 1	—		—		—	
	8,511,407	17 5	19,709,873	7 6	31,020,594	17 4	4,616,276	19 2
	£28,221,281		4s. 11d.		£35,636,871		16s. 6d.	
	Net Surplus £7,415,590 11s. 7d.							

CHAPTER 58

Medical Act, 1956 (Amendment) Act, 1958

ARRANGEMENT OF SECTIONS

Section

1. Alternative requirements as to experience in certain cases.
2. Amendments as to applications for provisional registration.
3. Amendment as to fees, expenses and allowances of members of Councils.
4. Short title and repeals.

SCHEDULE—Enactments Repealed.

An Act to amend the provisions of the Medical Act, 1956, relating to the experience required for full registration and to applications for provisional registration, and of the First Schedule to that Act relating to fees, expenses and allowances. [1st August, 1958]

BE it enacted by the Queen'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. After section sixteen of the Medical Act, 1956, there shall be inserted the following section:—

“ 16A. If a person who claims registration under section seven of this Act and—

(a) claims such registration by virtue of a qualification granted before the first day of January, nineteen hundred and fifty-three, or

(b) is the holder, in addition to the qualification by virtue of which he claims registration, of a qualification granted outside the United Kingdom and the Republic of Ireland which is recognised by the General Council for the purposes of this section as furnishing a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of medicine, surgery and midwifery,

makes application in that behalf to the General Council, the General Council may direct that, as an alternative to the requirements as to experience specified in section fifteen of

Alternative requirements as to experience in certain cases.

4 & 5 Eliz. 2. c. 76.

this Act, it shall be sufficient for him to satisfy the General Council that he has rendered satisfactory service in an appointment or appointments (whether within or outside Her Majesty's dominions) such as in the opinion of the Council confer experience of the practice of medicine and surgery, or medicine, surgery and midwifery, not less extensive than that required for a certificate under the said section fifteen, or that he has otherwise acquired such experience as aforesaid."

Amendments as to applications for provisional registration.

2. So much of subsection (2) of section seventeen and subsection (2) of section twenty-three of the Medical Act, 1956, as requires that a person shall produce evidence that he has been selected for employment before he can be provisionally registered shall cease to have effect.

Amendment as to fees, expenses and allowances of members of Councils.

3. So much of paragraph 7 of the First Schedule to the Medical Act, 1956, as requires the approval of the Treasury to the fixing of the fees, expenses and allowances of members of the General Medical Council and the branch councils shall cease to have effect.

Short title and repeals.

4.—(1) This Act may be cited as the Medical Act, 1956 (Amendment) Act, 1958.

(2) The enactments specified in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

SCHEDULE

Section 4.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
4 & 5 Eliz. 2. c. 76.	The Medical Act, 1956.	In section seventeen, in subsection (2), the words from "on production" to "this Act"; in section twenty-three, in subsection (2), the words from "on production" to "this Act"; in section forty-two, subsection (6); in the First Schedule, in paragraph 7, the words "with approval of the Treasury".



CHAPTER 59

An Act to provide for the establishment of the State of Singapore and for the peace, order and good government thereof; and for purposes connected with the matters aforesaid. [1st August, 1958]

BE it enacted by the Queen'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) Her Majesty may by Order in Council (hereinafter referred to as “the Constitution Order”), which shall be laid before Parliament after being made, make such provision as may appear to Her Majesty to be necessary or expedient for the peace, order and good government, under the title of the State of Singapore, of the territories included immediately before the passing of this Act in the Colony of Singapore; and, as from the day on which all the provisions of that Order have come into force, those territories shall be known by that title and subsection (3) of section one of the British Nationality Act, 1948 (which specifies the countries whose citizens are by virtue of that citizenship British subjects or Commonwealth citizens) as amended by the Federation of Malaya Independence Act, 1957, shall have effect as if for the words “and the Federation of Malaya” there were substituted the words “the Federation of Malaya and the State of Singapore”.

Establishment
of State of
Singapore.
11 & 12 Geo. 6.
c. 56.
5 & 6 Eliz. 2.
c. 60.

(2) The Constitution Order may revoke or amend, or provide for the revocation or amendment of, any Order in Council or other instrument affecting the territories aforesaid made before the day aforesaid under the British Settlements Acts, 1887 and 1945, or the Straits Settlements (Repeal) Act, 1946; and as from that day no further Order in Council or other instrument affecting those territories shall be made under those Acts except for the purpose of revoking or amending any such Order in Council or other instrument for the time being in force.

9 & 10 Geo. 6.
c. 37.

(3) The Constitution Order may authorise the revocation or amendment of any of its provisions in any manner specified by the Order in relation to those provisions respectively, but save as may be so authorised shall not be capable of being revoked or amended except by Act of Parliament; and where that Order authorises the revocation or amendment of any of its provisions by Order in Council, any Order in Council made in pursuance of that authority shall be made by statutory instrument and be laid before Parliament after being made.

(4) Her Majesty may by Order in Council, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make such incidental, consequential and transitional provisions, including, in particular, adaptations and modifications of, or of any instrument made under, any Act of Parliament, as may appear to Her Majesty to be necessary or expedient by reason of anything contained in this section or in any instrument made thereunder and, in particular, by reason of any provision of the Constitution Order providing for the appointment in and for the State of Singapore, in addition to a representative of Her Majesty, of a representative of Her Majesty's Government in the United Kingdom; and any such adaptation or modification may be made so as to have effect from any date not earlier than that of the making of the Constitution Order notwithstanding that the Order in Council under this subsection was made after that date.

Short title.

2. This Act may be cited as the State of Singapore Act, 1958.

CHAPTER 60

An Act to amend the deed of settlement set out in the Schedule to the Chequers Estate Act, 1917; to authorise the payment of Exchequer grants in aid of the expenses of the administrative trustees under that deed, as amended; and for purposes connected with the matters aforesaid. [1st August, 1958]

BE it enacted by the Queen'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 deed of
settlement.
7 & 8 Geo. 5.
c. 55.

1.—(1) The provisions of this section shall have effect with respect to the Chequers Estate Act, 1917 (in this Act referred to as "the principal Act") and to the deed of settlement set out in the Schedule to that Act (which deed, as modified by or under any subsequent enactment, is hereafter in this Act referred to as "the deed").

(2) As from the appointed day the deed shall have effect subject to the amendments specified in the Schedule to this Act; and any reference in the principal Act to the deed shall, in relation to any time on or after the appointed day, be construed as a reference to the deed as so amended.

(3) In this Act "the appointed day" means such day as the Treasury may appoint by order made by statutory instrument.

2.—(1) The Treasury may, out of moneys provided by Parliament, make grants in aid of the expenses of the administrative trustees under the deed, as amended by this Act.

Exchequer grants to administrative trustees.

(2) Any grant made by the Treasury under this section shall be paid to the said administrative trustees and shall be applied by them as if it were income of the Chequers Trust Fund referred to in the deed, as so amended :

Provided that the Treasury, at the time of making a grant under this section, may direct that the grant, or such part thereof as may be specified in the direction, shall be applied for such purpose as may be so specified, being a purpose for which capital money comprised in the said Fund is applicable, and the said administrative trustees shall comply with any such direction.

3.—(1) All lands, hereditaments and chattels which, immediately before the appointed day, were vested in the custodian trustee under the deed, in his capacity as custodian trustee thereunder, shall on that day, by virtue of this Act and without further assurance, vest in fee simple or absolutely, as the case may require, in the custodian trustee under the deed as amended by this Act ; and all other property, rights, liabilities and obligations which, immediately before the appointed day, were property, rights, liabilities and obligations of the custodian trustee under the deed, in his capacity as custodian trustee thereunder, shall on that day, by virtue of this Act and without further assurance, become property, rights, liabilities and obligations of the custodian trustee under the deed as so amended.

Supplementary provisions.

(2) All property, rights, liabilities and obligations which, immediately before the appointed day, were property, rights, liabilities and obligations of the administrative trustees under the deed, in their capacity as such trustees, shall on that day, by virtue of this Act and without further assurance, become property, rights, liabilities and obligations of the administrative trustees under the deed as amended by this Act.

(3) Without prejudice to the preceding subsections—

- (a) any legal proceedings or applications to any authority pending on the appointed day by or against the custodian trustee under the deed, in his capacity as custodian trustee thereunder, may be continued on and after that day by or (as the case may be) against the custodian trustee under the deed as amended by this Act ;
- (b) any legal proceedings or applications to any authority pending on the appointed day by or against the administrative trustees under the deed, in their capacity

as such trustees, may be continued on and after that day by or (as the case may be) against the administrative trustees under the deed as so amended.

(4) Anything done before the appointed day (whether before or after the passing of this Act) in the exercise or performance of any power or duty conferred or imposed by the deed shall (in so far as it relates or is capable of relating to any time on or after that day) have effect as if it had been done in the exercise or performance of the corresponding power or duty conferred or imposed (whether directly or by reference to any enactment) by the deed as amended by this Act.

15 & 16 Geo. 5.
c. 18.

(5) Notwithstanding anything in subsection (1) of section one hundred and six or subsection (2) of section one hundred and eight of the Settled Land Act, 1925 (which relate respectively to provisions for limiting the exercise of powers conferred by that Act and to cases of conflict between the provisions of a settlement and the provisions of that Act), in so far as the deed as amended by this Act provides for the application of any provisions of, or powers conferred by, that Act, those provisions or powers shall apply subject to any modifications or restrictions specified in relation thereto in the deed as so amended.

(6) In so far as there is any conflict between the provisions of this Act, or of the deed as amended by this Act, and any provisions of the Public Trustee Acts, 1906 and 1957, or any rules made thereunder, the provisions of this Act, or of the deed as so amended, shall prevail; and, in particular, nothing in those Acts or in any such rules shall operate so as to prevent the public trustee from holding concurrently the several offices assigned to him under the deed as so amended (that is to say, as custodian trustee, as one of the administrative trustees, and as the trustee having, to the extent therein mentioned, the control and management of the Chequers Trust Fund).

(7) Section two of the principal Act (which relates to the functions of the Minister of Works as custodian trustee under the deed) is hereby repealed as from the appointed day.

Short title
and citation.

4. This Act may be cited as the Chequers Estate Act, 1958; and the principal Act and this Act may be cited together as the Chequers Estate Acts, 1917 and 1958.

SCHEDULE

Section 1.

AMENDMENTS OF DEED

1. The following paragraph shall be substituted for clause 1 (c) of the deed (which defines the expression "the custodian trustee") :—

"(c) 'the custodian trustee' shall mean the Public Trustee."

2. The following paragraphs shall be substituted for clause 1 (e) and (f) of the deed (which relate to the constitution of the administrative trustees) :—

"(e) 'The administrative trustees' shall mean a body of trustees consisting (during the lifetime of Lady Lee) of Lady Lee and the following persons and (after the death of Lady Lee) consisting of the following persons viz. :—

1. The person who is for the time being the Lord Privy Seal.
2. A person appointed by the Prime Minister.
3. A person appointed by the Minister of Works.
4. The person who is for the time being chairman of the Executive Committee of the National Trust for Places of Historic Interest or Natural Beauty.
5. The Public Trustee.

(f) Any person appointed under the last preceding paragraph by a person holding office as Prime Minister or as Minister of Works shall continue to hold that appointment (whether the person who appointed him continues to hold the relevant office or not) until he resigns or dies or his appointment is terminated by the person for the time being holding the relevant office (whichever first occurs).

(g) The appointment or termination of the appointment of any person under this clause by the Prime Minister or the Minister of Works shall be made by an instrument in writing signed by the Prime Minister or the Minister of Works as the case may be and the resignation of any person appointed under this clause shall be effected by an instrument in writing signed by that person."

3. Clause 1 (g) and (h) of the deed (which define the expressions "Chequers and grounds" and "Chequers Farms") shall be omitted.

4. At the end of clause 1 (i) of the deed (which defines the expression "the Chequers Trust Fund") there shall be added the words "and any money or other property which constitutes or represents capital money arising under the powers hereby conferred (including powers conferred by the Settled Land Act 1925 in so far as they apply for the purposes hereof) together with any other accretion to the money or property from time to time comprised in the said Fund and together also with any money or property which may from time to time be given or directed to be held upon the trusts applicable to the said Fund and accepted by the Public Trustee

with the concurrence of the administrative trustees upon those trusts", followed by the following clause:—

" 1A. In the construction of these presents any reference to any enactment shall (except in so far as the context otherwise requires) be construed as a reference to that enactment as amended by or under any other enactment."

5. In clause 5 (a) of the deed (which relates to the provision of the sum of £55,000 War Stock) the words from "with liberty to the Public Trustee (by the direction of the settlor or the administrative trustees) to vary and transpose the same" to the end of the paragraph shall be omitted.

6. The title of Part VI of the deed shall be amended to read as follows:—

" VI. TRUSTS OF THE CHEQUERS TRUST FUND "

7. The following clauses shall be inserted after clause 6 of the deed:—

" 6A. All money and other property which constitutes or represents capital money arising under the powers hereby conferred (including powers conferred by the Settled Land Act 1925 in so far as they apply for the purposes hereof) shall be paid or transferred to the Public Trustee and shall be held by him as part of the Chequers Trust Fund.

6B. The provisions of the Settled Land Act 1925 relating to capital money arising under that Act shall apply to all money and other property comprised in the Chequers Trust Fund subject to the last preceding clause and to the following modifications viz. :—

(a) Subsection (1) of section seventy-three of that Act shall apply as if the following paragraph were substituted for paragraph (i) of that subsection:—

" (i) In the purchase of or at interest upon the security of such stocks funds shares securities or other investments of whatsoever nature and wheresoever and whether involving liability or not as the Public Trustee in his absolute discretion thinks fit and so that he shall have the same full and unrestricted powers of investing and transposing investments in all respects as if he were absolutely entitled to the Fund beneficially ; "

(b) Any such money or property may (in addition to any other authorised mode of investment or application) be applied in or towards the payment of any compensation from time to time payable in respect of any part of the Chequers Estate under the Agricultural Holdings Act 1948.

(c) Any power to apply any such money or property in payment for improvements authorised by the Settled Land Act 1925 or in the making of any payment as for an improvement so authorised shall be exercisable as the administrative trustees think fit and section eighty-four of that Act shall not apply for the purposes hereof.

- (d) The application of any such money or property (otherwise than by way of investment in accordance with the provision set out in paragraph (a) of this clause) shall be at the direction of the administrative trustees and the Public Trustee shall out of the Chequers Trust Fund pay to them or to such person as they may direct any sum which they may direct to be so paid for any purpose for which money or property comprised in the Fund is applicable hereunder.
- (e) Subject to the last preceding paragraph the Chequers Trust Fund shall be under the control and management of the Public Trustee."

8. Clause 8 (c) and (d) of the deed (which relate to the use of the Chequers Farms) shall be omitted.

9. In clause 8 (e) of the deed (which relates to the application by the administrative trustees of the income of the Chequers Trust Fund) the following sub-paragraph shall be substituted for sub-paragraphs (iii) and (iv) (which relate to the upkeep of the gardens and pleasure grounds and the repair and maintenance of buildings):—

"(iii) In the upkeep repair and maintenance of the mansion house and other buildings and the gardens pleasure grounds and other lands comprised in the Chequers Estate (including the wages of gardeners and other persons employed in connection therewith)";

in sub-paragraph (v) (which relates to the maintenance of furniture and fixtures and the purchase of new or additional furniture) the words "for which purpose not less than one hundred pounds shall be set aside in each year and accumulated until wanted" shall be omitted; and the proviso to the said clause 8 (e) (which relates to the application of surplus income) shall be omitted, and at the end of that paragraph the following paragraph shall be inserted:—

"(f) If from time to time there is any income of the Chequers Trust Fund which in the opinion of the Administrative Trustees is not required to meet the payments mentioned in the last preceding paragraph or to be set aside for meeting future payments thereunder the Administrative Trustees shall direct that income to be added to the capital of the Fund and it shall be paid to the Public Trustee and held by him as part of the Fund accordingly."

10. The following clauses shall be inserted after clause 8 of the deed:—

"8A. For the purposes of section twenty-nine of the Settled Land Act 1925 the trusts hereof shall be deemed to be public trusts and accordingly the powers referred to in subsection (1) of that section shall be exercisable by the administrative trustees in relation to the Chequers Estate PROVIDED that the powers to sell lease or exchange land and the power to raise money on the security of land—

- (a) shall not apply to the mansion house or to the gardens adjacent thereto or any part thereof, and
- (b) shall not be exercised in respect of any other part of the Chequers Estate unless the transaction has previously been approved by the person who (on the date of the contract of sale or other contract in question) is the Prime Minister.

8b. The administrative trustees shall secure that all woodlands for the time being comprised in the Chequers Estate shall be managed in accordance with the rules or practice of good forestry.

8c. Without prejudice to the generality of clause 8A hereof the administrative trustees shall have power to cut and sell any timber on the Chequers Estate but where any such timber is sold by the administrative trustees the whole of the net proceeds of sale shall be treated as capital money arising as mentioned in clause 6A hereof and shall be paid to the Public Trustee accordingly.

8d. The purposes for which money may be raised by mortgage shall (in addition to the purposes authorised by section seventy-one of the Settled Land Act 1925) include the payment of any compensation from time to time payable in respect of any part of the Chequers Estate under the Agricultural Holdings Act 1948.

8e. The administrative trustees may sell any of the chattels from time to time vested in the custodian trustee upon the trusts hereof and where any such chattels are sold the net proceeds of sale may either be dealt with as capital money in accordance with clause 6A hereof or may be applied as if they were income of the Chequers Trust Fund or may be invested by the administrative trustees in the purchase of other chattels of the same or any other nature which when purchased shall be held by the custodian trustee upon and subject to the same trusts and powers as the chattels sold PROVIDED that the power to sell chattels under this clause shall not be exercised except in pursuance of a decision of the trustees in which the chairman of the trustees concurs."

11. Clause 9 of the deed (which relates to the tenure of office of the administrative trustees) shall be omitted and the following clause shall be inserted in place thereof:—

"9. The administrative trustees may act notwithstanding a vacancy among their members."

12. The following clauses shall be substituted for clauses 10 to 13 of the deed (which relate to meetings of the administrative trustees):—

"10. The person who is for the time being the Lord Privy Seal shall be the chairman of the administrative trustees but if he is absent from any meeting of the administrative trustees such of the trustees as are present at the meeting may choose one of their number to be their chairman for the purposes of that meeting.

11. Any of the powers of the administrative trustees may be exercised at a duly convened meeting of the trustees at which two or more of the trustees are present notwithstanding that one or more of the trustees are not present at the meeting or that the decision to exercise the power is taken by those present and voting or a majority of them and that one or more of the administrative trustees do not concur therein PROVIDED that in relation to the power conferred by clause 8E hereof this clause shall have effect subject to the proviso to that clause.

12. Subject to the provisions of these presents the administrative trustees may regulate their own procedure.”

13. In clause 15 of the deed (which restricts the making of changes in the mansion house of Chequers) the following paragraph shall be substituted for paragraphs (b) to (f):—

“(b) In the exercise of their powers of sale leasing exchange and raising money in relation to land comprised in the Chequers Estate (other than the mansion house and the gardens adjacent thereto) and of their powers under clauses 8c and 8E hereof and generally in the exercise of their powers of management the administrative trustees shall have regard to the need for preserving the enjoyment of the mansion house and the gardens adjacent thereto as a suitable country residence for the Prime Minister and in particular shall refrain from making any avoidable change in the distinctive features and character of the said mansion house and gardens.”

14. The following clause shall be inserted after clause 15 of the deed :—

“15A. For the purposes of the application of any provisions of the Settled Land Act 1925 in accordance with any of the preceding clauses hereof (including the application of any such provisions by virtue of section twenty-nine of that Act in accordance with clause 8A hereof) any reference in those provisions to the settlement shall be construed as a reference to these presents and any reference to the settled land shall be construed as a reference to the Chequers Estate.”

15. Clauses 17 and 18 of the deed (which relate respectively to the management of woods shrubberies and trees and to the sale of property comprised in the Chequers Estate) shall be omitted.

16. Clause 19 of the deed (which confers powers for adding to or modifying certain provisions of the deed) shall be omitted.

17. Clause 21 of the deed (whereby the deed was made conditional upon the passing of an Act confirming it) shall be omitted.

18. In the deed, as amended by the preceding provisions of this Schedule, any reference to the Chequers Estate shall (notwithstanding the definition of that expression in the recitals in the deed) be construed as a reference to so much of the hereditaments conveyed by the indenture dated the fifth day of April one thousand nine hundred and seventeen referred to in the said recitals as for the time being remains vested in the custodian trustee (as defined by the deed as so amended) in his capacity as custodian trustee thereunder.

CHAPTER 61

An Act to amend the law of Scotland relating to the power of the courts to order payment of interest on damages. [1st August, 1958]

BE it enacted by the Queen'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 of courts to grant interest on damages.

1.—(1) Where the court having jurisdiction in any action for damages pronounces an interlocutor decerning for payment by any person of a sum of money as damages, the interlocutor may, if the circumstances warrant such a course, include decree for payment by that person of interest on the sum or any part thereof at such rate as may be specified in the interlocutor, from such date as may be so specified (being a date not earlier than the date on which the action was commenced against that person) until the date of the interlocutor.

(2) Nothing in this section shall—

- (a) authorise the granting of interest upon interest, or
- (b) prejudice any other power of the court as to the granting of interest, or
- (c) affect the running of any interest which apart from this section would run by virtue of any enactment or rule of law.

Amendment of s. 31 of Sheriff Courts (Scotland) Act, 1907. 7 Edw. 7. c. 51.

2. Section thirty-one of the Sheriff Courts (Scotland) Act, 1907 (which among other things specifies the grounds on which an interlocutor of a sheriff entering judgment under that section may be appealed to the Court of Session) shall have effect as if after head (4) thereof there were inserted the following head—

“(5) That no grant of interest on the damages (if any) has been included in the interlocutor or that any such grant so included is inadequate or is excessive.”

and as if there were added at the end of the section the words “and upon any such appeal so far as based on the ground specified in head (5) of this section the court may make such order as to it seems just.”

Citation, interpretation, extent and commencement.

3.—(1) This Act may be cited as the Interest on Damages (Scotland) Act, 1958.

(2) In this Act references to an action include references to a counter-claim, and for the purposes of this Act an action shall be taken to commence against a person on the date of the citation of that person, or, in the case of a counter-claim, the date of the lodging of the defences or other document containing the counter-claim, or, when the counter-claim is included in the record by way of adjustment or amendment, the closing, or, as the case may be, the re-closing, of the record.

(3) This Act shall extend to Scotland only, and shall not apply to any action commenced against any person before the passing of this Act.

CHAPTER 62*Merchant Shipping (Liability of Shipowners and Others) Act, 1958*

ARRANGEMENT OF SECTIONS

Section

1. Increase in liability of shipowners and others.
 2. Amendments as to nature of liability limited by Merchant Shipping Act, 1894, s. 503.
 3. Extension to other persons of provisions applying to shipowners.
 4. Unregistered ships and ships in course of completion or construction.
 5. Release of ship, etc.
 6. Restriction on enforcement after giving of security.
 7. Distribution of limitation fund.
 8. Minor and consequential amendments and repeals.
 9. Saving for occurrences taking place before commencement.
 10. Provisions as to Northern Ireland.
 11. Application to British possessions, etc.
 12. Construction, short title and citation.
- SCHEDULE—Enactments repealed.

An Act to amend Part VIII of the Merchant Shipping Act, 1894, and section two of the Merchant Shipping (Liability of Shipowners and others) Act, 1900; and for purposes connected therewith.

[1st August, 1958]

BE it enacted by the Queen'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 ascertaining the limits set to the liability of any persons by section five hundred and three of the Merchant Shipping Act, 1894, or section two of the Merchant Shipping (Liability of Shipowners and others) Act, 1900, there shall be substituted—

- (a) for the amount of fifteen pounds mentioned in the said section five hundred and three, an amount equivalent to three thousand one hundred gold francs;
- (b) for each of the amounts of eight pounds mentioned in the said sections, an amount equivalent to one thousand gold francs;

and the number by which the amount substituted by paragraph (a) of this subsection is to be multiplied shall be three hundred in any case where the tonnage concerned is less than three hundred tons.

(2) For the purposes of this section a gold franc shall be taken to be a unit consisting of sixty-five and a half milligrams of gold of millesimal fineness nine hundred.

(3) The Minister of Transport and Civil Aviation may from time to time by order made by statutory instrument specify the amounts which for the purposes of this section are to be taken as equivalent to three thousand one hundred and one thousand gold francs respectively.

(4) Where money has been paid into court (or, in Scotland, consigned in court) in respect of any liability to which a limit is set as aforesaid, the ascertainment of that limit shall not be affected by a subsequent variation of the amounts specified under subsection (3) of this section unless the amount paid or consigned was less than that limit as ascertained in accordance with the order then in force under that subsection.

Amendments
as to nature
of liability
limited by
Merchant
Shipping
Act, 1894
s. 503.

2.—(1) In subsection (1) of section five hundred and three of the Merchant Shipping Act, 1894, the following paragraphs shall be substituted for paragraphs (c) and (d)—

“(c) where any loss of life or personal injury is caused to any person not carried in the ship through the act or omission of any person (whether on board the ship or not) in the navigation or management of the ship or in the loading, carriage or discharge of its cargo or in the embarkation, carriage or disembarkation of its passengers, or through any other act or omission of any person on board the ship ;

(d) where any loss or damage is caused to any property (other than any property mentioned in paragraph (b) of this subsection) or any rights are infringed through the act or omission of any person (whether on board the ship or not) in the navigation or management of the ship, or in the loading, carriage or discharge of its cargo or in the embarkation, carriage or disembarkation of its passengers, or through any other act or omission of any person on board the ship ;”

and for the words “loss of or damage to vessels, goods, merchandise or other things”, both where they occur in paragraph (i) and where they occur in paragraph (ii), there shall be substituted the words “such loss, damage or infringement as is mentioned in paragraphs (b) and (d) of this subsection”.

(2) For the purposes of the said subsection (1), where any obligation or liability arises—

(a) in connection with the raising, removal or destruction of any ship which is sunk, stranded or abandoned or of anything on board such a ship, or

(b) in respect of any damage (however caused) to harbour works, basins or navigable waterways,

the occurrence giving rise to the obligation or liability shall be treated as one of the occurrences mentioned in paragraphs (b)

and (d) of that subsection, and the obligation or liability as a liability to damages.

(3) The application of the said section five hundred and three to any liability shall not be excluded by reason only that the occurrence giving rise to the liability was not due to the negligence of any person.

(4) Nothing in the said section five hundred and three shall apply to any liability in respect of loss of life or personal injury caused to, or loss of or damage to any property or infringement of any right of, a person who is on board or employed in connection with the ship under a contract of service with all or any of the persons whose liabilities are limited by that section, if that contract is governed by the law of any country outside the United Kingdom and that law either does not set any limit to that liability or sets a limit exceeding that set to it by that section.

(5) Paragraph (a) of subsection (2) of this section shall not come into force until such day as the Minister of Transport and Civil Aviation may by order made by statutory instrument appoint.

(6) The Minister of Transport and Civil Aviation may by order make provision for the setting up and management of a fund, to be used for the making to harbour or conservancy authorities of payments needed to compensate them for the reduction, in accordance with paragraph (a) of subsection (2) of this section, of amounts recoverable by them in respect of the obligations and liabilities mentioned in that paragraph, and to be maintained by contributions from such authorities raised and collected by them in respect of vessels in like manner as other sums so raised by them; and any such order may contain such incidental and supplementary provisions as appear to the Minister to be necessary or expedient.

(7) The power to make an order under subsection (6) of this section shall include power to vary or revoke any such order by a subsequent order and any such power shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

3.—(1) The persons whose liability in connection with a ship is excluded or limited by Part VIII of the Merchant Shipping Act, 1894, shall include any charterer and any person interested in or in possession of the ship, and, in particular, any manager or operator of the ship. Extension to other persons of provisions applying to shipowners.

(2) In relation to a claim arising from the act or omission of any person in his capacity as master or member of the crew or (otherwise than in that capacity) in the course of his employment

as a servant of the owners or of any such person as is mentioned in subsection (1) of this section,—

- (a) the persons whose liability is excluded or limited as aforesaid shall also include the master, member of the crew or servant, and, in a case where the master or member of the crew is the servant of a person whose liability would not be excluded or limited apart from this paragraph, the person whose servant he is; and
- (b) the liability of the master, member of the crew or servant himself shall be excluded or limited as aforesaid notwithstanding his actual fault or privity in that capacity, except in the cases mentioned in paragraph (ii) of section five hundred and two of the said Act of 1894.

Unregistered ships and ships in course of completion or construction.

4.—(1) Part VIII of the Merchant Shipping Act, 1894, shall apply to any structure, whether completed or in course of completion, launched and intended for use in navigation as a ship or part of a ship, and the expression “ship” in the said Part VIII and in this Act shall be construed accordingly.

(2) The said Part VIII shall apply to any British ship notwithstanding that it has not yet been registered.

(3) The tonnage of any ship or structure to which the said Part VIII applies by virtue of this section shall, for the purposes of that Part, be ascertained as provided by subsection (2) of section five hundred and three of the said Act of 1894 with regard to foreign ships.

Release of ship, etc.

5.—(1) Where a ship or other property is arrested in connection with a claim which appears to the court to be founded on a liability to which a limit is set by section five hundred and three of the Merchant Shipping Act, 1894, or security is given to prevent or obtain release from such an arrest, the court may, and in the circumstances mentioned in subsection (3) of this section shall, order the release of the ship, property or security, if the conditions specified in subsection (2) of this section are satisfied; but where the release is ordered the person on whose application it is ordered shall be deemed to have submitted to the jurisdiction of the court to adjudicate on the claim (or, in Scotland, to have prorogated that jurisdiction).

(2) The said conditions are—

- (a) that security which in the opinion of the court is satisfactory (in this section referred to as “guarantee”) has previously been given, whether in the United Kingdom or elsewhere, in respect of the said liability or any other liability incurred on the same occasion and the court is satisfied that, if the claim is established, the

amount for which the guarantee was given or such part thereof as corresponds to the claim will be actually available to the claimant ; and

- (b) that either the guarantee is for an amount not less than the said limit or further security is given which, together with the guarantee, is for an amount not less than that limit.

(3) The circumstances mentioned in subsection (1) of this section are that the guarantee was given in a port which, in relation to the claim, is the relevant port (or, as the case may be, a relevant port) and that that port is in a Convention country.

(4) For the purposes of this section—

- (a) a guarantee given by the giving of security in more than one country shall be deemed to have been given in the country in which security was last given ;
- (b) any question whether the amount of any security is (either by itself or together with any other amount) not less than any limit set by section five hundred and three of the Merchant Shipping Act, 1894, shall be decided as at the time at which the security is given ;
- (c) where part only of the amount for which a guarantee was given will be available to a claimant that part shall not be taken to correspond to his claim if any other part may be available to a claimant in respect of a liability to which no limit is set as mentioned in subsection (1) of this section.

(5) In this section—

“ Convention country ” means any country in respect of which the Convention is in force (including any country to which the Convention extends by virtue of Article 14 thereof) ;

“ relevant port ”—

(a) in relation to any claim, means the port where the event giving rise to the claim occurred or, if that event did not occur in a port, the first port of call after the event occurred ; and

(b) in relation to a claim for loss of life or personal injury or for damage to cargo, includes the port of disembarkation or discharge.

“ the Convention ” means the International Convention relating to the Limitation of the Liability of Owners of Seagoing Ships signed in Brussels on the tenth day of October, nineteen hundred and fifty-seven.

(6) If Her Majesty by Order in Council declares that any country specified in the Order is a Convention country within

the meaning of this section, the Order shall, while in force, be conclusive evidence that the country is a Convention country; but any Order in Council under this section may be varied or revoked by a subsequent Order in Council.

(7) In the application of this section to Scotland the references to arrest shall be construed as referring to arrestment on the dependence of an action or in rem and for the references to release from arrest or to the ordering of such a release there shall be substituted references to the recall of an arrestment.

Restriction on enforcement after giving of security.

6.—(1) No judgment or decree for a claim founded on a liability to which a limit is set by section five hundred and three of the Merchant Shipping Act, 1894, shall be enforced, except so far as it is for costs (or, in Scotland, expenses), if security for an amount not less than the said limit has been given, whether in the United Kingdom or elsewhere, in respect of the liability or any other liability incurred on the same occasion and the court is of opinion that the security is satisfactory and is satisfied that the amount for which it was given or such part thereof as corresponds to the claim will be actually available to the person in whose favour the judgment or decree was given or made.

(2) For the purposes of this section—

- (a) any question whether the amount of any security is not less than any limit set by section five hundred and three of the Merchant Shipping Act, 1894, shall be decided as at the time at which the security is given;
- (b) where part only of the amount for which security has been given will be available to the person in whose favour the judgment or decree was given or made that part shall not be taken to correspond to his claim if any other part may be available to a claimant in respect of a liability to which no limit is set as mentioned in subsection (1) of this section.

Distribution of limitation fund.

7.—(1) In making any distribution in accordance with section five hundred and four of the Merchant Shipping Act, 1894, the court may, if it thinks fit, postpone the distribution of such part of the amount to be distributed as it deems appropriate having regard to any claims that may later be established before a court of any country outside the United Kingdom.

(2) No lien or other right in respect of any ship or property shall affect the proportions in which under the said section five hundred and four any amount is distributed amongst several claimants.

8.—(1) In section five hundred and two of the Merchant Shipping Act, 1894, the word “sea-going” shall be omitted. Minor and consequential amendments and repeals.

(2) For subsection (3) of section five hundred and three of the Merchant Shipping Act, 1894, there shall be substituted the following subsection—

“ (3) The limits set by this section to the liabilities mentioned therein shall apply to the aggregate of such liabilities which are incurred on any distinct occasion, and shall so apply in respect of each distinct occasion without regard to any liability incurred on another occasion.”

(3) In section five hundred and four of the Merchant Shipping Act, 1894, for the words “in respect of loss of life, personal injury or loss of or damage to vessels or goods” there shall be substituted the words “in respect of any occurrence in respect of which his liability is limited under section five hundred and three of this Act”.

(4) In Part VIII of the Merchant Shipping Act, 1894, the expression “owner” shall be construed as including, where it occurs in section five hundred and two, every person whose liability is excluded by section three of this Act, and elsewhere, except in the second place where it occurs in section five hundred and five, every person whose liability is limited by that section.

(5) In section five of the Crown Proceedings Act, 1947, the following shall be substituted for paragraph (a) of subsection (6)—

“(a) any structure to which Part VIII of that Act is applied by section four of the Merchant Shipping (Liability of Shipowners and Others) Act, 1958; and”

and in subsection (8) for the reference to the Merchant Shipping (Liability of Shipowners) Act, 1898, there shall be substituted a reference to sections three and four of this Act.

(6) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

9. Nothing in this Act applies in relation to any liability arising from an occurrence which took place before the commencement of this Act. Saving for occurrences taking place before commencement.

10.—(1) This Act extends to Northern Ireland. Provisions as to Northern Ireland.

(2) In the application of this Act to Northern Ireland the reference in section eight to the Crown Proceedings Act, 1947, is a reference to that Act as it applies in Northern Ireland.

(3) For the purposes of section six of the Government of Ireland Act, 1920 (which relates to the powers of the Parliament of Northern Ireland to make laws), this Act shall be deemed to have been passed before the day appointed for the purposes of that section.

Application to British possessions, etc.

11.—(1) Her Majesty may by Order in Council direct that the provisions of this Act, and (so far as they do not so extend apart from the Order) the existing limitation enactments, shall extend, with such exceptions, adaptations and modifications as may be specified in the Order, to—

- (a) the Isle of Man ;
- (b) any of the Channel Islands ;
- (c) any colony, or any country or place outside Her Majesty's dominions in which for the time being Her Majesty has jurisdiction, or any territory consisting partly of one or more colonies and partly of one or more such countries or places.

(2) In this section " the existing limitation enactments " means Part VIII of the Merchant Shipping Act, 1894, section two of the Merchant Shipping (Liability of Shipowners and others) Act, 1900, and any incidental or supplementary provisions of any enactment applying the said Part or section.

Construction, short title and citation.

12.—(1) Any reference in this Act to any other enactment is a reference thereto as amended, and includes references thereto as applied, by or under any subsequent enactment, including, except where the context otherwise requires, this Act.

(2) This Act shall be construed as one with the Merchant Shipping Acts, 1894 to 1954.

(3) This Act may be cited as the Merchant Shipping (Liability of Shipowners and Others) Act, 1958, and this Act and the Merchant Shipping Acts, 1894 to 1954 may be cited together as the Merchant Shipping Acts, 1894 to 1958.

SCHEDULE

Section 8.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
57 & 58 Vict. c. 60.	The Merchant Shipping Act, 1894.	In section five hundred and two, the word "sea-going". Section five hundred and eight.
61 & 62 Vict. c. 14.	The Merchant Shipping (Liability of Shipowners) Act, 1898.	The whole Act.
63 & 64 Vict. c. 32.	The Merchant Shipping (Liability of Shipowners and others) Act, 1900.	Section one.
6 Edw. 7. c. 48.	The Merchant Shipping Act, 1906.	Sections seventy and seventy-one.
11 & 12 Geo. 5. c. 28.	The Merchant Shipping Act, 1921.	Subsection (2) of section one.

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Table of Statutes referred to in this Act

Short Title	Session and Chapter
Merchant Shipping Act, 1894	57 & 58 Vict. c. 60.
Merchant Shipping (Liability of Shipowners) Act, 1898	61 & 62 Vict. c. 14.
Merchant Shipping (Liability of Shipowners and others) Act, 1900	63 & 64 Vict. c. 32.
Government of Ireland Act, 1920	10 & 11 Geo. 5. c. 67.
Crown Proceedings Act, 1947	10 & 11 Geo. 6. c. 44.

CHAPTER 63*Park Lane Improvement Act, 1958***ARRANGEMENT OF SECTIONS****Section**

1. Power of London County Council to carry out works.
2. Works to be carried out in accordance with deposited plans and sections.
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4. Works in Hyde Park and the Green Park.
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Section

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- SCHEDULE—Strengthening of buildings.

An Act to authorise the London County Council to carry out certain street improvements in the vicinity of Park Lane partly on lands comprised in Hyde Park and the Green Park and partly on other lands; and for purposes connected therewith. [1st August, 1958]

BE it enacted by the Queen'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 of London County Council to carry out works.

1. Subject to the provisions of this Act, the London County Council (in this Act referred to as "the Council") are hereby authorised to carry out the following works (in this Act referred to by the names respectively given to them for the purposes of this Act by this section), that is to say—

The Hyde Park carriageway. A new street starting at a point in Bayswater Road about 75 yards east of the junction thereof with Stanhope Place and ending at a point about 137 yards north of the junction of Knightsbridge and Grosvenor Place.

The Underpass. A new link, partly underground, between Piccadilly and Knightsbridge, consisting of—

The Underpass (Piccadilly approach). A new street starting by a junction with Piccadilly at a point about 50 yards east of the junction of Piccadilly and Park Lane and ending about 97 yards south-west of the junction of Piccadilly and Park Lane ;

The Underpass (northern tunnel). A tunnel starting by a junction with the end of the Underpass (Piccadilly approach) and ending at a point about 110 yards west of the junction of Knightsbridge and Grosvenor Place ;

The Underpass (southern tunnel). A tunnel starting by a junction with the end of the Underpass (Piccadilly approach) and ending at a point about 110 yards west of the junction of Knightsbridge and Grosvenor Place; and

The Underpass (Knightsbridge approach). A new street starting at a point about 106 yards east of the junction of Wilton Place and Knightsbridge and ending by a junction with the ends of the said tunnels.

The Underpass (ventilating tunnel). A tunnel for the ventilation of the underground parts of the Underpass, starting at a point about 65 yards north-west of the Wellington Arch and ending immediately under the said Arch.

The Tyburn link. A new street starting by a junction with Marble Arch at a point about 10 yards east of the junction of Marble Arch and Edgware Road and ending by a junction with the Hyde Park carriageway at a point about 135 yards west of the junction of Park Lane and North Row.

The Marble Arch processional route. A new street starting at the junction of Oxford Street and Marble Arch and ending by a junction with the Hyde Park carriageway at a point about 55 yards west of the junction of Park Lane and North Row.

The North Row link. A new street starting at the junction of Park Lane and North Row and ending by a junction with the Hyde Park carriageway at the junction thereof with the Marble Arch processional route.

The Brook Street Gate link. A new street starting by a junction with Park Lane at the junction thereof with Upper Brook Street and ending by a junction with the Hyde Park carriageway at a point about 63 yards south-west of the junction of Park Lane and Upper Brook Street.

The Grosvenor Gate link. A new street starting by a junction with Park Lane at the junction thereof with Upper Grosvenor Street and ending by a junction with the Hyde Park carriageway at a point about 45 yards west of the junction of Park Lane and Upper Grosvenor Street.

The Stanhope Gate link. A new street starting by a junction with Park Lane at Stanhope Gate and ending by a junction with the Hyde Park carriageway at a point about 37 yards south-west of the junction of Park Lane and Stanhope Gate.

The Apsley carriageway. A new street starting by a junction with Park Lane at a point about 27 yards south-east of the junction of Park Lane and Curzon Street and

ending by a junction with Piccadilly at a point about 95 yards west of the junction of Piccadilly and Hamilton Place.

The northern Apsley link. A new street starting by a junction with the Apsley carriageway at a point about 57 yards south-east of the junction of Park Lane and Curzon Street and ending by a junction with the Hyde Park carriageway at a point about 100 yards south of the Stanhope Gate.

The central Apsley link. A new street starting by a junction with the Apsley carriageway at a point about 230 yards north-east of the junction of Knightsbridge and Grosvenor Place and ending by a junction with the Hyde Park carriageway at a point about 217 yards north of the junction of Knightsbridge and Grosvenor Place.

The southern Apsley link. A new street starting by a junction with the Apsley carriageway at a point about 163 yards north-east of the junction of Knightsbridge and Grosvenor Place and ending by a junction with the Hyde Park carriageway at a point about 145 yards north of the junction of Knightsbridge and Grosvenor Place.

The Green Park carriageway. A new street starting by a junction with Piccadilly at a point about 40 yards east of the junction of Piccadilly and Down Street and ending by a junction with Grosvenor Place at a point about 57 yards south-east of the junction of Grosvenor Place and Grosvenor Crescent.

The Wellington Arch processional route. A new street starting by a junction with Constitution Hill at the junction thereof with the Green Park carriageway and ending at a point about 20 yards east of the junction of Knightsbridge and Grosvenor Place.

The Knightsbridge widening. A widening of Knightsbridge on the northern side starting at the junction of Knightsbridge and Grosvenor Place and ending at the junction of Knightsbridge and Wilton Place.

The northern Tyburn subway. A subway for pedestrians, passing under Bayswater Road at an angle of about 90 degrees thereto, at a point about 45 yards west of the junction thereof with Edgware Road.

The southern Tyburn subway. A subway for pedestrians, passing under the Hyde Park carriageway at an angle of about 90 degrees thereto, at a point about 57 yards west of the junction thereof with the Tyburn link.

The eastern Tyburn subway. A subway for pedestrians, passing under the Tyburn link at an angle of about 90

degrees thereto, at a point about 40 yards south of the junction thereof with Marble Arch.

The North Row subway. A subway for pedestrians, starting at a point under the western side of the Hyde Park carriageway about 73 yards south-west of the junction of Park Lane and North Row and ending at a point about 35 yards west of the said junction.

The Green Street subway. A subway for pedestrians, starting under the western side of the Hyde Park carriageway at a point about 167 yards south of the Marble Arch and ending under the eastern side of Park Lane at a point about 20 yards south of the junction thereof with Green Street.

The Aldford Street subway. A subway for pedestrians, starting under the western side of the Hyde Park carriageway at a point about 53 yards south-west of the junction of Park Lane and Aldford Street, and ending at a point under Aldford Street at the junction thereof with Park Lane.

The Pitt's Head Mews subway. A subway for pedestrians, starting at a point under the western side of the Hyde Park carriageway about 92 yards west of the junction of Park Lane and Pitt's Head Mews and ending at a point under Park Lane near the junction thereof with Pitt's Head Mews.

The Hamilton Gardens subway. A subway for pedestrians, passing under the southern Apsley link at an angle of about 90 degrees thereto, at a point about 40 yards east of the junction thereof with the Hyde Park carriageway.

The Piccadilly subway (Part I). A subway for pedestrians, passing under the Apsley carriageway at an angle of about 90 degrees thereto, at the junction thereof with Piccadilly.

The Piccadilly subway (Part II). A subway for pedestrians, starting by a junction with the Piccadilly subway (Part I) at a point about half way along the length thereof and ending at a point about 30 yards south of that junction.

The Green Park subway. A subway for pedestrians, passing under the Green Park carriageway at an angle of about 90 degrees thereto, at a point about 113 yards east of the Wellington monument.

The Grosvenor Place subway (Part I). A subway for pedestrians, passing under Grosvenor Place at an angle of about 90 degrees thereto, at a point about 35 yards south of the junction thereof with Grosvenor Crescent.

The Grosvenor Place subway (Part II). A subway for pedestrians, starting at a point under the south side of the

Green Park carriageway at the junction thereof with Grosvenor Place and ending by a junction with the Grosvenor Place subway (Part I) at a point about half way along the length thereof.

The Hyde Park Corner subway. A subway for pedestrians, starting at a point under the footway at the corner of Knightsbridge and Grosvenor Place and ending under Grosvenor Place at a point about 30 yards eastwards of the said point.

Works to be carried out in accordance with deposited plans and sections.

2.—(1) The Council shall not carry out the works specified in section one of this Act otherwise than in the lines or situations and according to the levels shown on the plans and sections deposited in connection with the Bill for this Act with the Clerk of the Council on the thirteenth day of November, nineteen hundred and fifty-seven, and the seventeenth day of January, nineteen hundred and fifty-eight (in this Act respectively referred to as “the deposited plans” and “the deposited sections”).

Provided that, subject to the provisions of this Act, it shall be lawful, in the carrying out of the said works, to deviate from the lines or situations shown on the deposited plans to the limits of deviation so shown, and to deviate from the levels shown on the deposited sections to the extent of five feet upwards and to any extent which may be found necessary or convenient downwards.

(2) The references in the plans and sections deposited in connection with the Bill for this Act with the Clerk of the Council on the thirteenth day of November, nineteen hundred and fifty-seven, to the Underpass, the Underpass (ventilating tunnel) and the Knightsbridge widening, having been superseded by the references thereto in the plan and sections so deposited on the seventeenth day of January, nineteen hundred and fifty-eight, shall be deemed to be omitted from the said plans and sections.

Power to carry out subsidiary works, etc.

3.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans, the Council, in connection with and for the purposes of any of the works specified in section one of this Act, may—

- (a) divert, widen, or otherwise alter the line or level of any street ;
- (b) raise, sink or otherwise alter the position of any of the steps, areas, cellars, cellar-flaps, pavement-lights, gratings, boundary-walls, railings, fences, windows, sewers, drains, watercourses, pipes, spouts or wires belonging to or connected with any building, and remove any other obstruction ;

- (c) remove or alter any drinking-fountain, lamp-post, street-refuge or other erection ;
- (d) carry out works (not being the underpinning or other strengthening of a building) for the protection of any adjoining land or building ;
- (e) provide and instal street lighting equipment, traffic signs, guard-rails and places of refuge, and erect fences and walls ;
- (f) plant trees, shrubs and other vegetation ; and
- (g) carry out works for improving the appearance of a part of any adjoining building exposed by the taking down or alteration by the Council of any building.

(2) Subject as aforesaid and within the said limits of deviation, the Council, in relation to any street island formed by the carrying out of the works specified in section one of this Act, may—

- (a) alter the level of the island and provide it with a paved or other surface ;
- (b) provide and instal street lighting equipment and traffic signs, and erect guard-rails, fences and walls ;
- (c) provide and instal seats, ornamental pools, fountains, statues and monuments ; and
- (d) plant trees, shrubs and other vegetation.

(3) Subject as aforesaid and within the said limits of deviation, the Council may provide and instal apparatus for lighting, ventilating and draining the Underpass, and may, for the purpose of providing for the ventilation of the Underpass, carry out structural alterations to the Wellington Arch :

Provided that any alteration by the Council to the Wellington Arch shall be carried out to the satisfaction of the Minister of Works and shall not be such as to affect the appearance of the said Arch from the ground.

(4) Subject as aforesaid and within the said limits of deviation the Council, in connection with and for the purposes of any of the subways specified in section one of this Act, may make junctions and communications with any existing street, subway or place adjacent to any of the said subways.

(5) Subject to the provisions of the Schedule to this Act, the Council may underpin or otherwise strengthen any building within 100 feet of the Underpass or of the Underpass (ventilating tunnel) or of any of the subways specified in section one of this Act.

(6) In exercising their powers under paragraphs (b), (d) and (g) of subsection (1) of this section the Council shall cause as little

inconvenience to the occupiers of the land or building in question as the circumstances of the case will admit.

(7) The Council shall not exercise their powers under the said paragraph (g) except by agreement with the owner and lessee of the building in question.

Works in
Hyde Park
and the
Green Park.

4.—(1) The Council may, with the consent of the Minister of Works, enter upon and use such land comprised in Hyde Park and the Green Park as they may require for or in connection with the carrying out of any of the authorised works.

(2) The Minister of Works may from time to time give directions to the Council—

(a) as to the manner in which any building, fence, gate or other structure on land entered upon under the preceding subsection is to be taken down or altered by the Council for or in connection with the carrying out of the authorised works, and requiring them to deliver to a person authorised by him in that behalf such of the materials of any structure so taken down or altered as may be specified in the directions;

(b) otherwise regulating the manner in which land so entered upon is used by the Council for or in connection with the carrying out of the authorised works; and

(c) requiring the Council to vacate land so entered upon (not being land forming the site of any of the authorised works) on or before a date specified in the directions, and to restore the land as nearly as may be practicable to its former condition before it is vacated,

and the Council shall comply with any directions so given.

(3) Nothing in the preceding provisions of this Act shall be taken to entitle the Council to take possession of any land entered upon under subsection (1) of this section, or to affect the operation, in relation to such land, of the Parks Regulation Acts, 1872 and 1926, or regulations made thereunder, but the Minister of Works may, if he thinks fit, by order adapt or supplement the said regulations for the purpose of making such provision as he may consider necessary or expedient in connection with the carrying out of the authorised works.

(4) The power to make orders under the last preceding subsection shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament; and any order made under the said subsection may be varied or revoked by a subsequent order made thereunder.

5. The Lands Clauses Acts (other than the excepted provisions), in so far as they are applicable for the purposes of this Act and are not inconsistent with the provisions thereof, are hereby incorporated with this Act; and in construing those Acts as so incorporated this Act shall be deemed to be the special Act and references to the promoters of the undertaking shall be construed as references to the Council.

Incorporation
of Lands
Clauses Acts.

In this section "the excepted provisions" means the following provisions of the Act of 1845, namely section ninety-two (which provides that no person shall be required to sell part only of a building), sections one hundred and twenty-seven to one hundred and thirty-two (which relate to the sale of superfluous land), section one hundred and thirty-three (which provides for making good deficiencies in local rates) and sections one hundred and fifty and one hundred and fifty-one (which relate to access to the special Act).

6.—(1) The Council are hereby authorised to acquire by agreement any interest, being an interest vested in the Crown, in such of the Piccadilly lands, the Knightsbridge lands and the Hamilton Place lands as may be required for the construction of the Apsley carriageway, the Underpass, the Hyde Park Corner subway and the Piccadilly subway (Parts I and II).

Power to
acquire land

(2) Subject to the provisions of this Act, the Council are hereby authorised to acquire either compulsorily or by agreement the following interests in land—

- (a) any interest (other than an interest vested in the Crown) in such of the Piccadilly lands and the Hamilton Place lands as may be required for the construction of the Apsley carriageway and the Piccadilly subway (Parts I and II);
- (b) any interest (other than an interest vested in the Crown) in such of the Knightsbridge lands as may be required for the construction of the Underpass, the Hyde Park Corner subway and the Knightsbridge widening;
- (c) any interest in such of the Grosvenor Place lands as may be required for the construction of the Grosvenor Place subway (Part I);
- (d) any interest in such of the Park Lane lands as may be required for the construction of the Green Street subway; and
- (e) any interest in such of the Bayswater lands as may be required for the construction of the northern Tyburn subway.

(3) No person shall be required by virtue of this section to sell an interest in a part only of any house or other building, or of

a garden belonging to a house, if he is willing and able to sell an equivalent interest in the whole of the building or garden unless the Lands Tribunal determines—

- (a) in the case of a building, that such part as is proposed to be taken can be taken without material detriment to the remainder of the building ; or
 - (b) in the case of a garden, that such part as is proposed to be taken can be taken without seriously affecting the amenity or convenience of the house to which it belongs.
- (4) In this section—

“ the Bayswater lands ” means the lands situate in the metropolitan borough of Paddington which are delineated on the deposited plans and described in the book of reference deposited on the thirteenth day of November, nineteen hundred and fifty-seven, and therein numbered in relation to the said borough 2 ;

“ the Grosvenor Place lands ” means the lands situate in the city of Westminster which are delineated on the deposited plans and described in the book of reference deposited on the said thirteenth day of November and therein numbered in relation to the said city 39 and 40 ;

“ the Hamilton Place lands ” means the lands situate in the city of Westminster which are delineated on the deposited plans and described in the book of reference deposited on the said thirteenth day of November and therein numbered in relation to the said city 23 and 24 ;

“ the Knightsbridge lands ” means the lands situate in the city of Westminster which are delineated on the deposited plans and described in the book of reference deposited on the seventeenth day of January, nineteen hundred and fifty-eight, and therein numbered in relation to the said city 30 to 34, 36 and 44 to 48 ;

“ the Park Lane lands ” means the lands situate in the city of Westminster which are delineated on the deposited plans and described in the book of reference deposited on the thirteenth day of November, nineteen hundred and fifty-seven, and therein numbered in relation to the said city 9 ;

“ the Piccadilly lands ” means the lands situate in the city of Westminster which are delineated on the deposited plans and described in the book of reference deposited on the said thirteenth day of November and therein numbered in relation to the said city 25.

7.—(1) Any person authorised by the Council in that behalf may at all reasonable times enter on any land an interest in which may be acquired under section six of this Act for the purpose of surveying or valuing the land: Supplemental provisions as to acquisition of land.

Provided that no land shall be entered on under this subsection unless the Council, not less than twenty-four hours before the first entry and not less than twelve hours before any subsequent entry, have given notice to the owner and occupier of the land.

(2) At any time after serving a notice to treat in respect of any land an interest in which may be acquired compulsorily under the said section six, but not less than two months after giving the owner and occupier thereof notice of their intention to exercise the powers of this subsection, the Council may enter on and take possession of the land or such part thereof as is specified in the last-mentioned notice without previous consent and without compliance with sections eighty-four to ninety of the Act of 1845 (which prohibit entry before payment of compensation or a deposit):

Provided that the Council shall pay the like compensation for land of which possession is taken under this subsection and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

(3) Any private right of way over land an interest in which may be acquired compulsorily under the said section six shall be extinguished on the acquisition thereunder (whether compulsorily or by agreement) of any such interest; and any person who suffers loss by reason of the extinguishment thereof shall be entitled to be paid by the Council compensation to be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

(4) In determining any question of disputed compensation or purchase money in respect of an interest in land acquired compulsorily under the said section six the Lands Tribunal shall not take into account—

(a) any improvement or alteration made or building erected after the fourteenth day of November, nineteen hundred and fifty-seven, or

(b) any interest in the land created after that date,

which in the opinion of the tribunal was not reasonably necessary and was made, erected or created with a view to obtaining or increasing the compensation or purchase money.

(5) In relation to any of the lands situate in the city of Westminster which are delineated on the deposited plans and

described in the book of reference deposited on the seventeenth day of January, nineteen hundred and fifty-eight, and therein numbered in relation to the said city 44 to 48, the last preceding subsection shall have effect as if, for the reference in paragraph (a) thereof to the fourteenth day of November, nineteen hundred and fifty-seven, there were substituted a reference to the said seventeenth day of January.

Power to use
subsoil of
streets.

8. Subject to the provisions of this Act, the Council may enter upon, take, use and appropriate so much of the subsoil and under-surface of any street within the limits of deviation shown on the deposited plans as is necessary for the carrying out of any of the authorised works without being required to purchase the said subsoil or under-surface or any easement therein or thereover.

Temporary
interference
with streets
and subways.

9.—(1) Subject to the provisions of this Act, the Council may for the purpose of carrying out the authorised works and within the limits of deviation shown on the deposited plans temporarily stop up, open, break up or interfere with, or alter or divert, the whole or any part of any street or subway, and may carry out and do all necessary works and things for or in connection with the stopping up, opening, breaking up, interference, alteration or diversion, and for keeping the street or subway open for traffic.

(2) The Council shall provide reasonable access for all persons going to or returning from premises in any street affected by the exercise of the powers conferred by this section.

Permanent
stopping up,
etc., of streets.

10.—(1) Where the site of any of the authorised works consists of or comprises a street, the Council, for the purposes of the said work, may, within the limits of deviation shown on the deposited plans, permanently stop up or divert the street or otherwise permanently alter the public rights of way thereover:

Provided that the Council shall not so exercise their powers under this subsection as to prevent vehicles and pedestrians passing between Park Lane and Hertford Street or between Park Lane and Pitt's Head Mews.

(2) On the stopping up or diversion of a street under this section any private right of way thereover shall be extinguished, and any person who suffers loss by reason of the extinguishment thereof shall be entitled to be paid by the Council compensation to be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

Powers as to
underground
water.

11. Subject to the provisions of this Act, the Council may pump any water found by them in the carrying out of the authorised works, and may use for the discharge of any such

water any available stream, watercourse, sewer or drain, and for that purpose may within the limits of deviation shown on the deposited plans lay down, take up and alter conduits, pipes and other works and make any convenient connections with any stream, watercourse, sewer or drain.

12. In relation to any of the authorised works to which, apart from this section, the provisions contained in Part II of the Public Utilities Street Works Act, 1950 (which regulate the relations between an authority carrying out road alterations and undertakers whose apparatus is affected thereby) would not apply, the said provisions shall apply as if the works were executed in a street for road purposes and were mentioned in paragraph (a) of subsection (1) of section twenty-one of that Act.

Application of
Public Utilities
Street Works
Act, 1950.

13.—(1) If any omission, mis-statement or wrong description of any land or of the owner, lessee or occupier of any land is found to have been made in the deposited plans or in a book of reference, the Council, after giving ten days' notice to the owner, lessee and occupier of the land in question may apply to a metropolitan stipendiary magistrate for the correction thereof.

Correction
of errors in
deposited
plans or
book of
reference.

(2) If on any such application it appears to the magistrate that the omission, mis-statement or wrong description arose from mistake he shall certify the fact accordingly and shall in his certificate state the particulars of the omission or in what respect any matter is mis-stated or wrongly described.

(3) Any such certificate shall be deposited with the clerk of the Council and a copy thereof shall be deposited with the clerk of the metropolitan borough in which the land in question is situated, and thereupon the deposited plans or the book of reference, as the case may be, shall be deemed to be corrected according to the certificate and it shall be lawful for the Council in accordance with the certificate to proceed under this Act as if the said plans or book had always been in the corrected form.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the documents to which it relates.

14.—(1) This section applies to works in relation to property vested in or under the control of the Minister of Works, being works the carrying out of which is, in the opinion of that Minister, necessary or expedient in consequence of the carrying out of the authorised works, including,—

Consequential
works in
relation to
property
controlled by
Minister of
Works.

- (a) the erection, taking down or re-erection of buildings, fences, gates or other structures,
- (b) the re-alignment of roads, and
- (c) the moving of statues and monuments.

(2) The Council may agree with the Minister of Works for the carrying out by them without expense to that Minister of any works to which this section applies.

(3) The Council shall pay to the Minister of Works an amount equal to the sum of—

(a) the expenses incurred by the said Minister in making provision (otherwise than by an agreement under the last preceding subsection) for the carrying out of any works to which this section applies, and

(b) the general administrative expenses of the said Minister which are attributable to the making of such provision.

(4) Notwithstanding anything contained in the Wellington Museum Act, 1947 (which vests in the Minister of Works the property forming Apsley House and the site, forecourt and garden thereof, and imposes on that Minister certain duties with respect to the maintenance of the said property), but without prejudice to the powers of the Minister of Works under that Act, that Minister, if in his opinion it is necessary or expedient to do so in consequence of the carrying out of the authorised works, may provide, whether by an agreement under subsection (2) of this section or in any other manner, for the taking down of the projecting structure on the south-eastern corner of the front of Apsley House and for the incorporation in the footway, to such extent as he thinks fit, of the site of the said structure and of the forecourt of Apsley House.

Improvements
to become
highways.

15.—(1) When any of the authorised works is completed a certificate thereof shall be issued under the seal of the Council, and any duly authenticated copy of the certificate shall in all proceedings and for all purposes be admissible and received as evidence that the certificate has been duly made and that the work to which the certificate relates has been completed.

(2) Where a certificate issued under the preceding subsection relates to a work which consists of or comprises a carriageway, footway, subway or street island, or any part thereof, the carriageway, footway, subway or street island or that part thereof, as the case may be, shall, subject to the provisions of this Act, be or form part of a highway repairable by the inhabitants at large, and may, subject as aforesaid, be used by the public:

Provided that this subsection shall not apply to the Marble Arch processional route or the Wellington Arch processional route.

(3) Where by virtue of the last preceding subsection the Underpass becomes a highway repairable by the inhabitants at large the functions of maintenance and the other functions of a highway authority in relation thereto shall be exercised by the Council and not by the Westminster City Council:

Provided that the Council may by agreement with the Westminster City Council transfer the functions conferred on

them by this subsection to the Westminster City Council, and on the making of such an agreement the Council shall cease to be the highway authority for the Underpass and the Westminster City Council shall become the highway authority therefor.

(4) The Westminster City Council shall be under a duty to maintain the Marble Arch processional route and the Wellington Arch processional route, and section eighty-six of the Public Health (London) Act, 1936 (which provides for the cleaning and watering of streets) shall apply in relation thereto as it applies in relation to streets which are repairable by the inhabitants at large.

The Westminster City Council shall not be under any greater liability in respect of non-repair of the said processional routes than they would be under if those routes were highways repairable by the inhabitants at large.

(5) If, within the period of five years immediately following the issue of a certificate in respect of a work under subsection (1) of this section, any subsidence of the work occurs the Council may, if an authority other than the Council is under a duty to maintain the work at the time of the subsidence, contribute towards the expenses incurred by that authority in making good the work.

16.—(1) At such time as any land comprised in Hyde Park or the Green Park becomes by virtue of section fifteen of this Act the site of a highway, the land shall cease to form part of the said park.

Provisions as to parkland forming site of, or adjacent to, new highways.

(2) On the completion of the Marble Arch processional route the land forming the site thereof, being land comprised in Hyde Park, shall cease to form part of the said park; and on the completion of the Wellington Arch processional route, the land forming the site thereof, being land comprised in the Green Park, shall cease to form part of the said park.

(3) At such time as the Apsley carriageway becomes by virtue of section fifteen of this Act a highway, the lands comprised in Hyde Park and situated to the east of the said carriageway, being the lands delineated on a map to which the official seal of the Minister of Works was affixed on the fourth day of November, nineteen hundred and fifty-seven, and thereon coloured pink, shall cease to form part of the said park.

(4) At such time as any land ceases by virtue of this section to form part of Hyde Park or the Green Park the functions of the Minister of Works in relation to that land shall determine and, subject to the following provisions of this section, the Crown Estate Commissioners shall assume the management thereof and the Crown Lands Acts, 1829 to 1936, and the

Crown Estate Act, 1956, together with any enactment for the time being modifying those Acts, shall have effect accordingly:

Provided that this subsection shall not apply as respects the functions of the Minister of Works in relation to the maintenance of the Wellington Arch and the Marble Arch, and, subject to the provisions of this Act, that Minister shall continue to exercise those functions notwithstanding that the land forming the sites of the said Arches has ceased to form part either of Hyde Park or the Green Park.

(5) Nothing in the last preceding subsection shall be taken to entitle the said Commissioners to do any act which is likely to prejudice either the use and enjoyment by the public of a highway situated on land referred to in that subsection or the exercise of the functions of the Council and the highway authority in relation to the highway:

Provided that no improvement of the highway which necessitates any permanent interference with the land below the surface thereof shall be carried out by the Council or the said highway authority except under authority conferred by Order of Her Majesty in Council.

An Order in Council made under this subsection shall be laid before Parliament after being made.

(6) Nothing in subsection (4) of this section shall be taken to entitle the said Commissioners to do any act which is likely to prejudice the exercise of the functions of the Westminster City Council under subsection (4) of section fifteen of this Act.

(7) The map referred to in subsection (3) of this section shall be deposited as soon as may be after the passing of this Act in the Office of Land Revenue Records and Inrolments, and a copy thereof shall be kept at their respective offices by the Crown Estate Commissioners and the Minister of Works.

Certain land to become part of Hyde Park.

17.—(1) At such time as, by virtue of section fifteen of this Act, the Apsley carriageway becomes a highway, any land situate to the west thereof, being land comprised in the Piccadilly lands, shall, if all interests therein are then vested in the Crown, become part of Hyde Park and accordingly be thereafter under the management of the Minister of Works.

(2) In this section “ the Piccadilly lands ” has the same meaning as in section six of this Act.

Power to make byelaws as respects the Underpass.

18.—(1) The Council may make and enforce byelaws for the regulation, control and protection of the Underpass and of persons resorting to or using it, and for the management, regulation, direction and control of traffic passing through it.

(2) Without prejudice to the generality of the preceding subsection, byelaws made for the purposes mentioned therein—

(a) may impose a speed limit for motor vehicles and prohibit or restrict the passage of particular traffic either generally or during specified hours, and

(b) notwithstanding anything contained in any enactment, may prohibit or restrict the laying of mains, pipes and wires and the carrying out of work in connection therewith.

(3) For the purposes of the provisions contained in section one hundred and forty-seven of the London Government Act, 1939 (which regulate the procedure for making byelaws) the Minister of Transport and Civil Aviation shall be the confirming authority as respects byelaws made under this section.

(4) If, by an agreement made under subsection (3) of section fifteen of this Act, the functions of a highway authority in relation to the Underpass are transferred from the Council to the Westminster City Council then, as from the date of the making of the agreement, this section shall have effect as if, in subsection (1) thereof, for the reference to the Council there were substituted a reference to the Westminster City Council:

Provided that nothing in this subsection shall affect the operation of byelaws made under this section in relation to anything done before the said date; and byelaws so made which were in force immediately before that date shall continue in force as if made by the Westminster City Council and may be revoked or varied accordingly.

(5) In this section "traffic" includes pedestrians and animals.

19.—(1) The highway authority for the Underpass shall be under a duty to maintain the Underpass (ventilating tunnel) and any works carried out under section three of this Act for the purpose of providing for the ventilation of the Underpass. Maintenance of Underpass ventilating system.

(2) The said authority, in discharging their duty under this section, shall not carry out work involving interference with the Wellington Arch or with land under or within 10 yards (measured in any direction) of the said Arch except with the consent and to the satisfaction of the Minister of Works.

(3) Where it appears to the Minister of Works that repairs are needed for safeguarding the structure of the Wellington Arch or otherwise in connection therewith and that the repairs ought to have been carried out by the said authority in discharge of their duty under this section, the Minister, after giving twenty-eight days' notice to the authority (or in the case of emergency such notice as may be practicable), may provide for the carrying out of the repairs and may recover the reasonable cost thereof from the authority.

20.—(1) Notwithstanding anything contained in section fifteen or section sixteen of this Act, the Minister of Works shall have power to erect stands on any street island formed by the carrying out of the works specified in section one of this Act Power of Minister of Works to erect stands.

and on the western footway of the Hyde Park carriageway, and to do anything necessary or expedient in connection therewith, for the purpose of providing for the viewing of any public procession or other event.

(2) As soon as may be after the occurrence of the event for which a stand has been erected under this section the said Minister shall remove the stand and restore the site thereof as nearly as may be practicable to its former condition.

(3) The functions of the said Minister under this section shall not be so exercised as to prevent pedestrians passing freely and in safety along the western footway of the Hyde Park carriageway or to and from any subway.

Financial provisions.

21.—(1) The Minister of Transport and Civil Aviation may, with the consent of the Treasury, make grants towards meeting any expenses incurred by or on behalf of the Council in or by reason of the exercise of the functions conferred on them by this Act, and any such grants may be made subject to such conditions as the said Minister with the approval of the Treasury may determine:

Provided that this subsection shall not apply as respects expenses incurred by the Council in making contributions under subsection (5) of section fifteen of this Act.

(2) Any expenses incurred by the Minister of Transport and Civil Aviation or the Minister of Works under this Act shall be defrayed out of moneys provided by Parliament.

(3) Any receipts of the Minister of Works under subsection (3) of section fourteen of this Act shall be paid into the Exchequer.

For protection of Postmaster General.

22.—(1) As soon as may be after a street has been permanently stopped up or diverted by the Council under the powers conferred by this Act the Council shall give notice thereof to the Postmaster General.

(2) Where any street has been so stopped up or diverted, the following provisions of this subsection shall have effect in relation to so much of any telegraphic line belonging to or used by the Postmaster General as is under, in, upon, over, along or across the land which by reason of the stopping up or diversion has ceased to be a street (in those provisions referred to as "the affected line"), that is to say—

(a) the power of the Postmaster General to remove the affected line shall be exercisable notwithstanding the stopping up or diversion, so however that the said power shall not be exercisable as respects the whole or any part of the affected line after the expiration of a period of three months from the giving of notice of

the stopping up or diversion under the preceding subsection unless before the expiration of that period the Postmaster General has given notice to the Council of his intention to remove the affected line or that part thereof, as the case may be ;

- (b) the Postmaster General may by notice to the Council in that behalf abandon the affected line or any part thereof, and shall be deemed, as respects the affected line or any part thereof, to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it ;
- (c) the Postmaster General shall be entitled to recover from the Council the expense of providing in substitution for the affected line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line, a telegraphic line in such other place as he may require ;
- (d) where under paragraph (b) of this subsection the Postmaster General has abandoned the whole or any part of the affected line it shall vest in the Council and the provisions of the Telegraph Acts, 1863 to 1954, shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(3) The temporary stopping up or diversion of a street under the powers conferred by section nine of this Act shall not prejudice or affect the right of the Postmaster General—

- (a) to maintain, inspect, repair, renew or remove any telegraphic line belonging to or used by him which at the time of the stopping up or diversion was under, in, upon, over, along or across the street, or
- (b) for the purpose of such maintenance, inspection, repair, renewal or removal, to enter upon or break open the street.

(4) In this section “ telegraphic line ” has the same meaning as in the Telegraph Act, 1878.

23.—(1) In this section—

“ the Commission ” means the British Transport Commission ;

“ the engineer ” means an engineer to be appointed by the Commission ;

“ plans ” includes sections and descriptions ;

“ railway property ” means land belonging to or occupied by the Commission, including the railways and railway works of the Commission ;

For protection
of British
Transport
Commission.

“ the relevant works ” means so much of any of the authorised works or works under section nine of this Act as is or, when completed, will be within a distance from railway property (measured in any direction) of, in the case of surface works, 10 feet or, in the case of the Underpass or any other underground works, 50 feet.

(2) The Council shall not, under the powers of this Act, acquire compulsorily any lands of the Commission but the Council may acquire compulsorily such easements and rights in the lands of the Commission as they may reasonably require for the purposes of the relevant works.

(3) The Council shall, except in case of emergency, give the engineer twenty-eight days' notice of their intention to commence any of the relevant works, and those works shall be carried out with all reasonable despatch under the supervision (if given) and to the reasonable satisfaction of the engineer in accordance with plans (in this section referred to as “ the approved plans ”)—

- (a) which have been approved by the engineer, or
- (b) as respects which the engineer has not, within twenty-eight days after the plans have been delivered by the Council to the Commission, given notice to the Council either approving or rejecting them, or
- (c) which, after being rejected by the engineer, have been settled by arbitration under this section.

(4) The Council shall not, in carrying out any of the relevant works, cause avoidable damage to railway property or unnecessarily interfere with the conduct of traffic on the railways of the Commission or the use by passengers of railway property; and if, in carrying out any of those works, the Council cause damage to railway property or interfere with the conduct of traffic on the railways of the Commission or the use by passengers of railway property, then, notwithstanding that the works were carried out in accordance with the approved plans and to the satisfaction of the engineer, the Commission shall be entitled to recover from the Council the amount of any loss thereby suffered by the Commission.

(5) The Council shall afford reasonable facilities to the engineer for access to any of the relevant works while they are being carried out by the Council and shall supply to the engineer all such information as he may reasonably require with regard to those works.

(6) If the nature of any of those of the relevant works which consist of underground works is such that it is reasonable that any part thereof should be carried out by the Commission instead of by the Council, and the Commission give notice to the Council

to that effect within twenty-eight days after the plans of the relevant works have been delivered, with a view to their approval by the engineer, by the Council to the Commission, then—

(a) if the Council desire that part to be carried out it shall be carried out by the Commission, acting as agents of the Council, in accordance with the approved plans, and with all reasonable despatch, and

(b) the Commission shall be entitled to recover the reasonable cost of carrying it out from the Council.

(7) If it appears to the Commission that the nature of any of the relevant works is such that it is reasonable that, before the work is carried out, preliminary work should be carried out to ensure the stability of railway property or protect it from injury, or to avoid delay or other inconvenience to railway passengers, and the Commission give notice to the Council to that effect, specifying the required preliminary work, within twenty-eight days after the plans of the relevant work have been delivered, with a view to their approval by the engineer, by the Council to the Commission, then—

(a) the preliminary work shall be carried out by the Commission with all reasonable despatch,

(b) the Council shall not commence the relevant works until the engineer has given them notice that the preliminary work has been completed, and

(c) the Commission shall be entitled to recover the reasonable cost of carrying out the preliminary work from the Council.

(8) The Commission shall be entitled to recover from the Council any expenses incurred by the Commission—

(a) in respect of the employment of persons whom it may be necessary or desirable to appoint for inspecting or watching any railway property affected by the carrying out of the relevant works and for preventing or dealing with any interference, obstruction or danger arising in the course of carrying out those works; and

(b) in providing lighting on railway property, being lighting made necessary or desirable by the carrying out of those works.

(9) If, during the period beginning with the commencement of the relevant works and ending twelve months after the completion of those works, any alteration or addition to railway property situated within or adjacent to the limits of deviation shown on the deposited plans is, in the opinion of the Commission, made necessary by reason of the carrying out of the relevant works, the Commission shall give to the Council twenty-eight days' notice (or in the case of emergency such notice as may be practicable) before beginning to carry out that alteration or addition

and shall be entitled to recover from the Council the reasonable cost of carrying it out ; and if the alteration or addition is likely to give rise to an increase or a reduction in the cost of maintaining, working and renewing such railway property as aforesaid the Commission shall be entitled to recover from the Council a capital sum equivalent to that increase or, as the case may be, shall pay to the Council a capital sum equivalent to that reduction.

(10) The Commission shall afford reasonable facilities to the Council for access to any works carried out by the Commission under the foregoing provisions of this section and shall supply the Council with all such information as they may reasonably require with regard to those works.

(11) If an authority charged by virtue of this Act with the duty of maintaining any of those of the relevant works which consist of underground works is in default of that duty, the Commission may, after giving reasonable notice of the default to that authority, carry out such work as may be necessary to remedy the default, and shall be entitled to recover the reasonable cost of carrying out that work from the authority in default.

(12) If, by reason of any of the relevant works, damage is caused to railway property or the Commission otherwise suffer loss in relation to their railway undertaking then, notwithstanding that the work in question was carried out by the Commission on behalf of the Council, or was carried out by the Council in accordance with the approved plans and to the satisfaction of the engineer, the Commission shall be entitled to recover from the Council the amount of that loss :

Provided that this subsection shall not apply—

- (a) as respects loss arising by reason of a claim made by any person against the Commission unless reasonable notice of the claim was given by the Commission to the Council and, in a case where the claim was compromised, the Council agreed to the compromise ;
- (b) as respects loss caused by the negligence of the Commission or of any servant or contractor employed by them.

(13) Any dispute arising under this section shall be settled by arbitration.

(14) The Council and the Commission may, by agreement in writing, provide that this section shall have effect as if any provision thereof specified in the agreement were omitted.

For protection
of certain
statutory
undertakers.

24.—(1) In this section—

“ apparatus ”, in relation to any of the undertakers other than the London Electricity Board, means mains, pipes or other apparatus belonging to or maintained by the

undertakers, or, in relation to the London Electricity Board, means any electric lines or works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by the Board ; and, in relation to any of the undertakers, includes works constructed for the lodging therein of apparatus ;

“ in ”, in a context referring to apparatus in a street or other land, includes a reference to apparatus under, over, across, along or upon it ;

“ the undertakers ” means the Metropolitan Water Board, the North Thames Gas Board, the London Hydraulic Power Company and the London Electricity Board, or any of them, as the case may require.

(2) Where, in consequence of the construction of any of the following works, that is to say, the Underpass, the Underpass (ventilating tunnel) and any subway constructed under section one of this Act, apparatus situated in or adjacent to land forming the site of that work is required to be so diverted as to pass under the work, then—

- (a) the undertakers shall be entitled to recover from the Council any additional expenses reasonably incurred by the undertakers in consequence of the diversion in breaking open or reinstating any street or in inspecting, maintaining, repairing, removing or renewing the apparatus, and
- (b) without prejudice to the generality of the preceding paragraph, the North Thames Gas Board shall be entitled to recover from the Council any expenses reasonably incurred by that Board in providing, installing, inspecting and maintaining any siphon the provision of which is necessary in consequence of the diversion.

(3) Where a street in which apparatus is situated has been permanently stopped up or diverted by the Council under the powers conferred by this Act the undertakers shall continue to have the same powers and rights in respect of the apparatus remaining in the land which by reason of the stopping up or diversion has ceased to be a street as they would have had if it had remained a street :

Provided that the undertakers shall, if the Council reasonably so require—

- (a) remove the apparatus and relay or replace it in the street (if any) substituted for the street so stopped up or diverted or in such other position as the undertakers may reasonably determine ; or
- (b) provide in the street (if any) so substituted or in such other position as aforesaid other apparatus in place of the existing apparatus.

(4) The undertakers shall be entitled to recover from the Council any expenses reasonably incurred by the undertakers in carrying out such works as are referred to in the proviso to the last preceding subsection (whether or not the Council have required those works to be carried out), including expenses so incurred in cutting off any apparatus from any other apparatus and in doing any work rendered necessary in consequence of such cutting off or in consequence of the carrying out of the said works:

Provided that subsections (3) and (4) of section twenty-three of the Public Utilities Street Works Act, 1950 (which impose limitations on undertakers' rights to payment) shall so far as applicable extend and apply to any payment to be made by the Council under this subsection as if the works in respect of which the payment is to be made were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection for the words "specified as so necessary in a specification of the works settled under Part I of the Fourth Schedule to this Act or agreed so to be by the promoting authority" there were substituted the words "agreed or settled by arbitration under section twenty-four of the Park Lane Improvement Act, 1958".

(5) The temporary stopping up or diversion of a street under the powers conferred by section nine of this Act shall not prejudice or affect the right of the undertakers—

- (a) to maintain, operate, inspect, repair, renew or remove any apparatus which at the time of the stopping up or diversion was in the street, or
- (b) for the purpose of such maintenance, operation, inspection, repair, renewal or removal to enter upon or break open the street.

(6) In excising their powers under section three of this Act the Council shall cause as little inconvenience in relation to access by the undertakers to apparatus as the circumstances of the case will admit.

(7) Any dispute arising under this section shall be settled by arbitration, and if the parties to the dispute are unable to agree on an arbitrator, the arbitrator shall be such person as may be appointed on the application of a party to the dispute (after notice in writing to the other party thereto) by the President of the Institution of Civil Engineers.

(8) The Council and any of the undertakers may, by agreement in writing, provide that this section shall have effect in relation to those undertakers as if any provision thereof specified in the agreement were omitted.

25.—(1) In this Act, unless the context otherwise requires— Interpretation.

“the Act of 1845” means the Lands Clauses Consolidation Act, 1845 ;

“the authorised works” means the works specified in section one of this Act (including any street island formed by the carrying out of those works), and the works or things for the carrying out or doing of which power is conferred by section three thereof ;

“book of reference” means a book deposited in connection with the Bill for this Act with the Clerk of the Council containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers, of lands which may be acquired or used under this Act ;

“building” includes a wall ;

“the Council” means the London County Council ;

“the deposited plans” and “the deposited sections” have the meanings respectively assigned to them by section two of this Act ;

“functions” includes powers and duties ;

“street” includes any highway, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not, and also includes any part of a street as so defined ;

“street island” means an area set apart for dividing lines of vehicular traffic ;

“traffic sign” has the meaning assigned to it by section thirty-five of the Road Traffic Act, 1956 ;

“Westminster City Council” means the mayor, aldermen and councillors of the city of Westminster.

(2) Except so far as the contrary appears, any reference in this Act to an enactment shall be construed as a reference to that enactment as modified by or under any other enactment.

(3) Except so far as the contrary appears, the provisions of this Act shall have effect notwithstanding anything contained in any local or private Act or any order or other instrument of local application which has effect by virtue of any Act.

(4) Subject to the provisions of subsection (5) of section sixteen of this Act, the powers conferred by this Act shall be in addition to and not in derogation of any powers of the Minister of Transport and Civil Aviation, the Minister of Works or the Council apart from this Act.

(5) All directions and notices authorised or required to be given by this Act shall be in writing.

26. This Act may be cited as the Park Lane Improvement Short title Act, 1958.

Section 3.

SCHEDULE

STRENGTHENING OF BUILDINGS

1.—(1) At least ten days' notice shall, except in case of emergency, be given to the owners, lessees and occupiers of any building intended to be strengthened under the provisions of subsection (5) of section three of this Act.

(2) A notice under this paragraph shall be served in the manner prescribed by section nineteen of the Act of 1845.

2. If any owner, lessee or occupier of a building with respect to which a notice has been served under the preceding paragraph gives notice, within seven days after the serving of the notice on him, to the effect that he disputes the necessity of the strengthening, the question of the necessity shall be settled by arbitration.

3. The Council, in respect of any building in relation to which they have exercised the powers conferred by the said subsection (5), shall be liable to compensate the owners, lessees and occupiers thereof for any loss or damage which may result to them by reason of the exercise of the said powers:

Provided that this paragraph shall not apply unless the claim for compensation is made within three months from the occurrence of the loss or damage in question.

4. In any case in which any building has been strengthened under the said subsection (5), the Council may from time to time after the completion of the strengthening and during the execution of the work in connection with which the strengthening was done or within twelve months after the completion of that work, enter upon and survey the building and carry out such further strengthening thereof as they may deem necessary or expedient, or as, in the case of dispute between the Council on the one hand and the owner, lessee or occupier of the building on the other hand, shall be settled by arbitration.

5. If in any such case as is referred to in the last preceding paragraph the strengthening done by the Council shall at any time within twelve months from the completion of the work in connection with which the strengthening was done prove inadequate for the support or protection of the building against further injury arising from the execution of the said work, the Council shall make compensation to the owner, lessee and occupier of the building for that injury:

Provided that this paragraph shall not apply unless the claim for compensation is made within one month from the discovery of the loss or damage in question.

6. Nothing in this Schedule nor any dealing with any property in pursuance of the said subsection (5) shall relieve the Council from liability to compensate under section sixty-eight of the Act of 1845 under any other Act.

7. Every case of compensation to be ascertained under this Schedule shall be ascertained according to the provisions of the Lands Clauses Acts.

8. Where a dispute is required by this Schedule to be settled by arbitration and the parties to the dispute are unable to agree on an arbitrator, the arbitrator shall be such person as may be appointed by the President of the Institution of Civil Engineers.

Table of Statutes referred to in this Act

Short title	Session and Chapter
Lands Clauses Consolidation Act, 1845	8 & 9 Vict. c. 18.
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Electric Lighting Act, 1882	45 & 46 Vict. c. 56.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5. c. 57.
Public Health (London) Act, 1936	26 Geo. 5. & 1 Edw. 8. c. 50.
London Government Act, 1939	2 & 3 Geo. 6. c. 40.
Wellington Museum Act, 1947	10 & 11 Geo. 6. c. 46.
Public Utilities Street Works Act, 1950	14 Geo. 6. c. 39.
Road Traffic Act, 1956	4 & 5 Eliz. 2. c. 67.
Crown Estate Act, 1956	4 & 5 Eliz. 2. c. 73.

CHAPTER 64

Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958

ARRANGEMENT OF SECTIONS

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EXCHEQUER GRANTS AND EDUCATION (SCOTLAND) FUND

Section

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3. Power to reduce general grant where service not adequately provided, and to prescribe standards of administration.
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PART II

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7. Rateable value of salmon fishings and other industrial and freight transport lands and heritages.
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10. Expenditure by town councils on halls, etc., for public meetings and assemblies.
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13. Abolition of certain requirements relating to local government administration.
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Section

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First Schedule—Relevant expenditure.

Second Schedule—Apportionment to local authorities of aggregate amount of general grants.

Third Schedule—Adjustment of general grants.

Fourth Schedule—Consequential modifications of enactments.

Part I—Modifications consequential on Part I of this Act.

Part II—Modifications consequential on Local Government Act, 1958.

Part III—Commencement of Fourth Schedule.

Fifth Schedule—Local government administration.

Sixth Schedule—Repeals.

An Act to make new provision for grants out of the Exchequer to local authorities in Scotland and otherwise to amend the law of Scotland relating to local government finance and administration; to abolish the Education (Scotland) Fund; to amend the law of Scotland relating to the valuation for rating of industrial and freight transport lands and heritages and premises of Gas Boards, and to the sittings of valuation appeal committees; to extend the power of trustees under the Trusts (Scotland) Act, 1921, to lend money to local authorities; to provide for increase of the fees payable in Scotland under certain enactments relating to marriage and to registration of births, deaths and marriages; and for purposes connected with the matters aforesaid.

[1st August, 1958]

BE it enacted by the Queen'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

EXCHEQUER GRANTS AND EDUCATION (SCOTLAND) FUND

General grants
to local
authorities.

1.—(1) For the year beginning on the sixteenth day of May, nineteen hundred and fifty-nine, and subsequent years the Secretary of State shall make grants to local authorities in accordance with the provisions of this Part of this Act; and

those grants (hereinafter referred to as “general grants”) shall be in lieu of the grants paid or payable for those years under any enactment passed before this Act other than the Police (Scotland) Act, 1956, in respect of the expenditure (hereinafter referred to as “relevant expenditure”) specified in the First Schedule to this Act.

(2) Subject to the provisions of the next following section the Secretary of State shall by order fix the aggregate amount of the general grants payable for the year beginning on the said sixteenth day of May and each subsequent year; and, subject to the provisions of the next following subsection and of sections three and eighteen of this Act, the general grant payable to any local authority for any year shall be such proportion of the aggregate amount so fixed for that year as shall be ascertained in relation to that authority in accordance with the Second Schedule to this Act.

(3) For the purpose of making adjustments in respect of the common expenditure and other matters specified in the Third Schedule to this Act—

- (a) the aggregate amount fixed under the last foregoing subsection for any year shall, before apportionment, be reduced in accordance with the provisions of Part I of that Schedule, and
- (b) the general grants payable to local authorities for any year shall be adjusted *inter se* in accordance with the provisions of Part II of that Schedule.

(4) The general grant payable to any local authority shall be paid at such times as the Secretary of State may with the consent of the Treasury direct, and shall be applied by the authority towards meeting expenditure which, but for the grant, would fall to be defrayed out of the county, or, as the case may be, the burgh, rate as defined in subsection (1) of section two hundred and twenty-four of the Act of 1947.

(5) An order made under subsection (2) of this section (hereinafter referred to as a “general grant order”) shall be made by the Secretary of State with the consent of the Treasury and after consultation with such associations of local authorities as appear to him to be concerned, shall be laid before the Commons House of Parliament together with a report by the Secretary of State explaining the considerations leading to the provisions of the order and shall not have effect until approved by a resolution of that House.

(6) General grant orders shall be made in advance for successive periods (hereinafter referred to as “grant periods”) of not less than two or more than three years, but any general grant order may make different provision for different years in the grant period to which it relates.

PART I
—cont.

Fixing of
annual
aggregate
amount of
general grants.

2.—(1) In fixing the aggregate amount of the general grants for any year the Secretary of State shall take into consideration—

- (a) the latest information available to him of the rate of relevant expenditure (excluding, except in so far as the Secretary of State with the consent of the Treasury otherwise determines, any expenditure of a descriptor in respect of which no grant has been paid for any year ending before the sixteenth day of May, nineteen hundred and fifty-nine) and the current level of prices, costs and remuneration, together with any future variation in that level which can be foreseen ;
- (b) any probable fluctuation in the demand for the services giving rise to relevant expenditure, so far as the fluctuation is attributable to circumstances prevailing in Scotland as a whole which are not under the control of local authorities ; and
- (c) the need for developing those services and the extent to which, having regard to general economic conditions, it is reasonable to develop those services.

(2) If it appears to the Secretary of State that during any grant period any unforeseen increase has taken place in the level of prices, costs or remuneration, and that its effect on the cost of providing the services giving rise to relevant expenditure is of such magnitude that it ought not to fall entirely on local authorities, the Secretary of State shall by order (made in the like manner and subject to the like provisions as a general grant order) increase the aggregate amount of the general grants for such year of that grant period (beginning either before or after the making of the order) as may be specified in the order.

Power to reduce
general grant
where service
not adequately
provided, and
to prescribe
standards of
administration.

3.—(1) Subject to the provisions of this section, if the Secretary of State is satisfied that there has been a failure to achieve or maintain reasonable standards in the provision of any of the services giving rise to relevant expenditure, regard being had to the standards maintained by local authorities generally, and considers that the general grant payable to any local authority, or local authorities, who in his opinion are concerned in the failure, ought therefore to be reduced, he may, after affording to the authority or authorities so concerned an opportunity of making representations, make and cause to be laid before Parliament a report stating the amount of the reduction, the reasons therefor, and any representations with respect thereto made by the authority or authorities ; and if the report is approved by a resolution of the Commons House of Parliament the Secretary of State may reduce the grant accordingly.

(2) The Secretary of State may make regulations, subject to annulment in pursuance of a resolution of either House of Parliament, for prescribing standards and general requirements for the administration of any of the services giving rise to relevant expenditure, and in determining for the purposes of this section whether there has been any such failure as is referred to in the foregoing subsection regard shall be had to any such regulations and any other standards or requirements imposed by or under any enactment.

(3) Where the general grant payable to any local authority for any year has been reduced under this section it shall, in any calculation for the purposes of section five of the Act of 1954 of the relevant local expenditure for the area of the local authority for that year, be deemed to have been paid in full.

(4) For the purposes of this section any service provided by a combination or joint committee of local authorities shall be deemed to be provided jointly by the constituent local authorities of the combination or joint committee.

4.—(1) None of the grants to which this section applies shall be payable for the year beginning on the sixteenth day of May, nineteen hundred and fifty-nine, or any part of that year, or for any subsequent year. Certain grants to be discontinued.

(2) This section applies to the grants payable under—

- (a) subsection (2) of section seventeen of the Ministry of Transport Act, 1919, in respect of the salary and establishment charges of highway engineers and surveyors;
- (b) subsection (3) of section fifty-seven of the Road Traffic Act, 1930 (which relates to weighbridges and other weighing-machines for vehicles);
- (c) section eleven of the Prevention of Damage by Pests, Act, 1949; and
- (d) paragraph (b) of subsection (1) of section twenty-four of the Vehicles (Excise) Act, 1949 (which provides for grants representing the amounts which, if the Roads Act, 1920, had not passed, would have been received by local authorities on account of fees or charges for the licensing of mechanically propelled hackney carriages not being public service vehicles).

5.—(1) The Education (Scotland) Fund constituted by section sixty-nine of the Education (Scotland) Act, 1946, shall cease to exist and any balance in the Fund at the coming into operation of this section shall be paid into the Exchequer. Abolition of Education (Scotland) Fund.

(2) All expenses which are directed or authorised by or under any enactment to be paid out of the Education (Scotland) Fund

PART I
 —cont.

shall be defrayed by the Secretary of State out of moneys provided by Parliament, and all sums which are so directed to be paid into the said Fund shall be paid into the Exchequer.

(3) This section shall come into operation on the first day of April, nineteen hundred and fifty-nine.

Modifications in enactments consequential on this Part of this Act and the Local Government Act, 1958.

6.—(1) The enactments specified in Part I of the Fourth Schedule to this Act shall, subject to Part III of that Schedule, have effect subject to the modifications specified in relation to them respectively in the said Part I, being modifications consequential on this Part of this Act.

(2) The enactments specified in Part II of the Fourth Schedule to this Act shall, subject to Part III of that Schedule, have effect subject to the modifications specified in relation to them respectively in the said Part II, being modifications consequential on the Local Government Act, 1958.

PART II

VALUATION AND RATING

Rateable value of salmon fishings and other industrial and freight transport lands and heritages.

7.—(1) For the year beginning on the sixteenth day of May, nineteen hundred and fifty-nine, and subsequent years the proportion which the rateable value of industrial and freight transport lands and heritages (so far as occupied and used, or treated as occupied and used, for industrial or freight transport purposes) is to bear to the net annual value, or, as the case may be, the value on which any rate of the description referred to in paragraph (b) of subsection (1) of section forty-five of the Local Government (Scotland) Act, 1929, would have been leviable if that Act had not passed, shall be doubled; and accordingly the said subsection (1) shall have effect in relation to those years with the substitution for any reference to division by four of a reference to division by two.

(2) For the year beginning on the sixteenth day of May, nineteen hundred and fifty-nine, and subsequent years the rights of salmon fishing to which this subsection applies shall, subject to the following provisions of this section, be deemed for the purpose of making up any valuation roll to be agricultural lands and heritages:

Provided that nothing in this section shall affect any right of a district fishery board to require the assessor to value and enter such rights of salmon fishing in the valuation roll for the purposes of fishery assessments only.

(3) The last foregoing subsection—

- (a) applies to rights of salmon fishing which are exercised by net or cruive and are so exercised regularly throughout the periods during which that method of fishing is allowed by law, and in respect of which no revenue is derived by the owner or occupier thereof from any other method of fishing during any part of those periods ; and
- (b) does not apply to any dwelling-houses, bothies, net stores, drying greens or other corporeal lands and heritages, whether occupied or used in connection with rights of salmon fishing to which the last foregoing subsection applies or not.

(4) Any dwelling-houses, bothies, net stores, drying greens or other corporeal lands and heritages occupied or used in connection with rights of salmon fishing to which subsection (2) of this section applies shall, for the purpose of making up the valuation roll for the year beginning on the sixteenth day of May, nineteen hundred and fifty-nine and any subsequent year, be treated as lands and heritages which are neither industrial nor agricultural.

(5) Notwithstanding anything in subsections (1) and (2) of section fifteen of the Act of 1956 (which contains transitory provisions for valuation in the years before 1961-2), the assessor for each valuation area, or, as the case may be, the Assessor of Public Undertakings (Scotland), in making up the valuation roll for the year beginning on the sixteenth day of May, nineteen hundred and fifty-nine, and any subsequent year, shall, subject to the provisions of this section, give effect to the changes of rateable values made by the foregoing provisions of this section ; but the said changes shall not require any such assessor by virtue of any provision in the said subsections to make any other alteration in a valuation roll, or entitle any person by virtue of subsection (4) or subsection (5) of the said section fifteen to appeal against, or complain in respect of, any entry in a valuation roll.

(6) Where any such corporeal lands and heritages as are specified in subsection (4) of this section, being lands and heritages occupied or used as so specified, are in any valuation roll in force at the commencement of this Act included in the valuation of the rights of salmon fishing in connection with which they are occupied or used, they shall, notwithstanding anything in this section, be so included in the valuation rolls for the year beginning on the sixteenth day of May, nineteen hundred and fifty-nine and the next following year, and subsection (2) of this section shall for the purposes of those years have effect in relation to them as if they were rights of salmon fishing to which that subsection applies.

PART II
—cont.

PART II
—cont.

(7) Section two hundred and eighteen of the Act of 1947 shall not have effect in relation to the apportionment and allocation between local authorities (as defined for the purposes of that Act), under section two hundred and fourteen of that Act or any other enactment, statutory order or agreement, of expenditure in respect of the year beginning on the sixteenth day of May, nineteen hundred and fifty-nine; and for the purpose of apportioning and allocating any such expenditure between local authorities (defined as aforesaid) under the said section two hundred and fourteen or any other enactment, statutory order or agreement the following provisions of this subsection shall have effect in the said year in any case where, apart from this subsection, the provisions of the said section two hundred and eighteen would apply, that is to say—

- (a) the assessor for each valuation area shall estimate what the rateable valuation of each of the areas of the local authorities concerned would have been in the year beginning on the sixteenth day of May, nineteen hundred and fifty-eight, if this section had applied for the purposes of that year;
- (b) the Secretary of State shall estimate what the standard rateable value of each of the said areas would have been for the last mentioned year if this section and sections one, two, four and six of this Act had applied for the purposes of that year; and
- (c) the amounts so estimated shall be deemed to be the rateable valuation and the standard rateable value respectively of the said areas for the purposes specified in this subsection.

(8) The assessor for each valuation area shall, not later than the fifteenth day of February, nineteen hundred and fifty-nine, send to the Secretary of State and to the local authorities concerned copies of the estimates made by him under paragraph (a) of the last foregoing subsection.

(9) For the purpose of the application of this section to any valuation area for which the valuation roll comes into force on a day other than the sixteenth day of May, any reference in this section to the last-mentioned day shall be construed as a reference to that other day.

Sittings of
valuation
appeal
committees.

8. The valuation appeal committee for any valuation area may sit in any burgh, being a county of a city, adjoining the valuation area as well as within the valuation area; and accordingly paragraph (j) of subsection (1) of section five of the Act of 1956 shall have effect with the addition after the words "the

valuation area ” of the words “ or in any burgh, being a county of a city, adjoining that area ”, and with the substitution for the words “ the burgh ” of the words “ that burgh ”.

PART II
—cont.

9.—(1) For the purposes of the levying of domestic water rates in respect of the year beginning on the sixteenth day of May, nineteen hundred and fifty-eight, and each of the two next following years (hereinafter referred to as “ the years 1958-61 ”), every Gas Board shall be treated as occupying during each of the years 1958-61 the lands and heritages in respect of which such a rate was leviable from them in the year beginning on the sixteenth day of May, nineteen hundred and fifty-six, and shall be deemed not to be occupying any other lands and heritages during the years 1958-61.

Valuation for
domestic water
rates of lands
and heritages
of Gas Boards
(temporary
provisions).

(2) The gross annual value of each of the lands and heritages which by virtue of the foregoing subsection a Gas Board are to be treated as occupying in any separately rated area shall for the purposes aforesaid be calculated for each of the years 1958-61 as follows, that is to say—

- (a) the Assessor of Public Undertakings (Scotland) (hereinafter referred to as “ the Assessor ”) shall calculate the amount which bears to the gross annual value of the lands and heritages in the valuation roll in force on the sixteenth day of May, nineteen hundred and fifty-six, the same proportion as the Board’s rateable valuation for the year in question (as ascertained for the purpose of the Fifth Schedule to the Act of 1956) bears to the Board’s basic rateable valuation (as defined in paragraph 2 of the said Schedule) ; and
- (b) the amount so calculated shall be the gross annual value of the lands and heritages for the year in question.

(3) The Assessor shall enter all the gross annual values so calculated in the valuation roll made up by him and shall notify them to the rating authorities for the separately rated areas in which the lands and heritages are situated respectively, and to the Gas Boards respectively concerned, before the eighth day of September in the year in question.

(4) Nothing in section twenty-five of the Act of 1956 shall be construed as relieving any Gas Board of any liability under the Water (Scotland) Act, 1949, to be rated for a domestic water rate in respect of any of the years 1958-61.

(5) The powers conferred on the Minister of Power by subsection (6) of section six of the Gas Act, 1948, and by subsection (3) of section twenty-four of that Act (which authorise that Minister, in an order varying the area of a Gas Board, or transferring property between Gas Boards, to provide for certain

PART II
—*cont.*

matters arising out of the variation or transfer) shall include power, by an order made thereunder, to modify the application of this section in the case of any Gas Board affected by the order.

(6) In this section—

- (a) references to lands and heritages do not include references to excepted premises ;
- (b) “domestic water rate” has the same meaning as it has for the purposes of the Water (Scotland) Act, 1949 ; and
- (c) “Gas Board”, “excepted premises” and “separately rated area” have the same meanings as they have for the purposes of section twenty-five of the Act of 1956.

PART III

MISCELLANEOUS

Expenditure by town councils on halls, etc., for public meetings and assemblies.

10. In section one hundred and ninety-one of the Act of 1947, in subsection (3), paragraph (d) (which limits the net expenditure incurred or payable by town councils on the provision under section seventy-four of the Act of 1947 of halls and other buildings for public meetings and assemblies) shall cease to have effect.

Restriction of power of local authorities to borrow.

11. The amendment made by subsection (1) of section four of the Local Government (Scotland) Act, 1951, in subsection (2) of section two hundred and fifty-nine of the Act of 1947 (which restricts the power of local authorities to borrow money) shall have permanent effect, and accordingly subsection (2) of the said section four shall cease to have effect.

Extension of maximum period for repayment of sums borrowed for certain purposes.

12.—(1) The maximum period for the repayment of sums borrowed by a local authority for the purposes of—

- (a) the Public Libraries Acts,
 - (b) the Cremation Act, 1902,
 - (c) the Children and Young Persons (Scotland) Act, 1937,
 - (d) section seventy-four of the Act of 1947 (which relates to the provision of halls, offices and other buildings),
 - (e) section one hundred and thirty-two of the Local Government Act, 1948 (which relates to the provision of entertainments),
 - (f) section twenty-one of the National Assistance Act, 1948,
- or

(g) section fifteen of the Children Act, 1948 (which relates to the provision by local authorities of homes for the accommodation of children in their care),

shall be such period not exceeding sixty years as may be sanctioned by the Secretary of State; and accordingly in the Sixth Schedule to the Act of 1947, in the entries relating to the Public Libraries Acts and to the said Act of 1937, for the words " fifty years " there shall be substituted the words " sixty years ", and in the entry relating to the Cremation Act, 1902, for the words " Twenty years " there shall be substituted the words " Such period not exceeding sixty years as may be sanctioned by the Secretary of State "; and the following entries shall be added at the end of the said Schedule, that is to say—

<p>" Section seventy-four of the Local Government (Scotland) Act, 1947.</p>	<p>Such period not exceeding sixty years as may be sanctioned by the Secretary of State.</p>
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<p>Section one hundred and thirty-two of the Local Government Act, 1948.</p>	<p>Such period not exceeding sixty years as may be sanctioned by the Secretary of State.</p>
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<p>Section twenty-one of the National Assistance Act, 1948.</p>	<p>Such period not exceeding sixty years as may be sanctioned by the Secretary of State.</p>
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<p>Section fifteen of the Children Act, 1948.</p>	<p>Such period not exceeding sixty years as may be sanctioned by the Secretary of State."</p>
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(2) Where a local authority is authorised to borrow money for the purpose of any enactment, any provision (whether in that or another enactment) that any sum so borrowed shall be repaid within a period of fewer than sixty years, or within such period not exceeding fifty-nine or fewer years as the local authority or a Minister may determine, shall be construed as applying only to sums so borrowed for expenditure otherwise than on the acquisition of land; and any sum so borrowed by the local authority for expenditure on the acquisition of land (being a sum to which any such provision as aforesaid would, apart from this subsection, apply) shall be repaid within such period not exceeding sixty years as may be sanctioned by the Secretary of State, or, where the consent of another Minister is required for the borrowing, by that other Minister.

(3) In this section " local authority " and " Minister " have the same meanings as in the Act of 1947, and references to the acquisition of land do not include references to the acquisition,

PART III
—cont.

with any land, of buildings or other works thereon, being buildings or other works required to make the land fit for the purpose for which it is acquired.

Abolition of certain requirements relating to local government administration.

13.—(1) For the purpose of abolishing certain requirements relating to local government administration and for making provision consequential thereon the enactments specified in the Fifth Schedule shall have effect subject to the modifications so specified in relation to them respectively.

(2) This section shall come into operation on the sixteenth day of May, nineteen hundred and fifty-nine.

Amendment of Education (Scotland) Act, 1946, s. 7.

14. Subsection (1) of section seven of the Education (Scotland) Act, 1946 (which subsection requires certain functions of education authorities to be exercised in accordance with schemes approved by the Secretary of State) shall have effect as if, in paragraph (a) thereof, after the word “Act”, there were inserted the words “other than such voluntary part-time or full-time courses of instruction for persons over school age as the Secretary of State may direct”.

Inspection of minutes of certain authorities.

15.—(1) The minutes of—

- (a) the proceedings of a local authority,
- (b) the proceedings of any committee appointed by a local authority so far as such proceedings relate to any of the authority’s functions under the National Health Service (Scotland) Act, 1947, the Town and Country Planning (Scotland) Act, 1947, or the National Assistance Act, 1948, and
- (c) the proceedings of any joint committee or joint board established for the purpose of performing all or any of the functions of two or more local authorities under any of the Acts mentioned in the last foregoing paragraph,

shall be open to the inspection of any local government elector for the area of the local authority, or, in the case of a joint committee or joint board, the area of any of the local authorities represented on the joint committee or joint board, 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) In this section “local authority” and “local government elector” have the same meanings as in the Act of 1947.

Extension of trustees’ power to lend money to local authorities.

16. Subsection (1) of section ten of the Trusts (Scotland) Act, 1921 (which relates to trustees’ powers of investment) shall have effect as if in heads (6) and (14) thereof—

- (a) for any reference to Great Britain there were substituted a reference to the United Kingdom,

- (b) any reference to a municipal corporation included, as respects England and Wales, a reference to a local authority as defined in paragraph (a) of subsection (4) of section fifty-four of the Local Government Act, 1958, any body all the members of which are members of such a local authority, any river board, the council of any borough included in a rural district, any parish council, the Metropolitan Water Board, the Conservators of the River Thames and the Lee Conservancy Catchment Board; and, as respects Northern Ireland, a reference to the council of a county, county or other borough, or urban or rural district, any body all the members of which are members of such a council and the Belfast City and District Water Commissioners; and
- (c) any reference to bonds included a reference to local bonds issued under the Housing (Additional Powers) Act, 1919;

PART III
—cont.

as if, in relation to a municipal corporation in Northern Ireland, any reference to an Act of Parliament included a reference to an Act of the Parliament of Northern Ireland; and as if any reference to a local authority in Scotland included a reference to a river purification board established under the Rivers (Prevention of Pollution) (Scotland) Act, 1951.

17. The Secretary of State may make regulations, subject to annulment in pursuance of a resolution of either House of Parliament, for increasing the fees payable under any of the following enactments, that is to say—

- (a) sections thirty-two and thirty-three of the Registration of Births, Deaths and Marriages (Scotland) Act, 1854 (which relate to the registration of names of children after registration of birth);
- (b) sections fifty-six and fifty-seven of the said Act of 1854 (which relate to searches in and extracts from the registers of births, deaths and marriages);
- (c) sections eight and nine of the Marriage Notice (Scotland) Act, 1878 (which relate to the publication of notices of intended marriages);
- (d) section four of the Registration of Births, Deaths, and Marriages (Scotland) (Amendment) Act, 1934 (which relates to abbreviated certificates of births); and
- (e) subsection (3) of section one of the Marriage (Scotland) Act, 1939 (which relates to marriages contracted in the office of a registrar).

Increase of
certain fees
payable under
enactments
relating to
marriage and
to registration
of births,
deaths and
marriages.

PART IV

GENERAL AND SUPPLEMENTARY

Transitional
adjustments.

18.—(1) For the years to which this section applies, contributions shall be made as hereinafter provided to or by local authorities in respect of the loss or gain accruing to them from the coming into operation of sections one, two, four, six and seven of this Act.

(2) For the purposes of this section the loss or gain accruing to a local authority as aforesaid shall be ascertained in accordance with regulations made by the Secretary of State, and such regulations shall provide that it shall be ascertained, on such assumptions as may be specified in the regulations, by reference to the estimated rate required to be levied for the year beginning on the sixteenth day of May, nineteen hundred and fifty-seven, to the estimated rate which would have been required to be levied for that year if sections one, two, four, six and seven of this Act had been in force for that year and the previous year, and to the rateable valuation of the area of the local authority estimated as if the said sections had been in force for those years, but with any exceptions or modifications specified in the regulations.

(3) This section applies to the years beginning on the sixteenth day of May, nineteen hundred and fifty-nine, and the sixteenth day of May, nineteen hundred and sixty, and such subsequent years as may be specified by regulations under this section.

(4) The amount of the contribution to a local authority for the first year to which this section applies shall be the amount of the loss accruing to the authority as ascertained under this section; for the second year to which this section applies shall be nine-tenths of that loss; and for any subsequent year to which this section applies shall be such fraction of that loss as may be provided in relation to that year by regulations under this section.

(5) The amount of the contributions for any year by local authorities shall be such as in the aggregate to equal the amount of the contributions for that year to local authorities, and the amount of the contribution by each local authority shall be proportional to the gain accruing to the authority as ascertained under this section.

(6) Contributions under this section to or by a local authority shall be made by additions to or deductions from the amounts of the general grants which, apart from this section, would be payable to that authority under Part I of this Act.

(7) Contributions under this section made to or by a local authority shall be disregarded in ascertaining the relevant local expenditure for the area of the authority for the purposes of section five of the Act of 1954.

(8) Regulations under this section may contain such provisions as may appear to the Secretary of State necessary or expedient for the purposes of this section in consequence of any changes in the boundaries of the area of a local authority, or the formation of any such area.

(9) Regulations of the Secretary of State under this section may impose on local authorities, joint boards and joint committees requirements to furnish estimates and other information appearing to the Secretary of State necessary for the purposes of this section, including requirements as to the time at which, and form in which, the information is to be furnished.

In this subsection “local authority”, “joint board” and “joint committee” have the same meanings as they have for the purposes of the Act of 1947.

(10) Regulations made under this section shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

19.—(1) There shall be defrayed out of moneys provided by Parliament— Expenses and receipts.

(a) all sums payable by the Secretary of State under this Act; and

(b) any increase attributable to the provisions of this Act in the sums required or authorised under any other Act to be so defrayed.

(2) Any increase attributable to the provisions of this Act in the receipts of the Registrar-General for Births, Deaths and Marriages in Scotland shall be paid into the Exchequer.

20. Any power conferred by this Act on the Secretary of State to make orders or regulations shall be exercisable by statutory instrument. Orders and regulations to be made by statutory instrument.

21.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say— Interpretation.

“Act of 1947” means the Local Government (Scotland) Act, 1947;

“Act of 1954” means the Local Government (Financial Provisions) (Scotland) Act, 1954;

“Act of 1956” means the Valuation and Rating (Scotland) Act, 1956;

“local authority” means a county council or the town council of a burgh, and “area”, in relation to a local

PART IV
—cont.

authority, means, in the case of a town council, the burgh, and, in the case of a county council, the county exclusive of any burgh situated therein ;

“ relevant expenditure ” has the meaning assigned to it by subsection (1) of section one of this Act ;

“ year ” means a period of twelve months beginning on the sixteenth day of May.

(2) Any provision in this Act containing a reference to the sixteenth day of May shall, in its application to an authority whose financial year begins on a day other than the sixteenth day of May, have effect with the substitution for the said reference of a reference to that other day ; but this subsection shall be without prejudice to subsection (9) of section seven of this Act.

(3) Without prejudice to subsection (7) of section seven of, and paragraph 6 of the Second Schedule to, this Act—

(a) any reference in this Act to the rateable valuation of any area for any year shall be construed as a reference to the total of the rateable values of the lands and heritages in that area as shown in the valuation roll in force on the first day of that year, and

(b) any reference in this Act to the standard rateable value of any area for any year shall be construed as a reference to the standard rateable value of the area for that year as estimated by the Secretary of State for the purposes of the Act of 1954.

(4) Any reference in this Act to any enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended, extended or applied by any subsequent enactment, including this Act.

Repeals.

22. The enactments specified in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule :

Provided that the repeals specified in Part II of that Schedule shall not have effect for the purposes of any period before the first day of April, nineteen hundred and fifty-nine ; and the repeals specified in Part III of that Schedule shall not have effect for the purposes of any period before the sixteenth day of May, nineteen hundred and fifty-nine.

Citation and extent.

23.—(1) This Act may be cited as the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958.

(2) This Act shall extend to Scotland only.

SCHEDULES

FIRST SCHEDULE

Section 1.

RELEVANT EXPENDITURE

1. Expenditure incurred by or on behalf of education authorities within the meaning of the Education (Scotland) Act, 1946, in respect of the carrying out of their functions as education authorities whether under that Act or any other enactment, other than expenditure incurred—

- (a) in connection with the provision of milk for pupils attending public schools and other educational establishments under the management of education authorities, or the provision of such milk in pursuance of arrangements made under section forty-nine of the said Act of 1946 ;
- (b) in connection with the provision of main midday meals for day pupils in attendance at public schools or the provision of such meals in pursuance of arrangements made under the said section forty-nine ;
- (c) in the removal of works constructed for the purposes of air raid precautions or of temporary works constructed for defence purposes by or on behalf of the Secretary of State, the Admiralty or the Minister of Home Security in pursuance of Regulation fifty or fifty-one of the Defence (General) Regulations, 1939, or by agreement, and in reinstatement of premises so far as it is rendered necessary by any such removal ; and
- (d) in pursuance of a scheme under section ten of the Employment and Training Act, 1948.

2. Expenditure incurred by or on behalf of local health authorities within the meaning of the National Health Service (Scotland) Act, 1947, in respect of the carrying out of the functions of such authorities, whether under that Act or any other enactment.

3. Expenditure on fire services, other than expenditure incurred in the performance of functions imposed under section two of the Civil Defence Act, 1948.

4. Expenditure incurred in the carrying out of any of the functions specified in subsection (1) of section thirty-nine of the Children Act, 1948, other than the management of approved schools or services in connection with children sent to approved schools, or in connection with remand homes.

5.—(1) Expenditure incurred in connection with—

- (a) the acquisition of land under Part I of the Town and Country Planning (Scotland) Act, 1945, under section thirty-five or thirty-seven of the Town and Country Planning (Scotland) Act, 1947, or in pursuance of section seventeen of the latter Act, but not including the acquisition of land for major redevelopment or land situated within an area to which a town development scheme as defined in Part II of the Housing and Town Development (Scotland) Act, 1957, relates ;

1ST SCH.
—cont.

- (b) the acquisition under section thirty-eight of the said Act of 1947 of any building as respects which, immediately before the acquisition thereof, a building preservation order was in force or could have been made ; the acquisition of any building by virtue of section seventeen of the said Act as applied by a building preservation order ; or the acquisition under the said section thirty-eight of any land comprising or contiguous or adjacent to any such building ;
- (c) the acquisition, under any enactment other than sections thirty-five or thirty-seven of the Town and Country Planning (Scotland) Act, 1947, of land for use as a public open space ;
- (d) the payment of compensation under Part II or Part VII of the said Act of 1947, other than compensation payable in respect of land compulsorily acquired by virtue of section seventeen of that Act, or land of the National Coal Board to which the Fifth Schedule to that Act applies by virtue of regulations under section eighty-six of that Act ;
- (e) the taking of any action under sections twenty-two to twenty-four of that Act other than action in respect of such land of the National Coal Board as aforesaid, or the taking of action under the said section twenty-two as applied by any of the provisions of Part II of that Act ;
- (f) the carrying out of any work of restoring, repairing or adapting any buildings in the case of a building in respect of which a building preservation order was in force or could have been made immediately before its acquisition :

Provided that the expenditure specified in heads (b) and (f) of this sub-paragraph does not include expenditure incurred in connection with the acquisition of any building excepted by direction of the Secretary of State as being a building of outstanding historical or architectural interest, or the carrying out of any work of restoration, repair, maintenance or adaptation on or in the case of such a building.

(2) References in this paragraph to expenditure incurred in connection with the acquisition of land include references to expenditure incurred in connection with the clearing and preliminary development of the land.

(3) Regulations made by the Secretary of State with the consent of the Treasury in like manner as regulations made under section eighty-nine of the said Act of 1947 may provide—

- (a) for treating the appropriation of land, in such cases and subject to such conditions as may be prescribed by or under the regulations, as equivalent for the purposes of this paragraph to the acquisition of land at such cost as may be so prescribed ;
- (b) for determining how expenditure is to be ascertained for the purposes of this paragraph, whether by reference to expenditure actually incurred or by reference to annual costs incurred or treated as incurred in respect of the borrowing of money, or by reference to the excess of such expenditure or costs over receipts or the annual value of receipts or partly in one way and partly in another ;

(c) for the inclusion, in the expenditure incurred in the acquisition of land, of the whole or a part of any sum paid in connection with any restriction imposed on the development or use of the land by or under any enactment (whether by way of compensation or by way of contribution towards damage or expenses incurred in consequence of the restriction).

1ST SCH.
—cont.

(4) Expressions used in this paragraph and in the Town and Country Planning (Scotland) Acts, 1947 to 1954, have in this paragraph the same meanings as they have for the purposes of those Acts.

6. Expenditure incurred in the making and carrying out of arrangements for promoting road safety by disseminating information or advice relating to the use of roads, or for giving practical training to road users or any class or description of road users (including the making of contributions towards the cost of arrangements for the like purposes made by other authorities or bodies).

7. Expenditure incurred in the provision and maintenance of vehicles or equipment for use by police forces in connection with the enforcement of the law relating to road traffic.

8. Expenditure incurred in the defraying of registration expenses within the meaning of the Representation of the People Act, 1949 (including any payments made by registration officers as part of their registration expenses).

9. Expenditure incurred by local authorities in the provision, or aiding the provision, of facilities for physical training and recreation, including the provision and equipment of gymnasiums, playing fields, swimming baths, bathing places, holiday camps and camping sites, and other buildings and premises for physical training and recreation and the training and supply of teachers and leaders.

10. Expenditure incurred in the provision of such accommodation as it is the duty of local authorities to provide under subsection (1) of section twenty-one of the National Assistance Act, 1948, or in the making of payments or contributions under section twenty-six of that Act to voluntary organisations, or incurred in respect of arrangements under section twenty-nine of that Act (which relates to welfare arrangements for handicapped persons).

11. Expenditure incurred in the making and carrying out of arrangements under the School Crossing Patrols Act, 1953.

SECOND SCHEDULE

Section 1.

APPORTIONMENT TO LOCAL AUTHORITIES OF AGGREGATE AMOUNT OF GENERAL GRANTS

1. The aggregate amount of the general grants for any year as reduced in accordance with Part I of the Third Schedule to this Act shall first be apportioned to all counties and those burghs which are counties of cities in proportion to their weighted populations.

2. The amount apportioned to any burgh in accordance with the foregoing paragraph shall, subject to adjustment in accordance with

2ND SCH.
—cont.

Part II of the Third Schedule to this Act, be the amount of the general grant for the local authority for that burgh for the year in question.

3. The amount apportioned in accordance with paragraph 1 of this Schedule to any county shall be further apportioned among the landward area, or in the case of a combined county the landward areas, of the county and the burghs in the county in proportion to their rateable valuations or standard rateable values, whichever in each case is the higher, for the immediately preceding year.

4. The amount apportioned to any landward area or burgh in accordance with the last foregoing paragraph shall, subject to adjustment in accordance with Part II of the Third Schedule to this Act, be the amount of the general grant for the local authority for that area or burgh for the year in question.

5.—(1) For the purposes of this Schedule the weighted population of a county or a burgh (being a county of a city) shall be the sum of the following, calculated by the Secretary of State in relation to the county or burgh, that is to say—

- (a) the total population ;
- (b) the number of children under fifteen years of age in the total population ;
- (c) where the proportion which the number of pupils receiving primary or secondary education within the meaning of the Education (Scotland) Act, 1946, in public schools within the meaning of that Act, or under special arrangements made by the authority under section fourteen of that Act, bears to the number of miles of roads is as specified in any line in the first column of Table I annexed to this Schedule, the percentage of the total population specified in the same line in the second column of that Table ; and
- (d) in the case of a county, where the proportion which the population of the landward area (or, in the case of a combined county, the landward areas) bears to the total population is as specified in any line in the first column of Table II annexed to this Schedule, the percentage of the total population specified in the same line in the second column of that Table.

(2) For the purposes of this paragraph—

- (a) the total population of any county or burgh, the number of children under fifteen years of age in any such population and the population of the landward area (or areas) of any county shall be calculated by reference to estimates of the Registrar-General of Births, Deaths and Marriages in Scotland relating to the thirtieth day of June in the year immediately preceding the grant year ;
- (b) the number of pupils receiving primary or secondary education as aforesaid in any county or burgh shall be calculated by reference to certificates of the education authority relating to the thirty-first day of July in the year immediately preceding the grant year ; and

(c) the number of miles of roads shall be calculated by reference to estimates of the Secretary of State relating to the sixteenth day of May in the year immediately preceding the grant year.

2ND SCH.
—cont.

(3) The Secretary of State may, if he thinks fit, determine that any sea route between two places in a county, being a sea route served by a ferry or by public transport vessels and specified in the determination, shall be treated for the purposes of this paragraph as if it were a road in the county ; and in any calculation under this paragraph any such determination shall be taken into account.

6. In the application of this Schedule to the general grants for the years beginning on the sixteenth day of May, nineteen hundred and fifty-nine, and the sixteenth day of May, nineteen hundred and sixty-one, the rateable valuation and standard rateable value for any area for the immediately preceding year shall be taken to be the amounts estimated in relation to the area by the assessor and the Secretary of State under subsection (7) of section seven of this Act and under subsection (8) of section fifteen of the Act of 1956 respectively.

7. In this Schedule—

- (a) “county” means a county (or, in relation to counties combined for the purposes mentioned in subsection (1) of section one hundred and eighteen of the Act of 1947, the combined county) inclusive of any burgh situated therein, other than a burgh which is a county of a city ;
- (b) “grant year” in relation to any general grants means the year for which the grants are payable ; and
- (c) “roads” means highways maintained and managed by the Secretary of State or by a local authority.

TABLE I

<i>Proportion of pupils to miles of roads</i>	<i>Percentage of total population</i>
Under 2·5 to 1	50
Under 3·0 to 1 and not under 2·5 to 1	47½
Under 3·5 to 1 and not under 3·0 to 1	45
Under 4·0 to 1 and not under 3·5 to 1	42½
Under 4·5 to 1 and not under 4·0 to 1	40
Under 5·0 to 1 and not under 4·5 to 1	37½
Under 5·5 to 1 and not under 5·0 to 1	35
Under 6·0 to 1 and not under 5·5 to 1	32½
Under 6·5 to 1 and not under 6·0 to 1	30
Under 7·0 to 1 and not under 6·5 to 1	27½
Under 7·5 to 1 and not under 7·0 to 1	25
Under 8·0 to 1 and not under 7·5 to 1	22½
Under 8·5 to 1 and not under 8·0 to 1	20
Under 9·0 to 1 and not under 8·5 to 1	17½
Under 9·5 to 1 and not under 9·0 to 1	15
Under 10·0 to 1 and not under 9·5 to 1	12½
Under 10·5 to 1 and not under 10·0 to 1	10
Under 11·0 to 1 and not under 10·5 to 1	7½
Under 11·5 to 1 and not under 11·0 to 1	5
Under 12·0 to 1 and not under 11·5 to 1	2½
12·0 to 1 and over	Nil

2 C

2ND SCH.
—cont.

TABLE II

<i>Proportion of population in landward area of county to total population</i>	<i>Percentage of total population</i>
85 per cent. and over	75
Under 85 per cent. and not under 75 per cent. ...	50
Under 75 per cent. and not under 70 per cent. ...	25
Under 70 per cent. and not under 60 per cent. ...	15
Under 60 per cent. and not under 50 per cent. ...	5
Under 50 per cent.	Nil

Section 1.

THIRD SCHEDULE

ADJUSTMENT OF GENERAL GRANTS

PART I

Reduction of aggregate of general grants

1. The aggregate amount fixed by the Secretary of State under subsection (2) of section one of this Act for any year shall be reduced by—

- (a) the expenditure incurred in that year by the Secretary of State in making any payments to the universities of Scotland under paragraph (5) of section seventy of the Education (Scotland) Act, 1946;
- (b) one-half of the expenditure incurred in that year under section twenty-three of the Fire Services Act, 1947, on the central training institution;
- (c) three-quarters of the expenditure incurred in that year under the said section twenty-three on local training centres;
- (d) three-quarters of the expenditure incurred in that year on any central examination board established by any regulations made under section eighteen of the said Act of 1947, in connection with the appointment or promotion of persons to any rank in a fire brigade maintained under that Act; and
- (e) such proportion not exceeding one-half as the Secretary of State may with the consent of the Treasury determine of the expenditure incurred in that year by the Secretary of State under sections forty-five and forty-six of the Children Act, 1948, (which relate respectively to grants for training in child care and grants to voluntary organisations).

2. Where the amount of any reduction under the foregoing paragraph depends on expenditure which has not been ascertained at the time when the reduction falls to be made, the amount shall be based on an estimate of the expenditure, and any discrepancy between the estimate and the actual amount of the expenditure shall be compensated for in the earliest practicable subsequent year by means of an adjustment to the aggregate amount fixed as aforesaid for that year.

PART II

3RD SCH.
—cont.

Adjustment of general grants payable to local authorities

3.—(1) In respect of expenditure to which this paragraph applies, the general grants payable for any year shall be subject to adjustment in accordance with regulations made under this paragraph.

(2) The Secretary of State may by regulations, subject to annulment in pursuance of a resolution of either House of Parliament, provide for ascertaining the aggregate of such expenditure for the year in question of all local authorities and joint county councils of which local authorities are constituent councils, for apportioning the aggregate among the local authorities, and for giving effect to the apportionment by means of increases or decreases in the general grants payable to each authority of such amounts as may be ascertained in accordance with the regulations.

(3) This paragraph applies to expenditure incurred—

- (a) in the provision, or in assisting the provision, of such facilities for further education as may be specified by regulations made under this paragraph,
- (b) in making, or assisting to make, such other educational provision as may be specified, with the approval of the Treasury and after consultation with such associations of local authorities as appear to the Secretary of State to be concerned, in regulations made under this paragraph,
- (c) in the training of persons to become health visitors or midwives or in respect of persons who are being so trained, and
- (d) in the exercise of any of the functions specified in subsection (1) of section thirty-nine of the Children Act, 1948, with respect to children in the care of a local authority, being children determined by the Secretary of State not to be ordinarily resident in the area of the authority,

so however that this paragraph does not apply to expenditure falling within head (d) of this sub-paragraph which is recoverable by the local authority under paragraph (b) of subsection (4) of section one of the Children Act, 1948, from the authority in whose area the child is ordinarily resident.

FOURTH SCHEDULE

Section 6.

CONSEQUENTIAL MODIFICATIONS OF ENACTMENTS

PART I

*Modifications consequential on Part I of this Act**The Ministry of Transport Act, 1919*

1. In section seventeen of the Ministry of Transport Act, 1919, in subsection (2) the words from “and may” to the end shall cease to have effect.

The Road Traffic Act, 1930

2. In section fifty-seven of the Road Traffic Act, 1930, subsections (3) and (4) shall cease to have effect.

4TH SCH.
—cont.

The Children and Young Persons (Scotland) Act, 1937

3.—(1) In subsection (3) of section ninety of the Children and Young Persons (Scotland) Act, 1937, after the words “for the time being residing, and” there shall be inserted the words “in the case of a child or young person ordered to be sent to an approved school”; for the words “such authority” there shall be substituted the words “the education authority”; and at the end of the subsection there shall be added the words “and in any other case shall (unless the child or young person has been committed to, or received into, the care of the authority to whom the contributions were payable) be paid over to the local authority to whose care the child or young person has been committed, or into whose care the child or young person has been received, but subject to such deductions in respect of services rendered by the local authority to whom the contributions were payable as may be agreed between the authorities concerned or as, in default of agreement, may be determined by the Secretary of State.”

(2) Any reference in paragraph (b) of subsection (2) of section ninety-one, and in subsection (1) of section ninety-two, of the said Act of 1937 to a local authority entitled to receive contributions made under Part V of that Act in respect of a child or young person shall be construed as a reference to the local authority to whom the contributions are payable by the person liable to make them.

(3) In section ninety-three of the said Act of 1937 in subsection (1), after the words “fit person” there shall be inserted the words “not being a local authority”.

The Physical Training and Recreation Act, 1937

4 In section three of the Physical Training and Recreation Act, 1937, in paragraphs (a) and (b) of subsection (1), for any reference to a local authority there shall be substituted a reference to a district council.

The Pensions (Increase) Act, 1944

5. In section nine of the Pensions (Increase) Act, 1944, for paragraph (d) there shall be substituted the following paragraph, that is to say—

“(d) any additional expenditure incurred by reason of the provisions of this Act in respect of pensions payable under the Education (Scotland) Act, 1946, shall be defrayed out of moneys provided by Parliament.”

The Education (Scotland) Act, 1946

6.—(1) In section one of the Education (Scotland) Act, 1946, there shall be added at the end the following subsection, that is to say—

“(8) The Secretary of State may make regulations prescribing the standards and general requirements to which every education authority shall conform in exercising their functions under this section.”

(2) Section sixty-nine of the said Act of 1946 shall cease to have effect.

4TH SCH.
—cont.

(3) In section seventy of the said Act of 1946—

- (a) for the words “The Education (Scotland) Fund in any year shall be applied” there shall be substituted the words “The Secretary of State may, out of moneys provided by Parliament, apply such sums as he thinks necessary”;
- (b) in paragraph (1) the words “in so far as such expenses are not provided for from moneys voted by Parliament” shall be omitted;
- (c) paragraph (4) shall cease to have effect;
- (d) in paragraph (7) the words “in addition to any sums voted by Parliament for the training of teachers” shall be omitted;
- (e) in paragraph (12) the words “to the application of the balance as nearly as may be” shall be omitted; and
- (f) in paragraph (12) after the words “education authorities” there shall be inserted the words “not being relevant expenditure for the purposes of Part I of the Local Government and Miscellaneous Financial Provisions (Scotland) Act, 1958.”

(4) In section seventy-one of the said Act of 1946, in subsection (1), the words from “The said regulations” to the end of the subsection shall cease to have effect.

(5) In section seventy-six of the said Act of 1946, in subsection (1), the words “from the Education (Scotland) Fund or” shall be omitted.

(6) In section one hundred and three of the said Act of 1946, in subsection (4), after the words “made by the Secretary of State”, there shall be inserted the words “or under any enactment, to the body or education authority, or, in the case of an education authority which is a joint county council, to any constituent council thereof.”, and after subsection (5) there shall be added the following subsection, that is to say—

“(6) All sums collected or recovered by the Secretary of State under this section shall be paid into the Exchequer.”

(7) In section one hundred and forty-three, in subsection (1), for the definition of “code” there shall be substituted the following definition, that is to say—

“‘code’ means regulations made under subsection (8) of section one of this Act.”

(8) In the Third Schedule to the said Act of 1946, in paragraph 3 of Part I, there shall be added at the end the words “and may include provision for the treatment as having been paid into the revenue of the account kept under section one hundred and six of this Act of a sum which in the opinion of the Secretary of State represents the employers’ interest in the Fund having regard to the sums contributed to the Fund by teachers and employers, to the extent to which the employers’ contributions were aided by grant from moneys provided by Parliament and to the expenditure from the Fund.”

(9) In the Fourth Schedule to the said Act of 1946, in subparagraph (b) of paragraph 2, for the words “the Education (Scotland) Fund” there shall be substituted the words “moneys provided by Parliament”.

4TH SCH.
—cont.

The National Health Service (Scotland) Act, 1947

7. In section fifty-three of the National Health Service (Scotland) Act, 1947, subsections (1) to (3) shall cease to have effect.

The Fire Services Act, 1947

8. Section twenty-five and subsection (17) of section thirty-six of the Fire Services Act, 1947, shall cease to have effect.

The Local Government (Scotland) Act, 1947

9. In section one hundred and four of the Local Government (Scotland) Act, 1947, subsection (2) shall cease to have effect.

The Town and Country Planning (Scotland) Act, 1947

10. In section eighty-nine of the Town and Country Planning (Scotland) Act, 1947, in subsection (1), in paragraph (a), after the word "acquisition" there shall be inserted the words "for major redevelopment", and after the word "acquired" there shall be inserted the words "for such redevelopment"; in paragraph (b), after the word "compensation" where it first occurs, there shall be inserted the words "in respect of land of the National Coal Board to which the Fifth Schedule to this Act applies by virtue of regulations under section eighty-six of this Act, being compensation payable", and for the words from the first "twenty-two" to the end of the paragraph there shall be substituted the words "twenty-three or twenty-four of this Act in respect of such land of the National Coal Board as aforesaid"; paragraph (c) shall cease to have effect; at the end of the subsection there shall be inserted—

"In this Act "major redevelopment" means redevelopment of an area as a whole (including the re-location of population or industry, and the replacement of open space, for the purposes of such redevelopment) which appears to the Secretary of State, after consultation with the local planning authority concerned to be, by reason of the scale of the operations involved of major importance to the proper planning of the local planning authority's district and to be likely (either by itself or along with commitments already undertaken or proposed to be undertaken by way of redevelopment by the authority) to impose an unreasonable burden on the financial resources of the local planning authority;"

and in subsection (4) the proviso shall cease to have effect.

The Local Government Act, 1948

11.—(1) Section twenty-three of the Local Government Act, 1948, shall cease to have effect.

(2) Subsection (1) of section twenty-four of the Local Government Act, 1948, shall have effect as if any reference therein to an exchequer equalisation grant were a reference to a general grant payable under this Act.

(3) In section one hundred and fourteen of the Local Government Act, 1948, in the proviso to subsection (2), the words "or out of the Education (Scotland) Fund" shall be omitted, and in subsection

(4), after the word "Parliament", there shall be inserted the words "under any enactment, whether passed before or after the passing of this Act"

4TH SCH.
—cont.

The National Assistance Act, 1948

12. Section twenty-eight of the National Assistance Act, 1948, shall cease to have effect.

The Superannuation (Miscellaneous Provisions) Act, 1948

13.—(1) In section one of the Superannuation (Miscellaneous Provisions) Act, 1948, in subsection (3), the words "or into or out of the Education (Scotland) Fund" shall be omitted.

(2) In section two of the Superannuation (Miscellaneous Provisions) Act, 1948, in subsection (4), the words "or out of the Education (Scotland) Fund" and the words "into the Education (Scotland) Fund" shall be omitted, and subsection (8) shall cease to have effect.

(3) In section seventeen of the Superannuation (Miscellaneous Provisions) Act, 1948, in subsection (1), the definition of "pension fund" shall have effect with the substitution for the reference to the Education (Scotland) Fund of a reference to the Exchequer.

The Children Act, 1948

14.—(1) In section forty-six of the Children Act, 1948, in subsection (2), the words "with the consent of the Secretary of State" shall be omitted.

(2) Section forty-seven of the Children Act, 1948, shall cease to have effect.

The Prevention of Damage by Pests Act, 1949

15. Section eleven of the Prevention of Damage by Pests Act, 1949, shall cease to have effect.

The Representation of the People Act, 1949

16.—(1) In section forty-three of the Representation of the People Act, 1949, in subsection (1), paragraph (a) shall cease to have effect, and in subsection (3) the words from "and any sums" to "the Exchequer of the United Kingdom" shall be omitted.

(2) In section forty-four of the Representation of the People Act, 1949, in subsection (3), for the words "the Treasury", in each place where they occur, there shall be substituted the words "the Secretary of State", but nothing in this sub-paragraph shall affect any scale of expenses framed, or sanction given, before the coming into effect of this paragraph.

The Vehicles (Excise) Act, 1949

17. In section twenty-four of the Vehicles (Excise) Act, 1949, paragraph (b) of subsection (1) shall cease to have effect.

The School Crossing Patrols Act, 1953

18. In section three of the School Crossing Patrols Act, 1953, subsections (1) and (2) shall cease to have effect.

4TH SCH.
—cont.

The Pensions (Increase) Act, 1956

19.—(1) In section two of the Pensions (Increase) Act, 1956, in subsection (1), the words “ or out of the Education (Scotland) Fund ” shall be omitted.

(2) In section twelve of the Pensions (Increase) Act, 1956, in subsection (2), for the words “ the Education (Scotland) Fund ” there shall be substituted the words “ moneys provided by Parliament ” and the words from “ and for the purpose of ” to the end of the subsection shall cease to have effect.

The Road Traffic Act, 1956

20. In section five of the Road Traffic Act, 1956, in subsection (2), at the end there shall be added the words “ being arrangements made by authorities or bodies other than local authorities. ”; and in subsection (4), the words “ and grants in respect thereof ” shall cease to have effect.

PART II

Modifications consequential on the Local Government Act, 1958

21. In section one of the Act of 1954, in subsection (1), in paragraph (b), for the words “ Exchequer Equalisation Grants ” there shall be substituted the words “ Rate-deficiency Grants ”.

22. In section twenty-six of the Act of 1956, in subsection (2), paragraph (a) shall cease to have effect.

23. In the Sixth Schedule to the Act of 1956—

(a) for paragraph 1 there shall be substituted the following paragraph, that is to say—

“ 1.—(1) The Minister of Housing and Local Government (hereinafter referred to as “ the Minister ”) shall estimate and certify—

(a) the total amount of the expenditure (as defined in subsection (5) or, as the case may be, subsection (6), as read with subsections (7) and (8) of section five of the Local Government Act, 1958) of all local authorities (as defined for the purposes of the said section five) in England and Wales for the twelve months ending on the thirty-first day of March in the year in question ; and

(b) the total of the weighted populations of all counties and county boroughs in England and Wales.

(2) In this paragraph the expression “ the weighted population ” in relation to a county or county borough means the population thereof plus the number of children under fifteen years of age therein and, in the case of a county the population whereof divided by the road-mileage thereof is less than seventy, plus also one-third of the additional population needed in order that the population thereof divided by the road-mileage thereof should be seventy.” ;

- (b) in paragraph 3, for the words "sub-paragraph (a)" there shall be substituted the words "head (a) of sub-paragraph (1)";
- (c) in paragraph 4, for the words "Exchequer Equalisation Grants" there shall be substituted the words "Rate-deficiency Grants", and for the words "total amount of the relevant local expenditure of all the counties and county boroughs in England and Wales" there shall be substituted the words "amount certified under head (a) of sub-paragraph (1) of paragraph 1 of this Schedule"; and
- (d) for paragraph 7 there shall be substituted the following paragraph, that is to say—

4TH SCH.
—cont.

"7.—(1) The Secretary of State shall estimate and certify the amount arrived at by deducting from the total of the relevant local expenditure of all burghs and landward areas in Scotland for the year in question the cost of the collection of rates for that year, and adding an amount equal to the total of the sums falling to be paid for that year to the Secretary of State by the North of Scotland Hydro-Electric Board, the South of Scotland Electricity Board and the British Transport Commission under Part V of the Local Government Act, 1948, for the benefit of local authorities in Scotland.

(2) There shall be calculated the sum which bears to the amount certified under the foregoing sub-paragraph the same proportion as the notional Exchequer Grant for Scotland bears to the notional relevant local expenditure for Scotland, and the sum so arrived at is the amount last mentioned in subsection (1) of section twenty-six of this Act."

PART III

Commencement of Fourth Schedule

24.—(1) The following provisions of this Schedule, that is to say—
paragraph 5,

in paragraph 6, sub-paragraph (2), heads (a) to (e) of sub-paragraph (3), sub-paragraphs (5), (6), (8) and (9),

in paragraph 11, sub-paragraph (3),

paragraph 13, and

paragraph 19,

shall come into operation on the first day of April, nineteen hundred and fifty-nine.

(2) Subject to the foregoing sub-paragraph the provisions of this Schedule shall come into operation for the purposes of the year beginning on the sixteenth day of May, nineteen hundred and fifty-nine and subsequent years, but not for those of any earlier year.

FIFTH SCHEDULE

LOCAL GOVERNMENT ADMINISTRATION

The Allotments (Scotland) Act, 1922

1. Section nine of the Allotments (Scotland) Act, 1922 (which requires the councils of certain burghs to establish allotment committees) shall cease to have effect.

The Education (Scotland) Act, 1946

2. In section three of the Education (Scotland) Act, 1946 (which relates to the provision of facilities for recreation and social and physical training), in subsection (1), the words "with the approval of the Secretary of State" shall cease to have effect.

3. In section twenty-five of the said Act of 1946 (which relates to contributions by education authorities to the maintenance of certain schools and institutions), in subsection (6), the words "with the sanction of the Secretary of State" shall cease to have effect, and for the words "the Secretary of State," where those words secondly occur, there shall be substituted the words "the education authority".

4. In section twenty-seven of the said Act of 1946 (which relates to educational research) the words "with the approval of the Secretary of State" shall cease to have effect.

5. In section thirty-four of the said Act of 1946 (which relates to exemption from school attendance) subsection (5) shall cease to have effect.

6. In section forty-five of the said Act of 1946 (which relates to the provision of transport and other facilities), in subsection (1), the words "or as the Secretary of State may direct" shall cease to have effect.

7. In section seventy-four of the said Act of 1946 (which relates, among other things, to the examination of accounts of education authorities) subsections (2) and (3) shall cease to have effect:

Provided that this paragraph shall not have effect as respects accounts for any period before the year beginning on the sixteenth day of May, nineteen hundred and fifty-nine.

The National Health Service (Scotland) Act, 1947

8. In section twenty-two of the National Health Service (Scotland) Act, 1947 (which relates to the care of mothers and young children), in subsection (3), the words "with the approval of the Secretary of State" shall cease to have effect.

9. In section twenty-seven of the National Health Service (Scotland) Act, 1947 (which relates to the prevention of illness, the care of persons suffering from illness or mental deficiency and the after care of such persons), in subsection (3), the words "with the approval of the Secretary of State" shall cease to have effect.

10. In section fifty-one of the National Health Service (Scotland) Act, 1947 (which relates to the duties of local health authorities under

the Lunacy and Mental Deficiency Acts) in subsection (3), the words "with the approval of the Secretary of State" shall cease to have effect.

5TH SCH.
—cont.

11. The Fifth Schedule to the National Health Service (Scotland) Act, 1947 (which requires local health committees to make the minutes of their proceedings available for inspection by electors) shall cease to have effect.

The Local Government (Scotland) Act, 1947

12. In section one hundred and five of the Act of 1947, subsection (2) (which requires county councils and town councils of large burghs to have administrative schemes for the discharge of their functions as local health authorities), subsection (3) (which requires county councils to have administrative schemes for the discharge of their functions relating to roads) and subsection (4) (which precludes county councils and the town councils of large burghs from revoking administrative schemes approved under section fourteen of the Local Government (Scotland) Act, 1929, otherwise than by making another administrative scheme) shall cease to have effect and any reference in subsection (5) or subsection (6) of the said section one hundred and five to an administrative scheme shall be construed as a reference only to an administrative scheme relating to education.

13. Section one hundred and seven of the Act of 1947 (which prescribes the contents of certain administrative schemes required to be made by county councils and town councils of large burghs) shall cease to have effect.

14. Section one hundred and ten of the Act of 1947 (which requires county councils to appoint committees for the purposes of their functions relating to roads) shall cease to have effect.

15. Section one hundred and eleven of the Act of 1947 (which relates to health committees required to be appointed by county councils and town councils of large burghs) shall cease to have effect.

16. Section one hundred and twelve of the Act of 1947 (which requires county councils and town councils which are police authorities to appoint committees for the purposes of their functions relating to police) shall cease to have effect.

17. In section one hundred and fourteen of the Act of 1947 (which relates to the appointment of sub-committees of committees for administrative scheme functions) for subsection (1) there shall be substituted the following subsection, that is to say—

“(1) Save as otherwise provided in this Part of this Act a sub-committee of the education committee of a county council or of the town council of a county of a city may consist to an extent not exceeding one half of persons who are not members of the council:

Provided that a person who is not a member of the council or of the committee shall not be appointed to a sub-committee except with the consent of the council.”

18. Section one hundred and fifteen of the Act of 1947 (which relates to the appointment of committees and sub-committees of

5TH SCH.
—cont.

county councils, town councils of burghs and district councils) shall have effect with the addition of the following subsection, that is to say—

“(3) Any committee appointed by a local authority under subsection (1) of this section for the purposes of the authority’s functions under the Allotments (Scotland) Act, 1922, the National Health Service (Scotland) Act, 1947, the Town and Country Planning (Scotland) Act, 1947, or the National Assistance Act, 1948, may to an extent not exceeding one third of its membership consist of persons, not being members of the local authority, who have special knowledge or experience in regard to the functions for the purposes of which the committee is appointed.”

19. In section one hundred and fifty-seven of the Act of 1947 (which relates to the acquisition of land in advance of requirements) the words “with the consent of the Minister concerned” shall cease to have effect.

The Town and Country Planning (Scotland) Act, 1947

20. Part IV of the First Schedule to the Town and Country Planning (Scotland) Act, 1947 (which requires local planning authorities to establish planning committees for the discharge of their functions under that Act) shall cease to have effect.

21. In Part V of the First Schedule to the Town and Country Planning (Scotland) Act, 1947 (which relates to sub-committees), in paragraph 1, for the words “The planning committee of a local planning authority” there shall be substituted the words “Any committee established by a local planning authority for the discharge of their functions under this Act”, after the words “the committee” there shall be inserted the words “(hereinafter referred to as “the planning committee”))”, and for the words “not less than three-fourths of the members of any such sub-committee which consists of more than three persons” there shall be substituted the words “not less than two-thirds of the members of any such committee”; and, in paragraph 3, for the words “a planning committee established under Part IV of this Schedule”, there shall be substituted the words “a committee to which paragraph 1 of this Part of this Schedule relates”.

The Local Government Act, 1948

22. In section one hundred and thirty-five of the Local Government Act, 1948 (which relates to instruction, lectures, etc., on questions relating to local government) in subsection (1), the words “Subject to such conditions and restrictions, if any, as the Secretary of State may by regulations prescribe” shall cease to have effect.

The National Assistance Act, 1948

23. Part I of the Third Schedule to the National Assistance Act, 1948 (which requires county councils and town councils of large burghs to establish committees for the discharge of their functions under Part III of that Act) shall cease to have effect.

The Valuation and Rating (Scotland) Act, 1956

24. Section two of the Valuation and Rating (Scotland) Act, 1956 (which requires valuation authorities to have administrative schemes for the discharge of their functions relating to valuation) shall cease to have effect.

SIXTH SCHEDULE

Section 22.

REPEALS

PART I

Repeals having effect as from passing of Act

Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 5. c. 58.	The Trusts (Scotland) Act, 1921.	In section ten, in subsection (1), in paragraph (a), sub-paragraph (8).
10 & 11 Geo. 6. c. 43.	The Local Government (Scotland) Act, 1947.	In section one hundred and ninety-one, in subsection (3), paragraph (d).
14 & 15 Geo. 6. c. 15.	The Local Government (Scotland) Act, 1951.	In section four, in subsection (1), the words "during the continuance in force of this section": subsection (2).

PART II

Repeals not having effect for any period before 1st April, 1959

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 6. c. 72.	The Education (Scotland) Act, 1946.	Section sixty-nine; in section seventy, in paragraph (1), the words "in so far as such expenses are not provided from moneys voted by Parliament", paragraph (4), in paragraph (7), the words "in addition to any sums voted by Parliament for the training of teachers", and in paragraph (12) the words "to the application of the balance as nearly as may be"; in section seventy-six, in subsection (1), the words "from the Education (Scotland) Fund or".
11 & 12 Geo. 6. c. 26.	The Local Government Act, 1948.	In section one hundred and fourteen, in the proviso to subsection (2), the words "or out of the Education (Scotland) Fund".
11 & 12 Geo. 6. c. 33.	The Superannuation (Miscellaneous Provisions) Act, 1948.	In section one, in subsection (3), the words "or into or out of the Education (Scotland) Fund"; in section two, in subsection (4), the words "or out of the Education (Scotland) Fund", and the words "into the Education (Scotland) Fund", and subsection (8).

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Session and Chapter	Short Title	Extent of Repeal
4 & 5 Eliz. 2. c. 39.	The Pensions (Increase) Act, 1956.	In section two, in subsection (1), the words " or out of the Education (Scotland) Fund "; in section twelve, in subsection (2), the words from " and for the purpose of " to the end of the subsection.

PART III

Repeals not having effect for any period before 16th May, 1959

Session and Chapter	Short Title	Extent of Repeal
9 & 10 Geo. 5. c. 50.	The Ministry of Transport Act, 1919.	In section seventeen, in subsection (2), the words from " and may " to the end of the subsection.
12 & 13 Geo. 5. c. 52.	The Allotments (Scotland) Act, 1922.	Section nine.
19 & 20 Geo. 5. c. 25.	The Local Government (Scotland) Act, 1929.	In section forty-six, in subsection (2), paragraph (a).
20 & 21 Geo. 5. c. 43.	The Road Traffic Act, 1930.	In section fifty-seven, subsections (3) and (4).
24 & 25 Geo. 5. c. 50.	The Road Traffic Act, 1934.	In the Third Schedule, the entry relating to subsection (3) of section fifty-seven of the Road Traffic Act, 1930.
1 Edw. 8 & 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act, 1937.	In section one hundred and one, subsection (8).
9 & 10 Geo. 6. c. 72.	The Education (Scotland) Act, 1946.	In section three, in subsection (1), the words " with the approval of the Secretary of State "; in section twenty-five, in subsection (6), the words " with the sanction of the Secretary of State "; in section twenty-seven, the words " with the approval of the Secretary of State "; in section thirty-four, subsection (5); in section forty-five, in subsection (1), the words " or as the Secretary of State may direct "; in section seventy-one, in subsection (1), the words from " The said regulations " to the end of the subsection; in section seventy-four, subsections (2) and (3).

Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 27.	The National Health Service (Scotland) Act, 1947.	In section twenty-two, in subsection (3), the words "with the approval of the Secretary of State"; in section twenty-seven, in subsection (3), the words "with the approval of the Secretary of State"; in section fifty-one, in subsection (3), the words "with the approval of the Secretary of State"; in section fifty-three, subsections (1) to (3); and the Fifth Schedule.
10 & 11 Geo. 6. c. 41.	The Fire Services Act, 1947.	Section twenty-five; in section thirty-six, subsection (17).
10 & 11 Geo. 6. c. 43.	The Local Government (Scotland) Act, 1947.	In section one hundred and four, subsection (2); in section one hundred and five, subsections (2), (3) and (4); section one hundred and seven; section one hundred and ten; section one hundred and eleven; section one hundred and twelve; in section one hundred and fifty-seven, the words "with the consent of the Minister concerned"; in section two hundred and three, subsection (3); in section two hundred and eight, subsection (1).
10 & 11 Geo. 6. c. 53.	The Town and Country Planning (Scotland) Act, 1947.	In section two, in subsection (5), the words "and Part IV" and the words "and of planning committees respectively"; in section eighty-nine, in subsection (1), paragraph (c), and the proviso to subsection (4); section ninety-two; and, in the First Schedule, Part IV.
11 & 12 Geo. 6. c. 26.	The Local Government Act, 1948.	Section twenty-three; in section one hundred and thirty-five, in subsection (1), the words "Subject to such conditions and restrictions, if any, as the Secretary of State may by regulations prescribe", and subsection (2).
11 & 12 Geo. 6. c. 29.	The National Assistance Act, 1948.	Section twenty-eight; in section thirty-three, in subsection (2), the words "committees and"; in the Third Schedule, Part I; in Part II, in paragraph 9, subparagraph (3), and, in

6TH SCH.
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Session and Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6. c. 29—cont.	The National Assistance Act, 1948—cont.	paragraph 11, sub-paragraph (<i>f</i>); and in Part III, in paragraph 12, in sub-paragraph (<i>a</i>), the words from “and for any reference” to the end of the sub-paragraph; sub-paragraphs (<i>b</i>), (<i>c</i>) and (<i>d</i>).
11 & 12 Geo. 6. c. 43.	The Children Act, 1948.	In section forty-six, in subsection (2), the words “with the consent of the Secretary of State”; section forty-seven.
12, 13 & 14 Geo. 6. c. 55.	The Prevention of Damage by Pests Act, 1949.	Section eleven.
12, 13 & 14 Geo. 6. c. 68.	The Representation of the People Act, 1949.	In section forty-three, in subsection (1), paragraph (<i>a</i>), and in subsection (3) the words from “and any sums” to “the Exchequer of the United Kingdom”.
12, 13 & 14 Geo. 6. c. 89.	The Vehicles (Excise) Act, 1949.	In section twenty-four, in subsection (1), paragraph (<i>b</i>).
1 & 2 Eliz. 2. c. 45.	The School Crossing Patrols Act, 1953.	In section three, subsections (1) and (2).
3 & 4 Eliz. 2. c. 26.	The Public Service Vehicles (Travel Concessions) Act, 1955.	Section two.
4 & 5 Eliz. 2. c. 60.	The Valuation and Rating (Scotland) Act, 1956.	Section two; in section three, in subsection (4), paragraph (<i>c</i>); in section twenty-six, in subsection (2), paragraph (<i>a</i>).
4 & 5 Eliz. 2. c. 67.	The Road Traffic Act, 1956.	In section five, in subsection (4), the words “and grants in respect thereof”; and in the Second Schedule, in paragraph 2, the words from “and” to the end.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Registration of Births, Deaths and Marriages (Scotland) Act, 1854	17 & 18 Vict. c. 80.
Marriage Notice (Scotland) Act, 1878... ..	41 & 42 Vict. c. 43.
Cremation Act, 1902	2 Edw. 7. c. 8.
Ministry of Transport Act, 1919	9 & 10 Geo. 5. c. 50.
Housing (Additional Powers) Act, 1919	9 & 10 Geo. 5. c. 99.
Roads Act, 1920	10 & 11 Geo. 5. c. 72.
Trusts (Scotland) Act, 1921	11 & 12 Geo. 5. c. 58.
Allotments (Scotland) Act, 1922	12 & 13 Geo. 5. c. 52.
Local Government (Scotland) Act, 1929	19 & 20 Geo. 5. c. 25.
Road Traffic Act, 1930	20 & 21 Geo. 5. c. 43.
Registration of Births, Deaths and Marriages (Scotland) (Amendment) Act, 1934	24 & 25 Geo. 5. c. 19.
Children and Young Persons (Scotland) Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 37.
Physical Training and Recreation Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 46.
Marriage (Scotland) Act, 1939	2 & 3 Geo. 6. c. 34.
Pensions (Increase) Act, 1944	7 & 8 Geo. 6. c. 21.
Town and Country Planning (Scotland) Act, 1945	8 & 9 Geo. 6. c. 33.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
National Health Service (Scotland) Act, 1947	10 & 11 Geo. 6. c. 27.
Fire Services Act, 1947	10 & 11 Geo. 6. c. 41.
Local Government (Scotland) Act, 1947	10 & 11 Geo. 6. c. 43.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6. c. 53.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
National Assistance Act, 1948	11 & 12 Geo. 6. c. 29.
Superannuation (Miscellaneous Provisions) Act, 1948	11 & 12 Geo. 6. c. 33.
Children Act, 1948	11 & 12 Geo. 6. c. 43.
Employment and Training Act, 1948	11 & 12 Geo. 6. c. 46.
Gas Act, 1948	11 & 12 Geo. 6. c. 67.
Civil Defence Act, 1948... ..	12, 13 & 14 Geo. 6. c. 5.
Water (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 31.
Prevention of Damage by Pests Act, 1949	12, 13 & 14 Geo. 6. c. 55.
Representation of the People Act, 1949	12, 13 & 14 Geo. 6. c. 68.
Vehicles (Excise) Act, 1949	12, 13 & 14 Geo. 6. c. 89.
Local Government (Scotland) Act, 1951	14 & 15 Geo. 6. c. 15.
Rivers (Prevention of Pollution) (Scotland) Act, 1951	14 & 15 Geo. 6. c. 66.
School Crossing Patrols Act, 1953	1 & 2 Eliz. 2. c. 45.
Local Government (Financial Provisions) (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 13.
Town and Country Planning (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 73.
Public Libraries (Scotland) Act, 1955	3 & 4 Eliz. 2. c. 27.
Pensions (Increase) Act, 1956	4 & 5 Eliz. 2. c. 39.
Valuation and Rating (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 60.
Road Traffic Act, 1956	4 & 5 Eliz. 2. c. 67.
Housing and Town Development (Scotland) Act, 1957	5 & 6 Eliz. 2. c. 38.
Local Government Act, 1958	6 & 7 Eliz. 2. c. 55.

CHAPTER 65*Children Act, 1958*

ARRANGEMENT OF SECTIONS

PART I

CHILD PROTECTION

Section

1. Duty of local authorities to ensure well-being of foster children.
2. Meaning of "foster child".
3. Duty of persons maintaining foster children to notify local authority.
4. Power to inspect premises, impose conditions, or prohibit the keeping of foster children.
5. Appeal to juvenile court against requirement or prohibition imposed under section four.
6. Disqualification for keeping foster children.
7. Removal of foster children kept in unsuitable surroundings.
8. Extension of power to issue warrants to search for and remove a child.
9. Avoidance of insurances on lives of foster children.
10. Sittings of juvenile courts in proceedings under Part I.
11. Appeal to quarter sessions.
12. Extension of Part I to certain school children during holidays.
13. Extension of Part I to certain children above compulsory school age.
14. Offences.
15. Service of notices by post.
16. Authentication of documents.
17. Interpretation of Part I.

PART II

AMENDMENTS OF ADOPTION ACT, 1950

18. Consents to adoption.
19. Other conditions of adoption.
20. Interim orders.
21. Procedure and evidence.
22. Effects of adoption.
23. Adoption by persons domiciled but not ordinarily resident in Great Britain.
24. Provisional adoption by persons domiciled outside Great Britain.
25. Registration.
26. Amendment of orders and rectification of registers.
27. Legitimation following adoption.
28. Penalty for making unauthorised arrangements for adoption.
29. Adoption societies regulations.
30. Power of local authorities to arrange adoptions.
31. Return of infants placed by adoption societies and local authorities.
32. Further provisions as to adoption of children in care of local authorities.
33. Restriction on removal of infants for adoption outside British Islands.
34. Prohibition of certain payments.
35. Children awaiting adoption or placed with strangers.
36. Interpretation and construction of Part II.

PART III
MISCELLANEOUS AND GENERAL

Section

37. Prohibition of anonymous advertisements offering to undertake care of children.
 38. Repeal of obsolete enactments.
 39. Expenses.
 40. Minor and consequential amendments and repeals.
 41. Short title, construction, commencement and extent.

SCHEDULES:

First Schedule—Provisions as to children awaiting adoption or placed with strangers.

Second Schedule—Minor and consequential amendments.

Third Schedule—Enactments repealed.

An Act to make fresh provision for the protection of children living away from their parents; to amend the law relating to the adoption of children; and for purposes connected with the matters aforesaid.

[1st August, 1958]

BE it enacted by the Queen'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

CHILD PROTECTION

1. It shall be the duty of every local authority to secure that children within their area who are foster children within the meaning of this Part of this Act are visited from time to time by officers of the authority, who shall satisfy themselves as to the well-being of the children and give such advice as to their care and maintenance as may appear to be needed.

Duty of local authorities to ensure well-being of foster children.

2.—(1) In this Part of this Act "foster child" means, subject to the following provisions of this section, a child below the upper limit of the compulsory school age whose care and maintenance are undertaken for reward for a period exceeding one month by a person who is not a relative or guardian of his.

Meaning of "foster child."

(2) A child is not a foster child within the meaning of this Part of this Act while he is in the care of a local authority or a voluntary organisation or is boarded out by the Minister of Pensions and National Insurance or by a local health authority or a local education authority (or, in Scotland, an education authority).

PART I
—*cont.*

(3) A child is not a foster child within the meaning of this Part of this Act while he is in the care of any person—

- (a) in premises in which any parent, adult relative or guardian of his is for the time being residing ;
- (b) in any voluntary home within the meaning of Part V of the Children and Young Persons Act, 1933, or Part VI of the Children and Young Persons (Scotland) Act, 1937 ;
- (c) in any school within the meaning of the Education Acts, 1944 to 1953, or the Education (Scotland) Acts, 1939 to 1956 ;
- (d) in any hospital or in any nursing home registered or exempted from registration under Part VI of the Public Health Act, 1936, Part XI of the Public Health (London) Act, 1936, or the Nursing Homes Registration (Scotland) Act, 1938 ; or
- (e) in any home or institution not specified in this section but maintained by a public or local authority.

(4) A child is not a foster child within the meaning of this Part of this Act while he is in the care of any person in compliance with a supervision order or probation order or by virtue of a fit person order or while he is in an approved school or is deemed for the purposes of the Children and Young Persons Act, 1933, or of the Children and Young Persons (Scotland) Act, 1937, to be under the care of the managers of an approved school.

(5) A child who is a mental defective is not a foster child within the meaning of this Part of this Act while he is in any institution, house or home certified or approved under the Mental Deficiency Acts, 1913 to 1938, or the Mental Deficiency (Scotland) Acts, 1913 and 1940, or while, not being in such an institution, house or home,—

- (a) he is under care with the consent of the Board of Control or of the General Board of Control for Scotland under the said enactments ; or
- (b) he is under care after notice in respect of him has been given to the Board of Control in accordance with subsection (2) of section fifty-one of the Mental Deficiency Act, 1913, or to the General Board of Control for Scotland in accordance with Regulation one hundred and forty-eight of the Mental Deficiency and Lunacy (Scotland) Act (General Board's) Regulations, 1914.

(6) For the purposes of this Part of this Act a person undertaking the care and maintenance of a child shall be deemed to do so for reward if he receives any payment or gift of money

or money's worth or any promise of such a payment or gift in connection therewith, irrespective of whether he makes a profit or intends to make a profit; but where two persons arrange for each to undertake the care and maintenance of a child normally cared for and maintained by the other, the care and maintenance so undertaken shall be treated for the purposes of this subsection as not being a gift of money's worth.

PART I
—cont.

(7) For the purposes of this Part of this Act a person to whom a guardian's allowance under the National Insurance Acts, 1946 to 1957 or a family allowance under the Family Allowances Acts, 1945 to 1956 is payable by reason of his maintaining another person's child shall, if one or both of the child's parents are dead, be treated as having undertaken his care and maintenance for reward from the last of the following dates, that is to say—

- (a) the date on which the application for the allowance was granted;
- (b) the date of the death of the first to die of the child's parents;
- (c) where the person who is maintaining the child had reasonable cause to believe that both parents of the child were alive, the date on which he became aware that one of the child's parents had died.

3.—(1) A person who proposes to maintain as a foster child a child not already in his care shall give written notice thereof to the local authority not less than two weeks before he receives the child, unless he receives him in an emergency; and a person who maintains a foster child whom he received in an emergency or who became a foster child while in his care shall give written notice thereof to the local authority not later than one week after he receives the child or, as the case may be, after the child becomes a foster child.

Duty of persons maintaining foster children to notify local authority.

(2) Every such notice shall specify the premises in which the child is to be or is being kept and shall be given to the local authority for the area in which those premises are situated.

(3) Where a person who is maintaining a foster child changes his permanent address or the premises in which the child is kept he shall, not less than two weeks before the change, or, if the change is made in an emergency, not later than one week after the change, give written notice to the said local authority, specifying the new address or premises, and if the new premises are in the area of another local authority, the authority to whom the notice is given shall inform that other local authority and give them such of the particulars mentioned in subsection (7) of this section as are known to them.

PART I
—cont.

(4) If a foster child dies or is removed or removes himself from the care of the person maintaining him, that person shall, within forty-eight hours thereof, give to the local authority and to the person from whom the child was received notice in writing of the death or removal; and a notice of removal shall state, if known, the name and address of the person (if any) into whose care the child has been removed or received.

(5) Where a foster child ceases to be a foster child on his removal from the care of the person maintaining him, that person need not give a notice under subsection (4) of this section but shall at the request of the local authority give them the same particulars as would have been required to be stated in the notice; and a person who maintains or proposes to maintain a foster child need not give a notice under subsection (1) of this section if the child has within the last three months been maintained by him as a foster child but ceased to be a foster child while in his care or on removal from his care.

(6) A local authority may exempt any person from the duty of giving notices under this section, and any such exemption may be granted as regards all or any such notices for a specified period, and may be revoked at any time by notice in writing served on that person.

(7) A person maintaining or proposing to maintain a foster child shall at the request of the local authority give them the following particulars, so far as known to him, that is to say, the name, sex, and date and place of birth of the child, and the name and address of every person who is a parent or guardian or acts as a guardian of the child or from whom the child has been or is to be received.

Power to inspect premises, impose conditions, or prohibit the keeping of foster children.

4.—(1) Any officer of a local authority authorised to visit foster children may, after producing, if asked to do so, some duly authenticated document showing that he is so authorised, inspect any premises in the area of the authority in which foster children are to be or are being kept.

(2) Where a person is keeping or proposes to keep foster children in premises used (while foster children are kept therein) wholly or mainly for that purpose, the local authority may impose on him requirements, to be complied with, after such time as the authority may specify, whenever a foster child is kept in the premises, as to—

- (a) the number, age and sex of the foster children who may be kept at any one time in the premises or any part thereof;
- (b) the accommodation and equipment to be provided for the children;
- (c) the medical arrangements to be made for protecting the health of the children;

- (d) the giving of particulars of the person for the time being in charge of the children ;
- (e) the number, qualifications or experience of the persons employed in looking after the children ;
- (f) the keeping of records ;

PART I
—cont.

but any requirement imposed under paragraphs (b) to (f) of this subsection may be limited by the authority so as to apply only when the number of foster children kept in the premises exceeds a specified number.

(3) Where a person proposes to keep a foster child in any premises and the local authority are of opinion that it would be detrimental to that child to be kept by him in those premises, the local authority may prohibit him from doing so ; and if the premises are not for the time being used by him for the keeping of any foster child and the local authority are of opinion that it would be detrimental to any foster child to be kept by him in those premises, the local authority may prohibit his use of the premises for the keeping of any foster child.

(4) Where a local authority impose a requirement on any person under subsection (2) of this section as respects any premises, they may prohibit him from keeping foster children in the premises after the time specified for compliance with the requirement unless the requirement is complied with.

(5) Any requirement or prohibition imposed under this section shall be imposed by notice in writing addressed to the person on whom it is imposed.

5.—(1) Any person aggrieved by any requirement or prohibition imposed under section four of this Act may, within fourteen days from the date on which he is notified of the requirement or prohibition, appeal to a juvenile court, and where the appeal is against such a requirement the requirement shall not have effect while the appeal is pending.

Appeal to juvenile court against requirement or prohibition imposed under section four.

(2) Where the court allows such an appeal it may, instead of cancelling the requirement or prohibition, vary the requirement or allow more time for compliance with it or, where an absolute prohibition has been imposed, substitute for it a prohibition to use the premises after such time as the court may specify unless such specified requirements as the local authority had power to impose under section four of this Act are complied with.

(3) Any notice by which a requirement or prohibition is imposed on any person under section four of this Act shall contain a statement informing him of his right to appeal against the requirement or prohibition and of the time within which he may do so.

PART I
—cont.

(4) Any requirement or prohibition specified or substituted under this section by the court shall be deemed for the purposes of this Part of this Act other than this section to have been imposed by the local authority under section four of this Act.

(5) In the application of this section to Scotland, for references to a juvenile court there shall be substituted references to the sheriff.

**Disqualifica-
tion for
keeping foster
children.**

- 6. A person shall not maintain a foster child if—**
- (a) an order has been made against him under this Part of this Act removing a child from his care ;
 - (b) an order has been made under the Children and Young Persons Act, 1933, or the Children and Young Persons (Scotland) Act, 1937, in respect of any child found to be in need of care or protection, being an order by virtue of which the child was removed from his care ;
 - (c) he has been convicted of any offence specified in the First Schedule to the said Act of 1933 or the First Schedule to the said Act of 1937 ;
 - (d) his rights and powers with respect to a child have been vested in a local authority under section two of the Children Act, 1948 ;
 - (e) a local health authority have made an order under subsection (4) of section one of the Nurseries and Child-Minders Regulation Act, 1948, refusing his registration under that Act or an order under section five of that Act cancelling his registration under that Act or the registration under that Act of any premises occupied by him,

unless he has disclosed that fact to the local authority and obtained their consent.

**Removal
of foster
children kept
in unsuitable
surroundings.**

7.—(1) If a juvenile court is satisfied, on the complaint of a local authority, that a foster child is being kept or is about to be received by any person who is unfit to have his care, or in contravention of the last foregoing section or of any prohibition imposed by a local authority under section four of this Act, or in any premises or any environment detrimental or likely to be detrimental to him, the court may make an order for his removal to a place of safety until he can be restored to a parent, relative or guardian of his, or until other arrangements can be made with respect to him ; and on proof that there is imminent danger to the health or well-being of the child the power to make an order under this section may be exercised by a justice of the peace acting on the application of a person authorised to visit foster children.

(2) An order under this section may be executed by any person authorised to visit foster children or by any constable and may, notwithstanding anything in section six of the Sunday Observance Act, 1677, be executed on a Sunday.

(3) An order under this section made on the ground that a prohibition of a local authority under section four of this Act has been contravened may require the removal from the premises of all the foster children kept there.

(4) A local authority may receive into their care under section one of the Children Act, 1948, any child removed under this section, whether or not the circumstances of the child are such that they fall within paragraphs (a) to (c) of subsection (1) of the said section one and notwithstanding that he may appear to the local authority to be over the age of seventeen.

(5) Where a child is removed under this section the local authority shall, if practicable, inform a parent or guardian of the child, or any person who acts as his guardian.

(6) In the application of this section to Scotland, for references to a juvenile court there shall be substituted references to the sheriff.

8. For the purposes of section forty of the Children and Young Persons Act, 1933, or section forty-seven of the Children and Young Persons (Scotland) Act, 1937 (which enable a warrant authorising the search for and removal of a child to be issued on suspicion of unnecessary suffering caused to, or certain offences committed against, the child), any refusal to allow the visiting of a foster child or the inspection of any premises by a person authorised to do so under this Part of this Act shall be treated as giving reasonable cause for such a suspicion.

Extension of power to issue warrants to search for and remove a child.

9. A person who maintains a foster child shall be deemed for the purposes of the Life Assurance Act, 1774, to have no interest in the life of the child.

Avoidance of insurances on lives of foster children.

10. Subsection (2) of section forty-seven of the Children and Young Persons Act, 1933 (which restricts the time and place at which a sitting of a juvenile court may be held and the persons who may be present at such a sitting) shall not apply to any sitting of a juvenile court in any proceedings under this Part of this Act.

Sittings of juvenile courts in proceedings under Part I.

11. An appeal shall lie to quarter sessions from any order made under this Part of this Act by a juvenile court or any other magistrates' court within the meaning of the Magistrates' Courts Act, 1952.

Appeal to quarter sessions.

PART I
—*cont.*

Extension of
Part I to
certain school
children
during
holidays

12.—(1) Where a child below the upper limit of the compulsory school age resides during school holidays in a school to which this section applies, then, if he so resides for a period exceeding one month, the provisions of this Part of this Act shall apply in relation to him as if paragraph (c) of subsection (3) of section two of this Act were omitted, but subject to the modifications specified in the next following subsection.

(2) Where this Part of this Act applies to a child by virtue of the foregoing subsection—

(a) subsections (1) to (6) of section three, subsections (2) to (5) of section four, and section thirteen of this Act shall not apply ; but

(b) the person undertaking the care and maintenance of children in the school during the school holidays shall, not less than two weeks before this Part of this Act first applies to a child in that school during those holidays, give written notice to the local authority that children to whom this Part of this Act applies will reside in the school during those holidays, and any such notice shall state the estimated number of the children.

(3) A local authority may exempt any person from the duty of giving notices under this section, and any such exemption may be granted for a specified period or indefinitely and may be revoked at any time by notice in writing served on that person.

(4) This section applies to any school within the meaning of the Education Acts, 1944 to 1953, which is not a school maintained by a local education authority.

Extension of
Part I to
certain
children above
compulsory
school age.

13. Where a child is a foster child on attaining the upper limit of the compulsory school age this Part of this Act shall apply in relation to him as it applies in relation to a foster child, until the earliest of the following events, that is to say, until—

(a) he would, apart from that limit, have ceased to be a foster child ;

(b) he reaches the age of eighteen ; or

(c) he lives elsewhere than with the person with whom he was living when he attained the said limit.

Offences.

14.—(1) A person shall be guilty of an offence if—

(a) being required, under any provision of this Part of this Act, to give any notice or information, he fails to give the notice within the time specified in that provision or fails to give the information within a reasonable time, or knowingly makes or causes or procures another person to make any false or misleading statement in the notice or information ;

- (b) he refuses to allow the visiting of any foster child by a duly authorised officer of a local authority or the inspection, under the power conferred by subsection (1) of section four of this Act, of any premises ;
- (c) he fails to comply with any requirement imposed by a local authority under this Part of this Act or keeps any foster child in any premises in contravention of a prohibition so imposed ;
- (d) he maintains a foster child in contravention of section six of this Act ; or
- (e) he refuses to comply with an order under this Part of this Act for the removal of any child or obstructs any person in the execution of such an order.

PART I
—cont.

(2) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding one hundred pounds or both.

(3) In England and Wales, a local authority may institute proceedings for an offence under this section.

15. Any notice or information required to be given under this Part of this Act may be given by post. Service of notices by post.

16.—(1) Any notice by a local authority under this Part of this Act may be signed on behalf of the authority by the clerk of the authority or by any other officer of the authority authorised in writing to sign such a notice. Authentication of documents.

(2) Any notice purporting to bear the signature of the clerk of a local authority or any officer stated therein to be authorised by the authority to sign notices under this Part of this Act shall be deemed, until the contrary is proved, to have been duly given by the authority.

17. In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say,— Interpretation of Part I.

- “ child ” means a person under the age of eighteen ;
- “ compulsory school age ” has, in England and Wales, the same meaning as in the Education Acts, 1944 to 1953 and, in Scotland, means school age within the meaning of the Education (Scotland) Acts, 1939 to 1956 ;
- “ fit person order ” means an order under the Children and Young Persons Act, 1933, or the Children and Young Persons (Scotland) Act, 1937, committing a child to the care of a fit person ;
- “ local authority ” means, in England and Wales, the council of a county or county borough and, in Scotland, the council of a county or large burgh ;

PART I
—cont.

“parent”, in relation to a child adopted in pursuance of any enactment (including any enactment of the Parliament of Northern Ireland), means the person or one of the persons by whom he was adopted;

“place of safety” means a home provided by a local authority under Part II of the Children Act, 1948, remand home, police station, or any hospital, surgery or other suitable place the occupier of which is willing temporarily to receive a child;

“relative” has the same meaning as in the Adoption Act, 1950;

“voluntary organisation” means a body the activities of which are carried on otherwise than for profit.

PART II

AMENDMENTS OF ADOPTION ACT, 1950

**Consents to
adoption.**

18.—(1) So much of subsection (4) of section two of the Adoption Act, 1950 (in this Part of this Act referred to as the principal Act) as prohibits the making of an adoption order without the consent of persons or bodies liable by virtue of any order or agreement to contribute to the maintenance of the infant shall cease to have effect.

(2) It is hereby declared that the reference in paragraph (a) of the said subsection (4) to a parent of an infant does not include a reference to any person having the rights and powers of a parent of the infant by virtue of any of the following enactments, that is to say—

- (a) section seventy-five of the Children and Young Persons Act, 1933, or sub-paragraph (1) of paragraph 12 of the Fourth Schedule to that Act (which relate to the exercise of parental rights in respect of children and young persons who are committed to the care of fit persons or ordered to be sent to approved schools);
- (b) section seventy-nine of the Children and Young Persons (Scotland) Act, 1937, or sub-paragraph (1) of paragraph 12 of the Second Schedule to that Act (which make corresponding provision in Scotland);
- (c) section three of the Children Act, 1948 (which applies to children in respect of whom the local authority have assumed parental rights by resolution under section two of that Act).

(3) If upon application for an adoption order the court is satisfied that any person whose consent is required under section two of the principal Act as parent or guardian of the infant has persistently failed without reasonable cause to discharge the

obligations of a parent or guardian of the infant, the court may dispense with the consent of that person whether or not it is satisfied of the matters specified in paragraph (a) or paragraph (c) of subsection (1) of section three of the principal Act.

(4) Subsection (2) of section four of the principal Act (which provides for the admission in evidence, without proof of execution, of a document signifying consent on the part of a parent or guardian if attested by a justice of the peace) shall apply to a document executed in England and attested or purporting to be attested—

(a) by an officer of a county court appointed for the purposes of section eighty-four of the County Courts Act, 1934 (which relates to the taking of affidavits);

(b) by a justices' clerk within the meaning of section twenty-one of the Justices of the Peace Act, 1949, as it applies to a document attested or purporting to be attested by a justice of the peace; and the reference to a justice of the peace in subsection (3) of that section (which prohibits the admission in evidence of a document signifying the consent of a mother of an infant unless attested as therein mentioned) shall be construed accordingly.

19.—(1) Subject to subsection (2) of this section, an adoption order shall not be made in respect of an infant unless the applicant—

Other conditions of adoption.

(a) is the mother or father of the infant;

(b) is a relative of the infant, and has attained the age of twenty-one years; or

(c) has attained the age of twenty-five years.

(2) An adoption order may be made in respect of an infant on the joint application of two spouses—

(a) if either of the applicants is the mother or father of the infant; or

(b) if the condition set out in paragraph (b) or paragraph (c) of subsection (1) of this section is satisfied in the case of one of the applicants, and the other of them has attained the age of twenty-one years.

(3) For the purposes of paragraph (a) of subsection (6) of section two of the principal Act (which requires that the infant should have been continuously in the care and possession of the applicant for the three months preceding the date of the order) no account shall be taken of any time before the date which appears to the court to be the date on which the infant attained the age of six weeks.

(4) Paragraph (b) of the said subsection (6) (which requires that three months' notice of intention to apply for an adoption

PART II
—*cont.*

order should have been given by the applicant to the local authority) shall not apply—

- (a) where the infant is above the upper limit of the compulsory school age at the hearing of the application ;
or
- (b) where the applicant or one of the applicants is a parent of the infant.

(5) In determining for the purposes of paragraph (b) of subsection (1) of section five of the principal Act whether an adoption order if made will be for the welfare of the infant, the court shall have regard (among other things) to the health of the applicant as evidenced, in such cases as may be prescribed, by the certificate of a fully registered medical practitioner.

Interim orders.

20. Where an interim order has been made under section six of the principal Act giving the custody of an infant to the applicant for a period of less than two years, the court may by order extend that period, but the total period for which the custody of the infant is given to the applicant under the order as amended under this section shall not exceed two years.

Procedure and evidence.

21.—(1) Each of the following powers, that is to say,—

- (a) the power to make rules under subsection (2) of section eight of the principal Act ;
- (b) the power to make acts of sederunt under subsection (2) of section nine of that Act ;
- (c) the power by virtue of paragraph (j) of subsection (1) of section one hundred and twenty-two of the Magistrates' Courts Act, 1952, to make rules under section fifteen of the Justices of the Peace Act, 1949, as to the matters mentioned in subsection (2) of the said section eight,

includes power to make provision for excluding or restricting the jurisdiction of any court to which such rules or acts apply where a previous application made by the same applicant in respect of the same infant has been refused by that or any other court.

(2) Where, on an application made in England to a court of summary jurisdiction, the court makes or refuses to make an adoption order, an appeal shall lie to the High Court.

(3) So much of subsection (1) of section sixty-three of the Supreme Court of Judicature (Consolidation) Act, 1925, as requires an appeal from any court or person to the High Court to be heard and determined by a divisional court shall not apply to appeals under subsection (2) of this section.

(4) Rules made under the power mentioned in paragraph (c) of subsection (1) of this section may provide for enabling any fact tending to establish the identity of an infant with an infant to whom any document relates to be proved by affidavit and for excluding or restricting in relation to any facts that may be so proved the power of a justice of the peace to compel the attendance of witnesses.

PART II
—cont.

22.—(1) For the purposes of subsection (2) of section thirteen of the principal Act (which regulates the construction of certain dispositions by settlement or will made after the date of an adoption order so as to include the adopted person in references to children of the adopter, and exclude him from references to children of his natural parents) a disposition made by will or codicil executed or confirmed after the commencement of this Act shall be treated as made on the date of the death of the testator. Effects of adoption.

(2) In section eleven of the Married Women's Property Act, 1882, and section two of the Married Women's Policies of Assurance (Scotland) Act, 1880 (which make provision as to policies of assurance effected for the benefit of children) references to a person's children shall include, and be deemed always to have included, references to children adopted by that person under an adoption order.

(3) After an adoption order has been made in respect of an infant who is illegitimate, no affiliation order or decree of affiliation and aliment shall be made with respect to the infant unless the adoption order was made on the application of the mother of the infant alone.

(4) So much of subsection (2) of section twelve of the principal Act as provides that an affiliation order, decree of affiliation and aliment or agreement in respect of an infant adopted by his mother shall cease to have effect on her marriage shall not apply in the case of a marriage after the commencement of this Act, but without prejudice to the power of any court to revoke or vary in consequence of the marriage so much of any such order or decree as provides for the payment of money.

(5) In this section, "adoption order" includes,—

- (a) in subsection (2), an adoption order made under any enactment repealed by the principal Act;
- (b) in subsection (3), an order authorising an adoption made under the Adoption of Children Act (Northern Ireland), 1950, or any enactment of the Parliament of Northern Ireland for the time being in force.

PART II
—*cont.*

Adoption by
persons
domiciled but
not ordinarily
resident in
Great Britain.

23.—(1) Notwithstanding anything in the principal Act, an adoption order may be made on the application of a person who is not ordinarily resident in Great Britain; and in relation to an application for an adoption order made by such a person Part I of that Act shall have effect subject to the following modifications, that is to say:—

- (a) subsection (5) of section two (which precludes the making of adoption orders in England or Scotland unless the adopter and the infant reside in England or Scotland, as the case may be) shall not apply;
- (b) subsection (1) of section eight and subsection (1) of section nine (which prescribe the court in which an application may be made) shall not apply, but the application may be made, in England to the High Court or the county court, and in Scotland to the Court of Session or the sheriff;
- (c) in paragraph (b) of subsection (6) of section two (which requires that three months' notice of intention to apply for the order should have been given by the applicant to the local authority within whose area he was resident at the material time) for the word "resident" there shall be substituted the word "living".

(2) Where any such application is made jointly by spouses who are not, or one of whom is not, ordinarily resident in Great Britain, the notice required by paragraph (b) of subsection (6) of section two of the principal Act may be given by either of the applicants; and the provisions of paragraph (a) of that subsection (which requires that the infant should have been continuously in the care and possession of the applicant for at least three consecutive months before the order) shall be deemed to be complied with if they are complied with in the case of one of the applicants and if the applicants have been living together in Great Britain for at least one of those three months.

(3) This section does not affect the construction of paragraph (a) of subsection (6) of section two of the principal Act in its application to any joint application to which subsection (2) of this section does not apply.

Provisional
adoption by
persons
domiciled
outside Great
Britain.

24.—(1) If the court is satisfied, upon an application made by a person who is not domiciled in England or Scotland, that the applicant intends to adopt an infant under the law of or within the country in which he is domiciled, and for that purpose desires to remove the infant from Great Britain either immediately or after an interval, the court may, subject to the provisions of this section, make an order (in this Act referred to as a provisional adoption order) authorising the applicant to remove the infant for the purpose aforesaid, and giving to the applicant the custody of the infant pending his adoption as aforesaid.

(2) An application for a provisional adoption order may be made, in England to the High Court or the county court, and in Scotland to the Court of Session or the sheriff.

(3) A provisional adoption order may be made in any case where, apart from the domicile of the applicant, an adoption order could be made in respect of the infant under Part I of the principal Act as amended by this Act, but shall not be made in any other case.

(4) Subject to the provisions of this section, the provisions of the principal Act (except sections thirteen and fourteen, which relate to the devolution of property under the law of England, and except section sixteen, which relates to citizenship), and the provisions of this Part of this Act (except so far as they amend the said excepted provisions of the principal Act), shall apply in relation to a provisional adoption order as they apply in relation to an adoption order, and references in those provisions to adoption, to an adoption order, to an application or applicant for such an order and to an adopter or a person adopted or authorised to be adopted under such an order shall be construed accordingly.

(5) In relation to a provisional adoption order subsection (6) of section two of the principal Act shall have effect as if for the word “three”, both where it occurs in paragraph (a) and where it occurs in paragraph (b), there were substituted the word “six”.

(6) Any entry in the Registers of Births, the Register of Births or the Adopted Children Register which, by virtue of this section, is required to be marked by the Registrar in consequence of the making of a provisional adoption order shall, in lieu of being marked with the word “Adopted” or “Re-adopted” (with or without the addition of the word “(Scotland)” or “(England)”) be marked with the words “Provisionally adopted” or “Provisionally re-adopted”, as the case may require.

25.—(1) For the purposes of subsection (4) of section seventeen of the principal Act (which provides that information contained in the registers and books kept by the Registrar under that subsection, and copies or extracts from them, shall not be furnished except under an order of a court of competent jurisdiction), the following courts shall be courts of competent jurisdiction, that is to say—

(a) the High Court;

(b) the Westminster County Court or such other county court as may be prescribed; and

PART II
—*cont.*

(c) the court by which an adoption order was made in respect of the person to whom the information, copy or extract relates.

(2) For the purposes of any direction to be given by the court under subsection (1) of section eighteen or subsection (1) of section twenty of the principal Act (which provide for the entries to be made in the Adopted Children Registers) the names to be specified in the order as the name and surname of an adopted infant shall be, and shall be only, the name or names and surname stated in that behalf in the application for the adoption order, or if no name or surname is so stated, the original name or names of the infant, and the surname of the applicant.

(3) So much of subsection (2) of section eighteen and subsection (2) of section twenty of the principal Act as authorises the omission from an adoption order and from the Adopted Children Register of particulars of the country of birth of the infant in any case where that country is not proved to the satisfaction of the court shall not apply if it appears probable that the infant was born within the United Kingdom, the Channel Islands or the Isle of Man ; and in any such case the infant shall be treated for the purposes of the direction to be given to the Registrar in the order as having been born in the country in which the court sits.

(4) The particulars to be entered in the Adopted Children Register under the heading in column 2 of the First Schedule to the principal Act shall include, in the case of an infant born in England, the registration district and sub-district in which the birth took place ; and where the infant was born in England but the registration district and sub-district in which the birth of the infant took place is not proved to the satisfaction of the court, or where the infant is treated by virtue of subsection (3) of this section as born in England, he shall be treated for the purposes of this subsection as born in the district and sub-district in which the court sits.

(5) Where a child in respect of whom an adoption order has been made is baptised, the entry to be made in the register under section three of the Parochial Registers Act, 1812, or, as the case may be, the certificate to be transmitted under section four of that Act, shall describe the child as the adopted son or daughter of the person or persons by whom he or she was adopted (with no further qualification in the case of a provisional adoption order), instead of as the son or daughter of the natural parents.

Amendment
of orders and
rectification
of registers.

26.—(1) Without prejudice to subsection (1) of section twenty-one of the principal Act (which enables the court to correct

errors in the particulars contained in an adoption order), the court by which an adoption order has been made may—

PART II
—*cont.*

- (a) if satisfied on the application of the adopter or of the adopted person that within one year beginning with the date of the order any new name has been given to the adopted person (whether in baptism or otherwise), or taken by him, either in lieu of or in addition to a name specified in the particulars required to be entered in the Adopted Children Register in pursuance of the order, amend the order by substituting or adding that name in those particulars, as the case may require ;
- (b) if satisfied on the application of any person concerned that a direction for the marking of an entry in the Registers of Births, the Register of Births or the Adopted Children Register included in the order in pursuance of subsection (3) or subsection (4) of section eighteen or subsection (4) or subsection (5) of section twenty of the principal Act was wrongly so included, revoke that direction ;
- (c) in the case of an order made before the commencement of this Act, make, on the application of the adopter or of the adopted person, any such amendment of the particulars specified in the order as appears to be required to bring the order into the form in which it would have been made if section eighteen or section twenty of the principal Act, as the case may be, had applied as amended by this Act to the order, subject to the modification that, where the application relates to an order in which the surname of the adopted person is not specified, the name which was his surname one year after the date of the order may be added in the said particulars instead of the adopter's (if different), notwithstanding anything in subsection (2) of section twenty-five of this Act.

(2) Where an adoption order is amended or a direction revoked under subsection (1) of this section, the prescribed officer of the court or, in Scotland, the clerk of the court, shall cause the amendment to be communicated in the prescribed manner to the Registrar, who shall as the case may require,—

- (a) cause the entry in the Adopted Children Register to be amended accordingly ; or
- (b) cause the marking of the entry in the Registers of Births, the Register of Births or the Adopted Children Register to be cancelled ;

and subsection (6) of section twenty-one of the principal Act (which relates to certified copies of entries of which the marking

PART II
—cont.

is cancelled under that section) shall have effect as if the reference to that section included a reference to this subsection.

(3) Where an adoption order has been amended, whether before or after the commencement of this Act, any certified copy of the relevant entry in the Adopted Children Register which may be issued pursuant to subsection (3) of section seventeen of the principal Act shall be a copy of the entry as amended, without the reproduction of any note or marking relating to the amendment or of any matter cancelled pursuant thereto.

(4) In this section “adoption order” includes an adoption order made under any enactment repealed by the principal Act.

Legitimation
following
adoption.

27.—(1) Where any person adopted by his father or mother alone has subsequently become a legitimated person on the marriage of his father and mother (whether before or after the commencement of this Act), the court by which the adoption order was made may, on the application of any of the parties concerned, revoke that order.

(2) Where an adoption order is revoked under this section, the prescribed officer of the court or, in Scotland, the clerk of the court, shall cause the revocation to be communicated in the prescribed manner to the Registrar, who shall cause to be cancelled—

- (a) the entry in the Adopted Children Register relating to the adopted person ; and
- (b) the marking with the word “Adopted” (or, as the case may be, with that word and the word “(Scotland)” or “(England)”) of any entry relating to him in the Registers of Births or the Register of Births,

and subsection (6) of section twenty-one of the principal Act (which relates to certified copies of entries of which the marking is cancelled under that section) shall have effect as if the reference to that section included a reference to this subsection.

(3) Without prejudice to the provisions of subsection (2) of this section, where, after an entry in the Registers of Births or the Register of Births has been marked in pursuance of any provision of the principal Act with the word “Adopted” (with or without the addition of the word “(Scotland)” or “(England)”) the birth is re-registered under section fourteen of the Births and Deaths Registration Act, 1953, or section two of the Registration of Births, Deaths, and Marriages (Scotland) (Amendment) Act, 1934 (which provide for the re-registration of the birth of legitimated persons), the entry made on the re-registration shall be marked in the like manner.

(4) In this section “adoption order” includes an adoption order made under any enactment repealed by the principal Act.

28.—(1) Where arrangements for the adoption of an infant are made in contravention of subsection (1) of section twenty-two of the principal Act (which prohibits any body of persons other than a registered adoption society or a local authority from making arrangements for adoption) every person who is guilty of the contravention shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds, or to both.

PART II
—*cont.*

Penalty for making unauthorised arrangements for adoption.

(2) Section forty-one of the principal Act (which contains general provisions as to offences under Parts II to IV of that Act) shall have effect as if subsection (1) of this section were included in the said section twenty-two.

29. The power of the Secretary of State to make regulations in relation to registered adoption societies under section twenty-five of the principal Act shall include power to make regulations for prohibiting or restricting the disclosure of records kept by such societies and making provision for the safe keeping of such records when they are no longer required.

Adoption societies regulations.

30.—(1) In subsection (1) of section forty-three of the principal Act (which enables local authorities to make arrangements for the adoption of children in connection with their functions under any enactment relating to children) the words “in connection with their functions under any enactment relating to children” shall be omitted.

Power of local authorities to arrange adoptions.

(2) The Secretary of State may make regulations with respect to the exercise by local authorities of their functions under the said subsection (1), and such regulations may make provision, in relation to local authorities who make or participate in arrangements for the adoption of children, for purposes corresponding with the purposes for which the Secretary of State has power under section twenty-five of the principal Act to make regulations in relation to registered adoption societies.

31.—(1) Subject to subsection (2) of this section, at any time after an infant has been delivered into the care and possession of any person in pursuance of arrangements made by a registered adoption society or local authority for the adoption of the infant by that person, and before an adoption order has been made on the application of that person in respect of the infant—

Return of infants placed by adoption societies and local authorities.

(a) that person may give notice in writing to the society or authority of his intention not to retain the care and possession of the infant ; or

(b) the society or authority may cause notice in writing to be given to that person of their intention not to allow the infant to remain in his care and possession.

PART II
—*cont.*

(2) After an application has been made for an adoption order in the case of an infant, no notice shall be given in respect of that infant under paragraph (b) of subsection (1) of this section except with the leave of the court.

(3) Where a notice is given to an adoption society or local authority by any person, or by such a society or authority to any person, under subsection (1) of this section, or where an application for an adoption order made by any person in respect of an infant placed in his care and possession by such a society or authority is refused by the court or withdrawn, that person shall, within seven days after the date on which notice was given or the application refused or withdrawn, as the case may be, cause the infant to be returned to the society or authority, and the society or authority shall receive the infant.

(4) Where the period specified in an interim order made under section six of the principal Act (whether as originally made or as amended under section twenty of this Act) expires without an adoption order having been made in respect of the infant, subsection (3) of this section shall apply as if the application for an adoption order upon which the interim order was made had been refused at the expiration of that period.

(5) It shall be sufficient compliance with the requirements of subsection (3) of this section if the infant is delivered to, and is received by, a suitable person nominated for the purpose by the adoption society or local authority.

(6) Subsection (5) of section twenty-seven of the principal Act (which provides for penalties for contraventions of that section), and section forty-one of the principal Act (which contains general provisions as to offences under Parts II to IV of that Act), shall have effect as if the foregoing provisions of this section were included in the said section twenty-seven.

Further provisions as to adoption of children in care of local authorities.

32.—(1) Where notice of intention to apply for an adoption order is given in pursuance of paragraph (b) of subsection (6) of section two of the principal Act in respect of an infant who is for the time being in the care of a local authority, not being an infant who was delivered into the care and possession of the person by whom the notice is given in pursuance of such arrangements as are described in subsection (1) of section thirty-one of this Act, the said section thirty-one shall apply as if the infant had been so delivered, except that where the application is refused by the court or withdrawn the infant need not be returned to the local authority unless the local authority so require.

(2) Where notice of intention is given as aforesaid in respect of any infant who is for the time being in the care of a local

authority then, until the application for an adoption order has been made and disposed of, any right of the local authority to require the infant to be returned to them otherwise than in pursuance of the said section thirty-one shall be suspended; and while the infant remains in the care and possession of the person by whom the notice is given—

- (a) no contribution shall be payable (whether under a contribution order or otherwise) in respect of the infant by any person liable under section eighty-six of the Children and Young Persons Act, 1933, or section ninety of the Children and Young Persons (Scotland) Act, 1937, to make contributions in respect of him (but without prejudice to the recovery of any sum due at the time the notice is given); and
- (b) subsections (2) and (3) of section eleven of the Family Allowances Act, 1945 (which provide that certain children in the care of a local authority shall not be treated as included in any family for the purposes of that Act) shall not apply in relation to the infant,

unless twelve weeks have elapsed since the giving of the notice without the application being made or the application has been refused by the court or withdrawn.

(3) Where notice of intention to apply for an adoption order is given as aforesaid in respect of any infant who is for the time being in the care of a local authority, and is given to a local authority other than the local authority in whose care the infant is, the authority to whom the notice is given shall inform that other authority of the receipt of the notice.

33.—(1) Except under the authority of a provisional adoption order, it shall not be lawful for any person to take or send an infant who is a British subject out of Great Britain to any place outside the British Islands with a view to the adoption of the infant (whether in law or in fact) by any person not being a parent or guardian or relative of the infant; and any person who takes or sends an infant out of Great Britain to any place in contravention of this subsection, or makes or takes part in any arrangements for transferring the care and possession of an infant to any person for that purpose, shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both.

Restriction on removal of infants for adoption outside British Islands.

(2) In any proceedings under this section, a report by a British consular officer or a deposition made before a British consular officer and authenticated under the signature of that officer shall, upon proof that the officer or the deponent cannot be found in the United Kingdom, be admissible as evidence of the matters

PART II
—cont.

stated therein, and it shall not be necessary to prove the signature or official character of the person who appears to have signed any such report or deposition.

(3) Section forty-one of the principal Act (which contains general provisions as to offences under Parts II to IV of that Act) shall apply to offences under this section as if they were offences under Part IV of that Act.

(4) In this section “the British Islands” means the United Kingdom, the Channel Islands and the Isle of Man.

(5) In the application of this section to Scotland, for the words “admissible as evidence” there shall be substituted the words “sufficient evidence”.

**Prohibition
of certain
payments.**

34.—(1) Subject to the provisions of this section, it shall not be lawful to make or give to any person any payment or reward for or in consideration of—

- (a) the adoption by that person of an infant ;
- (b) the grant by that person of any consent required in connection with the adoption of an infant ;
- (c) the transfer by that person of the care and possession of an infant with a view to the adoption of the infant ; or
- (d) the making by that person of any arrangements for the adoption of an infant.

(2) Any person who makes or gives, or agrees or offers to make or give, any payment or reward prohibited by this section, or who receives or agrees to receive or attempts to obtain any such payment or reward, shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both ; and the court may order any infant in respect of whom the offence was committed to be removed to a place of safety until he can be restored to his parents or guardian or until other arrangements can be made for him.

(3) This section does not apply to any payment made to an adoption society or local authority by a parent or guardian of an infant or by a person who adopts or proposes to adopt an infant, being a payment in respect of expenses reasonably incurred by the society or authority in connection with the adoption of the infant, or to any payment or reward authorised by the court to which an application for an adoption order in respect of an infant is made.

(4) Section forty-one of the principal Act (which contains general provisions as to offences under Parts II to IV of that Act) shall apply to offences under this section as if they were offences under Part IV of that Act.

PART II
—cont.

35. The provisions of the First Schedule to this Act shall have effect for making in relation to certain children awaiting adoption or placed with strangers provision similar to the provision made by Part I of this Act in relation to foster children.

Children awaiting adoption or placed with strangers.

36.—(1) In this Part of this Act “the Registrar” means the Registrar General for England and Wales or the Registrar General of Births, Deaths and Marriages in Scotland, as the case may require.

Interpretation and construction of Part II.

(2) In relation to an adoption order made by a magistrates’ court, the reference in subsection (1) of each of the following sections, that is to say, section twenty-five, section twenty-six and section twenty-seven of this Act, to the court by which an order has been made includes a reference to a court acting for the same petty sessions area.

(3) This Part of this Act shall be construed as one with the principal Act, and without prejudice to the foregoing provision, references in the principal Act to Part I of that Act shall be construed as including references to sections eighteen to twenty-seven of this Act.

PART III

MISCELLANEOUS AND GENERAL

37.—(1) No advertisement indicating that a person will undertake, or will arrange for, the care and maintenance of a child shall be published, unless it truly states that person’s name and address.

Prohibition of anonymous advertisements offering to undertake care of children.

(2) A person who causes to be published or knowingly publishes an advertisement in contravention of this section shall be guilty of an offence, and liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding one hundred pounds or both.

(3) In England and Wales, a local authority may institute proceedings for an offence under this section.

38.—(1) Section one hundred and twenty-seven of the Children Act, 1908 (which enables a court of summary jurisdiction by whose order a child is removed from the care of any person under the enactments replaced by Part I of this Act to substitute another person as the recipient of sums payable under a trust in respect of the maintenance of the child) is hereby repealed.

Repeal of obsolete enactments.

PART III
—cont.

(2) Section ten of the Adoption of Children Act, 1926 (which made special provision for the adoption under that Act of infants who had been adopted in fact for at least two years before the commencement of that Act), and section ten of the Adoption of Children (Scotland) Act, 1930 (which made corresponding provision in relation to Scotland) are hereby repealed.

Expenses.

39. There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums payable out of moneys so provided—

- (a) under section forty-seven of the Children Act, 1948 ;
or
- (b) under Part I of the Local Government Act, 1948. or the Local Government (Financial Provisions) (Scotland) Act, 1954, as amended by the Valuation and Rating (Scotland) Act, 1956.

Minor and consequential amendments and repeals.

40.—(1) The enactments described in the first column of the Second Schedule to this Act shall have effect subject to the amendments set out in the second column of that Schedule, being minor amendments and amendments consequential on the foregoing provisions of this Act.

(2) The enactments described in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Short title, construction, commencement and extent.

41.—(1) This Act may be cited as the Children Act, 1958.

(2) Any reference in this Act to any other enactment is a reference thereto as amended, and includes a reference thereto as applied, by or under any subsequent enactment, including, except where the context otherwise requires, this Act.

(3) This Act shall come into force on the first day of April, nineteen hundred and fifty-nine.

(4) This Act does not extend to Northern Ireland.

SCHEDULES

FIRST SCHEDULE

Section 35.

PROVISIONS AS TO CHILDREN AWAITING ADOPTION OR PLACED WITH STRANGERS

Meaning of protected child

1. Subject to the following provisions of this Schedule, where—
 - (a) arrangements are made for placing a child below the upper limit of the compulsory school age in the care and possession of a person who is not a parent, guardian or relative of his, and another person, not being a parent or guardian of his, takes part in the arrangements; or
 - (b) notice of intention to apply for an adoption order in respect of a child is given under paragraph (b) of subsection (6) of section two of the principal Act,

then, while the child is in the care and possession of the person first mentioned in sub-paragraph (a) of this paragraph or, as the case may be, of the person giving the notice mentioned in sub-paragraph (b) thereof, but is not a foster child within the meaning of Part I of this Act, he is a protected child within the meaning of this Schedule.

2. A child is not a protected child by reason of any such arrangements as are mentioned in sub-paragraph (a) of paragraph 1 of this Schedule if the Minister of Pensions and National Insurance took part in them or if the child is only temporarily in the care and possession of the person first mentioned in that sub-paragraph, nor while the child is in the care of any person in any of the circumstances mentioned in subsections (2), (4) or (5) of section two of this Act or paragraphs (b) to (e) of subsection (3) of that section.

3. A child is not a protected child by reason of any such notice as is mentioned in sub-paragraph (b) of paragraph 1 of this Schedule while he is in an approved school or in the care of any person in any such school, home or institution as is mentioned in subsection (3) or subsection (5) of section two of this Act.

4. A protected child ceases to be a protected child on the making of an adoption order in respect of him or on his attaining the age of eighteen, whichever first occurs.

Duty of local authority to secure well-being of protected children

5. It shall be the duty of every local authority to secure that protected children within their area are visited from time to time by officers of the authority, who shall satisfy themselves as to the well-being of the children and give such advice as to their care and maintenance as may appear to be needed.

Power to inspect premises

6. Any officer of a local authority authorised to visit protected children may, after producing, if asked to do so, some duly authenticated document showing that he is so authorised, inspect any premises in the area of the authority in which such children are to be or are being kept.

1ST SCH.
—cont.

Notices and information to be given to local authorities

7. Subject to paragraph 8 of this Schedule, where arrangements are made for the placing of a child in the care and possession of any person and by reason of the arrangements the child would be a protected child while in the care and possession of that person, every person taking part in the arrangements shall give notice in writing of the arrangements to the local authority for the area in which the person in whose care and possession the child is to be placed is living.

8. A notice under paragraph 7 of this Schedule need not be given by the person in whose care and possession the child is to be placed, nor by a parent or guardian of the child.

9. A notice under paragraph 7 of this Schedule shall be given not less than two weeks before the child is placed as mentioned in that paragraph, except that where the child is so placed in an emergency, the notice may be given not later than one week after the child is so placed.

10. Where a person who has a protected child in his care and possession changes his permanent address he shall, not less than two weeks before the change, or, if the change is made in an emergency, not later than one week after the change, give written notice specifying the new address to the local authority in whose area his permanent address is before the change, and if the new address is in the area of another local authority, the authority to whom the notice is given shall inform that other local authority and give them such of the particulars mentioned in paragraph 12 of this Schedule as are known to them.

11. If a protected child dies, the person in whose care and possession he was at his death shall within forty-eight hours of the death give to the local authority notice in writing of the death.

12. A person who has or proposes to have a protected child in his care and possession shall at the request of the local authority give them the following particulars, so far as known to him, that is to say, the name, sex and date and place of birth of the child, and the name and address of every person who is a parent or guardian or acts as a guardian of the child or from whom the child has been or is to be received.

Power of local authority to prohibit placing of child

13. Where arrangements are made for the placing of a child in the care and possession of any person, and by reason of the arrangements the child would be a protected child while in the care and possession of that person, then, if neither a registered adoption society nor a local authority took part in the arrangements and it appears to the authority to whom notice is to be given under paragraph 7 of this Schedule that it would be detrimental to the child to be kept by that person in the premises in which he proposes to keep him, they may by notice in writing given to that person prohibit him from receiving the child in those premises.

Appeal to juvenile court against prohibition under paragraph 13

1st SCH.
—CONT

14.—(1) A person aggrieved by a prohibition imposed under paragraph 13 of this Schedule may, within fourteen days from the date on which he is notified of the prohibition, appeal to a juvenile court.

(2) The notice by which a prohibition is imposed under paragraph 13 of this Schedule shall contain a statement informing the person on whom it is imposed of his right to appeal against the prohibition and of the time within which he may do so.

(3) In the application of this paragraph to Scotland, for the reference to a juvenile court there shall be substituted a reference to the sheriff.

Removal of protected children from unsuitable surroundings

15.—(1) If a juvenile court is satisfied, on the complaint of a local authority, that a protected child is being kept or is about to be received by any person who is unfit to have his care, or in contravention of any prohibition imposed by the local authority under paragraph 13 of this Schedule, or in any premises or any environment detrimental or likely to be detrimental to him, the court may make an order for his removal to a place of safety until he can be restored to a parent, relative or guardian of his, or until other arrangements can be made with respect to him; and on proof that there is imminent danger to the health or well-being of the child the power to make an order under this paragraph may be exercised by a justice of the peace acting on the application of a person authorised to visit protected children.

(2) An order under this paragraph may be executed by any person authorised to visit protected children or by any constable and may, notwithstanding anything in section six of the Sunday Observance Act, 1677, be executed on a Sunday.

(3) A local authority may receive into their care under section one of the Children Act, 1948, any child removed under this paragraph, whether or not the circumstances of the child are such that they fall within paragraphs (a) to (c) of subsection (1) of that section and notwithstanding that he may appear to the local authority to be over the age of seventeen.

(4) Where a child is removed under this paragraph the local authority shall, if practicable, inform a parent or guardian of the child, or any person who acts as his guardian.

(5) In the application of this paragraph to Scotland, for references to a juvenile court there shall be substituted references to the sheriff.

Offences

16.—(1) A person shall be guilty of an offence if—

- (a) being required, under any provision of this Schedule, to give any notice or information, he fails to give the notice within the time specified in that provision or fails to give the information within a reasonable time, or knowingly makes or causes or procures another person to make any false or misleading statement in the notice or information;

1ST SCH.
—cont.

- (b) he refuses to allow the visiting of a protected child by a duly authorised officer of a local authority or the inspection, under the power conferred by paragraph 6 of this Schedule, of any premises ;
- (c) he keeps any child in any premises in contravention of a prohibition imposed under this Schedule ;
- (d) he refuses to comply with an order under this Schedule for the removal of any child or obstructs any person in the execution of such an order.

(2) A person guilty of an offence under this paragraph shall be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding one hundred pounds or both.

(3) The references in section forty-one of the Adoption Act, 1950 (which contains general provisions as to offences under Parts II to IV of that Act), to an offence under Part III of that Act shall be construed as referring to an offence under this paragraph.

Application of ancillary provisions of Part I

17.—(1) Sections eight and nine of this Act shall apply in relation to protected children as they apply in relation to foster children within the meaning of Part I of this Act.

(2) Section ten of this Act shall apply in relation to proceedings under this Schedule as it applies in relation to proceedings under Part I of this Act.

(3) Section eleven of this Act shall apply in relation to an order made under this Schedule as it applies in relation to an order made under Part I of this Act.

(4) Sections fifteen and sixteen of this Act shall apply to notices or information given under this Schedule as they apply to notices or information given under Part I of this Act.

Interpretation

18. For the purposes of this Schedule, a person shall be deemed to take part in arrangements for the placing of a child in the care and possession of another person—

- (a) if he enters into or makes any agreement or arrangement for, or facilitates, the placing of the child in the care and possession of that other person ; or
- (b) if he initiates or takes part in any negotiations of which the purpose or effect is the conclusion of any agreement or the making of any arrangement therefor,

or if he causes another to do so.

19. A child in the care and possession of two spouses one of whom is a parent, relative or guardian of his shall be deemed for the purposes of this Schedule to be in the care and possession of that one of them.

20. In this Schedule “ compulsory school age ”, “ local authority ”, “ place of safety ” and “ relative ” have the same meanings as in Part I of this Act.

SECOND SCHEDULE

Section 40.

MINOR AND CONSEQUENTIAL AMENDMENTS

Enactment	Amendment
<p>The Children Act, 1948. 11 & 12 Geo. 6. c. 43.</p>	<p>In section thirty-eight, in subsection (1), the word "and", in the second place where that word occurs, shall be omitted and for the words from "and the welfare authorities" to the end of the subsection there shall be substituted the words "and of Part I of the Children Act, 1958, shall be the councils of counties and county boroughs".</p> <p>In section thirty-nine, in subsection (1), for paragraph (b) there shall be substituted the following paragraph:—</p> <p style="padding-left: 40px;">“(b) Part I of and the First Schedule to the Children Act, 1958”,</p> <p>and after paragraph (c) there shall be inserted the following paragraph:—</p> <p style="padding-left: 40px;">“(cc) section forty-three of the Adoption Act, 1950.”</p> <p>In section forty-four, in subsection (1), the word "I" and the word "and", in the third place where that word occurs, shall be omitted, and after the word "1939" there shall be inserted the words "and Part I of and the First Schedule to the Children Act, 1958".</p> <p>In section fifty-one, in subsection (1), for the words from "the Public Health Act, 1936", to the end of the subsection, there shall be substituted the words "or Part I of or the First Schedule to the Children Act, 1958".</p> <p>In section fifty-four, in subsection (1), there shall be added, at the end of the subsection, the words "and Part I of the Children Act, 1958", and in subsection (2), for paragraphs (c) to (e) there shall be substituted the following paragraph:—</p> <p style="padding-left: 40px;">“(c) any place where a foster child within the meaning of Part I of the Children Act, 1958, or a child to whom any of the provisions of that Part are extended by section twelve or thirteen of that Act, or a protected child within the meaning of the First Schedule to that Act, is being maintained.”</p>
<p>The Nurseries and Child-Minders Regulation Act, 1948. 11 & 12 Geo. 6. c. 53.</p>	<p>In section eight, in subsection (1), for the words from "section two hundred and nineteen" to the end of the subsection, there shall be substituted the words "section two of the Children Act, 1958".</p> <p>In section thirteen, in subsection (2), in the definition of "child life protection enactments", for the words from "relating to child life protection" to the end of the definition there shall be substituted the words "of Part I of the Children Act, 1958".</p>

2ND SCH
—cont.

Enactment	Amendment
<p>The Adoption Act, 1950. 14 Geo. 6. c. 26.</p>	<p>In section two, in subsection (6), in paragraph (b), for the words " notified the welfare authority " there shall be substituted the words " given notice in writing to the local authority "; and for the words " is for the time being " there shall be substituted the words " was then ".</p> <p>In section three, in subsection (3), for the words " is to be " there shall be substituted the words " is proposed to be ".</p> <p>In section eight, in subsection (4), the words " or body " shall be omitted; and in subsection (5), for the words " body so appointed is " there shall be substituted the words " person so appointed is an officer of "; and after the word " appoint " there shall be inserted the words " an officer of ".</p> <p>In section thirteen, in subsection (1), for the words " made before the date of the adoption order " there shall be substituted the words " to which subsection (2) of this section does not apply ".</p> <p>In section fourteen, in subsection (4), after the word " made ", in the second place where that word occurs, there shall be inserted the words " or taking effect on the death of a person dying ".</p> <p>In section seventeen, in subsection (2), after the word " country ", in the first place where that word occurs, there shall be inserted the words " or the district and sub-district ", and after that word in the second place where it occurs there shall be inserted the words " or district and sub-district ".</p> <p>In section eighteen, in subsection (5), the words from " both in regard " to the end of the subsection shall be omitted.</p> <p>In section twenty, in subsection (6), the words from " both in regard " to the end of the subsection shall be omitted.</p> <p>In section twenty-one, in subsection (3), for the words " the court which made the order " there shall be substituted the words " by any court, the court ", and after the words " Register of Births ", there shall be inserted the words " or the Adopted Children Register ", and in subsection (7) for the words " petty sessional division or place " there shall be substituted the words " petty sessions area ".</p> <p>In section twenty-two, in subsection (2), for the word " two " there shall be substituted the word " one ".</p>

2ND SCH.
—cont.

Enactment	Amendment
The Adoption Act, 1950— <i>cont.</i> 14 Geo. 6. c. 26.	<p>In section twenty-seven, in subsection (1), after the words “adoption society” there shall be inserted the words “or local authority”; and in paragraph (a) the words “resident in Great Britain” and the words from “whether” to “otherwise”; and paragraph (b), shall be omitted; and in subsection (5), for the word “fifty” there shall be substituted the words “one hundred” and after the words “adoption society” there shall be added the words “or local authority”.</p> <p>In section forty-five, in subsection (2), the words “not being a parent or guardian of the infant” shall be omitted.</p> <p>In the Third Schedule, in sub-paragraph (a) of paragraph 1, for the words “transfer of the care and possession of infants to persons resident abroad” there shall be substituted the words “sending or taking of infants abroad”.</p>

THIRD SCHEDULE

Section 40.

ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of repeal
8 Edw. 7. c. 67	The Children Act, 1908	The whole Act.
16 & 17 Geo. 5. c. 29.	The Adoption of Children Act, 1926.	Section ten.
20 & 21 Geo. 5. c. 37.	The Adoption of Children (Scotland) Act, 1930.	Section ten.
26 Geo. 5. & 1 Edw. 8. c. 49.	The Public Health Act, 1936.	Sections two hundred and six to two hundred and twenty.
26 Geo. 5. & 1 Edw. 8. c. 50.	The Public Health (London) Act, 1936.	Part XIII.
1 Edw. 8. & 1 Geo. 6. c. 37.	The Children and Young Persons (Scotland) Act, 1937.	Part I.
11 & 12 Geo. 6. c. 43.	The Children Act, 1948	Part V. In section forty-two, subsection (2). In section fifty-five, in subsection (1), the words from “or the provisions” to the end of the subsection. In the Second Schedule, paragraph 10.

3RD SCH.
—cont.

Session and Chapter	Short Title	Extent of repeal
11 & 12 Geo. 6. c. 43.—cont.	The Children Act, 1948—cont.	In the Third Schedule, the entries relating to the Public Health Act, 1936, and to the Public Health (London) Act, 1936, and the first three entries relating to the Children and Young Persons (Scotland) Act, 1937.
11 & 12 Geo. 6. c. 53.	The Nurseries and Child-Minders Regulation Act, 1948.	In section nine, in subsection (2), the words “ of those children or any other ”.
12, 13 & 14 Geo. 6. c. 98.	The Adoption of Children Act, 1949.	In section thirteen, in subsection (2), the words from “ section two hundred and twenty ” to “ The Public Health (London) Act, 1936 ” and the words from “ and for the definition ” to the end of the subsection.
14 Geo. 6. c. 26	The Adoption Act, 1950.	<p>In section two, subsection (1), and in subsection (4), the words “ or body ” and the words from “ or who is liable ” to “ maintenance of the infant ”.</p> <p>In section three, in subsection (1), paragraph (b).</p> <p>In section eight, in subsection (4), the words “ or body ”.</p> <p>In section twelve, in subsection (2), the words “ but shall cease to have effect if she subsequently marries ”.</p> <p>In section fourteen, subsection (2) except so far as it relates to a will or codicil confirmed by codicil executed before the commencement of this Act.</p> <p>In section eighteen, in subsection (2), paragraph (b); and in subsection (5) the words from “ both in regard ” to the end of the subsection.</p> <p>In section twenty, in subsection (6), the words from “ both in regard ” to the end of the subsection.</p> <p>In section twenty-one, subsection (2).</p> <p>In section twenty-seven, in subsection (1), in paragraph (a), the words “ resident in Great Britain ” and the words from “ whether ” to “ otherwise ”; paragraph (b); and subsections (2) to (4).</p> <p>Sections twenty-eight to thirty-seven, thirty-nine and forty.</p>

Session and Chapter	Short Title	Extent of repeal
14 Geo. 6. c. 26 —cont.	The Adoption Act, 1950—cont.	In section forty-three, in subsection (1), the words "in connection with their functions under any enactment relating to children". In section forty-five, in subsection (1), the definitions of "abroad", "child protection visitor", "custodian" and "welfare authority"; and in subsection (2) the words "not being a parent or guardian of the infant". In the Fifth Schedule, paragraphs 3, 8, 9 and 10.

3RD SCH.
—cont.

Table of Statutes referred to in this Act

Short Title	Session and Chapter
Sunday Observance Act, 1677	29 Car. 2. c. 7.
Life Assurance Act, 1774	14 Geo. 3. c. 48.
Parochial Registers Act, 1812	52 Geo. 3. c. 146.
Married Women's Policies of Assurance (Scotland) Act, 1880	43 & 44 Vict. c. 26.
Married Women's Property Act, 1882	45 & 46 Vict. c. 75.
Children Act, 1908	8 Edw. 7. c. 67.
Mental Deficiency Act, 1913	3 & 4 Geo. 5. c. 28.
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5. c. 49.
Adoption of Children Act, 1926	16 & 17 Geo. 5. c. 29.
Adoption of Children (Scotland) Act, 1930	20 & 21 Geo. 5. c. 37.
Children and Young Persons Act, 1933	23 & 24 Geo. 5. c. 12.
Registration of Births, Deaths, and Marriages (Scotland) (Amendment) Act, 1934	24 & 25 Geo. 5. c. 19.
County Courts Act, 1934	24 & 25 Geo. 5. c. 53.
Public Health Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 49.
Public Health (London) Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 50.
Children and Young Persons (Scotland) Act, 1937	1 Edw. 8 & 1 Geo. 6. c. 37.
Nursing Homes Registration (Scotland) Act, 1938	1 & 2 Geo. 6. c. 73.
Family Allowances Act, 1945	8 & 9 Geo. 6. c. 41.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Children Act, 1948	11 & 12 Geo. 6. c. 43.
Nurseries and Child-Minders Regulation Act, 1948	11 & 12 Geo. 6. c. 53.
Justices of the Peace Act, 1949	12, 13 & 14 Geo. 6. c. 101.
Adoption Act, 1950	14 Geo. 6. c. 26.
Magistrates' Courts Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 55.
Births and Deaths Registration Act, 1953	1 & 2 Eliz. 2. c. 20.
Local Government (Financial Provisions) (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 13.
Valuation and Rating (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 60.

CHAPTER 66*Tribunals and Inquiries Act, 1958*

ARRANGEMENT OF SECTIONS

Section

1. Council on Tribunals.
2. Reports of, and references to, Council and Scottish Committee.
3. Chairmen etc. of certain tribunals: provisions as to appointment.
4. Recommendations of Council as to appointment of members of tribunals.
5. Concurrence required to removal of members of tribunals.
6. Legal qualifications for certain tribunals.
7. General Commissioners of Income Tax: appointment and qualifications.
8. Council to be consulted before making procedural rules.
9. Appeals from certain tribunals.
10. Application of Act to additional tribunals.
11. Extension of supervisory powers of superior courts.
12. Reasons to be given for decisions of tribunals and Ministers.
13. Repeal of restrictions on appeals from Court of Session to House of Lords.
14. Interpretation.
15. Repeals.
16. Commencement.
17. Short title.

SCHEDULES:

First Schedule—Tribunals under general supervision of Council.

Part I—Tribunals under direct supervision of Council.

Part II—Tribunals under supervision of Scottish Committee.

Second Schedule—Enactments repealed.

Part I—Enactments repealed as from passing of Act.

Part II—Enactments repealed as from appointed day.

An Act to constitute a Council on Tribunals ; to make further provision as to the appointment, qualifications and removal of the chairman and members, and as to the procedure, of certain tribunals ; to provide for appeals to the courts from decisions of, or on appeal from, certain tribunals ; to require the giving of reasons for certain decisions of tribunals and Ministers ; to extend the supervisory powers of the High Court and the Court of Session ; to abolish certain restrictions on appeals from the Court of Session to the House of Lords ; to make further provision with respect to the appointment and qualifications of General Commissioners of Income Tax, and provision for the payment of allowances to General and Additional Commissioners ; and for purposes connected with the matters aforesaid. [1st August, 1958]

BE it enacted by the Queen'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) There shall be a council, entitled the Council on Tribunals,— Council on
Tribunals.

- (a) to keep under review the constitution and working of the tribunals specified in the First Schedule to this Act (being the tribunals constituted under or for the purposes of the statutory provisions specified in that Schedule), and, from time to time, to report on their constitution and working;
- (b) to consider and report on such particular matters as may be referred to the Council under this Act with respect to tribunals other than the ordinary courts of law, whether or not specified in the First Schedule to this Act, or any such tribunal;
- (c) to consider and report on such matters as may be referred as aforesaid, or as the Council may determine to be of special importance, with respect to administrative procedures involving, or which may involve, the holding by or on behalf of a Minister of a statutory inquiry, or any such procedure.

(2) The Council on Tribunals (hereinafter referred to as “ the Council ”) shall consist of not more than fifteen nor less than ten

members appointed by the Lord Chancellor and the Secretary of State, and one of the members shall be so appointed to be chairman of the Council.

(3) There shall be a Scottish Committee of the Council (hereinafter referred to as "the Scottish Committee") which shall consist of either two or three members of the Council designated by the Secretary of State and either three or four persons, not being members of the Council, appointed by the Secretary of State; and the Secretary of State shall appoint one of the members of the Scottish Committee (being a member of the Council) to be chairman of the Scottish Committee.

(4) In appointing members of the Council regard shall be had to the need for representation of the interests of persons in Wales.

(5) The members of the Council and the persons appointed to be members of the Scottish Committee shall hold and vacate office under the terms of the instruments under which they are appointed, but may resign office by notice in writing to the Ministers or Minister by whom they were appointed; and any such member who ceases to hold office shall be eligible for re-appointment.

(6) There shall be paid to the chairman of the Council and the chairman of the Scottish Committee such salaries, and to the other members of the Council and of the Scottish Committee such fees (if any), as may be determined by the Treasury.

(7) The salaries and fees payable under the foregoing subsection, together with such expenses of the Council and of the Scottish Committee (including subsistence allowances for and travelling expenses of their members) as may be approved by the Treasury, shall be defrayed out of moneys provided by Parliament.

(8) Part II of the First Schedule to the House of Commons Disqualification Act, 1957 (which specifies certain commissions and other bodies all members of which are disqualified under that Act) and the Part substituted for the said Part II by the Third Schedule to that Act in its application to the Senate and the House of Commons of Northern Ireland, shall have effect as if after the entry relating to the Commonwealth Telecommunications Board there were inserted "The Council on Tribunals" and after the entry relating to the Restrictive Practices Court there were inserted "The Scottish Committee of the Council on Tribunals".

(9) Nothing in subsection (1) of this section shall authorise or require the Council to deal with any matter with respect to which the Parliament of Northern Ireland has power to make laws.

2.—(1) Subject to the provisions of this section, any report by, or reference to, the Council shall be made to, or as the case may be by, the Lord Chancellor and the Secretary of State.

Reports of, and references to, Council and Scottish Committee.

(2) A reference to the Council of a matter relating only to England and Wales may be made by the Lord Chancellor, and a reference to the Council of a matter relating only to Scotland may be made by the Secretary of State; and the report of the Council on a reference so made shall be made to the Minister making the reference.

(3) The Council shall not make a report on any such tribunal as is specified in Part II of the First Schedule to this Act, or on any matter referred to the Council by the Secretary of State, until the Council have referred the matter of the report for consideration, and report to the Council, by the Scottish Committee and have considered the report of that Committee.

(4) Where, without any reference having been made to them, the Council report on any such matter as is mentioned in paragraph (c) of subsection (1) of section one of this Act, then—

- (a) if the matter relates only to England and Wales, subsection (2) of this section shall apply as if the matter had been referred to the Council by the Lord Chancellor,
- (b) if the matter relates only to Scotland, the two foregoing subsections shall apply as if the matter had been referred to them by the Secretary of State.

(5) The Scottish Committee may of its own motion make a report to the Council with respect to the constitution or working of any such tribunal as is specified in Part II of the First Schedule to this Act or with respect to any matter falling within paragraph (c) of subsection (1) of the foregoing section and relating only to Scotland.

(6) If the Council, in reporting on any matter which they have referred to the Scottish Committee or on which that Committee has reported to the Council of its own motion, do not adopt the report of that Committee without modification, or if the Council do not make a report on matters on which the Scottish Committee has reported to the Council of its own motion, the Scottish Committee may submit its report to the Secretary of State.

(7) The Council shall make an annual report to the Lord Chancellor and the Secretary of State on their proceedings and those of the Scottish Committee, and the Lord Chancellor and the Secretary of State shall lay the annual report before Parliament with such comments (if any) as they think fit.

Chairmen etc.
of certain
tribunals:
provisions
as to
appointment.

3.—(1) The chairman, or any person appointed to act as chairman, of any of the tribunals to which this subsection applies shall (without prejudice to any statutory provisions as to qualifications) be selected by the appropriate authority from a panel of persons appointed by the Lord Chancellor.

(2) Members of panels constituted under this section shall hold and vacate office under the terms of the instruments under which they are appointed, but may resign office by notice in writing to the Lord Chancellor; and any such member who ceases to hold office shall be eligible for re-appointment.

(3) Subsection (1) of this section applies to any such tribunal as is specified in paragraph 9, sub-paragraph (a) of paragraph 11, sub-paragraph (a) or (b) of paragraph 12, sub-paragraph (a), (b) or (e) of paragraph 13 or paragraph 19 of the First Schedule to this Act.

(4) One of the members of any such board of referees as is specified in paragraph 3 of the First Schedule to this Act shall be designated by the appropriate authority to be chairman of the board; and that member, and any such single referee as is specified in the said paragraph 3, shall be a person selected by the appropriate authority from a panel of persons appointed by the Lord Chancellor.

(5) The person or persons constituting any such tribunal as is specified in paragraph 8 of the First Schedule to this Act shall be appointed by the Lord Chancellor, and where such a tribunal consists of more than one person the Lord Chancellor shall designate which of them is to be the chairman.

(6) In this section “the appropriate authority” means the Minister who apart from this Act would be empowered to appoint or select the chairman, person to act as chairman, members or member of the tribunal in question.

(7) A panel may be constituted under this section for the purposes either of a single tribunal or of two or more tribunals, whether or not of the same description.

(8) This section shall come into operation on the appointed day; but—

(a) any person appointed by the appropriate authority before that day to be chairman of any tribunal to which subsection (1) of this section applies shall on and after that day and during the continuance of his appointment be deemed to be a member of a panel constituted by the Lord Chancellor for the purposes of that tribunal and to have been selected by the appropriate authority to be chairman of the tribunal;

- (b) any person appointed by the appropriate authority before that day to be a member of a panel from which apart from this Act the chairman of the tribunal would fall to be selected shall on and after that day and during the continuance of his appointment be deemed to be a member of a panel constituted by the Lord Chancellor for the purposes of that tribunal;
- (c) any power to terminate any such appointment as is mentioned in the two foregoing paragraphs shall be exercisable by, and only by, the Lord Chancellor.

(9) The following provisions shall have effect for the application of this section to Scotland:—

- (a) in relation to any of the tribunals referred to in the foregoing provisions of this section which sits in Scotland, this section shall have effect with the substitution for any reference to the Lord Chancellor of a reference to the Lord President of the Court of Session;
- (b) subsection (1) of this section shall apply, with the substitution aforesaid, to any such tribunal as is specified in paragraph 34 of the First Schedule to this Act.

(10) In relation to any of the tribunals referred to in the foregoing provisions of this section which sits in Northern Ireland, this section shall have effect with the substitution for any reference to the Lord Chancellor of a reference to the Lord Chief Justice of Northern Ireland.

4.—(1) Without prejudice to the generality of paragraph (a) of subsection (1) of section one of this Act, the Council may make to the appropriate Minister general recommendations as to the making of appointments to membership of any such tribunals as are specified in the First Schedule to this Act or of panels constituted for the purposes of any such tribunals; and (without prejudice, however, to any statutory provision having effect with respect to such appointments) the appropriate Minister shall have regard to recommendations under this section.

Recommendations of Council as to appointment of members of tribunals.

(2) In this section “the appropriate Minister” means, in relation to appointments of any description, the Minister making the appointments or, if they are not made by a Minister, the Minister in charge of the Government Department concerned with the tribunals in question.

(3) The following provisions shall have effect as respects any such tribunal as is specified in Part II of the First Schedule to this Act:—

- (a) the Council shall not make any such recommendations as aforesaid until they have referred the matter of the recommendations for consideration, and report to the

Council, by the Scottish Committee and have considered the report of that Committee;

- (b) without prejudice to the generality of subsection (5) of section two of this Act, the Scottish Committee may of its own motion propose any such general recommendations as aforesaid as expedient to be made by the Council to the appropriate Minister;
- (c) if the Council, in making recommendations under this section on any matter which they have referred to the Scottish Committee or on which that Committee has made proposals, do not adopt the report or proposals of that Committee without modification, or if the Council do not make recommendations on matters on which the Scottish Committee has made proposals to the Council, the Scottish Committee may submit its report or proposals to the Secretary of State.

Concurrence required to removal of members of tribunals.

5. No power of a Minister other than the Lord Chancellor to terminate a person's membership of any such tribunal as is specified in the First Schedule to this Act, or of a panel constituted for the purposes of any such tribunal, shall be exercisable except with the consent of—

- (a) the Lord Chancellor, the Lord President of the Court of Session and the Lord Chief Justice of Northern Ireland, if the tribunal sits in all parts of the United Kingdom;
- (b) the Lord Chancellor and the Lord President of the Court of Session, if the tribunal sits in all parts of Great Britain;
- (c) the Lord Chancellor and the Lord Chief Justice of Northern Ireland, if the tribunal sits both in England and Wales and in Northern Ireland;
- (d) the Lord Chancellor, if the tribunal does not sit outside England and Wales;
- (e) the Lord President of the Court of Session, if the tribunal sits only in Scotland;
- (f) the Lord Chief Justice of Northern Ireland, if the tribunal sits only in Northern Ireland:

Provided that this section shall not apply to any such tribunal as is specified in sub-paragraph (a) of paragraph 10, paragraph 15, sub-paragraph (b) of paragraph 20, paragraph 21, paragraph 26 or sub-paragraph (a) of paragraph 31 of the First Schedule to this Act.

Legal qualifications for certain tribunals.

6. A person shall not be qualified to be appointed umpire or deputy umpire under subsection (4) of section forty-one of the National Service Act, 1948, or to be appointed chairman or deputy chairman of the appellate tribunal constituted under the Fourth Schedule to that Act, unless he is a barrister, advocate or solicitor of not less than ten years standing.

7.—(1) Vacancies among the General Commissioners occurring after the appointed day, being vacancies which under the First Schedule to the Income Tax Act, 1952, would fall to be supplied by persons named in lists drawn up by the Land Tax Commissioners, shall be supplied by persons appointed by the Lord Chancellor; and accordingly—

General
Commissioners
of Income
Tax:
appointment
and
qualifications.

- (a) paragraphs 1 and 4, and sub-paragraph (1) of paragraph 5, of Part I of that Schedule shall not have effect in relation to such vacancies;
- (b) in paragraph 2 of the said Part I the words “ and the number of persons to supply vacancies, respectively ” shall cease to have effect, as respects divisions in England and Wales, as from the appointed day.

In this section “ General Commissioners ” and “ division ” have the same meanings as in the Income Tax Act, 1952.

(2) The property qualification for General Commissioners and Additional Commissioners is hereby abolished.

(3) General Commissioners and Additional Commissioners shall be entitled to receive out of moneys provided by Parliament payments by way of travelling allowance or lodging allowance of such amounts and in such circumstances as may be determined by the Treasury.

8.—(1) No power of a Minister or of the Lord President of the Court of Session to make, approve, confirm or concur in procedural rules for any such tribunal as is specified in the First Schedule to this Act shall be exercisable except after consultation with the Council.

Council to be
consulted
before making
procedural
rules.

(2) The Council, in the exercise of their functions under this section as respects any such tribunal as is specified in Part II of the First Schedule to this Act, shall consult with the Scottish Committee.

(3) In this section “ procedural rules ” includes any statutory provision relating to the procedure of the tribunal in question.

(4) This section shall come into operation on the appointed day.

9.—(1) If any party to proceedings before any such tribunal as is specified in paragraph 2, 3, 4 or 8, sub-paragraph (b) of paragraph 10, or paragraph 14, 18, 19 or 23 of the First Schedule to this Act is dissatisfied in point of law with a decision of the tribunal given on or after the appointed day he may, according as rules of court may provide, either appeal therefrom to the High Court or require the tribunal to state and sign a case for the opinion of the High Court.

Appeals from
certain
tribunals.

(2) Rules of court made with respect to all or any of the said tribunals may provide for authorising or requiring a tribunal, in the course of proceedings before it taking place on or after the appointed day, to state, in the form of a special case for the decision of the High Court, any question of law arising in the proceedings, and a decision of the High Court on a case stated by virtue of this subsection shall be deemed to be a judgment of the Court within the meaning of section twenty-seven of the Supreme Court of Judicature (Consolidation) Act, 1925 (which relates to the jurisdiction of the Court of Appeal to hear and determine appeals from any judgment of the High Court).

(3) In relation to proceedings in the High Court or the Court of Appeal brought by virtue of this section the power to make rules of court shall include power to make rules prescribing the powers of the High Court or the Court of Appeal with respect to—

- (a) the giving of any decision which might have been given by the tribunal;
- (b) the remitting of the matter with the opinion or direction of the court for re-hearing and determination by the tribunal;
- (c) the giving of directions to the tribunal,

and different provisions may be made for different tribunals.

(4) Rules of court relating to such proceedings as aforesaid may provide for excluding so much of subsection (1) of section sixty-three of the Supreme Court of Judicature (Consolidation) Act, 1925, as requires appeals to the High Court to be heard and determined by a Divisional Court, but no appeal to the Court of Appeal shall be brought by virtue of this section except with the leave of the High Court or the Court of Appeal.

(5) Subsection (1) of this section shall apply to a decision of the Minister of Transport and Civil Aviation on an appeal from the traffic commissioners for any traffic area or the traffic commissioner for the metropolitan traffic area as it applies to a decision of any of the tribunals mentioned in that subsection, but with the substitution for the reference to a party to proceedings of a reference to any person who had, or if aggrieved would have had, a right to appeal to that Minister (whether or not he has exercised that right); and accordingly references in subsections (1) and (3) of this section to a tribunal shall be construed, in relation to such an appeal, as references to the Minister of Transport and Civil Aviation.

(6) The following provisions shall have effect for the application of this section to Scotland:—

- (a) in relation to any proceedings in Scotland of any of the tribunals referred to in the foregoing provisions of this section, or to a decision of the Minister of Transport and Civil Aviation on an appeal from proceedings in Scotland of traffic commissioners, this section shall have effect with the following modifications, that is to say,—
- (i) for references to the High Court or the Court of Appeal there shall be substituted references to the Court of Session;
 - (ii) in subsection (2) for the words “ in the form of a special case for the decision of the High Court ” there shall be substituted the words “ a case for the opinion of the Court of Session on ” and the words from “ and a decision ” to the end of the subsection shall be omitted;
 - (iii) subsection (4) shall be omitted;
- (b) this section shall apply, subject to the modifications specified in the foregoing paragraph, to proceedings before any such tribunal as is specified in sub-paragraph (b) of paragraph 31, or paragraph 32 or 34 of the First Schedule to this Act as it applies to proceedings before the tribunals referred to in subsection (1) of this section; and
- (c) an appeal shall lie, with the leave of the Court of Session or of the House of Lords, from any decision of the Court of Session under this section, and such leave may be given on such terms as to costs or otherwise as the Court of Session or the House of Lords may determine.

(7) In relation to any proceedings in Northern Ireland of any of the tribunals referred to in subsection (1) of this section, this section shall have effect with the following modifications, that is to say:—

- (a) in subsection (2) for the words “ section twenty-seven of the Supreme Court of Judicature (Consolidation) Act, 1925 ” there shall be substituted the words “ section twenty-four of the Supreme Court of Judicature Act (Ireland), 1877 ”;
- (b) in subsection (4) for the words “ may provide for excluding so much of subsection (1) of section sixty-three of the Supreme Court of Judicature (Consolidation) Act, 1925, as requires appeals to the High Court to be heard and determined by a Divisional Court ” there

shall be substituted the words “ shall provide that the appeal shall be heard or, as the case may be, the decision of the High Court shall be given, by a single judge ”.

(8) Her Majesty may by Order in Council direct that all or any of the provisions of this section, so far as it relates to proceedings in the Isle of Man or any of the Channel Islands of the tribunal specified in paragraph 23 of the First Schedule to this Act, shall extend to the Isle of Man or to any of the Channel Islands subject to such modifications as may be specified in the Order.

(9) In this section the expression “ decision ” includes any direction or order, and references to the giving of a decision shall be construed accordingly.

Application
of Act to
additional
tribunals.

10.—(1) The Lord Chancellor and the Secretary of State may by order made by them by statutory instrument direct that Part I or Part II of the First Schedule to this Act shall have effect as if there were specified therein any such tribunals, other than any of the ordinary courts of law, as may be provided by the order.

(2) The Lord Chancellor and the Secretary of State may by order made by them as aforesaid make provision, as respects any such tribunal as is for the time being specified in the First Schedule to this Act, not being a tribunal mentioned in section three of this Act, for applying any of the provisions of that section to the tribunal or for providing for the appointment by the Lord Chancellor, the Lord President of the Court of Session or the Lord Chief Justice of Northern Ireland of the chairman of the tribunal and of any person to be appointed to act as chairman.

(3) The Lord Chancellor and the Secretary of State may by order made by them as aforesaid apply section nine of this Act to any such tribunal as is for the time being specified in the First Schedule to this Act.

(4) Any order under this section may make any such adaptations of the provisions of this Act as may be necessary or expedient in consequence of the order.

(5) Any order under this section may be varied or revoked by a subsequent order made by the Lord Chancellor and the Secretary of State by statutory instrument.

(6) Any statutory instrument made under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) Nothing in this section shall authorise the making of an order with respect to a tribunal having jurisdiction only over matters with respect to which the Parliament of Northern Ireland has power to make laws.

11.—(1) As respects England and Wales or Northern Ireland, any provision in an Act passed before the commencement of this Act that any order or determination shall not be called into question in any court, or any provision in such an Act which by similar words excludes any of the powers of the High Court, shall not have effect so as to prevent the removal of the proceedings into the High Court by order of certiorari or to prejudice the powers of the High Court to make orders of mandamus: Extension of supervisory powers of superior courts.

Provided that this subsection, so far as it relates to the High Court in Northern Ireland, shall not affect any provision in its application to a matter with respect to which the Parliament of Northern Ireland has power to make laws.

(2) As respects Scotland, any provision in an Act passed before the commencement of this Act that any order or determination shall not be called into question in any court, or any provision in such an Act which by similar words excludes any jurisdiction which the Court of Session would otherwise have to entertain an application for reduction or suspension of any order or determination, or otherwise to consider the validity of any order or determination, shall not have effect so as to prevent the exercise of any such jurisdiction.

(3) Nothing in this section shall affect section twenty-six of the British Nationality Act, 1948, or apply to any order or determination of a court of law or the Foreign Compensation Commission or where an Act makes special provision for application to the High Court or the Court of Session within a time limited by the Act.

12.—(1) Subject to the provisions of this section, where after the appointed day— Reasons to be given for decisions of tribunals and Ministers.

(a) any such tribunal as is specified in the First Schedule to this Act gives any decision, or

(b) any Minister notifies any decision taken by him after the holding by him or on his behalf of a statutory inquiry, or taken by him in a case in which a person concerned could (whether by objecting or otherwise) have required the holding as aforesaid of a statutory inquiry,

it shall be the duty of the tribunal or Minister to furnish a statement, either written or oral, of the reasons for the decision if requested, on or before the giving or notification of the decision, to state the reasons:

Provided that the statement may be refused, or the specification of the reasons restricted, on grounds of national security, and the tribunal or Minister may refuse to furnish the statement to a person not primarily concerned with the decision if of opinion that to furnish it would be contrary to the interests of any person primarily concerned.

(2) The foregoing subsection shall not apply to decisions in respect of which any statutory provision has effect, apart from this section, as to the giving of reasons, or to decisions of a Minister in connection with the preparation, making, approval, confirmation, or concurrence in regulations, rules, or byelaws, or orders or schemes of a legislative and not an executive character.

(3) Any statement of the reasons for such a decision as is mentioned in paragraph (a) or (b) of subsection (1) of this section, whether given in pursuance of that subsection or of any other statutory provision, shall be taken to form part of the decision and accordingly to be incorporated in the record.

(4) If, after consultation with the Council, it appears to the Lord Chancellor and the Secretary of State that it is expedient that decisions of any particular tribunal or any description of such decisions, or any description of decisions of a Minister, should be excluded from the operation of subsection (1) of this section on the ground that the subject-matter of such decisions, or the circumstances in which they are made, make the giving of reasons unnecessary or impracticable, the Lord Chancellor and the Secretary of State may by order direct that subsection (1) of this section shall not apply to such decisions.

(5) The power to make orders conferred by this section shall be exercisable by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament, and any order under this section may be varied or revoked by a subsequent order made after consultation with the Council.

Repeal of
restrictions on
appeals from
Court of
Session to
House of
Lords.

13. The following provisions (which restrict the right of appeal from the Court of Session to the House of Lords in certain cases), as originally enacted and as applied by any other enactment, shall cease to have effect, that is to say:—

- (a) subsection (3) of section fifteen of the Town and Country Planning (Scotland) Act, 1945;
- (b) sub-paragraph (2) of paragraph 15 of the First Schedule to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947;
- (c) subsection (4) of section nine of the Town and Country Planning (Scotland) Act, 1947;
- (d) in paragraph (a) of subsection (12) of section three of the Lands Tribunal Act, 1949, the words from “and no appeal” to the end of the paragraph;

- (e) the proviso to paragraph (a) of subsection (3) of section ten of the Lands Tribunal Act, 1949;
- (f) paragraph 4 of the Second Schedule to the Housing (Scotland) Act, 1950;
- (g) sub-paragraph (2) of paragraph 9 of the First Schedule to the Rivers (Prevention of Pollution) (Scotland) Act, 1951; and
- (h) sub-paragraph (2) of paragraph 9 of the First Schedule to the Food and Drugs (Scotland) Act, 1956.

14.—(1) In this Act “Minister” includes any Board presided over by a Minister, “statutory inquiry” means an inquiry or hearing held or to be held in pursuance of a duty imposed by any statutory provision, and “statutory provision” means a provision contained in, or having effect under, any enactment. Interpretation.

(2) References in this Act to members of tribunals include references to the person constituting a tribunal consisting of one person.

(3) References in this Act to the working or a decision of, or procedural rules for, any such tribunals as are specified in paragraph 10, 15, 20, 21, 26, 31 or 35 of the First Schedule to this Act do not include references to their working, decisions, or procedure in the exercise of executive functions.

15. The enactments specified in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule,— Repeals

- (a) in the case of the enactments specified in Part I of that Schedule, as from the passing of this Act,
- (b) in the case of the enactments specified in Part II thereof, as from the appointed day.

16. In this Act the expression “the appointed day” means such day as the Lord Chancellor and the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different provisions of this Act. Commence-ment.

17. This Act may be cited as the Tribunals and Inquiries Act, 1958. Short title.

SCHEDULES

FIRST SCHEDULE

Sections 1, 2, 3,
4, 5, 8, 9, 10, 12,
14.

TRIBUNALS UNDER GENERAL SUPERVISION OF COUNCIL

PART I

TRIBUNALS UNDER DIRECT SUPERVISION OF COUNCIL

<i>Matters with which tribunal concerned</i>	<i>Tribunal and statutory authority</i>
Agriculture	1. (a) The Agricultural Land Tribunals established under section seventy-three of the Agriculture Act, 1947; (b) arbitrators appointed (otherwise than by agreement) under the Sixth Schedule to the Agricultural Holdings Act, 1948.
Children's voluntary homes.	2. Appeal tribunals constituted in accordance with section thirty of, and Part I of the First Schedule to, the Children Act, 1948.
Compensation for loss of office or employment, and pensions.	3. Referees and boards of referees constituted under the statutory provisions specified in the Annex to this Part of this Schedule.
Education	4. Independent Schools Tribunals constituted under section seventy-two of, and the Sixth Schedule to, the Education Act, 1944.
Forestry	5. Committees appointed for the purposes of section seven or eight of the Forestry Act, 1951, being committees the members of which are appointed by the Minister of Agriculture, Fisheries and Food.
Land	6. The Lands Tribunal constituted under paragraph (b) of subsection (1) of section one of the Lands Tribunal Act, 1949.
Milk and dairies ...	7. Tribunals constituted under regulations made under, or having effect as if made under, Part II of the Food and Drugs Act, 1955.
Mines and Quarries...	8. Tribunals for the purposes of section one hundred and fifty of the Mines and Quarries Act, 1954.
National Assistance, etc.	9. The appeal tribunals constituted in accordance with the Fifth Schedule to the National Assistance Act, 1948.

- | <i>Matters with which
tribunal concerned</i> | <i>Tribunal and statutory authority</i> |
|--|--|
| National Health Service. | 10. (a) Executive Councils constituted under subsections (1) and (2) of section thirty-one of the National Health Service Act, 1946, and joint committees constituted under subsection (4) of that section;
(b) the tribunal constituted under section forty-two of the National Health Service Act, 1946;
(c) service committees of an Executive Council, being committees constituted in accordance with regulations made under the National Health Service Act, 1946. |
| National Insurance ... | 11. (a) Local tribunals constituted under regulations under subsection (1) of section forty-three of the National Insurance Act, 1946;
(b) the National Insurance Commissioner, any deputy Commissioner appointed under subsection (3) of section forty-three of the National Insurance Act, 1946, and any tribunal presided over by the Commissioner or a deputy Commissioner. |
| National Insurance (Industrial Injuries). | 12. (a) Local appeal tribunals constituted for the purposes of the National Insurance (Industrial Injuries) Act, 1946;
(b) medical appeal tribunals constituted for the purposes of the National Insurance (Industrial Injuries) Act, 1946;
(c) the Industrial Injuries Commissioner appointed under subsection (1) of section forty-two of the National Insurance (Industrial Injuries) Act, 1946, any deputy Commissioner so appointed and any tribunal constituted under regulations under paragraph (a) of subsection (2) of that section. |
| National service ... | 13. (a) The Military Service (Hardship) Committees constituted under the Third Schedule to the National Service Act, 1948;
(b) the local tribunals constituted under the Fourth Schedule to the National Service Act, 1948; |

1ST SCH.
—cont.*Matters with which
tribunal concerned**Tribunal and statutory authority*

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| National service—cont. | (c) the appellate tribunal constituted under the Fourth Schedule to the National Service Act, 1948; |
| | (d) the referees selected under the proviso to subsection (3) of section twenty-three of the National Service Act, 1948; |
| | (e) the Reinstatement Committees appointed under subsection (1) of section forty-one of the National Service Act, 1948; |
| | (f) the umpire and any deputy umpire appointed under subsection (4) of section forty-one of the National Service Act, 1948. |
| Nurses' training institutions. | 14. Persons nominated under subsection (2) of section twenty-one of the Nurses Act, 1957. |
| Patents, designs and trade marks. | 15. The comptroller-general of patents, designs, and trade marks, and any officer authorised to exercise the functions of the comptroller under subsection (3) of section sixty-two of the Patents and Designs Act, 1907. |
| Pensions | 16. (a) Pensions Appeal Tribunals constituted under the Pensions Appeal Tribunals Act, 1943, being tribunals appointed for England and Wales; |
| | (b) tribunals appointed under regulations under section one of the Police Pensions Act, 1948, to hear appeals by such persons as are mentioned in subsection (1) of section one of the Police (Overseas Service) Act, 1945. |
| Performing rights | 17. The Performing Right Tribunal established under section twenty-three of the Copyright Act, 1956. |
| Prevention of fraud (investments). | 18. The tribunal of inquiry constituted under section six of the Prevention of Fraud (Investments) Act, 1958. |
| Rents | 19. Tribunals constituted under section one of the Furnished Houses (Rent Control) Act, 1946. |
| Revenue | 20. (a) The Commissioners for the general purposes of the income tax acting under section six of the Income Tax Act, 1952 for any division in England or Wales; |

<i>Matters with which tribunal concerned</i>	<i>Tribunal and statutory authority</i>	1ST SCH. —cont.
Revenue—cont.	(b) the Commissioners for the special purposes of the Income Tax Acts appointed by or under section eight of the Income Tax Act, 1952; (c) any Commissioners acting in England or Wales in pursuance of section eleven of the Income Tax Act, 1952; (d) the Board of Referees appointed for the purposes of section two hundred and eighty-seven of the Income Tax Act, 1952.	
Road Traffic	21. (a) The traffic commissioners for any area appointed under Part IV of the Road Traffic Act, 1930 and the traffic commissioner so appointed for the metropolitan traffic area; (b) the licensing authority for the purposes of Part I of the Road and Rail Traffic Act, 1933.	
Transport charges and carriers' licences.	22. The Transport Tribunal established under subsection (1) of section twenty of the Railways Act, 1921.	
Wireless telegraphy ...	23. The tribunal established under section nine of the Wireless Telegraphy Act, 1949.	

ANNEX

STATUTORY PROVISIONS FOR TRIBUNALS SPECIFIED IN PARAGRAPH 3
OF THIS PART OF THIS SCHEDULE

Regulations under section thirty-seven of the Coal Industry Nationalisation Act, 1946.

Regulations under section sixty-seven of the National Insurance Act, 1946.

Regulations under section sixty-eight of the National Health Service Act, 1946 or orders under subsection (9) of section eleven or subsection (5) of section thirty-one of that Act.

Regulations under section sixty-seven of the National Health Service (Scotland) Act, 1947.

Regulations under the Fifth Schedule to the Fire Services Act, 1947.

Regulations under the Transport Act, 1947 and the Transport Act, 1953.

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Regulations under section one hundred and one of the Town and Country Planning Act, 1947.

Subsections (3) and (5) of section fifty-four of the Electricity Act, 1947, and regulations under section fifty-five of that Act or that section as applied by section twenty-seven of the Electricity Act, 1957.

Regulations under section one hundred and forty of the Local Government Act, 1948, or such regulations as applied by any Local Act, whether passed before or after this Act.

Regulations under subsection (1) or (2) of section sixty of the National Assistance Act, 1948.

Subsection (6) of section twenty-nine of the River Boards Act, 1948, and regulations under section thirty of that Act.

Rules under section three of the Superannuation (Miscellaneous Provisions) Act, 1948.

Subsections (3) and (5) of section fifty-eight of the Gas Act, 1948, and regulations under section sixty of that Act.

Regulations under section forty-two of the Justices of the Peace Act, 1949.

Subsection (4) of section six of the Commonwealth Telegraphs Act, 1949, and regulations under sections six and seven of that Act.

Regulations under section twenty-five of the Prevention of Damage by Pests Act, 1949.

Regulations under section twenty-four of the Iron and Steel Act, 1953.

Regulations under section twelve of the Electricity Reorganisation (Scotland) Act, 1954.

PART II

TRIBUNALS UNDER SUPERVISION OF SCOTTISH COMMITTEE

- | | | | |
|-------------------|-----------|-----|--|
| Agriculture | ... .. | 24. | Arbiters appointed (otherwise than by agreement) under section seventy-seven of, or the Sixth Schedule to, the Agricultural Holdings (Scotland) Act, 1949. |
| Children's homes. | voluntary | 25. | Appeal tribunals constituted in accordance with section thirty of, and Part II of the First Schedule to, the Children Act, 1948. |
| Crofters | ... .. | 26. | The Crofters Commission constituted under section one of the Crofters (Scotland) Act, 1955. |
| Education | ... .. | 27. | Independent Schools Tribunals constituted under section one hundred and eleven of, and the Fifth Schedule to, the Education (Scotland) Act, 1946. |

<i>Matters with which tribunal concerned</i>	<i>Tribunal and statutory authority</i>
Forestry	28. Committees appointed for the purposes of section seven or eight of the Forestry Act, 1951, being committees the members of which are appointed by the Secretary of State.
Land	29. Official arbiters appointed under section one of the Acquisition of Land (Assessment of Compensation) Act, 1919.
Milk and dairies ...	30. Tribunals constituted under orders made under, or having effect as if made under, section eleven of the Milk (Special Designations) Act, 1949.
National Health Service.	31. (a) Executive Councils constituted under subsections (1) and (2) of section thirty-two of the National Health Service (Scotland) Act, 1947, and joint committees constituted under subsection (4) of that section; (b) the tribunal constituted under section forty-three of the National Health Service (Scotland) Act, 1947; (c) service committees of an Executive Council, being committees constituted in accordance with regulations made under the National Health Service (Scotland) Act, 1947.
Nurses' training institutions.	32. Persons nominated under subsection (2) of section twenty-four of the Nurses (Scotland) Act, 1951.
Pensions	33. Pensions Appeal Tribunals constituted under the Pensions Appeal Tribunals Act, 1943, being tribunals appointed for Scotland.
Rents	34. Tribunals constituted under section one of, and the Schedule to, the Rent of Furnished Houses Control (Scotland) Act, 1943.
Revenue	35. (a) The Commissioners for the general purposes of the income tax acting under section six of the Income Tax Act, 1952 for any division in Scotland; (b) any Commissioners acting in Scotland in pursuance of section eleven of the Income Tax Act, 1952; (c) referees selected for the purposes of section thirty-three of the Finance (1909-10) Act, 1910.

Section 15.

SECOND SCHEDULE

ENACTMENTS REPEALED

PART I

ENACTMENTS REPEALED AS FROM PASSING OF ACT

Session and Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6. c. 42.	The Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947.	In the First Schedule, in paragraph 15, sub-paragraph (2).
10 & 11 Geo. 6. c. 53.	The Town and Country Planning (Scotland) Act, 1947.	In section nine, subsection (4).
12, 13 & 14 Geo. 6. c. 42.	The Lands Tribunal Act, 1949.	In section three, in subsection (12), in paragraph (a), the words from "and no appeal" to the end; in section ten, in subsection (3), the proviso to paragraph (a).
14 Geo. 6. c. 34.	The Housing (Scotland) Act, 1950.	In the Second Schedule, paragraph 4.
14 & 15 Geo. 6. c. 66.	The Rivers (Prevention of Pollution) (Scotland) Act, 1951.	In the First Schedule, in paragraph 9, sub-paragraph (2).
15 & 16 Geo. 6. & 1 Eliz. 2. c. 10.	The Income Tax Act, 1952.	In the First Schedule, in Part I, in paragraph 3 the words "and without other qualification", in paragraph 5 in sub-paragraph (7) the words "are qualified, and", in paragraph 8 the words "duly qualified", in paragraph 10 in sub-paragraph (4) the words "being respectively qualified under this Act", in paragraph 12 the words "qualified as required by this Act", and paragraph 14, Part III.
4 & 5 Eliz. 2. c. 30.	The Food and Drugs (Scotland) Act, 1956.	In the First Schedule, in paragraph 9, sub-paragraph (2).

PART II

ENACTMENTS REPEALED AS FROM APPOINTED DAY

Session and Chapter	Short Title	Extent of Repeal
20 & 21 Geo. 5. c. 43.	The Road Traffic Act, 1930.	In section one hundred and two, in subsection (6), the words “ shall be final ”.
23 & 24 Geo. 5. c. 14.	The London Passenger Transport Act, 1933.	In section sixty-one, in sub- sections (3) and (5), the words “ and shall be final and con- clusive ”.
10 & 11 Geo. 6. c. 49.	The Transport Act, 1947.	In section ninety-nine, in sub- section (2), the words “ and the decision of that referee or board shall be final ”. In section one hundred and one, in subsection (3), the words from “ and where any such provi- sion ” to the end.
10 & 11 Geo. 6. c. 54.	The Electricity Act, 1947.	In section fifty-four, in sub- sections (3) and (5), the words “ and the decision of that referee or board shall be final ”. In section fifty-five, in subsection (5), the words from “ and where any such provision ” to the end.
11 & 12 Geo. 6. c. 32.	The River Boards Act, 1948.	In section twenty-nine, in sub- section (6), the words “ and the decision of the referee or board of referees shall be final ”.
11 & 12 Geo. 6. c. 64.	The National Service Act, 1948.	In section forty-one, in paragraph (a) of subsection (2), the words from “ from a panel ” to “ Com- mittees ”. In the Third Schedule, the words from “ The chairman ” to the end.
11 & 12 Geo. 6. c. 67.	The Gas Act, 1948.	In section fifty-eight, in sub- sections (3) and (5), the words “ and the decision of that referee or board shall be final ”. In section sixty, in subsection (5), the words from “ and where any such provision ” to the end.
12, 13 & 14 Geo. 6. c. 39.	The Commonwealth Telegraphs Act, 1949.	In section six, in subsection (4), the words “ and the decision of that referee or board shall be final ”. In section seven, in subsection (2), the words from “ and, upon a reference ” to the end.

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Session and Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 6. & 1 Eliz. 2. c. 10.	The Income Tax Act, 1952.	In section five hundred and twenty-six, the definition of "Land Tax Commissioners". In the First Schedule, in Part I, in paragraph 5 sub-paragraphs (2) to (6), paragraph 9, paragraph 12, in paragraph 13 in sub-paragraph (2) the words "and the Land Tax Commissioners, respectively".
1 & 2 Eliz. 2. c. 13.	The Transport Act, 1953.	In section twenty-seven, in subsection (4), the words "the decision of the referee or board of referees shall be final, and". In section twenty-eight, in subsection (3), the words "the decision of the referee or board of referees shall be final and".
1 & 2 Eliz. 2. c. 15.	The Iron and Steel Act, 1953.	In section twenty-four, in subsection (3), the words from "and where any such provision" to the end.
2 & 3 Eliz. 2. c. 60.	The Electricity Reorganisation (Scotland) Act, 1954.	In section twelve, in subsection (1) the words "subject to the next following subsection", and subsection (1A).
5 & 6 Eliz. 2. c. 48.	The Electricity Act, 1957.	In section twenty-seven, in subsection (3) the words "Subject to the next following subsection", and subsections (4) and (5). In the Fourth Schedule, in Part II, the entry relating to the Electricity Reorganisation (Scotland) Act, 1954.



Table of Statutes referred to in this Act

Short Title	Session and Chapter
Patents and Designs Act, 1907	7 Edw. 7. c. 29.
Finance (1909-10) Act, 1910	10 Edw. 7 & 1 Geo. 5. c. 8.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5. c. 57.
Railways Act, 1921	11 & 12 Geo. 5. c. 55.
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5. c. 49.
Road Traffic Act, 1930	20 & 21 Geo. 5. c. 43.
Road and Rail Traffic Act, 1933	23 & 24 Geo. 5. c. 53.
County Courts Act, 1934	24 & 25 Geo. 5. c. 53.
Pensions Appeal Tribunals Act, 1943	6 & 7 Geo. 6. c. 39.
Rent of Furnished Houses Control (Scotland) Act, 1943	6 & 7 Geo. 6. c. 44.
Education Act, 1944	7 & 8 Geo. 6. c. 31.
Town and Country Planning (Scotland) Act, 1945	8 & 9 Geo. 6. c. 33.
Police (Overseas Service) Act, 1945	9 & 10 Geo. 6. c. 17.
Furnished Houses (Rent Control) Act, 1946	9 & 10 Geo. 6. c. 34.
National Insurance (Industrial Injuries) Act, 1946	9 & 10 Geo. 6. c. 62.
National Insurance Act, 1946	9 & 10 Geo. 6. c. 67.
Education (Scotland) Act, 1946	9 & 10 Geo. 6. c. 72.
National Health Service Act, 1946	9 & 10 Geo. 6. c. 81.
National Health Service (Scotland) Act, 1947... ..	10 & 11 Geo. 6. c. 27.
Fire Services Act, 1947	10 & 11 Geo. 6. c. 41.
Acquisition of Land (Authorization Procedure) (Scotland) Act, 1947	10 & 11 Geo. 6. c. 42.
Agriculture Act, 1947	10 & 11 Geo. 6. c. 48.
Transport Act, 1947	10 & 11 Geo. 6. c. 49.
Town and Country Planning Act, 1947	10 & 11 Geo. 6. c. 51.
Town and Country Planning (Scotland) Act, 1947	10 & 11 Geo. 6. c. 53.
Electricity Act, 1947	10 & 11 Geo. 6. c. 54.
Police Pensions Act, 1948	11 & 12 Geo. 6. c. 24.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
National Assistance Act, 1948	11 & 12 Geo. 6. c. 29.
River Boards Act, 1948	11 & 12 Geo. 6. c. 32.
Superannuation (Miscellaneous Provisions) Act, 1948	11 & 12 Geo. 6. c. 33.
Children Act, 1948	11 & 12 Geo. 6. c. 43.
British Nationality Act, 1948	11 & 12 Geo. 6. c. 56.
Agricultural Holdings Act, 1948	11 & 12 Geo. 6. c. 63.
National Service Act, 1948	11 & 12 Geo. 6. c. 64.
Gas Act, 1948	11 & 12 Geo. 6. c. 67.
Milk (Special Designations) Act, 1949	12, 13 & 14 Geo. 6. c. 34.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6. c. 42.
Wireless Telegraphy Act, 1949	12, 13 & 14 Geo. 6. c. 54.
Prevention of Damage by Pests Act, 1949	12, 13 & 14 Geo. 6. c. 55.
House of Commons (Redistribution of Seats) Act, 1949	12, 13 & 14 Geo. 6. c. 66.
Agricultural Holdings (Scotland) Act, 1949	12, 13 & 14 Geo. 6. c. 75.
Justices of the Peace Act, 1949... ..	12, 13 & 14 Geo. 6. c. 101.
Housing (Scotland) Act, 1950	14 Geo. 6. c. 34.

Table of Statutes referred to in this Act—continued

Short Title	Session and Chapter
Nurses (Scotland) Act, 1951	14 & 15 Geo. 6. c. 55.
Forestry Act, 1951	14 & 15 Geo. 6. c. 61.
Rivers (Prevention of Pollution) (Scotland) Act, 1951	14 & 15 Geo. 6. c. 66.
Income Tax Act, 1952	15 & 16 Geo. 6. & 1 Eliz. 2. c. 10.
Transport Act, 1953	1 & 2 Eliz. 2. c. 13.
Iron and Steel Act, 1953	1 & 2 Eliz. 2. c. 15.
Electricity Reorganisation (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 60.
Mines and Quarries Act, 1954	2 & 3 Eliz. 2. c. 70.
Crofters (Scotland) Act, 1955	3 & 4 Eliz. 2. c. 21.
Food and Drugs Act, 1955	4 & 5 Eliz. 2. c. 16.
Food and Drugs (Scotland) Act, 1956 ...	4 & 5 Eliz. 2. c. 30.
Copyright Act, 1956	4 & 5 Eliz. 2. c. 74.
Nurses Act, 1957... ..	5 & 6 Eliz. 2. c. 15.
House of Commons Disqualification Act, 1957	5 & 6 Eliz. 2. c. 20.
Electricity Act, 1957	5 & 6 Eliz. 2. c. 48.
Prevention of Fraud (Investments) Act, 1958 ...	6 & 7 Eliz. 2. c. 45.

CHAPTER 67

Water Act, 1958

ARRANGEMENT OF SECTIONS

Section

1. Obtaining supplies to meet drought.
2. Supplying water by temporary means during a drought.
3. Revocation of Defence Regulations 50A and 56.
4. Interpretation.
5. Expenses.
6. Short title, extent and commencement.

SCHEDULES:

First Schedule—Procedure for making orders.

Second Schedule—Compensation for the taking of water or occupation of land.

An Act to confer powers to meet deficiencies in the supply of water due to exceptional shortage of rain and to revoke, with savings, Defence Regulations 50A and 56.
[1st August, 1958]

BE it enacted by the Queen'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:—

Obtaining
supplies to
meet drought.

1.—(1) If the Minister is satisfied that by reason of an exceptional shortage of rain a serious deficiency of supplies of water in any locality exists or is threatened, he may, subject to the

provisions of this section, on the application of any statutory water undertakers who supply water in that locality, make an order containing such provisions for any of the following purposes as appear to him to be expedient with a view to meeting the deficiency, that is to say—

- (a) for authorising the undertakers, subject to any specified conditions or restrictions, to take water from any specified source for a period not exceeding six months, or
- (b) for suspending or modifying, subject to any specified conditions, and for a period not exceeding six months, any restriction or obligation to which the undertakers are subject as respects—
 - (i) the taking of water from any source,
 - (ii) the discharge of compensation water, or
 - (iii) the filtration or other treatment of water,

and the Minister may include in the order such supplemental, incidental and consequential provisions as appear to him to be expedient for those purposes.

Before any statutory water undertakers make an application under this section they shall consult with any river board upon whom notice of the application will be required to be served by the First Schedule to this Act.

(2) In an order made under paragraph (a) of the foregoing subsection for authorising the taking of water from a source from which water is supplied to an inland navigation, or in an order made under paragraph (b) of the foregoing subsection—

- (a) for suspending or modifying a restriction as respects the taking of water from a source from which water is supplied to an inland navigation, or
- (b) for suspending or modifying an obligation to discharge compensation water into a canal or into any river or stream which forms part of, or from which water is supplied to, an inland navigation,

the Minister may include provisions for prohibiting or imposing limitations on the taking of water from the inland navigation or for the suspension or modification of any obligation to which the navigation authority are subject as respects the discharge of water from the inland navigation.

(3) An order under this section may authorise undertakers, subject to any specified conditions and restrictions, to execute any works required for the discharge of their functions under the order and—

- (a) may authorise the undertakers for that purpose to enter upon any specified land and to occupy and use the land to such extent and in such manner as may be requisite for the execution and maintenance of the works, and

- (b) may authorise the undertakers to borrow temporarily any money required to defray the cost of carrying out the works, and
- (c) may apply in relation to the execution of the works such of the provisions contained in the Third Schedule to the Water Act, 1945 (which include in particular provisions relating to the laying of mains and the breaking open of streets), as appear to the Minister to be appropriate, subject to such modifications and adaptations as may be specified in the order.

(4) In an order which authorises undertakers to enter on land the Minister shall include provisions requiring the undertakers to give to the occupier of the land, and to such other persons concerned with the land as may be specified in the order, not less than seven days' notice of their intended entry on the land.

(5) In the exercise of his power to make orders under this section the Minister shall have regard to the interests of all persons concerned in the conservation or use of the water to which the order relates.

(6) An order under this section shall not authorise the doing of anything contrary to the provisions of section one hundred and sixty-two of the Thames Conservancy Act, 1932 (which empowers the Metropolitan Water Board to abstract water from the Thames subject to the conditions set out in the section).

(7) The provisions of the First Schedule to this Act shall have effect in relation to the procedure to be followed in connection with the making of orders under the preceding provisions of this section, and the provisions of the Second Schedule to this Act shall have effect with respect to the payment of compensation to persons affected by orders so made.

(8) The Minister may by order revoke any order made by him under this section.

(9) If statutory water undertakers—

- (a) take water from a source in contravention of a restriction contained in an order under this section or fail to comply with the requirements of an order under this section as to the discharge of compensation water, or
- (b) fail to construct or maintain in good order a gauge, weir or other apparatus for measuring the flow of water which they were required to construct or maintain by an order under this section, or fail to allow some person authorised in that behalf by any such order to inspect

and examine any such apparatus or any records made thereby or kept by the undertakers in connection therewith or to take copies of any such records,

they shall, without prejudice to their civil liability, if any, to a person aggrieved, be liable—

- (i) on summary conviction of an offence under paragraph (a) or paragraph (b) of this subsection, to a fine not exceeding one hundred pounds; and
- (ii) on conviction on indictment of an offence under paragraph (a) of this subsection, to a fine.

(10) In the application of this section to Scotland, for any reference to the Third Schedule to the Water Act, 1945, there shall be substituted a reference to sections twenty-six and twenty-seven of, and the Third and Fourth Schedules to, the Water (Scotland) Act, 1946.

2.—(1) If the Minister is satisfied that by reason of an exceptional shortage of rain a serious deficiency of supplies of water in any locality exists or is threatened, he may, on the application of any statutory water undertakers who supply water in that locality, make an order containing such provisions for any of the following purposes as appear to him to be expedient with a view to meeting the deficiency, that is to say—

Supplying water by temporary means during a drought.

- (a) for authorising the undertakers for a period not exceeding six months to supply water in any area within their limits of supply by means of stand-pipes or water tanks, and to erect or set up and maintain stand-pipes or water tanks in any street in that area,
- (b) for confirming any right to raise, charge and levy any water rate or minimum charge which might have been raised, charged and levied if there had been no interruption or diminution of the supply of water and for suspending or modifying any enactment or agreement so far as it relates to a failure to make normal supplies of water available in an area where water is being supplied by means of stand-pipes or water tanks, and
- (c) for applying in relation to any works to be carried out under the order such of the provisions contained in the Third Schedule to the Water Act, 1945, as appear to the Minister to be appropriate, subject to such modifications and adaptations as may be specified in the order.

(2) Any works to be carried out in the course of erecting or setting up stand-pipes or water tanks under this section shall be included in the definition of emergency works in subsection (1) of section thirty-nine of the Public Utilities Street Works Act, 1950.

(3) The provisions of the First Schedule to this Act shall have effect in relation to the procedure to be followed in connection with the making of orders under the preceding provisions of this section.

(4) The Minister may by order revoke any order made by him under this section.

(5) In the application of this section to Scotland, for any reference to the Third Schedule to the Water Act, 1945, there shall be substituted a reference to sections twenty-six and twenty-seven of, and the Third and Fourth Schedules to, the Water (Scotland) Act, 1946.

Revocation
of Defence
Regulation
50A and 56.

3.—(1) Subject to the provisions of this section, Regulations 50A and 56 of the Defence (General) Regulations, 1939 (which respectively authorise the taking of water from any source and permit the making of higher or additional charges and other relaxations of statutory obligations or limitations on public utility undertakings) are hereby revoked.

(2) Any order under either of the said Regulations which is in force immediately before the coming into operation of this section shall, unless previously revoked by an order of the Minister under this section, continue to apply as if the Regulation had until the thirty-first day of March, nineteen hundred and sixty, continued in force, and the provisions of Regulation 50A concerning compensation shall continue to apply in relation to any order under that Regulation.

(3) This section shall not affect any order under Regulation 56 so far as it is continued in force by paragraph (a) or (b) of the proviso to subsection (1) of section eight of the Transport Charges, &c. (Miscellaneous Provisions) Act, 1954.

(4) This section shall extend to Northern Ireland.

Interpretation. 4.—(1) In this Act, except where the context otherwise requires—

“compensation water” means water which any statutory water undertakers are under an obligation to discharge into a river, stream, brook or other running water or into a canal as a condition of carrying on their undertakings;

“inland navigation” includes any canal or navigable river;

“the Minister” means, as respects England and Wales, the Minister of Housing and Local Government and, as respects Scotland, the Secretary of State;

“obligation” includes an obligation imposed by agreement and “restriction” has a corresponding meaning;

“ river purification authority ” has the meaning assigned to it by the Rivers (Prevention of Pollution) (Scotland) Act, 1951;

“ take ”, in relation to water, includes the collection, impounding, diversion and appropriation of water;

and section fifty-nine of the Water Act, 1945, or, as the case may be, section eighty-four of the Water (Scotland) Act, 1946, shall apply for the interpretation of other expressions defined by those sections and used in this Act.

(2) Any reference in this Act to a river board includes a reference to the Conservators of the River Thames and the Lee Conservancy Catchment Board, and any reference to the area of a river board shall, in relation to the Conservators of the River Thames, be construed as a reference to the Thames catchment area.

(3) In the application of this Act to Scotland, for any reference to statutory water undertakers there shall be substituted a reference to a local water authority, and for any reference to a river board there shall be substituted a reference to a river purification authority and a fishery district board.

(4) Any power of making orders under this Act shall be exercisable by statutory instrument and shall include power—

(a) from time to time to extend a period specified in a previous order, but not so as to extend beyond a year any period which under this Act is not to exceed six months,

(b) to vary a previous order in any other respect.

(5) Any reference in this Act to any enactment is a reference to that enactment as amended by or under any Act.

5. There shall be paid out of moneys provided by Parliament— **Expenses.**

(a) any administrative expenses incurred by the Minister of Housing and Local Government or the Secretary of State in consequence of the passing of this Act, and

(b) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under Part I of the Local Government Act, 1948, or the Local Government (Financial Provisions) (Scotland) Act, 1954, as amended by the Valuation and Rating (Scotland) Act, 1956.

6.—(1) This Act may be cited as the Water Act, 1958.

(2) Save as otherwise expressly provided, this Act shall not extend to Northern Ireland.

(3) This Act shall come into force at the expiration of one month beginning with the date of its passing.

Short title,
extent and
commence-
ment.

SCHEDULES

Sections 1, 2.

FIRST SCHEDULE

PROCEDURE FOR MAKING ORDERS

1.—(1) The applicants for an order under section one or section two of this Act shall cause notice in writing of the application to be served on the persons specified in the following Table—

All orders	(a) Every local authority whose area lies wholly or partly within the limits of supply of the applicants. (b) Such statutory water undertakers, if any, as the Minister may direct.
Orders which suspend or modify an enactment.	Such persons (if any) as are specified by name in the enactment as being persons for whose protection it was enacted.
Orders which suspend or modify an agreement.	The parties to the agreement other than the applicants.
Orders concerning the taking of water from a source or the discharge of compensation water.	(a) Every local authority and river board in whose area the source, or the site at which compensation water is to be discharged, is situated. (b) Any navigation authority exercising functions over any watercourse affected by the order.
Orders which authorise the execution of any works.	(a) Every local authority within whose area the works are situated. (b) If the order authorises the execution of works in, under or over a watercourse, the river board, and any other drainage authority within the meaning of the Land Drainage Act, 1930, within whose area the works, or any part of the works are situated.
Orders which authorise the occupation and use of land.	Every owner, lessee and occupier of the land.
Orders which prohibit or limit the taking of water from an inland navigation.	Any named persons to whom the prohibition or limitation applies.

(2) The applicants shall also cause a notice of the application to be published—

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- (a) in one or more local newspapers circulating within the limits of supply of the applicants, and
- (b) in one or more local newspapers circulating within the limits of supply of any other statutory water undertakers on whom notice is to be served in accordance with the foregoing Table, and
- (c) where the application is for an order concerning the taking of water from a source or the discharge of compensation water, in one or more local newspapers circulating within the area of every local authority within whose area the source or the site at which compensation water is to be discharged is situated.

(3) Where the application is for an order under section one of this Act the applicants shall in addition to the notices specified in the last foregoing sub-paragraph cause a notice of the application to be published in the London Gazette.

(4) A notice under this paragraph—

- (a) shall state the general effect of the application, and
- (b) shall specify a place within the limits of supply of the applicants where a copy of any relevant map or plan may be inspected by any person free of charge at all reasonable hours within a period of seven days from the date on which it is served or, in the case of publication of a notice in pursuance of any of the foregoing provisions of this paragraph, from the date of the publication, and
- (c) shall state that objections to the application may be made to the Minister within seven days from the date on which it is served or, in the case of publication of a notice in pursuance of any of the foregoing provisions of this paragraph, from the date of the publication, and
- (d) in the case of an application for an order authorising the occupation and use of land, shall specify the land to which the application relates.

(5) In the application of this paragraph to Scotland a reference to the Edinburgh Gazette shall be substituted for the reference to the London Gazette.

2. A notice which is required under this Schedule to be served on any person may be served either—

- (a) by delivering it to the person on whom it is to be served, or
- (b) by leaving it, or sending it in a pre-paid letter addressed to that person, at his usual or last-known residence, or
- (c) in the case of an incorporated company or body, by delivering it to their clerk or secretary at their registered or principal office, or by sending it in a pre-paid letter addressed to him at that office, or

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—cont.

- (d) in the case of a notice to be served on a person as being the owner of any land by virtue of the fact that he receives the rack rent thereof as an agent for another, or would so receive it if the land was let at a rack rent, by leaving it, or sending it in a pre-paid letter addressed to him, at his place of business, or
- (e) in the case of a notice to be served on the owner, lessee or occupier of any land, if it is not practicable after reasonable inquiry to ascertain the name and address of the person on whom it should be served, or if the land is unoccupied, by addressing it to the person concerned by the description of "owner", "lessee" or "occupier" of the land (describing it) to which it relates, and delivering it to some person on the land, or if there is no person on the land to whom it can be delivered, by fixing it, or a copy of it, to some conspicuous part of the land.

3.—(1) If any objection is duly made with respect to the application and is not withdrawn, then, subject to the provisions of this paragraph, the Minister shall before making the order either cause a public local inquiry to be held or afford to any person by whom any objections have been duly made and not withdrawn an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose, and if any person by whom an objection has been made avails himself of the opportunity of being heard, the Minister shall afford to the applicant for the order, and to any other persons to whom it appears to the Minister expedient to afford it, an opportunity of being heard on the same occasion.

(2) Notwithstanding anything in sub-paragraph (1) of this paragraph, the Minister may require any person who has made an objection to state in writing the grounds thereof, and may disregard the objection for the purposes of this paragraph if the Minister is satisfied—

- (a) that the objection relates exclusively to matters which can be dealt with on a reference under the Second Schedule to this Act or by any person by whom compensation is to be assessed, or
- (b) in a case where the order is one confined to the extension of a period specified in a previous order, that the objection is one that has in substance been made with respect to the application for that previous order.

(3) Subject to the requirements of this paragraph, the Minister, upon being satisfied that the proper notices have been published and served, may, if he thinks fit, make the order in respect of which the application is made with or without modifications.

(4) The Minister may hold a public local inquiry on any application for an order under this Act notwithstanding that he is not required to do so by this paragraph and the provisions of section two hundred and ninety of the Local Government Act, 1933, shall apply to an inquiry under this paragraph but subject to the modification that the reference in subsection (4) of that section to a local authority shall be construed as including a reference to any statutory water undertakers concerned in the inquiry.

(5) In the application of this paragraph to Scotland, the reference to section two hundred and ninety of the Local Government Act, 1933, shall be omitted and section seventy-three of the Water (Scotland) Act, 1946, shall apply in relation to any inquiry under this paragraph as it applies in relation to an inquiry under any provision of the First Schedule to that Act.

1ST SCH.
—cont.

4. After an order under this Act has been made, the water undertakers on whose application it was made shall cause to be published (in the manner in which notice of the application was required under sub-paragraphs (2) and (3) of paragraph 1 of this Schedule to be published) a notice stating that the order has been made and naming a place where a copy thereof may be inspected.

SECOND SCHEDULE

Section 1.

COMPENSATION FOR THE TAKING OF WATER OR OCCUPATION OF LAND

1.—(1) Compensation in respect of the following matters, that is to say—

- (a) the taking of water from a source under the authority of an order made under section one of this Act,
- (b) the taking, under the authority of such an order, of water from a source otherwise than in accordance with a restriction which has been suspended or modified by the order,
- (c) the entry upon or occupation or user of land under the authority of such an order,

shall be made by the undertakers in relation to whom the order is made to the owners and occupiers of, and all other parties interested in, the source or land, as the case may be, or injuriously affected by the taking of the water or by the entry upon or occupation or user of the land, as the case may be, for damage sustained by them by reason of the matters aforesaid.

(2) Compensation shall be made by the undertakers in relation to whom an order is made prohibiting, or imposing a limitation on, the taking of water from an inland navigation, to the persons to whom the prohibition or limitation applies, for damage sustained by them by reason of the prohibition or limitation.

(3) In assessing compensation to be made under paragraph (a) or paragraph (b) of sub-paragraph (1) of this paragraph or under sub-paragraph (2), the Lands Tribunal may, if it thinks fit, have regard to the amount of water which, on an equitable apportionment of the water available from the source between the claimant, the undertakers and other persons taking water from the source, might fairly be apportioned to the claimant.

2.—(1) Compensation shall be made by the undertakers in relation to whom an order is made suspending or modifying an obligation as respects the taking of water from a source, or as respects the discharge of compensation water, to persons who but for the order would have

2ND SCH.
—cont.

been entitled to institute proceedings in respect of a failure to comply with the obligation, for damage sustained by them by reason of water being taken without compliance with the obligation, or of compensation water not being discharged, or being discharged otherwise than in accordance with the obligation.

(2) In assessing compensation to be made under this paragraph the Lands Tribunal may, if it thinks fit, have regard to the amount of water which, under the conditions existing by reason of the shortage of rain, would have been available to the claimant during the period during which the deficiency of supplies of water is continued, if the undertaking in relation to which the obligation was imposed had never been carried out.

3.—(1) A claim for compensation under this Schedule shall be made by serving upon the undertakers a notice in writing stating the grounds of the claim and the amount claimed.

(2) A claim for compensation under this Schedule may be made at any time not later than three months after the end of the period for which the order authorises the taking of water or, as the case may be, suspends or modifies the restriction or obligation in question.

(3) Any question as to the right of a claimant to recover compensation, or as to the amount of compensation recoverable, shall in default of agreement be referred to, and determined by, the Lands Tribunal.

(4) Where a claim is made during the continuance of an order, the Lands Tribunal may, if it thinks fit, award a sum representing the damage which is likely to be sustained by the claimant in respect of each day on which water is taken, or is taken otherwise than in accordance with a restriction or obligation, or on which compensation water is not discharged or is discharged otherwise than in accordance with an obligation, or on which a prohibition or limitation on the taking of water is in effect, as the case may be.

4.—(1) In the application of this Schedule to Scotland, for any reference to the Lands Tribunal there shall be substituted a reference to the Lands Tribunal for Scotland:

Provided that until sections one to three of the Lands Tribunal Act, 1949, come into force as regards Scotland, this paragraph shall have effect as if for the reference to the Lands Tribunal for Scotland there were substituted a reference to an official arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919; and sections three, five and six of that Act shall apply, subject to any necessary modifications, in relation to the determination of any question under this Schedule by an arbiter so appointed.



Table of Statutes referred to in this Act

Short Title	Session and Chapter
Aquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5. c. 57.
Land Drainage Act, 1930	20 & 21 Geo. 5. c. 44.
Thames Conservancy Act, 1932	22 & 23 Geo. 5. c. xxxvii.
Local Government Act, 1933	23 & 24 Geo. 5. c. 51.
Water Act, 1945	8 & 9 Geo. 6. c. 42.
Water (Scotland) Act, 1946	9 & 10 Geo. 6. c. 42.
Local Government Act, 1948	11 & 12 Geo. 6. c. 26.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6. c. 42.
Public Utilities Street Works Act, 1950	14 Geo. 6. c. 39.
Rivers (Prevention of Pollution) (Scotland) Act, 1951	14 & 15 Geo. 6. c. 66.
Local Government (Financial Provisions) (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 13.
Transport Charges, &c. (Miscellaneous Provisions) Act, 1954	2 & 3 Eliz. 2. c. 64.
Valuation and Rating (Scotland) Act, 1956	4 & 5 Eliz. 2. c. 60.

CHAPTER 68

An Act to prohibit the recovery of possession, except by legal proceedings, of certain dwelling-houses released from control by subsection (1) of section eleven of the Rent Act, 1957, and to provide in certain cases for suspending for a limited period the execution of any order made in such proceedings; to regulate the terms and conditions as to rent and other matters to be applied in cases where possession of such dwelling-houses is retained pending the recovery of possession; and for purposes connected with the matters aforesaid.

[1st August, 1958]

BE it enacted by the Queen'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) It shall not be lawful for the owner of a dwelling-house to which this Act applies—
- Restriction upon recovery of possession, etc., of certain decontrolled dwelling-houses.
- (a) to enforce against the occupier, otherwise than by proceedings in a court of competent jurisdiction, the right to recover possession of the dwelling-house; or
 - (b) to withhold or withdraw from the occupier, without reasonable cause, any services to which, or any furniture to the use of which, the occupier is for the time being entitled under the following provisions of this Act;

and if any person contravenes the provisions of this subsection he shall, without prejudice to any liability or remedy to which

he may be subject in civil proceedings, be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months, or both.

(2) Subject to subsection (3) of this section, this Act applies to any dwelling-house to which the Rent Acts ceased to apply by virtue of subsection (1) of section eleven of the Rent Act, 1957, being a dwelling-house in the case of which the following conditions are satisfied, that is to say—

- (a) that notice has been served on the tenant by the landlord, whether before or after the commencement of this Act, under sub-paragraph (2) of paragraph 2 of the Fourth Schedule to that Act (which paragraph enables tenants under certain tenancies subsisting immediately before the commencement of that Act to retain possession until a date, not earlier than the sixth day of October, nineteen hundred and fifty-eight, specified in a notice served by the landlord); and
- (b) that until the date specified in the notice, possession of the dwelling-house is retained by a person entitled to retain such possession by virtue of the said paragraph 2; and “the occupier”, in relation to a dwelling-house to which this Act applies, means the person by whom possession of the dwelling-house is retained as aforesaid or, in the event of the death of that person, any person who, by virtue of paragraph (g) of subsection (1) of section twelve of the Act of 1920, would have been qualified to retain possession of the dwelling-house if the Rent Acts had not ceased to apply to it.

(3) If the occupier of a dwelling-house to which this Act applies—

- (a) ceases to retain possession of the dwelling-house or any part of the dwelling-house; or
- (b) retains possession of the dwelling-house or any part of the dwelling-house as tenant under a tenancy (whether granted before or after the application of this Act to the dwelling-house) not expiring, or terminable by notice to quit given by the landlord, earlier than three years from its commencement,

this Act shall cease to apply to the dwelling-house or to that part of the dwelling-house, as the case may be; and without prejudice to the foregoing provision, this Act shall not apply to a dwelling-house or any part of a dwelling-house during any period during which the occupier is entitled to possession of the dwelling-house or of that part of the dwelling-house as tenant under any tenancy granted by the owner.

(4) Any reference in this Act to a dwelling-house to which this Act applies includes a reference to any part of a dwelling-house, being a part to which this Act applies; but the rent to be paid under section two of this Act in respect of any such part shall be the proper proportion (as determined by agreement in

writing between the owner and the occupier, or in default of such agreement by the county court or, in Scotland, the sheriff) of the rent which would be payable under that section if this Act applied to the whole of the dwelling-house.

2.—(1) So long as this Act applies to a dwelling-house, the occupier shall, except as otherwise provided by this section, be required to observe and be entitled to the benefit of all the terms and conditions of the relevant tenancy to which he was subject and entitled immediately before the date referred to in paragraph (b) of subsection (2) of section one of this Act; and for the purposes of this subsection that tenancy shall be treated as including a term requiring the landlord to provide for the tenant any services which were ordinarily provided for him by the landlord or a superior landlord before the second day of April, nineteen hundred and fifty-eight.

Obligations
and rights of
persons
holding over.

(2) Notwithstanding anything in the said terms and conditions, the rent to be paid by the occupier under this section in respect of any rental period or part of a rental period shall be a rent of which the annual rate is equal to the aggregate of—

- (a) the 1956 gross value of the dwelling-house multiplied by two;
- (b) the annual amount, ascertained in accordance with the Second Schedule to the Rent Act, 1957, of any rates in respect of the dwelling-house for the rental period for which the rent is payable which are borne by the owner or a superior landlord;
- (c) such annual charge as may be reasonable for any services provided for the occupier during that rental period, being services provided in pursuance of this section, and for any furniture which, by virtue of this section, the occupier is entitled to use during that period;

and (without prejudice to the liability of any person in respect of any other damage or dilapidations) the occupier shall be treated as exclusively responsible for all internal decorative repairs, and the owner as exclusively responsible for all other repairs, being in each case repairs required to make good damage or dilapidations occurring during the application of this Act to the dwelling-house:

Provided that where the rent recoverable for the last controlled rental period exceeds the rent which would have been payable for that period under the foregoing provisions of this subsection, the rent to be paid by the occupier under this section shall be at the rate of the rent recoverable for the last controlled rental period, subject to the like increase or reduction, if any, as would be required to be made in the rent limit under section three or section four of the Rent Act, 1957 (which relate respectively to adjustments in respect of rates and in respect of services and furniture) if the Rent Acts had not ceased to apply to the dwelling-

house and if the last controlled period were the basic rental period within the meaning of that Act; and so much of this subsection as relates to responsibility for repairs shall not apply.

(3) Any question what charge is reasonable for the purposes of paragraph (c) of subsection (2) of this section shall be determined by agreement in writing between the owner and the occupier, and in default of such agreement by the county court.

(4) Nothing in this section shall be construed as conferring on the occupier of the dwelling-house any estate or interest therein or any power to create such an estate or interest, nor as affecting the right of the owner, subject to any other provision of this Act, to recover possession of the dwelling-house at any time without notice or further notice to quit.

(5) In the application of this section to Scotland, for subsection (2) there shall be substituted the following subsection—

“(2) Notwithstanding anything in the said terms and conditions, the rent to be paid by the occupier under this section in respect of any rental period or part of a rental period shall be at the rate of a rent equal to the aggregate of the following amounts, that is to say—

(a) an amount equal to the rent recoverable for the last rental period ending before the time at which the Rent Acts ceased to apply to the dwelling-house by virtue of subsection (1) of section eleven of the Rent Act, 1957, exclusive of any part thereof then recoverable by way of repairs increase; and

(b) an amount equal to one-half of the rent which was recoverable for the last rental period ending immediately before the commencement of the Housing (Repairs and Rents) (Scotland) Act, 1954,

and (without prejudice to the liability of any person in respect of any other damage or dilapidations) the occupier shall be treated as exclusively responsible for all internal decorative repairs, and the owner as exclusively responsible for all other repairs, being in each case repairs required to make good damage or dilapidations occurring during the application of this Act to the dwelling-house.

In this subsection ‘repairs increase’ has the like meaning, and the reference to the rent which was recoverable immediately before the commencement of the Housing (Repairs and Rents) (Scotland) Act, 1954, shall be construed in like manner, as in that Act.”,

and subsection (3) shall be omitted.

Suspension
of execution
of order for
possession.

3.—(1) Without prejudice to the power of any court apart from this section to postpone the operation or suspend the execution of an order for possession, if in proceedings by the owner against

the occupier for the recovery of possession of a dwelling-house to which this Act applies the occupier satisfies the court—

- (a) that he has not unreasonably refused or failed to accept any proposal made by the owner for the grant of a new tenancy of the premises or part of the premises, being a tenancy for a term of not less than three years and not being a tenancy to be granted at a premium or requiring the payment of increased rent in respect of any period before the date on which the proposal was made;
- (b) that he has failed, after making such efforts as were reasonable in the circumstances, to obtain other appropriate accommodation;
- (c) that all rent due in respect of the period from the date referred to in paragraph (b) of subsection (2) of section one of this Act (or, in so far as the amount of the rent payable in respect of that period has not been determined a reasonable sum in respect of that rent) has been paid or tendered to the owner; and
- (d) that having regard to all the circumstances of the case greater hardship would be caused by making an order for possession without such suspension of execution as is provided by this section than by granting such suspension,

then, subject to the provisions of this section, the court shall suspend the execution of any order for possession made in the proceedings for such period, not being less than three nor more than nine months from the date of the order, as the court thinks fit.

(2) In relation to any period for which the execution of an order for possession of a dwelling-house is suspended under this section, subsection (2) of section two of this Act (except so far as that subsection relates to responsibility for repairs) shall not apply, but the rent to be paid by the occupier in respect of any rental period or part of a rental period falling within the period of suspension shall be at such rate as may be specified in the order, being the rate demanded by the owner or, if the court is satisfied that a rent at the rate so demanded would be beyond the means of the occupier, such lower rate as appears to the court to be within his means, not being less than the rate at which rent was payable immediately before the beginning of the period of suspension:

Provided that the rent payable by virtue of this subsection shall be subject to the like increase or reduction, if any, as would be required to be made in the rent limit under section three or section four of the Rent Act, 1957, if the Rent Acts had not ceased to apply to the dwelling-house and if the rental period comprising the date of the order were the basic rental period within the meaning of that Act.

(3) In considering whether any of the conditions specified in paragraph (a) or paragraph (b) of subsection (1) of this section are fulfilled, regard shall be had, among other things, to the means of the occupier, to his age, and to any disability to which he may be subject, and (without prejudice to the generality of the foregoing provision) in considering whether a refusal or failure to accept any such proposal as is referred to in the said paragraph (a) was reasonable, regard shall be had in particular to the terms of that proposal relating to repairs, improvements or maintenance.

(4) Where the execution of an order has been suspended under this section for any period, the court may—

- (a) upon application made by the occupier not less than twenty-eight clear days before the expiration of that period or, with the leave of the court, at any subsequent time within that period, and upon being satisfied that the conditions specified in subsection (1) of this section continue to be fulfilled, suspend the execution for such further period, not exceeding six months at any one time, as the court thinks fit;
- (b) upon application made by the owner or the occupier at any time, and upon being satisfied that the circumstances by reference to which the rent specified in the order was determined have substantially changed since the order was made, vary the order so far as it specifies that rent;

and where an application is duly made under paragraph (a) of this subsection, the execution of the order shall in any case be treated as suspended while that application is pending.

(5) A suspension of execution under subsection (1) or subsection (4) of this section may, if the court thinks fit, be granted notwithstanding that any such rent or sum as is mentioned in paragraph (c) of the said subsection (1) has not been paid or tendered, but any such suspension shall be granted subject to the payment of the amount outstanding within twenty-eight days.

(6) Notwithstanding anything in subsection (1) or subsection (4) of this section—

(a) if the court is satisfied—

(i) that an agreement for the sale of, or for the grant of a tenancy of, the dwelling-house is in force under which the owner is obliged to give vacant possession of the dwelling-house on a date specified therein;

(ii) that the purchaser or tenant requires the dwelling-house for his own occupation or for occupation by any son or daughter of his over eighteen years of age, or by his father or mother; and

(iii) that the said agreement, or a memorandum or note thereof, was signed by or on behalf of the owner before the second day of April, nineteen hundred and fifty-eight,

no suspension of execution shall be granted by virtue of this section beyond the time at which the owner is obliged to give vacant possession as aforesaid; and

- (b) in any case where, if the Rent Acts had not ceased to apply to the dwelling-house, the court would have had power to make an order for the recovery of possession by the owner, the court may refuse to grant any suspension of execution, or revoke any such suspension already granted, as the case may be.

(7) Any reference in this section to the means of the occupier of a dwelling-house includes a reference to the means of any members of the family of the occupier residing with him who have contributed or might reasonably be expected to contribute to the expenses of the household.

(8) In the application of this section to Scotland the proviso to subsection (2), and in subsection (6), the words "or a memorandum or note thereof" shall be omitted.

4.—(1) Section seventeen of the Act of 1920 (which provides for the making of rules of procedure for purposes of that Act, and extends the jurisdiction of county courts and sheriff courts in respect of proceedings under that Act) shall have effect as if references to that Act included references to this Act; and for the purposes of that section any proceedings for the recovery of possession of a dwelling-house to which this Act applies shall be deemed to be proceedings under this Act. Supplementary provisions.

(2) In proceedings for the recovery of possession of a dwelling-house in which a suspension of execution is granted or refused under section three of this Act (including any application under that section arising out of the grant of such suspension) the court shall not have power to make an order for costs except—

- (a) where a suspension of execution is refused or revoked in pursuance of paragraph (b) of subsection (6) of that section; or
- (b) where it appears to the court, having regard to the conduct of the parties respectively in and in connection with the proceedings, that there are special reasons for the making of such an order.

(3) In section ten of the Act of 1933 (which enables local authorities to publish for the assistance of landlords and tenants information as to their rights and duties under the principal Acts) the reference to the principal Acts shall include a reference to this Act, and the references to landlords and tenants shall be construed accordingly.

(4) Where any mortgaged property consists of or comprises a dwelling-house to which this Act applies, the Rent Acts shall have effect in relation to the mortgage as if they had not ceased to apply to the dwelling-house; 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 the mortgage can be apportioned by subsection (5) of section twelve of the Act of 1920, shall be determined accordingly.

(5) In Scotland any proceedings for the recovery of possession of a dwelling-house to which this Act applies and any application to the court made under section three of this Act shall be conducted and disposed of in like manner as proceedings brought under the Small Debt (Scotland) Acts, 1837 to 1889, and the determination of the court in any such proceedings or application shall be final.

(6) In the application of this section to Scotland, "costs" means expenses, "mortgage" means a heritable security including a security constituted by absolute disposition qualified by back bond or letter, and "mortgaged" shall be construed accordingly.

Interpretation,
short title,
duration and
extent.

5.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Act of 1920" means the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, and "Act of 1933" means the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933;

"dwelling-house", "landlord", "rates", "rental period", "tenancy", "controlled tenancy", "statutory tenancy", "tenant" and "1956 gross value" have the same meanings as in the Rent Act, 1957;

"last controlled rental period" means, in relation to a dwelling-house, the last rental period ending before the date referred to in paragraph (b) of subsection (2) of section one of this Act;

"occupier" has the meaning assigned by section one of this Act, and "owner", in relation to a dwelling-house, means the person who, as against the occupier, is entitled to possession of the dwelling-house;

"premium" includes any fine or like sum or any other pecuniary consideration in addition to rent;

"relevant tenancy" means, in relation to a dwelling-house,—

(a) where, immediately before the commencement of the Rent Act, 1957, the dwelling-house was the subject of a statutory tenancy, the original contract of tenancy referred to in section fifteen of the Act of 1920;

(b) where the dwelling-house was then the subject of a controlled tenancy not being a statutory tenancy, that tenancy;

"Rent Acts" means the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1939.

(2) References in this Act to any enactment are references to that enactment as amended or applied by any other enactment; and without prejudice to the foregoing provision, any reference in this Act to paragraph 2 of the Fourth Schedule to the Rent Act, 1957, includes a reference to that paragraph as applied by paragraph 9 of that Schedule.

(3) This Act may be cited as the Landlord and Tenant (Temporary Provisions) Act, 1958.

(4) This Act shall continue in force until the expiration of the period of three years beginning with the date on which it is passed, and shall then expire.

(5) On the expiration of this Act subsection (2) of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals) shall have effect as if this Act had been repealed by another Act; and without prejudice to the generality of the foregoing provision, any order for suspension of execution then in force shall continue in force and may be revoked as if this Act had not expired.

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

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Table of Statutes referred to in this Act

Short Title	Session and Chapter
Interpretation Act, 1889	52 & 53 Vict. c. 63.
Increase of Rent and Mortgage Interest (Restrictions) Act, 1920	10 & 11 Geo. 5. c. 17.
Rent and Mortgage Interest Restrictions (Amendment) Act, 1933	23 & 24 Geo. 5. c. 32.
Housing (Repairs and Rents) (Scotland) Act, 1954	2 & 3 Eliz. 2. c. 50.
Rent Act, 1957	5 & 6 Eliz. 2. c. 25.

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## CHAPTER 69

### *Opencast Coal Act, 1958*

#### ARRANGEMENT OF SECTIONS

##### PART I

##### AUTHORISATION OF, AND FACILITIES FOR, OPENCAST WORKING OF COAL

###### Section

1. Authorisation of opencast working of coal.
2. Planning permission for authorised operations.
3. Preservation of amenity.
4. Compulsory rights orders.
5. Effect of opencast site orders.
6. Effect of storage site orders.
7. General limitations on effect of compulsory rights orders.
8. Limited compulsory rights orders.
9. Property exempt from inclusion in compulsory rights orders.

## Section

10. Provisions as to minerals other than coal, and as to timber, crops etc.
11. Registration of compulsory rights orders.
12. Removal and disposal of chattels from land comprised in compulsory rights order.
13. Apparatus of statutory undertakers and other bodies.
14. Provisions as to agricultural tenancies.
15. Suspension of certain public rights of way.
16. Acquisition of rights for purposes of drainage or water supply.

## PART II

## COMPENSATION FOR COMPULSORY RIGHTS ORDERS

*Compensation in respect of agricultural land*

17. General provisions as to annual compensation.
18. Compensation by reference to annual value.
19. Additional annual compensation.
20. Special compensation for cost of removal.
21. Terminal compensation.
22. Compensation by way of payment of cost of works.
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24. Tenant's right to compensation for improvements and other matters.
25. Deductions from tenant's compensation.
26. Compensation for short-term improvements and related matters.
27. Compensation in respect of forced sales.
28. Special provisions as to market gardens.

*Compensation in respect of non-agricultural land*

29. Annual and terminal compensation, and compensation in respect of forced sales.
30. Non-agricultural tenant's improvements.

*Compensation in respect of other matters*

31. Compensation in respect of easements and similar rights.
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38. Protection from compulsory purchase of land occupied for authorised purposes.
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41. Provisions as to allotment gardens and other allotments.
42. Special provisions as to property held for religious purposes.
43. Provisions as to mortgaged land and other special cases.
44. Crown land.
45. Provision as to telegraphic lines.
46. Licence to work coal by opencast operations.
47. Provisions as to notices and public inquiries.
48. Transitional provisions.
49. Provisions as to regulations and orders.
50. Expenses.
51. Interpretation.
52. General application to Scotland.
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- First Schedule—Procedure for granting authorisations under section one.  
 Second Schedule—Procedure relating to compulsory rights orders.  
 Third Schedule—Provisions as to compensation by way of payment of cost of works.  
 Fourth Schedule—Short-term improvements and related matters for which compensation is payable.  
 Fifth Schedule—Compensation in respect of minerals.  
 Sixth Schedule—Application of compensation provisions to special cases.  
 Seventh Schedule—Adjustments between landlords and tenants and in respect of mortgages and mining leases and orders.  
 Eighth Schedule—Tenancies of allotment gardens and other allotments.  
 Ninth Schedule—Provisions as to notices.  
 Tenth Schedule—Transitional Provisions.

An Act to make provision with respect to the working of coal by opencast operations, including provision for the compulsory acquisition by the National Coal Board of rights over land and provision for the payment of compensation in connection therewith; to provide for adjustments between landlords and tenants, and in respect of mortgages, mining leases and orders conferring working rights, in consequence of the authorisation of such operations or of the acquisition by the Board of such rights over land; and for purposes connected with the matters aforesaid. [1st August, 1958]

**B**E it enacted by the Queen'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

## AUTHORISATION OF, AND FACILITIES FOR, OPENCAST WORKING OF COAL

1.—(1) The National Coal Board (in this Act referred to as "the Board") shall not work any coal by opencast operations, or cause or permit any coal to be worked by such operations, except in pursuance of an authorisation granted in that behalf by the Minister of Power (in this Act referred to as "the Minister"):

Authorisation  
of opencast  
working  
of coal.

Provided that this subsection shall have effect subject to the provisions of section forty-six of this Act and to the transitional provisions having effect by virtue of section forty-eight of this Act.

**PART I**  
—*cont.*

(2) The provisions of the First Schedule to this Act shall have effect with respect to authorisations under this section.

(3) Except in so far as any rights are conferred upon the Board by virtue of the following provisions of this Act, an authorisation under this section shall not confer upon the Board any rights or powers to which the Board would not be entitled if this section had not been enacted.

(4) In the following provisions of this Act any reference to the land comprised in an authorisation under this section is a reference to the aggregate of the land specified in the authorisation as land which the Board will require to occupy for the purpose of enabling authorised operations to be carried out.

(5) In this Act “the authorised purposes”, in relation to an authorisation under this section, means either or both of the following, that is to say, the purposes—

(a) of working coal by opencast operations in pursuance of the authorisation, and

(b) of restoring land affected by the working of coal in pursuance of the authorisation or by operations connected therewith,

and “authorised operations”, in relation to such an authorisation, means operations carried out for, or incidental to, the fulfilment of the authorised purposes.

**Planning  
permission for  
authorised  
operations.**

2.—(1) Upon granting an authorisation under the preceding section, the Minister may direct that, in so far as the carrying out of any authorised operations, or any change in the use of land which is made for the authorised purposes, constitutes development within the meaning of the Town and Country Planning Act, 1947 (in this Act referred to as “the Act of 1947”), permission for that development shall be deemed to be granted under Part III of that Act, subject to such conditions as may be specified in the directions.

(2) Any directions given by the Minister under this section shall include such conditions as the Minister may consider reasonable with respect to the restoration, by or at the cost of the Board, of land worked or damaged in the course of any authorised operations:

Provided that, in the case of land which, at the time when the directions are given, is agricultural land, the conditions so included (except where the Minister is satisfied that the land is not likely to be used as agricultural land when it ceases to be occupied for the authorised purposes) shall be such as in the opinion of the Minister will secure its restoration so as to be reasonably fit for use as agricultural land.

(3) Where permission is deemed to be granted under Part III of the Act of 1947 by virtue of any directions given under this section, the provisions of that Act shall apply in relation thereto as if the permission had been granted by the Minister of Housing and Local Government on an application referred to him under section fifteen of that Act; and, in so far as any conditions specified in the directions are conditions of such a description that they could not have been imposed by that Minister on granting permission on such an application, those provisions shall apply as if the powers exercisable by that Minister by virtue of the said section fifteen included power to impose conditions of that description.

(4) Where the Minister has granted an authorisation under the preceding section, and any of the land comprised in the authorisation is affected by a tree preservation order,—

- (a) subject to the following provisions of this subsection, any authorised operations may be carried out as if the tree preservation order had not been made ;
- (b) in giving any directions under this section in connection with such an authorisation, in relation to land affected by a tree preservation order, the Minister shall consider what conditions (if any) should be imposed with respect to the planting of trees in place of any which may be felled in the course of the operations, or for securing the preservation of particular trees ; and
- (c) without prejudice to the last preceding paragraph, the Minister may designate any trees on that land which in his opinion should be excepted from the operation of paragraph (a) of this subsection, and that paragraph shall not apply to any trees designated by the Minister under this paragraph.

(5) The Board shall not be entitled by virtue of the Act of 1947 or any regulations made thereunder to the payment of compensation by any local planning authority in respect of—

- (a) any order revoking or modifying permission deemed to have been granted by virtue of directions under this section, or
- (b) any order (not falling within the preceding paragraph) revoking or modifying permission for the working of coal by opencast operations or for any development incidental to any such working of coal, or
- (c) any decision whereby any such permission as is mentioned in the last preceding paragraph is refused, or is granted subject to conditions, or
- (d) any order or decision (not falling within any of the preceding paragraphs) relating to land in respect of which,

**PART I**  
—*cont.*

immediately before that order or decision, there is in force any such permission as is mentioned in paragraph (a) or paragraph (b) of this subsection,

being (in any such case) an order or decision in respect of which, apart from this subsection, a right to claim compensation from the local planning authority would have accrued after the commencement of this Act.

(6) In this section “tree preservation order” has the meaning assigned to it by section twenty-eight of the Act of 1947.

(7) In the application of this section to Scotland, for references to the Act of 1947, to Part III of that Act, and to sections fifteen and twenty-eight of that Act, there shall be substituted respectively references to the Town and Country Planning (Scotland) Act, 1947 (in this Act referred to as “the Scottish Act of 1947”), to Part II of that Act, and to sections thirteen and twenty-six of that Act; and for the references to the Minister of Housing and Local Government there shall be substituted references to the Secretary of State.

**Preservation  
of amenity.**

3.—(1) Where for the purposes of section one or section two of this Act—

- (a) the Board are formulating any proposals as to the working of coal by opencast operations or the carrying out of operations connected therewith, or
- (b) the Minister is considering any such proposals, whether in relation to the granting of an authorisation under section one or to the imposition of conditions under the last preceding section,

the Board or the Minister, as the case may be, having regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest, and of protecting buildings and other objects of architectural or historic interest, shall take into account any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, buildings or objects.

(2) The provisions of the preceding subsection shall apply, with the necessary modifications, where—

- (a) the Board are formulating any proposals as to the restoration of land affected by the working of coal by opencast operations or by operations connected therewith, or
- (b) the Minister is considering any such proposals, whether in relation to the granting of an authorisation under section one or to the imposition of conditions under the last preceding section,

as those provisions apply in the circumstances mentioned in the preceding subsection.



4.—(1) For the purpose of facilitating the working of coal by opencast operations, the Board may, by means of an order (in this Act referred to as a “ compulsory rights order ”) made by the Board and confirmed by the Minister, compulsorily acquire temporary rights of occupation and use of land in accordance with the following provisions of this Part of this Act :

PART I  
—cont.  
Compulsory  
rights orders.

Provided that no compulsory rights order shall be made after the end of the period of ten years beginning with the commencement of this Act.

(2) Subject to the next following subsection, a compulsory rights order may be either—

- (a) an order (in this Act referred to as an “ opencast site order ”) whereby, when the order becomes operative, the Board compulsorily acquire temporary rights of occupation and use of the whole or part of the land comprised in an authorisation under section one of this Act ; or
- (b) an order (in this Act referred to as a “ storage site order ”) whereby, when the order becomes operative, the Board compulsorily acquire temporary rights of occupation and use of land for the purpose of storing, cleaning or sorting coal or otherwise preparing it for disposal.

(3) A storage site order shall not be made in respect of any land unless—

- (a) possession of that land was taken in the exercise of emergency powers before the eighteenth day of December, nineteen hundred and fifty-seven ;
- (b) possession of that land was on that day retained in the exercise of those powers for the purpose of storing, cleaning or sorting coal or otherwise preparing it for disposal, and continues to be so retained for that purpose at the time when the order is made ; and
- (c) during the period beginning with that day and ending with the date on which the order is made, the coal stored or otherwise dealt with on that land has been wholly or mainly coal got by opencast operations.

(4) The period for which a compulsory rights order has effect shall be a period beginning with the date on which the order becomes operative (in this Act referred to as “ the operative date ”) and being—

- (a) in the case of an opencast site order, a period of such duration, not exceeding ten years, as may be specified in the order ;
- (b) in the case of a storage site order, a period not extending beyond the tenth anniversary of the date of the commencement of this Act, and (subject to that limitation) of such duration as may be specified in the order :

**PART I**  
—cont.

Provided that this subsection shall have effect subject to the provisions of Part III of this Act as to the variation of orders.

(5) The provisions of Parts I, III and IV of the First Schedule to the Acquisition of Land Act (which relate to the procedure for authorising compulsory purchases by local authorities) shall apply to compulsory rights orders, subject to the adaptations, modifications and exceptions set out in Part I of the Second Schedule to this Act.

(6) A compulsory rights order, being an opencast site order, may be made either before or after the granting of an authorisation under section one of this Act to work the coal in question, so however that—

- (a) where the order is made after the relevant authorisation has been granted, the order, as from the time when it is made, shall include a reference to that authorisation ;
- (b) where the order is made before the relevant authorisation has been granted, the Minister shall not confirm it unless he grants that authorisation, and, if he grants the authorisation and confirms the order, the order as confirmed shall include a reference to that authorisation ; and
- (c) in either case, the order, as confirmed, shall not extend to any land which is not comprised in the authorisation referred to in the order.

(7) The Lands Clauses Acts shall not apply to the compulsory acquisition of rights by virtue of a compulsory rights order, or to the taking or retention of possession of land in the exercise of such rights.

(8) In the application of this section to Scotland, for the reference to the Acquisition of Land Act there shall be substituted a reference to the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947 (in this Act referred to as “ the Scottish Acquisition of Land Act ”).

Effect of  
opencast site  
orders.

5.—(1) Subject to the following provisions of this Part of this Act, the effect of an opencast site order shall be in accordance with the provisions of this section.

(2) The Board shall publish, serve and affix notices specifying the date on which the rights conferred by the order are to become exercisable (in this Act referred to as “ the date of entry ”) being a date—

- (a) not less than fifty-six days after the first publication (in accordance with the provisions mentioned in the next following subsection) of a notice specifying that date, and
- (b) not more than six months after the operative date.

(3) The provisions of Part II of the Second Schedule to this Act shall have effect as to the publication, service and affixing of notices under the last preceding subsection.

(4) As from the date of entry and during the period for which, on and after that date, the order has effect (in this Act referred to as “ the period of occupation ”), the order shall confer upon the Board, and upon persons authorised by the Board, the like rights to occupy the land comprised in the order, and to exclude other persons therefrom, as if the Board had acquired a freehold interest in the entirety of that land with vacant possession and free from incumbrances of any description.

(5) In addition to the rights mentioned in the last preceding subsection, an opencast site order shall confer upon the Board, and upon persons authorised by the Board, the right during the period of occupation, as against all persons directly concerned, to carry out, on or in relation to any of the land comprised in the order, all such operations as may appear to the Board, in relation to the authorisation referred to in the order, to be requisite for, or incidental to, the fulfilment of the authorised purposes.

(6) Subject to the following provisions of this Act, in this Act “ persons directly concerned ”, in relation to an opencast site order, means persons who for the time being have any interest in any of the land comprised in the order, or have (apart from the order) a right to occupy any of that land, or are entitled to any right restrictive of the use of any of that land.

6.—(1) Subject to the provisions of this Part of this Act, the effect of a storage site order shall be in accordance with the following provisions of this section. Effect of storage site orders.

(2) As from the operative date, and during the period for which, on and after that date, the order has effect (in this Act referred to as “ the period of occupation ”), the order shall confer upon the Board, and upon persons authorised by the Board, the like rights to occupy the land comprised in the order, and to exclude other persons therefrom, as if the Board had acquired a freehold interest in the entirety of that land with vacant possession and free from incumbrances of any description.

(3) In addition to the rights mentioned in the last preceding subsection, a storage site order shall confer upon the Board, and upon persons authorised by the Board, the right during the period of occupation, as against all persons directly concerned, to carry out, on or in relation to any of the land comprised in the order, all such operations as may appear to the Board to be requisite for the purpose of the use of that land for storing, cleaning or sorting coal or otherwise preparing it for disposal.

**PART I**  
—*cont.*

(4) Subject to the following provisions of this Act, in this Act “persons directly concerned”, in relation to a storage site order, means persons who for the time being have any interest in any of the land comprised in the order, or have (apart from the order) a right to occupy any of that land, or are entitled to any right restrictive of the use of any of that land.

**General  
limitations  
on effect of  
compulsory  
rights orders.**

7.—(1) The rights conferred by a compulsory rights order in accordance with subsection (5) of section five of this Act, or in accordance with subsection (3) of section six of this Act, shall not affect any of the rights mentioned in subsection (2) or subsection (3) of this section.

(2) Subject to the next following subsection, the said rights are:—

- (a) any right of support for any land not comprised in the order, or for any building or structure on any such land, or any right of action of any person in so far as it arises from the withdrawal of support to which he is entitled for any such land, building or structure;
- (b) any rights of any statutory water undertakers under any public general Act relating to the supply of water, or under any byelaw made by virtue of such an Act, or under any local enactment, in so far as (apart from this Act) the Act, byelaw or enactment restricts, or enables the undertakers to restrict, the working of coal or other minerals, or the doing of any other act, on land comprised in the order;
- (c) any rights of any statutory undertakers, or of the body carrying on a sewerage undertaking or sewage disposal undertaking, or of any river board or other drainage authority, in respect of any apparatus on, under or over land comprised in the order, being apparatus in respect of which, at any time since the granting of the authorisation referred to in the order, the Board have been entitled to serve a notice under the provisions of the Town and Country Planning Act, 1944, applied by section thirteen of this Act.

(3) In relation to an opencast site order, the said rights also include the following:—

- (a) the rights conferred by any agreement made by the Board and for the time being in force whereby (apart from this Act) the Board are required to leave any coal unworked;
- (b) any rights of the body carrying on a railway, canal, inland navigation, harbour or dock undertaking (not being rights falling within the last preceding subsection) under any enactment (whether contained in a public

general Act or in any other Act) in so far as (apart from this Act) the enactment would operate so as—

(i) to restrict, or enable that body to restrict, the working of coal or other minerals on land comprised in the order which is adjacent to a railway, waterway, harbour, dock or other works situated on land not comprised in the order, being works vested in that body or works which they have any right or duty to maintain, or

(ii) to require, or enable that body to require, coal or other minerals on land comprised in the order to be left unworked for the protection or support of such a railway, waterway, harbour, dock or other works.

(4) Without prejudice to the preceding provisions of this section, the rights conferred by a compulsory rights order as mentioned in subsection (1) of this section—

(a) shall not affect any right of action of a person who is not a person directly concerned, and

(b) in the case of a person directly concerned, shall not affect any right of action of his in so far as it arises otherwise than by virtue of his being entitled to an interest in or right over land, or in so far as it arises by virtue of his being entitled to an interest in, or right over, land not comprised in the order.

(5) Nothing in the preceding provisions of this section shall affect the operation of subsection (4) of section five of this Act, or of subsection (2) of section six of this Act.

(6) Without prejudice to the preceding provisions of this section, nothing in section five or section six of this Act shall be construed as authorising any interference with the exercise of a public right of way.

(7) Notwithstanding anything in subsection (6) of section five of this Act, or in subsection (4) of section six of this Act, a person shall not be taken to be a person directly concerned in relation to a compulsory rights order by reason only that he is entitled to any such right as is mentioned in subsection (2) or subsection (3) of this section.

(8) In this section “statutory water undertakers” and “local enactment” have the same meanings as in the Water Act, 1945.

(9) In the application of this section to Scotland, for references to statutory water undertakers, to the Water Act, 1945, and to the Town and Country Planning Act, 1944, there shall be substituted respectively references to a local water authority, to the Water (Scotland) Act, 1946, and to the Town and Country Planning (Scotland) Act, 1945.

**PART I**  
**—cont.**  
**Limited compulsory rights orders.**

**8.—(1)** A compulsory rights order (whether it is an opencast site order or a storage site order) may provide that its operation shall be limited so as to extend only to such one or more interests or rights (being interests or rights of a description mentioned in the next following subsection) as may be specified in the order.

(2) Any interest or right specified in an order made in accordance with the preceding subsection shall be of one of the following descriptions, that is to say,—

- (a) an easement or similar right in respect of the whole or part of the land comprised in the order ;
- (b) a right restrictive of the use of the whole or part of that land ;
- (c) the interest or rights created or conferred by a mining lease or order conferring working rights in respect of minerals in or under that land or part thereof.

(3) In relation to a compulsory rights order which provides that its operation shall be limited as mentioned in subsection (1) of this section,—

- (a) “ persons directly concerned ” in this Act means persons who for the time being are entitled to any interest or right specified in the order, and does not include any other person ;
- (b) subsection (4) of section five of this Act, or subsection (2) of section six of this Act, as the case may be, shall have effect as if for the words from “ confer upon the Board ” to the words “ exclude other persons therefrom ” there were substituted the words “ as against all persons directly concerned, confer upon the Board, and upon persons authorised by the Board, the like right to exclude persons from the land comprised in the order ” ;
- (c) paragraph (b) of subsection (4) of the last preceding section shall have effect as if for the words “ interest in, or right over, land not comprised in the order ” there were substituted the words “ interest or right not specified in the order ”.

**Property exempt from inclusion in compulsory rights orders.**

**9.—(1)** A compulsory rights order shall not comprise any part of a building which, at the time when the order is made, is a building whereof the whole or any part is occupied as a dwelling-house, or any part of the land adjacent to such a building which, at that time, is occupied together with the whole or part of that building and either—

- (a) is within fifty yards from a part of that building, or

- (b) not being land falling within the preceding paragraph, and not being agricultural land, forms part of a garden, yard, court or forecourt belonging to that building.

(2) Without prejudice to the preceding subsection, an opencast site order, as confirmed by the Minister, shall not include any land which, on the date on which the authorisation referred to in the order was granted, was covered by a building, unless, on the granting of that authorisation,—

- (a) the Minister gave directions under section two of this Act ;
- (b) those directions included conditions for the restoration of the building or its replacement by another building or (where a structure other than a building would be of comparable benefit to the land) by a structure of a description specified in the directions ;
- (c) those conditions were stated in the directions to be the conditions appearing to the Minister to be appropriate, having regard to the purpose for which the building was then used ; and
- (d) those conditions specified a time within which the restoration or replacement of the building was to be completed, being a time not later than the end of the period specified in the order as the period for which the order is to have effect.

(3) No compulsory rights order shall be made so as to comprise any land which is or has been comprised in a previous compulsory rights order as confirmed by the Minister, other than a previous order which, as so confirmed, provided that its operation should be limited as mentioned in subsection (1) of the last preceding section.

(4) An opencast site order, as confirmed by the Minister, shall not comprise any land of which possession—

- (a) has previously been taken in the exercise of emergency powers, and
- (b) has at any time (whether before or after the commencement of this Act) been retained in the exercise of those powers for the purpose of working coal on that land, or on land contiguous therewith, by opencast operations, and
- (c) has before the confirmation of the order ceased to be retained in the exercise of those powers,

unless, at the time of confirming the order, the Minister is satisfied that there are special circumstances existing at that time, or special circumstances relating to the land in question, which justify its inclusion in an opencast site order notwithstanding that possession thereof has previously been so taken and retained.

**PART I**  
—*cont.*

Provisions as to minerals other than coal, and as to timber, crops etc.

**10.**—(1) A compulsory rights order shall confer upon the Board, and upon persons authorised by the Board, the right to get and carry away any minerals worked in the exercise of rights conferred by the order, in so far as any such minerals are not already the property of the Board; and any minerals got and carried away by virtue of this subsection, and removed from the land comprised in the order, shall become the property of the Board.

(2) Where, in the exercise of rights conferred by a compulsory rights order, any trees are felled, or any buildings, fences, sheds or other fixtures or structures are dismantled, the order shall confer upon the Board, and upon persons authorised by the Board, the right to carry away and dispose of the timber, or, as the case may be, of any resulting materials; and any timber or materials carried away by virtue of this subsection, and removed from the land comprised in the order, shall become the property of the Board.

(3) Where on the date of entry any crops are growing on any of the land comprised in a compulsory rights order, or any crops are grown on any of that land during the period of occupation, the order shall confer upon the Board, and upon persons authorised by the Board, the right during the period of occupation to harvest or lift those crops and to remove or otherwise dispose of them; and any crops harvested or lifted by virtue of this subsection shall become the property of the Board.

Registration of compulsory rights orders.

**11.**—(1) As soon as may be after a compulsory rights order has been made, it shall be registered in the prescribed manner in the register of local land charges by the proper officer of the council of any county borough or county district in which the land comprised in the order, or any part of that land, is situated; and it shall be the duty of the Board to notify the making of a compulsory rights order to any such officer by whom the order is required to be so registered, and to furnish him with all necessary information relating to the order.

(2) The power conferred by subsection (6) of section fifteen of the Land Charges Act, 1925, to make rules for giving effect to the provisions of that section shall be exercisable for giving effect to the provisions of the preceding subsection; and in the preceding subsection “prescribed” means prescribed by rules made in the exercise of that power.

(3) Any rules made by virtue of subsection (6) of the said section fifteen as applied by the last preceding subsection shall include provision—

- (a) for cancelling the registration of a compulsory rights order if the Minister decides not to confirm the order, or if the order is revoked, or at the end of the period for which it has effect, and



(b) for varying the registration of such an order if the order as confirmed by the Minister differs from the order as made, or if the order is subsequently varied.

PART I  
—cont.

(4) In the application of this section to Scotland, the following subsection shall be substituted for subsections (1) to (3) of this section:—

“ (1) As soon as may be after a compulsory rights order has been confirmed it shall be recorded by the Board in the appropriate register of sasines; and any order revoking or varying such an order shall be so recorded; and at the end of the period for which such an order has effect the Board shall so record notice that the order has ceased to have effect.”

12.—(1) At any time on or after the operative date of a compulsory rights order, the Board may serve notice on the person who is for the time being entitled to possession of any chattel which is on, under or over any of the land comprised in the order, requiring him to remove it from that land within such period, not being less than fifty-six days from the date of service of the notice, as may be specified in the notice: Removal and disposal of chattels from land comprised in compulsory rights order.

Provided that this subsection shall not apply to any apparatus belonging to statutory undertakers, or to the body carrying on a sewerage undertaking or sewage disposal undertaking, and used by those undertakers or that body for the purposes of their undertaking, or belonging to a river board or other drainage authority and used by that authority for the purposes of their functions.

(2) If the person on whom a notice is served under the preceding subsection fails to comply with the notice within the period specified therein, the Board may cause the chattel to which the notice relates to be removed from the land comprised in the order, or to be removed from one part of that land to another part thereof, and shall not be liable for any loss or damage attributable to the removal except any such loss or damage which is shown to be due to failure to exercise reasonable care.

(3) Where the Board cause a chattel to be removed under the last preceding subsection, the Board may dispose of the chattel, by sale, destruction or otherwise, as the Board may think fit, unless before the end of the period of three months beginning with the date of the removal the person for the time being entitled to possession of the chattel claims it from the Board and takes all reasonable steps for accepting custody of it.

(4) Where a chattel is sold in the exercise of the powers conferred by the last preceding subsection, the Board shall pay the proceeds of sale to the person who was entitled to possession of

**PART I**  
—*cont.*

the chattel immediately before the sale, and the receipt of that person shall be a sufficient discharge to the Board for those proceeds.

(5) In this section “chattel” includes apparatus of any description, whether above or below the surface of the land.

Apparatus  
of statutory  
undertakers  
and other  
bodies.

**13.—(1)** The provisions of section twenty-five of the Town and Country Planning Act, 1944 (which relates to the extinguishment of rights, and removal of apparatus, belonging to statutory undertakers) shall have effect in relation to land which is for the time being comprised in an authorisation under section one of this Act, but shall so have effect subject to the following modifications, that is to say,—

- (a) so much of those provisions as relates to the extinguishment of rights shall not apply ;
- (b) subject to the preceding paragraph, those provisions shall apply as if any reference to land which has been acquired or appropriated as therein mentioned were a reference to land comprised in an authorisation under section one of this Act, and as if any reference to the purchasing or appropriating authority were a reference to the Board ;
- (c) those provisions shall apply as if any reference to a statutory undertaking included a reference to a sewerage undertaking and to a sewage disposal undertaking and any reference to the appropriate Minister were a reference to the appropriate Minister as defined by this Act ; and
- (d) subsection (4) of the said section twenty-five shall apply as if any reference to a local authority or statutory undertakers were a reference to the Board, and as if any reference to “the Minister” were a reference to the Minister of Power.

(2) Without prejudice to the preceding subsection, the provisions of the said section twenty-five shall have effect in relation to land which is for the time being comprised in an authorisation under section one of this Act—

- (a) subject to the modifications specified in paragraphs (a), (b) and (d) of the preceding subsection, and
- (b) as if any reference in those provisions to the person carrying on a statutory undertaking included a reference to a river board or other drainage authority, and, in relation to a river board or other drainage authority, any reference to the carrying on of the undertaking were a reference to the performance of the functions of the authority.

(3) Where any requirement is imposed by virtue of section twenty-five of the said Act of 1944 as applied by either of the preceding subsections, the provisions of sections twenty-six and twenty-seven of that Act (which relate to the powers, duties and obligations of statutory undertakers) and of the First and Fourth Schedules to that Act (which relate respectively to the procedure for dealing with objections under those sections and to the assessment of compensation) shall have effect in relation to that requirement (subject to the modifications specified in paragraphs (c) and (d) of subsection (1) of this section, or, as the case may be, subject to those modifications and the further modifications specified in paragraph (b) of the last preceding subsection) as if it were a requirement imposed under the said section twenty-five as applied for the purposes of Part IV of the Act of 1947.

(4) For the avoidance of doubt, it is hereby declared that the provisions referred to in the preceding subsections apply in accordance with those subsections in relation to land which is comprised in an authorisation under section one of this Act and constitutes the site of a highway which is for the time being stopped up or diverted (whether permanently or temporarily) by virtue of any enactment, as those provisions apply in relation to other land comprised in such an authorisation.

(5) Subsection (3) of section thirty-two of the Mineral Workings Act, 1951 (which applies the provisions of the said section twenty-five to highways stopped up or diverted by virtue of section forty-nine of the Act of 1947), shall not apply to land constituting the site of a highway which is for the time being comprised in an authorisation under section one of this Act.

(6) In the application of this section to Scotland, for references to sections twenty-five, twenty-six and twenty-seven of the Town and Country Planning Act, 1944, and to the First and Fourth Schedules to that Act, there shall be substituted respectively references to sections twenty-four, twenty-five and twenty-six of the Town and Country Planning (Scotland) Act, 1945, and to the First and Fourth Schedules to that Act; for references to section forty-nine of the Act of 1947 and to Part IV of that Act there shall be substituted respectively references to section forty-six of the Scottish Act of 1947 and to Part III of that Act; "highway" includes a public right of way; and in paragraph (d) of subsection (1), for the words "the Minister" there shall be substituted the words "the Secretary of State".

14.—(1) Without prejudice to the provisions of Part III of this Act as to matters arising between landlords and tenants in consequence of compulsory rights orders, the provisions of this section shall have effect where—

Provisions as to agricultural tenancies.

(a) an authorisation is granted under section one of this Act, and

**PART I**  
—*cont.*

- (b) immediately before that authorisation becomes operative, any of the land comprised therein consists of an agricultural holding or part of an agricultural holding,

whether any of that land is comprised in a compulsory rights order or not.

(2) For the purposes of the Agricultural Holdings Act, 1948 (in this Act referred to as “the Act of 1948”)—

- (a) the holding shall not be taken to have ceased to be an agricultural holding, and  
 (b) where only part of the holding is comprised in the authorisation, that part shall not be taken to have ceased to form part of an agricultural holding,

by reason only that, while occupied or used for the authorised purposes, the land is not being used for agriculture within the meaning of that Act.

(3) For the purposes of the Act of 1948, the tenant of the holding shall not be taken to have failed to fulfil his responsibilities to farm in accordance with the rules of good husbandry—

- (a) by reason of his having permitted any of the land comprised in the authorisation to be occupied for the authorised purposes, or by reason of any other thing done or omitted by the tenant for facilitating the use of any of that land for those purposes, or  
 (b) where any of that land is comprised in a compulsory rights order, by reason of the occupation or use of any of that land in the exercise of rights conferred by the order, in so far as that occupation or use was not permitted or facilitated by the tenant as mentioned in the preceding paragraph.

(4) For the purposes of the Act of 1948 nothing done or omitted by the tenant or by the landlord of the holding by way of permitting any of the land comprised in the authorisation to be occupied for the authorised purposes, or by way of facilitating the use of any of that land for those purposes, shall be taken to be a breach of any term or condition of the tenancy, either on the part of the tenant or on the part of the landlord.

(5) For the purposes of paragraph (b) of subsection (2) of section twenty-four of the Act of 1948 (which relates to a notice to quit given on the ground that the land is required for a use, other than for agriculture, for which planning permission has been granted, or for which planning permission is not required) no account shall be taken of the provisions of section two of this Act, and that paragraph shall apply as if section two of this Act had not been enacted.

(6) For the purposes of subsection (1) of section twenty-five of the Act of 1948 (which specifies conditions for the giving of consent under section twenty-four of that Act to the operation of a notice to quit) the condition specified in paragraph (e) of that subsection shall not be treated as satisfied if the use, for the purpose of which the landlord proposes to terminate the tenancy, is the use of the land for the authorised purposes.

(7) On a reference to arbitration under section eight of the Act of 1948 with respect to the rent which should be properly payable for the holding, in respect of any period for which the Board are in occupation of the holding, or of any part thereof, for the authorised purposes, the arbitrator shall not take into account any increase or diminution in the rental value of the holding, in so far as that increase or diminution is attributable to the occupation of the holding, or of that part of the holding, by the Board for those purposes, or to any authorised operations.

(8) For the purposes of the operation of section nine of the Act of 1948 (which relates to increases of rent for improvements carried out by the landlord) in relation to an improvement carried out on the holding, in a case where the improvement has been affected by any authorised operations, the increase (if any) of the rental value of the holding attributable to the carrying out of the improvement shall be assessed as if those operations, in so far as they have affected the improvement, had not been carried out.

(9) In the application of this section to Scotland—

- (a) for the references to the Act of 1948, to sections eight and nine of that Act, to paragraph (b) of subsection (2) of section twenty-four of that Act, to subsection (1) of section twenty-five of that Act and to paragraph (e) of the said subsection (1), there shall be substituted respectively references to the Agricultural Holdings (Scotland) Act, 1949 (in this Act referred to as “the Scottish Act of 1949”), to sections seven and eight of that Act, to paragraph (c) of subsection (2) of section twenty-five of that Act, to subsection (1) of section twenty-six of that Act, and to paragraph (e) of subsection (1) of the said section twenty-six;
- (b) for references to an arbitrator there shall be substituted references to an arbiter; and
- (c) at the end of subsection (5) of this section there shall be added the words “and the use of any of the land comprised in the authorisation for the authorised purposes shall not be a use for the purpose of which the landlord shall be entitled to resume the land”.

**PART I**  
—*cont.*

Suspension  
of certain  
public rights  
of way.

**15.—(1)** Where an application is made to the Minister for an authorisation under section one of this Act, and over any part of the land described in the application as land which the Board will require to occupy there subsists a public right of way, not being a right enjoyable by vehicular traffic, the provisions of section three of the Acquisition of Land Act (which relates to the extinguishment of such public rights of way over land acquired) shall apply in relation to that right of way, subject to the modifications specified in the following provisions of this section.

(2) For the purposes of the application of that section in accordance with the preceding subsection—

- (a) any reference to the extinguishment of a public right of way by an order under that section shall be construed as a reference to the suspension of a public right of way by such an order while the order remains in force ;
- (b) any reference to the Minister of Housing and Local Government shall be construed as a reference to the Minister ;
- (c) any reference to the provision of a suitable alternative right of way shall be construed as a reference to the making of a suitable alternative way available for use by the public during the period for which the order under that section remains in force ;
- (d) any reference to the acquiring authority shall be construed as a reference to the Board ;
- (e) any reference to land acquired or proposed to be acquired as mentioned in subsection (1) of that section shall be construed as a reference to land described in the application as mentioned in subsection (1) of this section.

(3) The Minister shall not make an order suspending a right of way under the said section three as applied by this section unless he has granted an authorisation under section one of this Act comprising the land over which the right of way subsists :

Provided that this subsection shall not prevent any steps preparatory to the making of such an order from being taken at any time after an application for the authorisation has been made and before it is granted.

(4) An order made under the said section three as applied by this section may suspend the right of way in question as from such time (not being earlier than the making of the order) as may be specified in the order, and accordingly sub-paragraphs (i) to (iii) of subsection (1) of that section, and the proviso to that subsection, shall not apply ; but, where such an order has

been made in connection with an authorisation under section one of this Act, the Minister shall revoke the order—

- (a) if no authorised operations have been carried out in pursuance of that authorisation, and the Minister is satisfied that there is no early prospect of their being carried out, or
- (b) as soon after such operations have been carried out as he is satisfied that it is no longer necessary for the fulfilment of the authorised purposes that the right of way should be suspended.

(5) An order made in respect of a right of way under the said section three as applied by this section shall include such provisions as may appear to the Minister to be appropriate for securing the reconstruction of the way on the restoration of the land over which the right of way subsisted immediately before the order was made.

(6) Where in accordance with the provisions of subsection (3) of the said section three as applied by this section a public local inquiry is to be held, and in accordance with the provisions of the First Schedule to this Act a public local inquiry is to be held with respect to the relevant application for an authorisation under section one of this Act, the Minister may direct that those inquiries (including, in a case falling within paragraph 6 of that Schedule, any inquiry relating to a compulsory rights order on which proceedings are to be taken concurrently with the proceedings relating to the application for an authorisation) shall be held concurrently.

(7) Where the Minister makes an order under the said section three, as applied by this section, in respect of a public right of way over any land, and grants an authorisation under section one of this Act in respect of that land, and the order is expressed to be made on the footing that a suitable alternative way will be made available by the Board (whether on land comprised in the authorisation or on other land) for use by the public during the period for which the order remains in force,—

- (a) the order may provide that, in so far as the carrying out of any operations, or any change in the use of land, involved in making that alternative way so available, or in permitting it to be used by the public, constitutes development within the meaning of the Act of 1947, permission for that development shall be deemed to be granted under Part III of that Act, subject to such conditions (if any) as may be specified in the order;
- (b) where an order includes provisions in accordance with the preceding paragraph, subsection (3) of section two of this Act shall apply in relation to those provisions as it applies in relation to directions given under that section;

**PART I**  
—*cont.*

- (c) if a compulsory rights order referring to that authorisation is made, then, in the application to that order of subsection (5) of section five of this Act, the authorised purposes shall be taken to include the purpose of making an alternative way available for use by the public on land comprised in the order, and the right exercisable in accordance with that subsection, as against all persons directly concerned, shall include the right to permit the public to use any way so made available;
- (d) if the land on which the alternative way is to be made available is specified in the order made under the said section three, as applied by this section, and is land which does not form part of, but is contiguous with, the land comprised in the authorisation, a compulsory rights order referring to that authorisation may include that land as if it were part of the land comprised in the authorisation.

(8) In the application of this section to Scotland, for references to section three of the Acquisition of Land Act there shall be substituted references to section three of the Scottish Acquisition of Land Act, for references to the Act of 1947 and to Part III of that Act there shall be substituted respectively references to the Scottish Act of 1947 and to Part II of that Act, and for the reference to the Minister of Housing and Local Government there shall be substituted a reference to the Secretary of State.

Acquisition  
of rights for  
purposes of  
drainage or  
water supply.

16.—(1) For the purpose of draining land which is or has been comprised in an authorisation under section one of this Act, the Minister may authorise the Board to purchase compulsorily a right to place drainage works on any other land, whether above or below ground, and to use, repair and maintain those works, without purchasing any other interest in that land.

(2) For the purpose of bringing a supply of water to land which is or has been comprised in an authorisation under section one of this Act, the Minister may authorise the Board to purchase compulsorily a right to place water pipes on any other land, whether above or below ground, and to use, repair and maintain those pipes, without purchasing any other interest in that land.

(3) An order authorising the compulsory purchase of a right by virtue of this section shall specify the land (being the whole or part of the land comprised in the relevant authorisation under section one of this Act) for the benefit of which the right is to be acquired.

(4) Any right purchased by the Board in pursuance of such an order—

- (a) if so purchased while the Board are in occupation of the land specified in the order in accordance with the last



preceding subsection, shall be exercisable by the Board, and by persons authorised by the Board, while the Board continue to be in occupation of that land ;

- (b) whether purchased while the Board are in occupation of that land or not, shall be treated for all purposes as an easement appurtenant in perpetuity to that land.

(5) In relation to the compulsory purchase of a right by virtue of this section—

- (a) the Acquisition of Land Act shall apply as if the Board were a local authority within the meaning of that Act, and as if this Act had been in force immediately before the commencement of that Act ; and
- (b) that Act, and the enactments incorporated therewith, shall have effect as if references (whatever the terms used) to the land comprised in the compulsory purchase order were construed, where the context so requires, as references to the land on which the works or pipes are to be placed, and references to the obtaining or taking possession of the first-mentioned land were construed as references to the exercise of the right.

(6) The provisions of section eleven of this Act shall apply in relation to a compulsory purchase order made by virtue of this section as they apply in relation to a compulsory rights order.

(7) In this section “drainage works” includes any pipes or other works for draining land and any works accessory to such works ; and—

- (a) any right to maintain drainage works or water pipes in pursuance of an order made by virtue of this section shall include the right to remove those works or pipes, whether for the purpose of replacing them by other drainage works or water pipes or otherwise, and
- (b) any right to maintain drainage works on any land in pursuance of such an order shall, if the order so provides, include a right to discharge water from those works on to that land.

(8) Nothing in this section shall be construed as authorising any interference with the exercise of a public right of way, or any contravention of a prohibition or restriction imposed by or under any enactment (whether contained in a public general Act or in any other Act).

(9) In the application of this section to Scotland, for references to the Acquisition of Land Act there shall be substituted references to the Scottish Acquisition of Land Act ; and for subsection (4) there shall be substituted the following subsection :—

“(4) The title to any right purchased by the Board in pursuance of such an order shall be recorded by the Board in the appropriate register of sasines, and on the title being

**PART I**  
—*cont.*

so recorded the right shall be exercisable in all time coming by the Board or any other person in occupation of the land specified in the order in accordance with the last preceding subsection.”

**PART II**

**COMPENSATION FOR COMPULSORY RIGHTS ORDERS**

*Compensation in respect of agricultural land*

General provisions as to annual compensation.

**17.—(1)** Where a compulsory rights order comprises the whole or part of a holding to which this section applies, compensation shall be payable by the Board in respect of that holding—

- (a) for the year beginning with the operative date, and
- (b) for each subsequent year which begins with an anniversary of that date and falls within the period of occupation.

(2) For the purposes of this Part of this Act, where land, immediately before the operative date of a compulsory rights order,—

- (a) was occupied as a unit, and
  - (b) was so occupied wholly or mainly for the purposes of agriculture carried on by way of a trade or business,
- the entirety of that land (excluding the coal and any other minerals vested in the Board) shall be taken, in relation to that compulsory rights order, to constitute a holding to which this section applies.

(3) The person entitled to any compensation payable by the Board for any year by virtue of this section in respect of a holding shall be the person who—

- (a) in respect of so much (if any) of the holding as is not comprised in the compulsory rights order, is for the time being entitled to occupy that part of the holding, and
- (b) in respect of so much of the holding as is comprised in the order, would be entitled for the time being to occupy it if the order had not been made.

(4) The compensation payable for any year by virtue of this section, in respect of a holding to which this section applies, shall be the aggregate of—

- (a) the compensation payable for that year in accordance with the provisions of the next following section, and
- (b) any additional compensation payable for that year in accordance with the provisions of section nineteen of this Act, and
- (c) for the year beginning with the operative date, any additional compensation payable in accordance with the provisions of section twenty of this Act.

PART II  
—cont.  
Compensation  
by reference to  
annual value.

**18.—(1)** The compensation payable for any year in respect of a holding to which the last preceding section applies, as mentioned in paragraph (a) of subsection (4) of that section, shall be a sum equal to the annual value of the holding for that year, reduced by the annual value for that year of so much (if any) of the holding as is not comprised in the compulsory rights order.

(2) For the purposes of this section the annual value of any land for any year shall be taken to be an amount equal to the annual rent at which, immediately before the beginning of that year, that land, in the appropriate circumstances, might reasonably have been expected to let from year to year under a contract of tenancy whereby the tenant undertook—

- (a) to pay all usual tenant's rates and taxes and to bear the cost of the repairs and insurance and the other expenses, if any, necessary to maintain the land in a state to command that rent, and
- (b) not to carry out any operations on the land, or to make any change in the use thereof, for which (apart from this Act) permission would be required under Part III of the Act of 1947, except any operations for which such permission has been granted and is in force immediately before the beginning of that year.

(3) In determining for any year the annual value of the entirety of a holding, the appropriate circumstances, for the purposes of the last preceding subsection, shall be taken to be the circumstances which would have existed, immediately before the beginning of that year, if—

- (a) the compulsory rights order had not been made, and the authorisation referred to in that order had not been granted and no application had been made for such an authorisation;
- (b) the land had then been in the state in which it was immediately before the operative date of the order; and
- (c) the land had then been available for letting with vacant possession.

(4) In determining for any year the annual value of land constituting so much of a holding as is not comprised in the compulsory rights order in question, the appropriate circumstances, for the purposes of subsection (2) of this section, shall be taken to be the circumstances which would have existed, immediately before the beginning of that year, if (all other relevant factors being taken to be as they actually were at that time) that land had been in the state in which it was immediately before the operative date, and had been available for letting with vacant possession.

**PART II**  
—*cont.*

(5) In the application of this section to Scotland, for the reference to Part III of the Act of 1947 there shall be substituted a reference to Part II of the Scottish Act of 1947.

**Additional  
annual  
compensation.**

**19.**—(1) For each year for which compensation is payable in respect of a holding by virtue of section seventeen of this Act, there shall be assessed the profit or loss which an occupier of the holding might reasonably have been expected to make for that year from his occupation of the holding if—

- (a) the compulsory rights order had not been made ;
- (b) he were the occupier of the holding under a tenancy at a rent equal to the annual value of the holding for that year, as determined in accordance with subsections (2) and (3) of the last preceding section ; and
- (c) his use of the holding in that year, and his standard of efficiency in using it, had been the same as the use to which the holding was put, and the standard of efficiency attained in using it, in the period preceding the operative date of the order.

(2) Subject to the following provisions of this section, for any year for which the assessment under the preceding subsection shows a profit, the compensation payable in respect of the holding by virtue of section seventeen of this Act shall include a sum equal to that profit.

(3) Where the profit or loss referred to in subsection (1) of this section is assessed for any year in respect of a holding of which only part is comprised in the compulsory rights order in question, there shall also be assessed the profit or loss which an occupier of the remainder of the holding might reasonably have been expected to make for that year from his occupation of the land constituting that remainder, if he were the occupier of that land under a tenancy at a rent equal to the annual value of that land for that year, as determined in accordance with the next following subsection.

(4) Subsection (2) of the last preceding section shall apply for the purposes of the last preceding subsection as it applies for the purposes of that section, so however that the appropriate circumstances referred to in the said subsection (2), in relation to any year for which annual value falls to be determined for the purposes of the last preceding subsection, shall be taken to be the circumstances which would have existed, immediately before the beginning of that year, if—

- (a) the compulsory rights order had not been made, and the authorisation referred to in that order had not been granted and no application had been made for such an authorisation ;

- (b) the land constituting the remainder of the holding had been in the state in which it was immediately before the operative date, and had been available for letting with vacant possession ;
- (c) all other relevant factors had been as they actually were immediately before the beginning of that year.

(5) In determining, for the purposes of subsection (3) of this section, what profit or loss might reasonably have been expected to be made from the occupation of the land constituting the remainder of the holding, it shall be assumed that an occupier of that land could not reasonably have been expected—

- (a) to use, otherwise than for agricultural purposes, land which in the period preceding the operative date of the order was used for agricultural purposes, or
- (b) to change the use of any land which in that period was used otherwise than for agricultural purposes.

(6) When the profit or loss for any year on the part retained has been assessed,—

- (a) if it is a profit, and the assessment for that year on the entirety of the holding shows a profit, the amount of the profit on the part retained shall be deducted from the amount of the profit on the entirety of the holding ;
- (b) if the assessment for that year on the part retained shows a loss, but the assessment for that year on the entirety of the holding shows a profit, the amount of the loss on the part retained shall be added to the amount of the profit on the entirety of the holding ;
- (c) if the assessment for that year on the part retained shows a loss, and the assessment for that year on the entirety of the holding also shows a loss, but a smaller loss than the loss on the part retained, the difference between the two losses shall be ascertained, and the assessment on the entirety of the holding shall be treated as if it had shown a profit equal to the amount of the difference ;

and accordingly the reference in subsection (2) of this section to a profit shown for any year by the assessment under subsection (1) of this section shall be construed as a reference to a profit shown for that year in accordance with that assessment as adjusted under this subsection.

(7) In the last preceding subsection—

- (a) any reference to the assessment for any year on the entirety of the holding is a reference to the assessment for that year under subsection (1) of this section, and any reference to profit or loss for any year on the

**PART II**  
—*cont.*

entirety of the holding is a reference to profit or loss shown by the assessment for that year under the said subsection (1) ;

(b) any reference to the assessment for any year on the part retained is a reference to the assessment for that year under subsection (3) of this section, and any reference to profit or loss for any year on the part retained is a reference to profit or loss shown by the assessment for that year under the said subsection (3).

(8) For the purposes of this section—

(a) any reference to the period preceding the operative date of a compulsory rights order shall be construed as a reference to the period of four years immediately preceding that date ;

(b) the use of land in that period shall be determined by reference to that period taken as a whole ; and

(c) the standard of efficiency attained in that period shall be determined by reference to the average standard so attained.

**Special  
compensation  
for cost of  
removal.**

**20.—**(1) Where compensation is payable by virtue of section seventeen of this Act in respect of a holding for the year beginning with the operative date of a compulsory rights order, the compensation payable for that year by virtue of that section shall (in addition to any sum payable in accordance with section eighteen or section nineteen of this Act) include the amount of any expenses reasonably incurred by the person entitled to the compensation which are directly attributable to his being required to vacate so much of the holding as is comprised in the order.

(2) Without prejudice to the generality of the preceding subsection, the expenses referred to in that subsection shall be taken to include any expenses reasonably incurred by the person therein mentioned in procuring the cancellation or modification of a contract in force immediately before the operative date, in so far as it is a contract for the supply of goods or the rendering of services which—

(a) would have been required by him for the purposes of the holding if the order had not been made, but

(b) in consequence of his being required to vacate so much of the holding as is comprised in the order, are not required for those purposes.

**Terminal  
compensation.**

**21.—**(1) Where a compulsory rights order comprises the whole or part of a holding to which this section applies, the provisions of this and the two next following sections shall have effect as to compensation payable by the Board in respect of that holding.

(2) Subsection (2) of section seventeen of this Act shall have effect in relation to this section as it has effect in relation to that section, and references to a holding to which this section applies shall be construed accordingly.

(3) Compensation payable in respect of a holding under the provisions referred to in subsection (1) of this section shall consist of either or both of the following, that is to say—

- (a) compensation by way of payment of cost of works, and
- (b) compensation by reference to the diminution in value of the holding.

**22.**—(1) Subject to the following provisions of this section, compensation by way of payment of cost of works shall, in the case of a compulsory rights order, be payable in respect of a holding to which the last preceding section applies if—

Compensation  
by way of  
payment of  
cost of works.

- (a) at the end of the period of occupation, any land forming part of the holding and comprised in the order has not been restored to the condition in which it was immediately before the date of entry, and
- (b) after the end of the period of occupation, expenses are reasonably incurred by any person in respect of work carried out (over and above the ordinary maintenance and use of the land) for the purpose of further restoring that land to or towards that condition or a condition substantially similar thereto.

(2) Where in accordance with the preceding subsection compensation by way of payment of cost of works is payable—

- (a) the person entitled thereto shall be the person by whom the expenses in question are incurred, and
- (b) the compensation shall be payable from time to time as the expenses are incurred and shall be of an amount equal to the amount of the expenses.

(3) The provisions of the Third Schedule to this Act shall have effect with respect to compensation by way of payment of cost of works under this section.

**23.**—(1) Compensation by reference to the diminution in value of a holding to which section twenty-one of this Act applies shall be payable if the value of a freehold interest in the holding, computed in accordance with paragraph (a) of the next following subsection, or in accordance with paragraph (b) of that subsection, as the case may be, but (in either case) with the benefit of any prospective right to compensation by way of payment of cost of works in respect of the holding, is less than the value of such an interest computed in accordance with paragraph (c) of that subsection.

Compensation  
by reference to  
the diminution  
in value of the  
holding.

**PART II**  
—cont.

(2) For the purposes of the preceding subsection there shall be computed the following values, that is to say,—

- (a) where the entirety of the holding is comprised in the order, the value at the end of the period of occupation of a freehold interest in the holding ;
- (b) where part of the holding is not comprised in the order, the value which a freehold interest in the holding would have at the end of the period of occupation if that part of the holding were in the state in which it was immediately before the date of entry, the remainder of the holding being taken to be in the state in which it is at the end of the period of occupation ;
- (c) in either case, the value which a freehold interest in the holding would have at the end of the period of occupation if the entirety of the holding were in the state in which it was immediately before the date of entry.

(3) Where in accordance with subsection (1) of this section compensation by reference to the diminution in value of a holding is payable, the amount of the compensation shall be the amount of the difference between the values mentioned in that subsection, and the person entitled to that compensation shall be the person who at the end of the period of occupation is the owner of the holding.

(4) In computing value as mentioned in any of paragraphs (a), (b) and (c) of subsection (2) of this section, it shall be assumed that a freehold interest in the holding is, in the circumstances mentioned in the paragraph in question, being offered for sale in the open market by a willing seller immediately after the end of the period of occupation, with vacant possession of the holding and free from incumbrances, other than any easement or similar right, any right restrictive of the use of land, and any mining lease or order conferring working rights, affecting the holding or any part thereof at that time.

Tenant's right to compensation for improvements and other matters.

**24.**—(1) The provisions of this section shall have effect where the land comprised in a compulsory rights order consists of or includes land which—

- (a) immediately before the date of entry, constitutes or forms part of an agricultural holding, and
- (b) is land on which, before that date, there have been carried out long-term improvements qualifying for compensation under the Act of 1948, or there has been adopted a special system of farming qualifying for compensation under that Act.

In the following provisions of this section land comprised in a compulsory rights order which falls within paragraphs (a) and (b) of this subsection is referred to as “the tenant's land”.



(2) If at the end of the period of occupation—

- (a) the tenant's land has lost the benefit of any of the improvements, or of the special system of farming, as the case may be, and
- (b) that land is subject to the same tenancy as immediately before the date of entry, or is subject to a subsequent tenancy under which the tenant has retained or succeeded to the relevant right to compensation,

and the tenancy under which that land is then held continues after the end of the period of occupation, the provisions of the Act of 1948 as to compensation for long-term improvements, and as to compensation for a special system of farming, shall apply as mentioned in the next following subsection.

(3) The said provisions of the Act of 1948 shall apply as if—

- (a) the tenant's land were in the state in which it was immediately before the date of entry, and
- (b) the tenancy under which that land is held at the end of the period of occupation had terminated immediately after the end of that period and the tenant thereunder had then quitted the holding:

Provided that (in a case where long-term improvements qualifying for compensation under the Act of 1948 had been carried out on the tenant's land) if the tenant's land has lost the benefit of some of those improvements, but has not lost the benefit of all of them, those provisions of the Act of 1948 shall apply as mentioned in paragraphs (a) and (b) of this subsection, but as if the improvements of which the tenant's land has not lost the benefit had not been long-term improvements qualifying for compensation under that Act.

(4) For the purposes of subsections (2) and (3) of this section—

- (a) the tenant's land shall be taken to have lost the benefit of a long-term improvement if the benefit of that improvement has been lost (wholly or in part) without being replaced by another long-term improvement of comparable benefit to the land;
- (b) the tenant's land shall be taken to have lost the benefit of a special system of farming if the increased value attributable to that system of farming has been lost (wholly or in part) without being regained by the continuous adoption of a system of farming of comparable benefit to the land.

(5) For the purposes of paragraph (b) of subsection (2) of this section, the tenant's land shall be taken to be subject to such a subsequent tenancy as is therein mentioned if either—

- (a) by virtue of section forty-four or section fifty-four of the Act of 1948 (which relate respectively to improvements made during one of a series of tenancies) the

PART II  
—cont.

**PART II**  
—*cont.*

same tenant would have the like right to compensation in right of the subsequent tenancy as he would have had in right of the previous tenancy, or

- (b) by virtue of section forty-five or section fifty-five of the Act of 1948 (which relate respectively to improvements paid for by an incoming tenant) the tenant under the subsequent tenancy would have the like right to compensation as the tenant would have had under the previous tenancy.

(6) The provisions of the Act of 1948 referred to in subsection (2) of this section shall be taken to include any provisions of that Act as to the making of claims for any such compensation as is mentioned in that subsection, as to the calculation of any such compensation and the settlement or determination of such claims, as to the recovery of any such compensation, and as to any other matters incidental thereto:

Provided that—

- (a) any provisions of the Act of 1948 as to the giving of notice of intention to make a claim shall apply with the modification that the time for giving such a notice shall be any time not later than three months after the end of the period of occupation ;
- (b) subsection (3) of section seventy of that Act (which relates to the time for settling such claims) shall apply with the substitution, for the reference to four months from the termination of the tenancy, of a reference to five months from the end of the period of occupation.

(7) In this section—

- (a) any reference to long-term improvements qualifying for compensation under the Act of 1948 is a reference to long-term improvements in respect of which, immediately before the date of entry, a tenant of the agricultural holding in question had a prospective right to compensation under that Act on quitting the holding on the termination of his tenancy ;
- (b) any reference to a special system of farming qualifying for compensation under the Act of 1948 is a reference to a system of farming in respect of which, immediately before the date of entry, a tenant of the agricultural holding in question had a prospective right to compensation under section fifty-six of that Act on quitting the holding on the termination of his tenancy.

(8) In determining whether the conditions specified in paragraph (a) or paragraph (b) of the last preceding subsection are

fulfilled, no account shall be taken of any provision of the Act of 1948 whereby a right to compensation is conditional upon the making of a claim, or the giving of notice of intention to make a claim, or is liable to be affected by the service of a notice by the landlord.

(9) In this Act “long-term improvement” means any improvement (whether begun before or after the first day of March, nineteen hundred and forty-eight) of a description specified in Part I or Part II of the Third Schedule to the Act of 1948.

(10) In the application of this section to Scotland, for references to the Act of 1948, to sections forty-four, forty-five, fifty-four, fifty-five, fifty-six and seventy of that Act, to Parts I and II of the Third Schedule to that Act, and to the first day of March, nineteen hundred and forty-eight, there shall be substituted respectively references to the Scottish Act of 1949, to sections forty-five, forty-six, fifty-four, fifty-five, fifty-six and sixty-eight of that Act, to Parts I and II of the First Schedule to that Act, and to the first day of November, nineteen hundred and forty-eight.

25.—(1) Where a tenant of an agricultural holding is entitled to compensation under section twenty-four of this Act in respect of land constituting or forming part of that holding, there shall be deducted from the amount of that compensation, calculated apart from this subsection, the amount of any compensation which would have been recoverable from the tenant by the landlord—

Deductions  
from tenant's  
compensation.

- (a) under section fifty-seven of the Act of 1948 (which relates to compensation for dilapidation, deterioration or damage for which the tenant is responsible), or
- (b) under section fifty-eight of that Act (which relates to compensation for general reduction in the value of the holding due to the tenant's failure to fulfil his responsibilities),

if the tenancy under which that land was held immediately before the date of entry had terminated immediately before that date and the tenant thereunder had then quitted the holding on the termination of his tenancy :

Provided, that for the purposes of this subsection, no account shall be taken of any dilapidation or deterioration of, or damage to, any part of the holding which was not comprised in the compulsory rights order, or of any reduction in the value of any such part of the holding.

(2) For the purposes of the last preceding subsection, any provision of the Act of 1948, whereby any right to compensation is conditional upon the making of a claim, or the giving of notice of intention to make a claim, shall be disregarded.

**PART II**  
—*cont.*

(3) In the application of this section to Scotland, for references to the Act of 1948 and to sections fifty-seven and fifty-eight of that Act there shall be substituted respectively references to the Scottish Act of 1949 and to sections fifty-seven and fifty-eight of that Act.

Compensation  
for short-term  
improvements  
and related  
matters.

**26.**—(1) Where, in the exercise of rights conferred by a compulsory rights order, the Board occupy any land which, immediately before the date of entry, was agricultural land, compensation shall be payable by the Board in respect of any improvements or other matters to which this section applies in relation to that land.

(2) This section applies, in relation to any land,—

- (a) to any improvements, of a description specified in Part I of the Fourth Schedule to this Act, which had been carried out on that land before the date of entry, and
- (b) to any matters, of a description specified in Part II of the Fourth Schedule to this Act, which applied to that land immediately before that date:

Provided that, in relation to land which, immediately before the date of entry, was not occupied by a tenant, Part II of the Fourth Schedule to this Act shall apply subject to the modifications specified in Part III of that Schedule.

(3) Where compensation is payable by the Board under this section in respect of any improvements or other matters, the compensation shall be of an amount equal to the amount of the compensation which would have been payable in respect of those improvements or matters under the Act of 1948 if—

- (a) where the land in question did not form part of an agricultural holding immediately before the date of entry, it had formed part of such a holding immediately before that date, and
- (b) in any case, the tenancy of the agricultural holding comprising that land had terminated on the date of entry and the tenant thereunder had then quitted the holding.

(4) The person entitled to any compensation payable by virtue of this section—

- (a) in the case of land which, immediately before the date of entry, was occupied by a tenant, shall be that tenant, and
- (b) in any other case, shall be the person who was the owner of the land immediately before the date of entry.

(5) If, by virtue of the power conferred by section seventy-eight of the Act of 1948, the provisions of the Fourth Schedule to that Act are varied, the Minister may by order make such corresponding variations in the provisions of Parts I, II and III of the Fourth Schedule to this Act as he may consider appropriate.

**PART II**  
—cont.

(6) In the application of this section to Scotland, the following subsection shall be substituted for subsection (2) of this section:—

“(2) This section applies, in relation to any land, to any improvements of a description specified in Part IV of the Fourth Schedule to this Act, which had been carried out on that land before the date of entry:

Provided that, in relation to land which, immediately before the date of entry, is not occupied by a tenant, Part IV of that Schedule shall apply subject to the modifications set out in Part V of that Schedule”;

in subsection (3) of this section for the reference to the Act of 1948 there shall be substituted a reference to the Scottish Act of 1949; and in subsection (5) of this section, for the references to section seventy-eight of the Act of 1948 and to the Fourth Schedule to that Act there shall be substituted respectively references to section seventy-nine of the Scottish Act of 1949 and to Part III of the First Schedule to that Act, and for the reference to Parts I, II and III of the Fourth Schedule to this Act there shall be substituted a reference to Parts IV and V of that Schedule.

**27.—**(1) Where, in consequence of the confirmation of a compulsory rights order, a person incurs a loss in respect of a forced sale of any property consisting of— Compensation in respect of forced sales.

- (a) livestock, vehicles, plant, equipment or other chattels which are kept on a holding to which (when the order becomes operative) section seventeen of this Act applies, or which are used for the purposes of such a holding, or
- (b) a fixture or building (not falling within the preceding paragraph) which he has removed from such a holding in pursuance of section thirteen of the Act of 1948,

he shall, subject to the following provisions of this section, be entitled to compensation from the Board of an amount equal to that loss.

(2) The preceding subsection shall not apply except where the person incurring the loss is the person who is for the time being entitled to occupy so much of the holding as is comprised in the order, or would be entitled for the time being to occupy it if the order had not been made.

**PART II**  
—*cont.*

(3) A person shall not be entitled to compensation under this section in respect of a forced sale unless he has given to the Board not less than ten days' notice of the intended sale, and has, before the sale, afforded to the Board reasonable facilities to inspect the property intended to be sold, in so far as he was in a position to afford such facilities.

(4) In the application of this section to Scotland, for the reference to section thirteen of the Act of 1948 there shall be substituted a reference to section fourteen of the Scottish Act of 1949.

**Special provisions as to market gardens.**

**28.**—(1) The provisions of this section shall have effect where the land comprised in a compulsory rights order consists of or includes land which, immediately before the date of entry, was agricultural land used as a market garden.

(2) Subject to the next following subsection, section twenty-six of this Act shall have effect in relation to that land as if the descriptions of improvements specified in Part VI of the Fourth Schedule to this Act were included among the descriptions of improvements specified in Part I of that Schedule.

(3) Where the land in question, immediately before the date of entry, was occupied by a tenant, the last preceding subsection shall not apply to any improvements of a description specified in Part VI of the Fourth Schedule to this Act unless they are improvements in respect of which section sixty-seven of the Act of 1948 (which relates to market gardens) has effect, whether by virtue of an agreement or of a direction given under subsection (1) of section sixty-eight of that Act.

(4) In relation to land falling within subsection (1) of this section, any reference in the preceding provisions of this Part of this Act to rights under section thirteen of the Act of 1948 shall include a reference to rights under that section as extended by paragraph (b) of subsection (1) of section sixty-seven of the Act of 1948.

(5) If, by virtue of the power conferred by section seventy-eight of the Act of 1948, the provisions of the Fifth Schedule to that Act are varied, the Minister may by order make such corresponding variations in the provisions of Part VI of the Fourth Schedule to this Act as he may consider appropriate.

(6) In the application of this section to Scotland, for the references to section sixty-seven of the Act of 1948 and to paragraph (b) of subsection (1) of that section, there shall be substituted respectively references to section sixty-five of the Scottish Act of 1949 and to paragraph (b) of subsection (1) of that section; for the references to subsection (1) of section sixty-eight of the Act of 1948 and to section thirteen of that Act there shall

be substituted respectively references to subsection (1) of section sixty-six of the Scottish Act of 1949 and to section fourteen of that Act; for the references to section seventy-eight of the Act of 1948 and to the Fifth Schedule to that Act there shall be substituted respectively references to section seventy-nine of the Scottish Act of 1949 and to the Fourth Schedule to that Act; and for the reference to Part I of the Fourth Schedule to this Act there shall be substituted a reference to Part IV of that Schedule.

PART II  
—cont.

*Compensation in respect of non-agricultural land*

29.—(1) Where land, immediately before the operative date of a compulsory rights order,—

(a) was occupied as a unit, but

(b) was not so occupied wholly or mainly for the purposes of agriculture carried on by way of a trade or business,

the entirety of that land (excluding the coal and any other minerals vested in the Board) shall be taken, in relation to that compulsory rights order, to constitute a holding to which this section applies.

Annual and terminal compensation, and compensation in respect of forced sales.

(2) The provisions of subsections (1), (3) and (4) of section seventeen of this Act, the provisions of sections eighteen to twenty of this Act, and the provisions of section twenty-seven of this Act, shall have effect in relation to a holding to which this section applies as they have effect in relation to a holding to which section seventeen of this Act applies:

Provided that the provisions of section twenty-seven of this Act shall have effect, in relation to a holding to which this section applies, as if, in paragraph (b) of subsection (1) of that section, for the reference to such a fixture or building as is therein mentioned, there were substituted a reference to any trade or other fixture (not falling within paragraph (a) of that subsection) which the person in question has lawfully removed from the holding.

(3) The provisions of section twenty-one of this Act (except subsection (2) of that section) and the provisions of sections twenty-two and twenty-three of this Act shall have effect in relation to a holding to which this section applies as they have effect in relation to a holding to which section twenty-one of this Act applies.

30.—(1) The provisions of this section shall have effect where the land comprised in a compulsory rights order consists of or includes land which—

Non-agricultural tenant's improvements.

(a) immediately before the date of entry, constitutes or forms part of a holding to which Part I of the Act of 1927 applies, and

PART II  
—cont.

(b) is land on which, before that date, there have been carried out improvements qualifying for compensation under that Act.

In the following provisions of this section land comprised in a compulsory rights order which falls within paragraphs (a) and (b) of this subsection is referred to as “the tenant’s land”.

(2) If at the end of the period of occupation—

(a) the tenant’s land has lost the benefit of any of the improvements, and

(b) that land is subject to the same tenancy as immediately before the date of entry,

and that tenancy continues until after the end of the period of occupation, the provisions of the Act of 1927 as to compensation for improvements shall apply as mentioned in the next following subsection.

(3) The said provisions of the Act of 1927 shall apply as if—

(a) the tenant’s land were in the state in which it was immediately before the date of entry ;

(b) the tenancy under which that land is held at the end of the period of occupation had terminated immediately after the end of that period and the tenant thereunder had then quitted the holding ; and

(c) it were established that, after the termination of that tenancy, there was no intention to demolish or make structural alterations in any premises on the tenant’s land or any part of such premises or to change the use of that land or any premises thereon :

Provided that, if the tenant’s land has lost the benefit of some of the improvements in question, but has not lost the benefit of all of them, those provisions of the Act of 1927 shall apply as mentioned in paragraphs (a) to (c) of this subsection, but as if the improvements of which the tenant’s land has not lost the benefit had not been improvements qualifying for compensation under that Act.

(4) For the purposes of the last preceding subsection the tenant’s land shall be taken to have lost the benefit of an improvement if the benefit of that improvement has been lost (wholly or in part) without being replaced by another improvement of comparable benefit to the land.

(5) The provisions of the Act of 1927 referred to in subsection (2) of this section shall be taken to include any provisions of that Act as to the making of claims for any such compensation as is mentioned in that subsection, as to the calculation of any such compensation and the determination of such claims, as to the recovery of any such compensation, and as to any other matters incidental thereto :



Provided that the provisions of the Act of 1927 as to the making of such claims shall apply with the modification that the time for making a claim shall be any time not later than three months after the end of the period of occupation.

(6) In this section any reference to an improvement qualifying for compensation under the Act of 1927 is a reference to an improvement in respect of which, immediately before the date of entry, the tenant of the holding in question had a prospective right to compensation under that Act on quitting the holding on the termination of his tenancy.

(7) In determining whether the conditions specified in the last preceding subsection are fulfilled, no account shall be taken of any provisions of the Act of 1927 whereby a right to compensation is conditional upon the making of a claim, or is liable to be affected by the service of a notice by the landlord.

(8) In this section “the Act of 1927” means the Landlord and Tenant Act, 1927, and “improvement” includes the erection of a building.

(9) In the application of this section to Scotland, for any reference to the Act of 1927, or to any provision thereof, there shall be substituted a reference to any term of the tenant’s lease entitling him to compensation for improvements; and paragraph (c) of subsection (3) shall be omitted.

#### *Compensation in respect of other matters*

31.—(1) The provisions of this section shall have effect where, by reason of a compulsory rights order or of anything done in the exercise of rights conferred by such an order, the exercise of an easement or similar right over any land comprised in the order, or of any right restrictive of the use of any such land, is prevented or injuriously affected:

Compensation  
in respect of  
easements and  
other rights.

Provided that this section shall not apply to any easement or other right which consists of any such right as is mentioned in subsection (2) or subsection (3) of section seven of this Act.

(2) For the year beginning with the operative date of the order, and for each subsequent year which begins with an anniversary of that date and falls within the period of occupation, the person for the time being entitled to the easement or right in question shall be entitled to compensation from the Board of an amount equal to the loss (if any) suffered by him by reason that the exercise of the easement or right is prevented or injuriously affected as mentioned in the preceding subsection.

(3) Where, after the end of the period of occupation, the exercise of the easement or right continues to be prevented or injuriously affected by reason of anything done during that period

PART II  
—cont.

in the exercise of rights conferred by the compulsory rights order,—

- (a) if that easement or right is appurtenant to, or the benefit thereof is in any other way annexed to, any land, the person who, at the end of the period of occupation, is the owner of that land shall be entitled to compensation from the Board of an amount equal to the diminution (if any) in the value of that land, in so far as any such diminution is attributable to the fact that the exercise of the easement or right is so prevented or injuriously affected;
- (b) in any other case, the person who at the end of the period of occupation is entitled to the right in question shall be entitled to compensation from the Board of an amount equal to the market value which the right would then have if its exercise were not so prevented or affected, reduced by the amount of any market value which the right actually has at the end of that period.

(4) For the purposes of paragraph (a) of the last preceding subsection the value of the land in question shall be taken to have been diminished if (and to the extent to which) the value of a freehold interest in that land at the end of the period of occupation is less than the value which such an interest would then have if the land comprised in the order, over which the easement or right is exercisable, were in the state in which it was immediately before the date of entry; and for the purpose of computing those values the provisions of subsection (4) of section twenty-three of this Act shall apply as they apply for the purposes of subsection (2) of that section, but with the substitution, for references to the holding, of references to the land to which the benefit of the easement or right is annexed.

(5) In relation to common or waste lands (within the meaning of the Lands Clauses Consolidation Act, 1845) the Minister may make regulations modifying the operation of the preceding provisions of this section so as to secure that compensation under this section in respect of commonable or other rights (being rights which, if the land were being compulsorily purchased in accordance with that Act, would be subject to compensation assessed globally, and apportioned among the persons entitled to the rights) shall be assessed globally, and apportioned among the persons entitled thereto, in such manner as the Minister may consider appropriate.

(6) In the application of this section to Scotland, for the reference to common or waste lands within the meaning of the Lands Clauses Consolidation Act, 1845, there shall be substituted a reference to lands of the nature of commonalty within the meaning of the Lands Clauses Consolidation (Scotland) Act, 1845.

**32.—(1) This section applies, in relation to a compulsory rights order, to any land which—**

**PART II**  
**—cont.**

- (a) does not form part of the land comprised in the order, or of any holding to which section seventeen or section twenty-nine of this Act applies, but
- (b) immediately before the operative date of the order, is land wherein the interest of the owner is held by a person who is also the owner of the whole or part of the land comprised in the order.

Compensation for depreciation of other land in same ownership.

(2) Where a compulsory rights order has become operative, and in the case of any land which, in relation to that order, is land to which this section applies (in this and the next following subsection referred to as “the relevant land”) it is shown that for any year (being either the year beginning with the operative date of the order, or a year beginning with an anniversary of that date and falling within the period of occupation) the annual value of the relevant land is less than the annual value of that land would have been if—

- (a) the land comprised in the order had not included any of the owner’s land comprised therein, and
- (b) all the owner’s land comprised in the order had remained in the state in which it was immediately before the operative date,

the person who is for the time being the owner of the relevant land shall be entitled to compensation from the Board for that year of an amount equal to the difference.

(3) Subsection (2) of section eighteen of this Act shall apply for the purposes of the last preceding subsection as it applies for the purposes of that section, so however that the appropriate circumstances referred to in the said subsection (2),—

- (a) in determining the annual value of the relevant land for any year, shall be taken to be the actual circumstances existing immediately before the beginning of that year, and
- (b) in determining what would have been the annual value of the relevant land in the circumstances specified in paragraphs (a) and (b) of the last preceding subsection, shall be taken to be the circumstances specified in those paragraphs:

Provided that in either case the relevant land shall be assumed to have been available for letting with vacant possession immediately before the beginning of the year in question.

(4) Where a compulsory rights order has become operative, and in the case of any land which, in relation to that order, is land to which this section applies it is shown that the value at

**PART II**  
—cont.

the end of the period of occupation of the interest in that land which then constitutes the interest of the owner thereof (in this and the two next following subsections referred to as “ the owner’s interest in the relevant land ”), computed in accordance with paragraph (a) of the next following subsection, is less than the value of that interest computed in accordance with paragraph (b) of that subsection, the person who at the end of that period is entitled to the owner’s interest in the relevant land shall be entitled to compensation from the Board of an amount equal to the difference.

(5) For the purposes of the last preceding subsection there shall be computed the following values, that is to say,—

- (a) the value at the end of the period of occupation of the owner’s interest in the relevant land, assessed on the assumption that, in so far as any of the owner’s land comprised in the order has not then been restored to the condition in which it was immediately before the date of entry, there will be carried out on that land in due course all such work as would qualify for compensation under section twenty-two of this Act ;
- (b) the value which, at the end of the period of occupation, the owner’s interest in the relevant land would have if the entirety of the owner’s land comprised in the order were in the state in which it was immediately before the date of entry.

(6) In computing value as mentioned in paragraph (a) or paragraph (b) of the last preceding subsection, it shall be assumed that the owner’s interest in the relevant land is, in the circumstances mentioned in the paragraph in question, being offered for sale subject to any incumbrances to which that interest is subject at the end of the period of occupation.

(7) For the purposes of the operation of this section in relation to a compulsory rights order—

- (a) any reference to the owner’s land comprised in the order is a reference to so much of the land comprised in the order as, immediately before the operative date, was land wherein the interest of the owner was held by the following person, that is to say,—
  - (i) where the reference in question is in subsection (2) of this section, the person who was then the owner of the relevant land within the meaning of that subsection ;
  - (ii) where the reference is in subsection (5) of this section, the person who was then entitled to the owner’s interest in the relevant land within the meaning of that subsection ;

- (b) any reference to work which would qualify for compensation under section twenty-two of this Act, in relation to any land, is a reference to work for the purpose of further restoring that land to or towards the condition in which it was immediately before the date of entry, or a condition substantially similar thereto, being work in respect of which (in so far as the nature of the work is concerned) expenses would be treated as reasonably incurred for the purposes of subsection (1) of that section ; and
- (c) any reference to the carrying out of any such work in due course is a reference to its being carried out at the first reasonable opportunity after the end of the period of occupation, or within a reasonable time after that opportunity arises.

PART II  
—cont.

33.—(1) The provisions of the Fifth Schedule to this Act shall have effect where the land comprised in a compulsory rights order consists of or includes land which, immediately before the operative date of the order,—

Compensation  
in respect of  
minerals.

- (a) is subject to a mining lease or order conferring working rights the benefit of which is held for the purposes of a mineral undertaking, or
- (b) is land wherein the interest of the owner of the land or of any stratum thereof (whether on or below the surface) is held for the purposes of a mineral undertaking.

(2) The provisions of this Part of this Act, other than this section, shall have effect subject to the provisions of that Schedule in cases falling within that Schedule.

#### *Supplementary provisions as to compensation*

34. The provisions of the Sixth Schedule to this Act shall have effect as to the application of the preceding provisions of this Part of this Act in cases falling within that Schedule.

Provisions as to  
compensation  
in special cases.

35.—(1) Subject to the provisions of Part III of this Act as to claims for compensation under this Act, the provisions of this section shall have effect as to compensation payable by the Board by virtue of this Part of this Act.

Time when  
compensation  
accrues due.

(2) In respect of any compensation payable by virtue of section seventeen of this Act, or by virtue of that section as applied by section twenty-nine of this Act, or by virtue of subsection (2) of section thirty-one or subsection (2) of section thirty-two of this Act or of paragraph 4, paragraph 5 or paragraph 12 of the Fifth Schedule to this Act,—

- (a) the Board shall make such quarterly payments as may be reasonable in the circumstances ;

**PART II**  
—*cont.*

- (b) subject to the preceding paragraph, the Board shall not be required to make payments until after the end of the year for which the compensation is payable ;
- (c) if the amount of the compensation payable to any person for any year exceeds the aggregate amount of the quarterly payments made on account thereof during that year, the balance shall be payable together with interest on the amount of the balance from the end of that year to the date of payment ;
- (d) if the aggregate amount of the compensation paid to a person for any year in respect of any such compensation (excluding any amount paid on account of interest) exceeds the principal amount of the compensation payable to him for that year, the Board (without prejudice to any right of recovery apart from this subsection) shall be entitled to deduct the amount of the overpayment from any compensation payable to that person for any subsequent year.

(3) Subject to the last preceding subsection, any such compensation as is therein mentioned shall be considered as accruing due from day to day and shall be apportionable in respect of time accordingly.

(4) Any compensation payable—

- (a) under section twenty-three of this Act, or
- (b) under that section as applied by section twenty-nine of this Act, or
- (c) under subsection (3) of section thirty-one of this Act, or
- (d) under subsection (4) of section thirty-two of this Act, or
- (e) under paragraph 8, paragraph 10 or paragraph 13 of the Fifth Schedule to this Act, or
- (f) under section fifty-two of this Act,

shall accrue due at the end of the period of occupation.

(5) Any compensation under section twenty-six of this Act shall accrue due at the beginning of the period of occupation.

(6) Any compensation payable under section twenty-seven of this Act, or under that section as applied by section twenty-nine of this Act, in respect of a forced sale shall accrue due on the effective date of the sale, or, if that date was before the operative date of the order, shall be treated as having accrued due on the effective date of the sale.

(7) Any compensation payable by the Board as mentioned in any of subsections (4) to (6) of this section, if not paid within the period of thirty days beginning with the date on which it accrues due, shall be payable together with interest thereon, from the date on which it accrues due to the date of payment.

(8) The Treasury may by order prescribe the rate of interest for the purposes of this section ; and where in accordance with the preceding provisions of this section any compensation is payable with interest, the rate of interest shall be the rate for the time being in force by virtue of an order under this subsection.

(9) In this section “quarterly payments” means payments calculated by reference to the usual quarter days, and “effective date”, in relation to a sale, means the date on which the property sold becomes the property of the purchaser.

36.—(1) For the purpose of facilitating the assessment of compensation under this Part of this Act, the Board shall cause records to be made in accordance with the following provisions of this section. Record of condition of land.

(2) In the case of an opencast site order, where the Board have published, served and affixed notices under subsection (2) of section five of this Act, the Board shall cause a record to be made of the condition, as on the date of entry,—

- (a) of all the land comprised in the order, and
- (b) of any other land which, in relation to that order, forms part of a holding to which section seventeen or section twenty-nine of this Act applies :

Provided that, in relation to an opencast site order made in accordance with section eight of this Act, this subsection shall apply as if paragraph (b) thereof were omitted.

(3) In the case of any compulsory rights order (other than any order made in accordance with section eight of this Act) the Board shall, at the end of the period of occupation, cause a record to be made of the condition, as at the end of that period, of all the land comprised in the order.

(4) Any record of the condition of land made under this section shall be made in pursuance of a comprehensive survey of the land, in so far as such a survey can be carried out by inspection and without any operations involving the excavation of land or the making of borings therein, and shall include all such particulars of the land and of things in or on the land as are reasonably required for recording the results of such a survey.

(5) Where the Board have caused a record to be made under this section they shall—

- (a) in the case of a record made under subsection (2) of this section, within twenty-one days after the date of entry, and

**PART II**  
—cont.

- (b) in the case of a record made under subsection (3) of this section, within twenty-one days after the end of the period of occupation,

serve on every person who is then known to them to be a person directly concerned a notice in the prescribed form together with a copy of the record.

(6) If any person, to whom a copy of a record is sent under this section, gives notice of objection to the Board, within twenty-one days after the date on which the copy was sent to him, requiring the record to be amended in one or more respects specified in the notice, then—

- (a) if all the persons whose agreement is requisite agree on an amendment of the record (whether the amendment is that specified in the notice of objection or another amendment in substitution for it), the Board shall cause the record to be amended accordingly ;
- (b) if no such agreement is reached, and the objection is not withdrawn, the matter in dispute shall be determined by arbitration.

(7) For the purposes of the last preceding subsection, the persons whose agreement is requisite shall be the Board, the person who gave the notice of objection, and all other persons to whom copies of the record were sent under this section.

(8) For the purposes of any arbitration under paragraph (b) of subsection (6) of this section—

- (a) the reference shall be to a single arbitrator appointed by the Board and the person who gave the notice of objection in consequence of which the dispute arose ;
- (b) except in relation to the appointment of an arbitrator, all persons whose agreement is requisite for the purposes of that subsection shall be parties to the reference.

(9) With respect to professional and other fees incurred by persons in obtaining advice or conducting negotiations with regard to any record made under this section, the Minister may make regulations requiring the Board, within such limits (whether as to descriptions of fees, or as to amount, or otherwise) and subject to such conditions as may be prescribed, to pay fees so incurred :

Provided that no regulations under this section shall apply to any fees in so far as they form part of the costs of an arbitration under this section, or shall affect any power of an arbitrator with respect to any such costs.

(10) In the application of this section to Scotland, for references to costs, and to an arbitrator, there shall be substituted respectively references to expenses and to an arbiter.



## PART III

## MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

**37.** The provisions of the Seventh Schedule to this Act shall have effect as to matters arising between landlords and tenants, or (in England and Wales) between mortgagees and mortgagors, or in respect of mining leases or orders conferring working rights, as mentioned in that Schedule, in consequence of the coming into operation of a compulsory rights order or the occupation or use of land in the exercise of rights conferred by such an order.

Consequential adjustments between landlords and tenants and in respect of mortgages and mining leases and orders.

**38.** Where a compulsory purchase order (within the meaning of the Acquisition of Land Act or, in Scotland, the Scottish Acquisition of Land Act) has been submitted or prepared, and—

(a) the land comprised in the order includes land which is comprised in an authorisation under section one of this Act and is for the time being occupied by the Board for the authorised purposes, and

Protection from compulsory purchase of land occupied for authorised purposes.

(b) within the time limited for making objections to the order, the Board give notice of that fact to the Minister to whom the order has been submitted, or by whom it has been prepared, as the case may be, specifying the land comprised in the authorisation which is occupied as mentioned in the preceding paragraph,

the compulsory purchase order shall not be confirmed or made so as to authorise the compulsory purchase of any of the land specified in that notice, unless the Minister of Power is satisfied that it can be purchased without serious detriment to the fulfilment of the authorised purposes.

**39.—(1)** Where it appears to the Minister to be expedient that any land should be prospected—

Entry on land.

(a) for the purpose of ascertaining whether the land contains coal suitable for working by opencast operations, and, if so, what quantity of such coal it contains, and how the coal in question could best be so worked, or

(b) for the purpose of ascertaining whether the land would be suitable for use for any purposes connected with the working of coal on any adjacent land by opencast operations, including purposes of access and of restoring land affected by the working of coal by such operations,

the Minister may give a direction designating that land as land in relation to which, during such period as may be specified

**PART III**  
—*cont.*

in the direction, the powers conferred by the next following subsection are to be exercisable, subject to such conditions (if any) as may be specified in the direction.

(2) Subject to the following provisions of this section, during any period for which, by virtue of such a direction, the powers conferred by this subsection are exercisable in relation to land designated in the direction, and subject to compliance with any conditions specified in the direction, any person authorised in writing by the Board may, at any reasonable time, for either of the purposes mentioned in the preceding subsection,—

- (a) enter upon that land, or upon any other land to which entry is required for obtaining access to that land ;
- (b) carry out on the land designated in the direction such operations as may be requisite, in relation to that land, for either of the purposes mentioned in the preceding subsection ; and
- (c) remove from the land designated in the direction any samples of minerals or of other substances obtained by carrying out any such operations thereon, and dispose of any such samples as the Board think fit :

Provided that nothing in this subsection shall be construed as authorising any interference with the exercise of a public right of way, or any contravention of a prohibition or restriction imposed by or under an enactment (whether contained in a public general Act or in any other Act).

(3) Subject to the following provisions of this section, any person authorised in writing by the Board may, at any reasonable time, enter upon and survey any land (whether comprised in a direction under subsection (1) of this section or not),—

- (a) for any purpose in connection with, or preparatory to, an application for an authorisation under section one of this Act or the making or confirmation of any order under Part I of this Act ; or
- (b) (where an authorisation under section one of this Act has been granted) for any purpose in connection with, or preparatory to, the carrying out of any authorised operations or the performance of any functions under Part I of this Act, not being a purpose for which a right of entry is exercisable apart from this paragraph ; or
- (c) for the purpose of estimating value, or assessing loss, in connection with any claim for compensation under this Act ; or

(d) for the purpose of affixing on land any notice in accordance with any of the provisions of the First, Second or Ninth Schedule to this Act.

(4) Nothing in this section shall authorise any person to enter upon any land which is covered by buildings.

(5) A person authorised under this section to enter upon any land shall, if so required, produce evidence of his authority before entering thereon, or while remaining thereon, and (subject to the following provisions of this section) shall not demand admission as of right to any land which is occupied unless forty-two days' notice of the intended entry has been given to the occupier and to the owner of the land :

Provided that this subsection, in so far as it relates to the giving of notice, shall not apply where entry is required only for the purpose of affixing on land any notice in accordance with any of the provisions of the First, Second or Ninth Schedule to this Act.

(6) Where, in the exercise of the powers conferred by subsection (2) of this section, it is proposed to enter upon any land and carry out thereon any operations involving the excavation of the land, or the making of borings therein,—

(a) the power to carry out those operations shall not be exercisable unless the notice under the last preceding subsection included notice of the intention to carry out those operations ; and

(b) if the land in question is held by the persons carrying on a statutory undertaking, or a sewerage undertaking or sewage disposal undertaking, or is held by a river board or other drainage authority, and those persons or that authority object to the proposed operations on the ground that the carrying out thereof would be seriously detrimental to the carrying on of their undertaking, or, in the case of a river board or other drainage authority, to the performance of their functions, the operations shall not be carried out except with the consent of the appropriate Minister.

(7) Where in the exercise of any power conferred by this section any damage is caused to land or to chattels, any person interested in the land or chattels shall be entitled to compensation in respect of that damage from the Board ; and where in consequence of the exercise of any such power any person is disturbed in his enjoyment of any land or chattels, he shall be entitled to compensation from the Board in respect of the disturbance.

**PART III**  
—*cont.*

(8) Any person who wilfully obstructs a person acting in the exercise of his powers under this section shall be liable on summary conviction to a fine not exceeding twenty pounds.

(9) Any power conferred on a person by virtue of this section shall be exercisable by him either alone or with other persons, and shall be exercisable together with any vehicles, apparatus, materials or animals required for the purpose for which the power is exercised.

(10) Any reference in this section to Part I of this Act, or to the First or Second Schedule thereto, includes a reference to the provisions of any enactment as applied by the said Part I, or by that Schedule, as the case may be.

**Claims for  
compensation  
payable by  
Board.**

**40.—**(1) Compensation under this Act shall not be payable by the Board unless a claim for it is duly made to the Board.

(2) Regulations made under this section by the Minister may—

- (a) require claims for compensation under this Act to be made in such form, and within such time, as may be prescribed by the regulations ;
- (b) require a claimant to provide such evidence in support of the claim, and such information as to the interest of the claimant in land to which the claim relates, and as to the interests of other persons therein which are known to the claimant, as may be so prescribed ;
- (c) include provisions as to professional and other fees incurred by claimants in preparing and supporting claims for compensation under this Act, requiring the Board, within such limits (whether as to descriptions of fees, or as to amount, or otherwise) and subject to such conditions as may be prescribed, to pay fees so incurred :

Provided that no such regulations, in so far as they are made under paragraph (c) of this subsection, shall apply to the costs of any proceedings before a court or tribunal, or shall affect any power of a court or tribunal with respect to any such costs.

(3) Any dispute—

- (a) as to a right to compensation from the Board under this Act, or as to the amount of any such compensation, or
- (b) as to a right to the payment of any fees by virtue of regulations made under this section, or under section thirty-six of this Act, or as to the amount of the fees payable in any case by virtue of any such regulations, or
- (c) as to the amount of the quarterly payments payable in accordance with subsection (2) of section thirty-five of this Act in respect of any such compensation as is mentioned in that subsection,

shall be determined by the Lands Tribunal.

(4) References in this section to compensation under this Act do not include any compensation payable in accordance with any enactment applied by section thirteen or section sixteen of this Act, or any sum payable in accordance with any enactment applied by section forty-five of this Act.

(5) In the application of this section to Scotland, any reference to costs shall be construed as a reference to expenses.

**41.—**(1) The provisions of the Eighth Schedule to this Act shall have effect with respect to tenancies of allotments (including tenancies of allotment gardens). Provisions as to allotment gardens and other allotments.

(2) In this Act “allotment” has the meaning assigned to it by section three of the Allotments Act, 1922, and “allotment garden” has the meaning assigned to it by section twenty-two of that Act.

(3) In the application of this Act to Scotland, “allotment” has the like meaning as in the Allotments (Scotland) Acts, 1892 to 1950, and “allotment garden” has the meaning assigned to it by section nineteen of the Allotments (Scotland) Act, 1922.

**42.—**(1) The provisions of this section shall have effect where any compensation is payable by the Board under this Act, and apart from this section would be payable to a person in right of an interest in land held by him for religious purposes: Special provisions as to property held for religious purposes.

Provided that this section shall not apply to any compensation payable by virtue of section twenty-two of this Act.

(2) If the land, not being land in Scotland, Wales or Monmouthshire, is ecclesiastical property, the compensation shall be paid to the Church Commissioners.

(3) If the land, being land in Scotland, is property belonging to the Church of Scotland, the compensation shall be paid to the general treasurer of that Church.

(4) If, in the case of land not falling within subsection (2) or subsection (3) of this section, the Board are so requested by or on behalf of a body of persons notified to the Board by the Minister, after consultation with such persons or organisations as he may think appropriate, as the appropriate representative body, the Board shall pay the compensation to that representative body.

(5) Where apart from this section compensation would be payable to a person as the owner of land, and—

(a) by virtue of subsection (2) or subsection (4) of this section the compensation is payable to the Church Commissioners or a representative body, and

PART III  
—*cont.*

(b) by virtue of the operation in relation to that land of section twenty-four or section thirty of this Act, compensation is recoverable from him by another person, the Church Commissioners or representative body, as the case may be, shall indemnify him against any liability in respect of the compensation referred to in paragraph (b) of this subsection, and for that purpose may apply any money or securities held by them.

(6) Where the fee simple of any ecclesiastical property, not being property in Wales or Monmouthshire, is in abeyance, it shall be treated for the purposes of this Act as being vested in the Church Commissioners.

(7) In this section “ecclesiastical property” means property belonging to an ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of a bishop of a diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.

Provisions as  
to mortgaged  
land and other  
special cases.

43.—(1) For the purposes of Part II of this Act in its application to land in which there is an interest which is subject to a mortgage, a mortgagee shall not be taken to be entitled to occupy that land, or to be the person, who, but for a compulsory rights order, would be entitled to occupy it, unless—

- (a) the interest which is subject to the mortgage is the interest of the person who (apart from the mortgage) is entitled to occupy that land, or who would, but for the compulsory rights order, be entitled to occupy it, and
- (b) the mortgagee is, to the extent of the interest comprised in the mortgage, and subject to the rights conferred by the compulsory rights order, in possession of the land or of the rents and profits thereof.

(2) If, in the circumstances specified in paragraphs (a) and (b) of the last preceding subsection, a mortgagee is the person entitled to any annual compensation under Part II of this Act, any such compensation paid to him shall be applied by him in or towards the satisfaction of interest arising under the mortgage, and, in so far as not so applied, shall be applied towards the reduction of the principal debt secured by the mortgage.

(3) Where under subsection (2) of section thirty-two of this Act a person is entitled to compensation as the owner of any land, and his interest in that land is subject to a mortgage and the mortgagee is, to the extent of that interest, in possession of the land or of the rents and profits thereof, the compensation

shall be paid by the Board to the mortgagee, and shall be paid or applied by him as mentioned in the last preceding subsection.

PART III  
—cont.

(4) Where any compensation payable by the Board under this Act, not being annual compensation or compensation under section twenty-two of this Act, is payable in right of an interest in land which is subject to a mortgage,—

- (a) a claim for the compensation may be made by any mortgagee of the interest, but without prejudice to the making of a claim by the person entitled to the interest ; and
- (b) the compensation payable in respect of the interest shall be paid by the Board to the mortgagee, or, where there is more than one mortgage, shall be payable to the first mortgagee, and, subject to the next following subsection, shall in either case be applied by him as if it were proceeds of sale.

(5) Where apart from the last preceding subsection any compensation falling within that subsection would be payable to a person as the owner of land which is subject to a mortgage, and—

- (a) by virtue of the last preceding subsection that compensation is payable to a mortgagee, and
- (b) by virtue of the operation in relation to that land of section twenty-four or section thirty of this Act, compensation is recoverable from him by another person,

the compensation paid to the mortgagee shall be applied by him in the first place in or towards the payment of the compensation referred to in paragraph (b) of this subsection, and any balance shall be applied as if it were proceeds of sale.

(6) Where any compensation falling within subsection (4) of this section is payable in right of an interest in land which is subject to a settlement, or is otherwise held in such a manner that the person entitled to that interest would not be competent to give an effective discharge for the proceeds of a sale thereof, that compensation shall be paid by the Board to the person who would be competent to give such a discharge.

(7) In this section “ annual compensation ” means any such compensation as is mentioned in subsection (2) of section thirty-five of this Act.

(8) In the application of this section to Scotland—

- (a) for references to a mortgage, to a mortgagor and to a mortgagee there shall be substituted respectively references to a heritable security, to a debtor in a heritable security and to a heritable creditor ;

**PART III**  
—*cont.*

- (b) for references to the first mortgagee there shall be substituted references to that heritable creditor whose security has priority over any other heritable securities secured on the same interest ; and
- (c) for any reference to the application of a sum as if it were proceeds of sale there shall be substituted a reference to the application of a sum as if it were the price realised on the sale by a heritable creditor of land subject to a heritable security.

**Crown land.**

**44.—(1)** Subject to the provisions of this section, the provisions of this Act shall apply in relation to land in which there is a Crown or Duchy interest as they apply in relation to land in which there is no such interest :

Provided that (subject to any express provision in this Act to the contrary) the provisions of this Act shall not apply to any land in which there is a Crown or Duchy interest, but no private interest other than any interest belonging to the Board.

(2) Except with the consent of the appropriate authority—

- (a) no compulsory rights order shall be made in respect of any land in which for the time being there is a Crown or Duchy interest ;
- (b) no order shall be made under section sixteen of this Act in respect of any such land ;
- (c) the powers conferred by section thirty-nine of this Act shall not be exercisable in relation to any such land :

Provided that nothing in this section shall affect the validity or operation of an order, or the exercise of any power, as against any person having, in or over the land in question, any interest or right other than a Crown or Duchy interest.

(3) Where a compulsory rights order is, with the consent of the appropriate authority, made in respect of land in which there is a Crown or Duchy interest, that interest (in so far as the order confers rights exercisable as against all persons directly concerned) shall be treated as not being the interest of a person directly concerned, and no compensation shall be payable by the Board under Part II of this Act in respect of that interest.

(4) In this section “ Crown or Duchy interest ” means an interest belonging to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belonging to the Duchy of Cornwall, or belonging to a government department, or held in trust for Her Majesty for the purposes of a government department ;



“ private interest ” means an interest which is not a Crown or Duchy interest ; and “ the appropriate authority ”—

PART III  
—cont.

- (a) in relation to land belonging to Her Majesty in right of the Crown and forming part of the Crown Estate, means the Crown Estate Commissioners, and, in relation to any other land belonging to Her Majesty in right of the Crown, means the government department having the management of that land ;
- (b) in relation to land belonging to Her Majesty in right of the Duchy of Lancaster, means the Chancellor of the Duchy ;
- (c) in relation to land belonging to the Duchy of Cornwall, means such person as the Duke of Cornwall, or the possessor for the time being of the Duchy of Cornwall, appoints ; and
- (d) in relation to land belonging to a government department or held in trust for Her Majesty for the purposes of a government department, means that department ;

and if any question arises as to what authority is the appropriate authority in relation to any land, that question shall be referred to the Treasury, whose decision shall be final.

(5) The preceding provisions of this section shall apply in relation to land which is subject to a right restrictive of the use thereof, being a right the benefit of which is annexed to land in which there is a Crown or Duchy interest, or (not being so annexed) belongs to Her Majesty in right of the Crown or of the Duchy of Lancaster, or belongs to the Duchy of Cornwall, or belongs to a government department, or is held in trust for Her Majesty for the purposes of a government department, as those provisions apply in relation to land in which there is a Crown or Duchy interest :

Provided that those provisions shall so apply with the necessary modifications, and, in particular, as if the proviso to subsection (1) of this section were omitted, and, in paragraphs (a) to (d) of the last preceding subsection, any reference to land belonging as therein mentioned were a reference to a right the benefit of which belongs, or is annexed to land belonging, as therein mentioned.

45.—(1) Notwithstanding anything in Part I of this Act, none of the rights or powers conferred thereby or by any order made thereunder shall authorise any interference with any telegraphic line belonging to or used by the Postmaster General, or include any right or power to require such a line to be altered.

Provisions  
as to  
telegraphic  
lines.

**PART III**  
—cont.

(2) Where an authorisation has been granted under section one of this Act, and, for the purpose of enabling any authorised operations to be carried out, the Board require an alteration to be made in any telegraphic line of the Postmaster General, the provisions of paragraphs (1) to (8) of section seven of the Telegraph Act, 1878 (which provides for the alteration of such telegraphic lines in the case of work proposed to be done in the execution of an undertaking authorised by an Act of Parliament), shall apply as if the authorised operations were (within the meaning of that section) work proposed to be done in the execution of an undertaking authorised by an Act of Parliament, if apart from this subsection those operations would not be taken to be work so proposed to be done.

(3) Where in pursuance of an order made under section three of the Acquisition of Land Act, as applied by section fifteen of this Act, a public right of way is suspended, and, immediately before the date on which that order became operative, there was under, in, upon, over, along or across the way to which the order relates a telegraphic line belonging to or used by the Postmaster General, the Postmaster General shall have the same powers in respect of that line as if the order had not become operative:

Provided that this subsection shall have effect without prejudice to the provisions of the last preceding subsection.

(4) In this section “telegraphic line” and “alter” have the same meanings as in the Telegraph Act, 1878.

(5) In the application of this section to Scotland, for the reference to the Acquisition of Land Act there shall be substituted a reference to the Scottish Acquisition of Land Act.

Licence to  
work coal by  
opencast  
operations.

46.—(1) Subsection (2) of section thirty-six of the Coal Industry Nationalisation Act, 1946 (which authorises the Board in certain cases to grant licences for the working and getting of coal) shall be amended by inserting at the end of paragraph (b) of that subsection the words “or

(c) coal which, in accordance with the licence, is to be worked by opencast operations, where the amount of coal got by such operations from the area specified in the licence is, in the opinion of the Board, not likely to exceed, or greatly to exceed, twenty-five thousand tons”.

(2) Subsection (1) of section one of this Act shall not apply to the granting of a licence under subsection (2) of the said section thirty-six as amended by the preceding subsection; and

subsection (5) of section two of this Act shall not apply to a refusal of permission for the working of coal in pursuance of such a licence.

**PART III**  
—*cont.*

**47.—**(1) The provisions of the Ninth Schedule to this Act shall have effect as to the service of notices under this Act.

Provisions as to notices and public inquiries.

(2) Subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to local inquiries) shall have effect in relation to any inquiry held under this Act in relation to land in England or Wales (including any inquiry so held under any provisions of the Acquisition of Land Act as applied by this Act) with the substitution, for references to a department, of references to the Minister.

(3) Subsections (2) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947, shall have effect in relation to any inquiry held under this Act in relation to land in Scotland, including any inquiry so held under any provisions of the Scottish Acquisition of Land Act as applied by this Act.

**48.** The transitional provisions contained in the Tenth Schedule to this Act shall have effect for the purposes of this Act.

Transitional provisions.

**49.—**(1) The Minister may make regulations prescribing anything authorised or required to be prescribed for the purposes of any provision of this Act, or for the purposes of any enactment applied by or incorporated with this Act, except any provision whereby anything is expressly authorised or required to be prescribed by some other Minister of the Crown or government department.

Provisions as to regulations and orders.

(2) Any power to make regulations under this Act shall be exercisable by statutory instrument; and any instrument containing any such regulations shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(3) The power to make orders under subsection (5) of section twenty-six of this Act, under subsection (5) of section twenty-eight of this Act, and under subsection (8) of section thirty-five of this Act, shall be exercisable by statutory instrument; and any instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Subject to the following provisions of this section, any power conferred by this Act to make an order or give any directions shall include power, subject to the like provisions and conditions, to vary or revoke the order or directions by a subsequent order or subsequent directions, as the case may be.

**PART III**  
—cont.

(5) A compulsory rights order shall not be varied by extending the period for which it is to have effect:

Provided that—

- (a) in the case of an opencast site order, where the period specified in the order is less than ten years, this subsection shall not prevent the variation of the order by the extension of that period, if the period as extended does not exceed ten years ;
- (b) in the case of a storage site order, where the period specified in the order is a period ending before the tenth anniversary of the date of the commencement of this Act, this subsection shall not prevent the variation of the order by the extension of that period to a date not later than that anniversary.

(6) Subsection (4) of this section shall not affect the revocation of an order made by virtue of section fifteen of this Act where, in accordance with subsection (4) of that section, the Minister is required to revoke the order.

**Expenses.**

**50.** Any expenses incurred for the purposes of this Act by the Minister shall be payable out of moneys provided by Parliament.

**Interpretation.**

**51.—(1)** In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

- “ the Acquisition of Land Act ” means the Acquisition of Land (Authorisation Procedure) Act, 1946 ;
- “ the Act of 1947 ” means the Town and Country Planning Act, 1947 ;
- “ the Act of 1948 ” means the Agricultural Holdings Act, 1948 ;
- “ agriculture ” has the same meaning as in the Agriculture Act, 1947, and “ agricultural ” (except in the expressions “ agricultural holding ” and “ agricultural land ”) shall be construed accordingly ;
- “ agricultural holding ” has the meaning assigned to it by section one of the Act of 1948 ;
- “ agricultural land ” means land used for agriculture which is so used for the purposes of a trade or business ;
- “ appropriate Minister ” in relation to a statutory undertaking has the same meaning as in the Act of 1947, in relation to a sewerage undertaking or sewage disposal undertaking means the Minister of Housing and Local Government, and in relation to a river board or other drainage authority means the Minister of Agriculture, Fisheries and Food ;

- “the authorised purposes” and “authorised operations” have the meanings assigned to them respectively by section one of this Act ;
- “the Board” means the National Coal Board ;
- “coal” means bituminous coal, cannel coal and anthracite ;
- “compulsory rights order” has the meaning assigned to it by section four of this Act ;
- “date of entry” has the meaning assigned to it by section five of this Act ;
- “drainage authority” has the same meaning as in the Land Drainage Act, 1930 ;
- “emergency powers” means any powers exercisable by virtue of the Defence (General) Regulations, 1939, or by virtue of the Requisitioned Land and War Works Act, 1945, or by virtue of the prerogative of the Crown ;
- “functions” includes powers and duties, and references to the performance of functions shall be construed accordingly ;
- “incumbrance”, in relation to any land, includes any interest in or right over that land (including any such right inuring for the benefit of the public or of a section thereof) ;
- “land” includes land covered by water ;
- “local planning authority” and “local authority” have the meanings assigned to them by the Act of 1947 ;
- “minerals” includes stone, slate, clay, gravel, sand and similar deposits ;
- “mineral undertaking” means an undertaking for the working and getting of minerals, whether by underground or by surface working ;
- “mining lease” means a lease for the purpose of working and getting minerals, whether by underground or by surface working ; and in this definition “lease” includes an underlease and an agreement for a lease or underlease and a tenancy agreement, and also includes a licence, but does not include an option to take a lease, underlease or tenancy agreement, and does not include a mortgage ;
- “the Minister” means the Minister of Power ;
- “mortgage” includes any charge or lien on property for securing money or money’s worth, and “mortgagee” and “mortgagor” shall be construed accordingly ;

**PART III**  
—cont.

- “National Trust” has the same meaning as in the Act of 1947;
- “opencast site order” has the meaning assigned to it by section four of this Act;
- “operative date” has the meaning assigned to it by section four of this Act;
- “order conferring working rights” means an order made under Part I of the Mines (Working Facilities and Support) Act, 1923;
- “owner” in relation to land, subject to the next following subsection, means the estate owner in respect of the fee simple thereof;
- “period of occupation” has the meaning assigned to it in relation to opencast site orders by section five and in relation to storage site orders by section six of this Act;
- “persons directly concerned” has (subject to the provisions of sections seven and eight of this Act) the meaning assigned to it in relation to opencast site orders by section five and in relation to storage site orders by section six of this Act;
- “prescribed” means prescribed by regulations made under this Act;
- “restoration”, in relation to land, includes rehabilitation, and “restore” shall be construed accordingly;
- “river board” has the same meaning as in the River Boards Act, 1948;
- “sewage disposal undertaking” means an undertaking for the purification and disposal of the contents of sewers (as defined by the Public Health Act, 1936);
- “sewerage undertaking” means an undertaking for the drainage of any locality by means of sewers (as defined by the Public Health Act, 1936);
- “statutory undertakers” and “statutory undertaking” have the same meanings as in the Act of 1947;
- “storage site order” has the meaning assigned to it by section four of this Act;
- “tenancy” has the meaning assigned to it by the Landlord and Tenant Act, 1954;
- “termination”, in relation to a tenancy, means the cesser of the tenancy, whether by effluxion of time or for any other reason;
- “year” means any period of twelve months.

- (2) In relation to any land which is subject to a long tenancy, “owner” in this Act means the person entitled to that tenancy,

so however that for the purposes of this subsection a long tenancy, which is in reversion expectant (whether immediately or not) upon the termination of another long tenancy, shall be disregarded.

**PART III**  
—cont.

In this subsection “long tenancy” means a tenancy granted for a term of years certain, being a term of ninety-nine years or more, whether subsequently extended (by act of the parties or by virtue of any enactment) or not.

(3) In this Act “similar right”, where the reference is to an easement or similar right in relation to any land, means any of the following rights, that is to say, any right to take game or fish or other sporting right exercisable in respect of that land, any right to fell and remove trees standing thereon, any right to take timber or other wood, water, turf or other materials therefrom, any right to work minerals thereon (otherwise than by virtue of a mining lease or of an order conferring working rights), and any right to depasture cattle or other animals thereon, except any such sporting or other right which—

- (a) subsists only as a right incidental to the ownership of the land in question, or to some other interest therein, or to a right to occupy that land, or
- (b) is exercisable by virtue of a licence granted otherwise than for valuable consideration ;

and any right over land which constitutes an easement or similar right in relation thereto, if apart from this subsection it would not constitute an interest in that land, shall be treated for the purposes of this Act as constituting an interest therein.

(4) For the purposes of any provision of this Act, in so far as it refers to the state or condition in which land was at a time specified in that provision, regard shall be had to all matters relevant to the state or condition of the land at that time, including (but without prejudice to the generality of this subsection) the characteristics of the soil (whether on or below the surface), the presence of any minerals in or under the land, the growth of trees, hedges or other vegetation thereon, and any buildings, structures, apparatus or other works which were on, in, under or over the land at that time ; and any reference in any provision of this Act to the state or condition in which land would have been, or might reasonably have been expected to be, in circumstances specified in that provision, shall be construed accordingly.

(5) Any reference in this Act to the working of coal by opencast operations includes a reference to the getting and winning of coal worked by such operations, and to the carrying away of any such coal from the land on which it has been worked.

**PART III**  
—cont.

(6) Any reference in this Act to the working of coal or other minerals on any land, or to the carrying out of any other operations on any land, shall be construed as including a reference to the working of the coal or other minerals, or the carrying out of those operations, as the case may be, in or under that land.

(7) For the purposes of this Act waste heaps and other deposits resulting from the working of minerals shall be taken to form part of the land on which they are situated, if apart from this subsection they would not be taken to form part thereof, and any reference in this Act to the working of minerals on, in or under land, or to underground or surface working, shall be construed accordingly.

(8) In relation to land comprised in a compulsory rights order, any reference in this Act to the person who would be entitled to occupy that land if the order had not been made shall be construed, in relation to any time before the date of entry thereunder, as a reference to the person who is for the time being entitled to occupy that land.

(9) Except in so far as the context otherwise requires, any reference in this Act to an enactment shall be construed as a reference to that enactment as amended by or under any other enactment.

(10) In the application of this section to Scotland, for references to an underlease there shall be substituted references to a sub-lease, references to the Public Health Act, 1936, shall be omitted, and in subsection (2) the words from “ so however that ” to “ disregarded ” shall be omitted.

**General  
application  
to Scotland.**

**52.**—(1) The provisions of this section shall, in addition to any express provision for the application to Scotland of any provision of this Act, have effect for the general application of this Act to Scotland.

(2) In this Act, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say—

“ agriculture ” has the same meaning as in the Agriculture (Scotland) Act, 1948, and “ agricultural ” (except in the expressions “ agricultural holding ” and “ agricultural land ”) shall be construed accordingly ;

“ agricultural holding ” has the meaning assigned to it by section one of the Scottish Act of 1949 ;

“ appropriate Minister ” in relation to a statutory undertaking has the same meaning as in the Scottish Act of 1947 and in relation to a sewerage undertaking or sewage disposal undertaking or a river purification authority means the Secretary of State ;



- “chattels” means corporeal moveables ;
- “easement” means servitude ;
- “freehold interest” means the interest of the owner of the dominium utile ;
- “land” includes salmon fishings ;
- “local authority”, “local planning authority”, “statutory undertakers”, “statutory undertaking”, “heritable security”, “heritable creditor”, and “National Trust for Scotland” have the same meanings as in the Scottish Act of 1947 ;
- “owner” in relation to land, subject to subsection (2) of the last preceding section, means the owner of the dominium utile ;
- “the Landholders Acts” means the Small Landholders (Scotland) Acts, 1886 to 1931 ;
- “the Scottish Acquisition of Land Act” means the Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947 ;
- “the Scottish Act of 1947” means the Town and Country Planning (Scotland) Act, 1947 ;
- “the Scottish Act of 1949” means the Agricultural Holdings (Scotland) Act, 1949.

(3) For any reference to a river board there shall be substituted a reference to a river purification authority within the meaning of the Rivers (Prevention of Pollution) (Scotland) Act, 1951.

(4) For any reference to the Lands Tribunal there shall be substituted a reference to the Lands Tribunal for Scotland :

Provided that until sections one to three of the Lands Tribunal Act, 1949, come into force as regards Scotland, this subsection shall have effect as if for the reference to the Lands Tribunal for Scotland there were substituted a reference to an official arbiter appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919 ; and sections three, five and six of that Act shall apply, subject to any necessary modifications, in relation to the determination of any dispute under this Act by an arbiter so appointed.

(5) Where, immediately before the coming into operation of an authorisation under section one of this Act, any of the land comprised in the authorisation consists of or includes a holding to which any of the provisions of the Landholders Acts apply or a croft within the meaning of the Crofters (Scotland) Act, 1955, or part of such a holding or croft, the provisions of this

**PART III**  
—cont.

Act shall, in relation to that land, have effect subject to the following modifications, that is to say—

- (a) references to an agricultural holding, to the tenant of an agricultural holding and to the Scottish Act of 1949 shall include respectively references to such a holding or croft as aforesaid, to a landholder or crofter, and to the Landholders Acts or the Crofters (Scotland) Act, 1955, as the case may be and for references to sections fifty-seven and fifty-eight of the Scottish Act of 1949 there shall be substituted references to section ten of the Crofters Holding (Scotland) Act, 1886, or section fourteen of the Crofters (Scotland) Act, 1955, as the case may require:

Provided that for the purposes of section twenty-three of this Act any improvement on the holding for which the landholder or the crofter would on the termination of his tenancy be entitled to compensation under the Landholders Acts or the Crofters (Scotland) Act, 1955, as the case may be, shall be treated as a separate holding, and any compensation payable under the said section in respect of the improvement shall be payable to the landholder or crofter as if he were the owner thereof; and sections twenty-four and twenty-five shall not apply to any improvement in respect of which compensation is so payable;

- (b) any dispute as to a right to compensation under this Act of a landholder or crofter or of the owner of a holding or croft in respect thereof or as to the amount of any such compensation, and any matter arising in relation to a holding or croft which is referred to arbitration under this Act, shall be determined by the Scottish Land Court, and the provisions of the Landholders Acts shall, with any necessary modifications, apply for the purpose as they apply for the determination of matters referred to that Court under those Acts.

(6) For the purposes of any feu charter, feu contract or feu disposition, the owner of any land comprised in a compulsory rights order shall not be taken to be in breach of any obligation or liable to pay any sum by way of damages or penalty or to suffer any forfeiture by reason of anything done or omitted to be done by him by way of permitting or facilitating the occupation or use of that land in the exercise of rights conferred by the order.

(7) Where compensation is payable by the Board under section twenty-three of this Act, or under that section as applied by section twenty-nine thereof, to the owner of any land comprised

in a compulsory rights order by reference to the diminution in value of the land, being land which is subject to a feu duty or a ground annual, and the person who is the superior entitled to the feu duty or the creditor in the ground annual (which person is in this subsection referred to as “ the creditor ”) shows—

- (a) that the amount of the feu duty or ground annual exceeds the annual value of the land at the end of the period of occupation ; and
- (b) that it is unlikely that within a reasonable period such works of restoration will be carried out on the land as will make good the excess ;

the creditor shall be entitled to claim (but without prejudice to the making of a claim by the owner) and to receive payment from the Board in respect of the feu duty or ground annual so much of the compensation which, apart from this subsection, would be payable to the owner as aforesaid as is equal to the capital equivalent of the said excess :

Provided that the creditor shall not be entitled to receive a payment under this subsection until he has executed and delivered any necessary deeds discharging such part of the feu duty or ground annual as is equal to the said excess.

(8) For the purposes of the last preceding subsection the annual value of the land shall be ascertained in accordance with the provisions of subsection (2) of section eighteen of this Act, with the omission, however, of the words “ in the appropriate circumstances ” ; and the capital equivalent of the excess of a feu duty or ground annual over the annual value of land subject to it at the end of the period of occupation shall be taken to be that excess multiplied by the number of years purchase which the feu duty or ground annual might have been expected to realise on a sale thereof in the open market immediately before the beginning of the period of occupation.

**53.**—(1) This Act may be cited as the Opencast Coal Act, 1958. Short title,  
commence-  
ment  
and extent.

(2) This Act shall come into operation on the thirtieth day of September, nineteen hundred and fifty-eight.

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

## SCHEDULES

## FIRST SCHEDULE

Sections 1, 15,  
39.

## PROCEDURE FOR GRANTING AUTHORISATIONS UNDER

## SECTION ONE

1. The Minister shall not grant an authorisation under section one of this Act except in pursuance of an application made by the Board in accordance with the following provisions of this Schedule.

2. Every such application—

(a) shall be in the prescribed form, and shall describe by reference to a map the land which the Board will require to occupy for the purpose of enabling operations which (if the authorisation is granted) will be authorised operations to be carried out (in this Schedule referred to as "the relevant land"), and

(b) shall indicate by reference to the map which are the parts of the relevant land on which it is proposed to work coal by opencast operations.

3.—(1) Every such application shall also include the prescribed information as to the operations proposed to be carried out—

(a) for the purpose of working the coal ;

(b) for the purpose of restoring land affected by the working of the coal or by operations connected therewith ;

(c) for any purpose incidental to either of those purposes.

(2) The information prescribed for the purposes of the preceding sub-paragraph shall be information of such descriptions, and containing such particulars as to the operations proposed to be carried out for the several purposes mentioned in that sub-paragraph, as in the opinion of the Minister would be requisite for enabling him to perform his functions under this Act with due regard to the nature, extent and duration of the proposed operations.

4. Before submitting to the Minister an application for the Minister's authorisation under section one of this Act, the Board shall—

(a) in two successive weeks publish in one or more local newspapers circulating in the locality in which the relevant land is situated and in the London Gazette a notice in the prescribed form stating the intention of the Board to submit the application to the Minister, describing the relevant land, naming a place in the locality where a copy of the application and of the map referred to therein can be inspected, and specifying the time (not being less than twenty-eight days from the first publication of the notice) within which, and the manner in which, objections to the application can be made ;

(b) serve on every local planning authority in whose area any part of the relevant land is situated, and on every other local authority, being the council of a county, county borough or county district, in whose area any part of that land is situated, a notice in the prescribed form stating that the application is intended to be submitted to the Minister.

and specifying the time (not being less than twenty-eight days from the service of the notice) within which, and the manner in which, objections to the application can be made ;

1ST SCH.  
—cont.

- (c) except in so far as the Minister directs that this provision shall not have effect in any particular case, serve a like notice on every owner, lessee and occupier (except tenants for a month or any period less than a month) of any part of the relevant land ;
- (d) in the case of any land with respect to which a direction is given under the last preceding sub-paragraph, affix to some conspicuous object or objects on the land a notice or notices in the prescribed form addressed to “the owners and any occupiers” of the land (describing it) containing the particulars required to be contained in a notice served under the last preceding sub-paragraph :

Provided that no direction under sub-paragraph (c) of this paragraph shall have effect in relation to an owner, lessee or occupier being a local authority or statutory undertakers or the National Trust.

5.—(1) Where under the last preceding paragraph a notice is required to be served on an owner of land, and the land is ecclesiastical property, a like notice shall be served on the Church Commissioners.

(2) In this paragraph “ecclesiastical property” means land belonging to an ecclesiastical benefice, or being or forming part of a church subject to the jurisdiction of the bishop of a diocese or the site of such a church, or being or forming part of a burial ground subject to such jurisdiction.

6.—(1) In the case of any application under this Schedule where the Minister, after consultation with the Board, is satisfied that a compulsory rights order will be required in respect of the relevant land or part thereof, the Minister, if he thinks fit, may give notice to the Board that he does not propose to proceed with the application until the Board have made such an order, and have applied to the Minister for confirmation thereof, and that he will then proceed concurrently with respect to the application for authorisation under section one of this Act and with respect to the application for confirmation of the compulsory rights order.

(2) Where the Minister gives notice to the Board under the preceding sub-paragraph, he shall give a like notice to every local planning authority or other local authority, and to every owner, lessee or occupier, on whom notice was required to be served under paragraph 4 of this Schedule and who has made objection to the application.

(3) Where the Minister has given notice to the Board under this paragraph he shall not (unless he otherwise determines) be required to proceed with the application for authorisation except in accordance with the notice.

7.—(1) Subject to the last preceding paragraph, if no objection is made by any such local planning authority or other local authority as is mentioned in sub-paragraph (b) of paragraph 4 of this Schedule,

1ST SCH.  
—cont.

or by any such owner, lessee or occupier as is mentioned in sub-paragraph (c) of that paragraph, 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 grant the authorisation, either in accordance with the Board's application or subject to such modifications as he may determine.

(2) If any objection duly made by any such local planning authority or other local authority, or by any such owner, lessee or occupier, is not withdrawn, the Minister shall cause a public local inquiry to be held, and shall consider the objection and the report of the person who held the inquiry before determining whether to grant the authorisation; and if he determines to grant it, he may do so either in accordance with the Board's application or subject to such modifications as he may determine.

(3) Without prejudice to the last preceding sub-paragraph, the Minister may, if he thinks fit, cause a public local inquiry to be held before determining whether to grant the authorisation, notwithstanding that no objection has been made as mentioned in that sub-paragraph or that every objection so made has been withdrawn.

(4) In a case where the Minister determines to accede to the application subject to modifications, the authorisation shall not extend to land not comprised in the relevant land as described in the application, and shall not authorise the working of coal by opencast operations on a part of the relevant land which was not indicated in the application as a part of the land on which coal was proposed to be so worked.

8. As soon as may be after the authorisation has been granted, the Board shall publish in one or more local newspapers circulating in the locality in which the relevant land is situated and in the London Gazette a notice in the prescribed form describing the relevant land, stating that the authorisation has been granted, and naming a place in the locality where a copy of the authorisation and of the map referred to therein can be inspected at all reasonable hours, and shall serve a like notice and a copy of the authorisation on any persons on whom notices of the application were required to be served under paragraph 4 of this Schedule.

9. Paragraphs 15 and 16 of the First Schedule to the Acquisition of Land Act (which relate to the validity and date of operation of compulsory purchase orders) shall with the necessary modifications (and, in particular, with the substitution of references to this Act for references to that Act) apply in relation to authorisations under section one of this Act as they apply in relation to compulsory purchase orders.

10. For the purposes of the provisions of paragraph 4 of this Schedule, and of the provisions of paragraph 15 of the First Schedule to the Acquisition of Land Act as applied by the last preceding paragraph, the first publication of a notice shall be treated as taking place on the date on which the notice is first published in accordance with those provisions in a local newspaper, or the date on which it is first published in the London Gazette, whichever is the later date.

11. In the application of this Schedule to Scotland, for references to a county borough, to a county district, to the London Gazette, to the National Trust and to the Acquisition of Land Act there shall be substituted respectively references to a burgh, to a district, to the Edinburgh Gazette, to the National Trust for Scotland and to the Scottish Acquisition of Land Act; and paragraph 5 shall be omitted and paragraph 15 of the First Schedule to the last-mentioned Act shall apply as if sub-paragraph (2) thereof were omitted.

1st Sch.  
—cont.

## SECOND SCHEDULE

Sections 4, 5, 39.

### PROCEDURE RELATING TO COMPULSORY RIGHTS ORDERS

#### PART I

#### *Making, confirmation, validity and date of operation of orders*

1.—(1) Subject to the following provisions of this Part of this Schedule, the provisions of Parts I, III and IV of the First Schedule to the Acquisition of Land Act shall apply in relation to compulsory rights orders as if, in that Schedule,—

- (a) any reference to a compulsory purchase order were a reference to a compulsory rights order;
- (b) any reference to the acquiring authority were a reference to the Board, and any reference to the confirming authority were a reference to the Minister; and
- (c) any reference to authorising the compulsory purchase of land were a reference to operating so as to confer on the Board temporary rights of occupation and use of land.

(2) Any modifications of particular provisions of the said First Schedule which are specified in the following paragraphs of this Part of this Schedule shall have effect, in relation to those provisions, in addition to the general modifications mentioned in the preceding sub-paragraph.

2. Paragraph 1 of that Schedule (which relates to the general effect of the Schedule in relation to the Acquisition of Land Act) shall not apply.

3.—(1) Sub-paragraph (1) of paragraph 3 of that Schedule shall apply with the substitution, for heads (b) and (c) of, and the proviso to, that sub-paragraph, of the following provisions:—

- “(b) serve on the appropriate persons a notice in the prescribed form stating the effect of the order and that it is about to be submitted for confirmation, and specifying the time (not being less than twenty-one days from the service of the notice) within which and the manner in which objections thereto can be made; and
- (c) affix conspicuously to some conspicuous object or objects on the land comprised in the order a notice or notices containing the particulars specified in head (b) of this sub-paragraph”.

2ND SCH.  
—cont.

(2) For the purposes of the provisions of sub-paragraph (1) of the said paragraph 3, as modified by the preceding sub-paragraph, the appropriate persons, in relation to a compulsory rights order, shall be taken to be all persons who, at the time when notice of the order is first published in accordance with those provisions, are known to the Board to be persons directly concerned.

4. Paragraph 4 of the said First Schedule shall apply as if, for any reference to any such owner, lessee or occupier as is therein mentioned, there were substituted a reference to any person who, in relation to the order, is a person directly concerned.

5.—(1) Except where the Minister is proceeding concurrently with respect to an application for an authorisation under section one of this Act and an opencast site order, the Minister may disregard an objection to such an order if he is satisfied that it relates to the question whether an authorisation under section one of this Act should have been, or should be, granted to work the coal in question by opencast operations and either—

(a) it relates exclusively to that question, or

(b) in so far as it relates to other matters, they consist entirely of matters which can be dealt with in the assessment of compensation.

(2) The preceding sub-paragraph shall have effect without prejudice to the operation of sub-paragraph (4) of paragraph 4 of the said First Schedule (whereby objectors can be required to give reasons, and objections relating exclusively to matters of compensation can be disregarded).

6. Paragraph 10 of the said First Schedule shall apply as if the references to the preparation of an order, and to the making of an order, were omitted.

7. In paragraph 11 of the said First Schedule (which relates to land forming part of a common, open space or fuel or field garden allotment)—

(a) any reference to giving other land in exchange shall be construed as a reference to making other land available during the period for which the compulsory rights order is to have effect;

(b) the provisions of that paragraph as to the vesting of land, and to its being made subject to the like rights, trusts and incidents as the land purchased, shall apply with the necessary modifications; and

(c) the provision contained in the said paragraph 11 for discharging land from rights, trusts and incidents to which it was previously subject shall not apply.

8. Paragraph 13 of the said First Schedule shall apply with the substitution, for the reference to the local authority or Minister by whom the order was submitted or prepared, of a reference to the Board.



9. In paragraph 15 of the said First Schedule, the first reference to the Acquisition of Land Act shall be construed as a reference to this Act, and the second reference to that Act shall be construed as including a reference to this Act.

2ND SCH.  
—cont.

10. Paragraph 16 of the said First Schedule shall apply subject to the modification that the date on which the order becomes operative shall be the date mentioned in that paragraph or such later date (not being later than one year after the confirmation of the order) as may be determined by the Minister and specified in the order as confirmed.

11. In the application of the said First Schedule to compulsory rights orders "prescribed" means prescribed by regulations under this Act.

12. In the application of this Part of this Schedule to Scotland, for references to the Acquisition of Land Act, to sub-paragraph (1) of paragraph 3 of the First Schedule to that Act, and to heads (b) and (c) of, and the proviso to, that sub-paragraph, there shall be substituted respectively references to the Scottish Acquisition of Land Act, to paragraph 3 of the First Schedule to that Act, and to sub-paragraph (b) of that paragraph; and the First Schedule to that Act shall apply as if, in paragraph 15, sub-paragraph (2) were omitted.

## PART II

### *Notification of date of entry*

13.—(1) The provisions of this paragraph shall have effect as to the publication, service and affixing of notices as mentioned in subsection (2) of section five of this Act.

(2) The Board shall in two successive weeks publish in one or more local newspapers circulating in the locality in which the land comprised in the compulsory rights order is situated a notice referring to the order and specifying a date as being the date on which the rights conferred by the order are to become exercisable.

(3) The Board shall serve a like notice on every person who, at the time of the first publication of the notice under the last preceding sub-paragraph, is known to the Board to be, in relation to the order, a person directly concerned.

(4) The Board shall also affix conspicuously to some conspicuous object or objects on the land comprised in the order a notice or notices containing the particulars required to be contained in a notice served under the last preceding sub-paragraph.

(5) The notices referred to in sub-paragraphs (3) and (4) of this paragraph shall be served or affixed, as the case may be, either before or after the first publication of the notice required by sub-paragraph (2) of this paragraph, but not later than the end of the period of seven days beginning with the date of the first publication of that notice.

2ND SCH.  
—cont.

14.—(1) If, after the first publication of a notice in accordance with sub-paragraph (2) of the last preceding paragraph, any person who, in relation to the order referred to in the notice, is a person directly concerned claims that any of the relevant requirements have not been complied with, he may, at any time not later than the end of the period of six weeks beginning with the date of the first publication of that notice, make an application to the High Court.

(2) On any such application, the court may by interim order direct, either generally or in relation to any part of the land comprised in the compulsory rights order, that such rights (if any) as may be conferred by the order shall not be exercised until the final determination of the proceedings.

(3) Where, on determining such an application, the court is satisfied that any of the relevant requirements have not been complied with, and that the interests of the applicant have been substantially prejudiced by the failure to comply with them, the court may, by an order made either generally or with respect to so much of the land comprised in the compulsory rights order as may be specified in the order under this sub-paragraph,—

- (a) declare that the rights which (if all the relevant requirements had been complied with) would have been conferred by the compulsory rights order have not become exercisable, and
- (b) direct that the compulsory rights order shall cease to have effect as from such date as may be specified in the order under this sub-paragraph.

15. Subject to the last preceding paragraph, and without prejudice to any application thereunder or to any proceedings on or in consequence of such an application, where the first publication of a notice has been effected in accordance with sub-paragraph (2) of paragraph 13 of this Schedule—

- (a) all the requisite notices of the order referred to in that notice shall be deemed to have been published, served and affixed in accordance with the requirements of the said paragraph 13, and to have specified the date specified in that notice;
- (b) that date shall be deemed for all purposes to be a date satisfying the requirements of subsection (2) of section five of this Act; and
- (c) the exercise of any rights by virtue of the compulsory rights order shall not be questioned in any legal proceedings whatsoever on the ground that any of the relevant requirements have not been complied with.

16. In this Part of this Schedule “the relevant requirements” means the requirements of subsection (2) of section five of this Act and of paragraph 13 of this Schedule.

17. In the application of this Part of this Schedule to Scotland, for any reference to the High Court there shall be substituted a reference to the Court of Session.

## THIRD SCHEDULE

Section 22.

PROVISIONS AS TO COMPENSATION BY WAY OF PAYMENT  
OF COST OF WORKS

## 1. In this Schedule—

“ compensation ” means compensation under section twenty-two of this Act;

“ former use ”, in relation to any land, means the use for which it was used immediately before the operative date of the order in question;

“ proper cost ”, in relation to any work, means such cost as is reasonable, having regard to the prices of materials and rates of remuneration for services current at the time when the work is carried out;

“ the Tribunal ” means the Lands Tribunal.

2.—(1) The Board shall not be required to pay compensation in respect of expenses incurred in carrying out any work unless—

(a) not less than the prescribed length of time before the work was begun, the person incurring the expenses gave to the Board, in the prescribed manner, notice in writing containing adequate particulars of the work, together with a statement of the time when it was proposed to carry out the work and an estimate of the cost of the work, and

(b) at all reasonable times after the service of that notice, that person afforded to the Board reasonable facilities to inspect the land to which the notice related, in so far as he was in a position to afford such facilities.

(2) In the following provisions of this Schedule “ the applicant ”, in relation to a notice under this paragraph, means the person who gave that notice.

3. Where a notice has been given under the last preceding paragraph, the Board, within the prescribed time after the giving of that notice, may serve on the applicant a counter-notice, stating—

(a) that the Board object to the work specified in the applicant’s notice, or to such one or more items thereof as may be specified in the counter-notice, and

(b) that they object thereto on such one or more grounds as may be specified in the counter-notice, being one or more of the grounds mentioned in the next following paragraph.

4. Subject to the next following paragraph, the said grounds, in relation to any work specified in a notice under paragraph 2 of this Schedule, are the following, that is to say,—

(a) that the work could not reasonably be regarded as work falling within paragraph (b) of subsection (1) of section twenty-two of this Act;

(b) that the work is likely to be ineffective, or is by its nature unsuitable to the land in question, or is proposed to be carried out in an unsuitable way;

3RD SCH.  
—cont.

- (c) that the estimated cost of the work is grossly disproportionate to any prospective increase attributable to the work in the value of the land;
- (d) that the work, in a case where the former use of the land in question was agricultural, would not be appropriate to the use of that land for agriculture, or, in any other case, would not be appropriate to the use of that land for its former use;
- (e) that the work would not be required but for dilapidation, deterioration or damage which has occurred since the end of the period of occupation and is attributable to default on the part of the owner or of an occupier of the land;
- (f) that the work, if carried out at the time specified in the applicant's notice, would be premature;
- (g) that the work, if carried out at the time specified in the applicant's notice, would not have been carried out at the first reasonable opportunity after the end of the period of occupation, or within a reasonable time after that opportunity arose.

5.—(1) In so far as a notice given under paragraph 2 of this Schedule (in this paragraph referred to as “the current notice”) specifies any work (in this paragraph referred to as “the new work”) in a case where the applicant has previously given one or more notices under that paragraph specifying similar work which he proposed to carry out in respect of the same land, the last preceding paragraph shall apply in relation to the new work with the substitution, for sub-paragraph (c) of that paragraph, of the following sub-paragraph (in this paragraph referred to as “the substituted sub-paragraph (c)”) :—

“(c) that the aggregate cost of that work and of all relevant work specified in previous notices relating to the same land is grossly disproportionate to the aggregate increase attributable to all such work in the value of the land”.

(2) In the substituted sub-paragraph (c) the reference to the aggregate cost of the new work and of all other relevant work specified in previous notices relating to the same land is a reference to the aggregate of—

- (a) the estimated cost of the new work, and
- (b) the estimated cost of any similar work specified in any previous notice given by the applicant which is still outstanding on the relevant date, and
- (c) the proper cost of any similar work specified in any previous notice given by the applicant in respect of which a claim for compensation has been allowed before the relevant date or is still outstanding on that date.

(3) In the substituted sub-paragraph (c) the reference to the aggregate increase attributable to all such work as is therein mentioned in the value of the land is a reference to the aggregate of—

- (a) the prospective increase in that value attributable to the new work, and
- (b) the prospective increase in that value attributable to any similar work specified in any previous notice given by the applicant which is still outstanding on the relevant date, and

3RD SCH.  
—cont.

- (c) the increase in that value attributable to any similar work specified in any previous notice given by the applicant in respect of which a claim for compensation has been allowed before the relevant date or is still outstanding on that date.
- (4) For the purposes of sub-paragraphs (2) and (3) of this paragraph—
- (a) a previous notice specifying similar work shall be taken to be outstanding on the relevant date if—
- (i) such a notice has been given before the relevant date and has not been withdrawn, and
  - (ii) either the Board have not before that date served a counter-notice objecting to that work, or, if they have served such a counter-notice, that objection has before that date been withdrawn or determined by the Tribunal not to be well-founded, and
  - (iii) no claim for compensation has before the relevant date been made in respect of expenses incurred in carrying out that work;
- (b) a claim for compensation in respect of any work shall be taken to have been allowed before the relevant date if before that date—
- (i) a claim for compensation has been made in respect of expenses incurred in carrying out that work, and
  - (ii) it has been agreed by the Board, or determined by the Tribunal, that compensation is payable in respect of those expenses, whether the amount of compensation so agreed or determined to be payable was the amount claimed or a different amount;
- (c) a claim for compensation in respect of any work shall be taken to be still outstanding on the relevant date if at that date—
- (i) a claim for compensation has been made in respect of expenses incurred in carrying out that work, and
  - (ii) that claim has not been withdrawn, and it has not been determined by the Tribunal that no compensation is payable in respect of those expenses, but
  - (iii) it has not been agreed by the Board, or determined by the Tribunal, that compensation is payable in respect of those expenses.

(5) In this paragraph “similar work”, in relation to the new work, means work directed to the same aspect of restoration as the new work; “previous notice”, in relation to the current notice, means a notice given under paragraph 2 of this Schedule before the date on which the current notice was given; and “the relevant date”, in relation to the current notice, means the date on which the Board serve a counter-notice objecting to the new work, or the date on which the time for serving such a counter-notice expires, whichever is the earlier.

(6) In the following provisions of this Schedule (except where the contrary is expressly provided) any reference to sub-paragraph (c) of the last preceding paragraph, in relation to work to which that paragraph applies in accordance with sub-paragraph (1) of this paragraph, shall be construed as a reference to the substituted sub-paragraph (c), and any reference in this Schedule to the grounds

3RD SCH.  
—cont.

mentioned in the last preceding paragraph shall be construed accordingly.

6. For the purpose of determining whether an objection on the grounds mentioned in sub-paragraph (c) of paragraph 4 of this Schedule is well-founded, the estimated cost of any work shall be taken to be such amount as may be agreed, or determined by the Tribunal, to be a fair estimate of the cost of the work, whether that amount is equal to, or greater or less than, the estimated cost of the work as stated in the applicant's notice specifying that work.

7.—(1) In sub-paragraph (e) of paragraph 4 of this Schedule, the reference to default on the part of the owner or of an occupier of the land shall be construed in accordance with the following provisions of this paragraph.

(2) In relation to agricultural land, the reference to default on the part of the owner shall be construed as a reference to failure on his part to manage the land in accordance with the rules of good estate management, and the reference to default on the part of an occupier of the land shall be construed as a reference to failure on the part of such an occupier to fulfil his responsibilities to farm the land in accordance with the rules of good husbandry.

(3) In relation to any other land, the reference to default on the part of the owner shall be construed as a reference to failure on his part to deal with the land in a proper and due course of management, and the reference to default on the part of an occupier of the land shall be construed as a reference to failure on the part of such an occupier to maintain and use the land in a reasonable manner.

(4) Sections ten and eleven of the Agriculture Act, 1947 (which prescribe tests for determining good estate management and good husbandry) shall apply for the purposes of sub-paragraph (2) of this paragraph.

(5) In the application of this paragraph to Scotland, for the reference to sections ten and eleven of the Agriculture Act, 1947, there shall be substituted a reference to the Fifth and Sixth Schedules to the Agriculture (Scotland) Act, 1948.

8. Where a notice has been given under paragraph 2 of this Schedule, and the applicant has incurred expenses in carrying out any of the work specified in that notice, and claims compensation in respect of those expenses,—

- (a) if the Board have not served a counter-notice under paragraph 3 of this Schedule in respect of that notice, they shall not be entitled to object to that claim on any of the grounds mentioned in paragraph 4 of this Schedule;
- (b) if the Board have served such a counter-notice, they shall not be entitled to object to that claim on any of the grounds mentioned in paragraph 4 of this Schedule, except in so far as the claim relates to items which were specified in the counter-notice and the objection is on grounds which were so specified in relation to those items.

9.—(1) Where a notice has been given under paragraph 2 of this Schedule, and the Board have served a counter-notice objecting to the work specified in the notice, or to one or more items thereof, the

applicant, before beginning to carry out any item to which such an objection relates, may require the question whether the objection is well-founded to be referred to the Tribunal.

3RD SCH.  
—cont.

(2) If on such a reference the Tribunal determines that the objection is not well-founded, and the applicant incurs expenses in carrying out any of the work to which the objection relates and claims compensation in respect of those expenses, then (in addition to any grounds on which the Board are precluded by the last preceding paragraph from objecting to that claim) the Board shall not be entitled to object to that claim on any of the grounds which were the grounds of that objection.

(3) If on such a reference the Tribunal determines that the objection is well-founded, and the applicant incurs expenses in carrying out any of the work to which the objection relates, and claims compensation in respect of those expenses,—

- (a) if the objection was on the grounds mentioned in any of sub-paragraphs (a), (b), (c), (d) and (e) of paragraph 4 of this Schedule, no compensation shall be payable in respect of those expenses;
- (b) if the objection was on the grounds mentioned in sub-paragraph (f) of the said paragraph 4, no compensation shall be payable in respect of those expenses by virtue of the notice referred to in sub-paragraph (1) of this paragraph, but without prejudice to the service of a further notice under paragraph 2 of this Schedule in respect of the work in question;
- (c) if the objection was on the grounds mentioned in sub-paragraph (g) of the said paragraph 4, the expenses shall be disallowed by virtue of this sub-paragraph in so far as (but no further than) they were greater than they would have been if the work to which the objection related had been carried out at the first reasonable opportunity after the end of the period of occupation.

10.—(1) If, in a case where a notice has been given under paragraph 2 of this Schedule, and the Board have served a counter-notice objecting to the work specified in the notice, or to one or more items thereof,—

- (a) the applicant incurs expenses in carrying out work to which the objection relates, without having required the question whether the objection is well-founded to be referred to the Tribunal, and claims compensation in respect of those expenses,
- (b) on a reference to the Tribunal with respect to that claim the Board maintain the objection, and
- (c) on that reference the Tribunal determines that the objection is well-founded,

the provisions of heads (a) to (c) of sub-paragraph (3) of the last preceding paragraph shall apply (subject to the following provisions of this paragraph) as they apply in the circumstances mentioned in that sub-paragraph.

(2) Where the objection was on the grounds mentioned in sub-paragraph (c) of paragraph 4 of this Schedule (otherwise than in a case falling within paragraph 5 of this Schedule) so much of the preceding sub-paragraph as relates to the maintenance of the objection,

3RD SCH.  
—cont.

and to a determination that the objection is well-founded, shall apply as if, in the said sub-paragraph (c), the reference to the estimated cost of the work were a reference to the proper cost of the work.

(3) Where the objection was on the grounds mentioned in the substituted sub-paragraph (c), within the meaning of paragraph 5 of this Schedule, so much of sub-paragraph (1) of this paragraph as relates to the maintenance of the objection, and to a determination that the objection is well-founded, shall apply as if, in the said paragraph 5, any reference to the relevant date were a reference to the date on which the question whether compensation is payable in respect of expenses incurred in carrying out the new work (within the meaning of that paragraph) falls to be determined by the Tribunal, and the objection had been formulated accordingly.

11.—(1) Subject to the next following sub-paragraph, expenses incurred in carrying out any work shall not be treated as having been reasonably incurred as mentioned in paragraph (b) of subsection (1) of section twenty-two of this Act, if the work was begun more than fifteen years after the end of the period of occupation.

(2) The preceding sub-paragraph shall not apply to any work required for making good damage caused by the settlement of soil replaced in the course of restoring the land or any other damage to the land caused by subsidence which is attributable to anything done in the exercise of rights conferred by the compulsory rights order in question.

12. Where it is shown that the expenses incurred in carrying out any work exceeded the proper cost of the work, any claim for compensation in respect of those expenses shall (without prejudice to any other grounds on which the claim may be liable to be disallowed, wholly or in part) be disallowed to the extent of the excess.

13.—(1) Except in so far as objection is made to any work on the grounds mentioned in sub-paragraph (c) of paragraph 4 of this Schedule, and subject to the provisions of this Schedule relating to any such objection, expenses incurred in carrying out any work shall not be disallowed (wholly or in part) on the grounds that the proper cost of that work (or of that work together with any other work) is greater than any increase attributable thereto in the value of the land.

(2) Subject to the preceding sub-paragraph, nothing in the preceding provisions of this Schedule shall be construed as precluding the Board from maintaining any objection to a claim for compensation, in so far as the objection is on any grounds other than those mentioned in paragraph 4 of this Schedule.

Sections 26, 28.

#### FOURTH SCHEDULE

##### SHORT-TERM IMPROVEMENTS AND RELATED MATTERS FOR WHICH COMPENSATION IS PAYABLE

###### PART I

###### *Improvements*

1. Mole drainage and works carried out to secure the efficient functioning thereof.
2. Protection of fruit trees against animals.
3. Chalking of land.



4. Clay-burning.
5. Liming of land.
6. Application to land of purchased manure (including artificial manure).
7. Consumption on the land of corn (whether produced on the land or not) or of cake or other feeding stuff not produced on the land, by—
  - (a) horses, cattle, sheep or pigs ;
  - (b) poultry folded on the land as part of a system of farming practised on the land.

4TH SCH.  
—cont.

## PART II

### *Other matters*

8. Growing crops and severed or harvested crops and produce, being in either case crops or produce grown on the land in the year ending with the date of entry.
9. Seeds sown and cultivations, fallows and acts of husbandry performed on the land at the expense of the tenant.
10. Pasture laid down with clover, grass, lucerne, sainfoin or other seeds, being either—
  - (a) pasture laid down at the expense of the tenant otherwise than in compliance with an obligation imposed on him by an agreement in writing to lay it down to replace temporary pasture comprised in the land when the tenant entered thereon which was not paid for by him ; or
  - (b) pasture paid for by the tenant on entering on the land.
11. Acclimatisation, hefting or settlement of hill sheep on hill land.

## PART III

### *Modifications of Part II of this Schedule in relation to land not occupied by a tenant*

In paragraph 9, the words “ at the expense of the tenant ” shall be omitted.

In paragraph 10, the words from “ being either ” to the end of the paragraph shall be omitted.

## PART IV

### *Improvements (Scotland)*

12. Protecting fruit trees against animals.
13. Chalking of land.
14. Clay-burning.
15. Claying of land.
16. Liming of land.
17. Marling of land.
18. Eradication of bracken, whins, or broom growing on the land at the commencement of a tenancy, and in the case of arable land the removal of tree roots, boulders, stones or other like obstacles to cultivation.

4TH SCH.  
—cont.

19. Application to land of purchased manure (including artificial manure).

20. Consumption on the land of corn (whether produced on the land or not), or of cake or other feeding stuff not produced on the land, by—

(a) horses, cattle, sheep or pigs ; or

(b) poultry folded on the land as part of a system of farming practised on the land.

21. Laying down temporary pasture with clover, grass, lucerne, sainfoin, or other seeds, sown more than two years prior to the date of entry, in so far as the value of the temporary pasture on the land at the date of entry exceeds the value of the temporary pasture on the land at the commencement of the tenancy for which the tenant did not pay compensation.

#### PART V

##### *Modifications of Part IV of this Schedule in relation to land not occupied by a tenant*

In paragraph 18 the words “growing on the land at the commencement of a tenancy” shall be omitted.

For paragraph 21, there shall be substituted the following paragraph:—

“21. Pasture laid down with clover, grass, lucerne, sainfoin or other seeds.”

#### PART VI

##### *Market garden improvements*

22. Planting of standard or other fruit trees permanently set out.

23. Planting of fruit bushes permanently set out.

24. Planting of strawberry plants.

25. Planting of asparagus, rhubarb and other vegetable crops which continue productive for two or more years.

26. Erection, alteration or enlargement of buildings for the purposes of the trade or business of a market gardener.

Sections 33, 35.

### FIFTH SCHEDULE

#### COMPENSATION IN RESPECT OF MINERALS

##### *General provisions*

1.—(1) The provisions of this Schedule shall have effect in relation to land comprised in a compulsory rights order in the circumstances specified in subsection (1) of section thirty-three of this Act ; and any reference in this Schedule to land to which this Schedule applies is a reference to land which, immediately before the operative date of such an order, falls within paragraph (a) or paragraph (b) of that subsection.

(2) In this Schedule “ the mineral operator ”—

- (a) in relation to land which, immediately before the operative date of the order in question, is subject to a mining lease or order conferring working rights as mentioned in paragraph (a) of the said subsection (1), means the person for the time being entitled to the benefit of that mining lease or order, and
- (b) in relation to land which, immediately before that date, is land falling within paragraph (b) of the said subsection (1), means the person for the time being entitled to the interest referred to in that paragraph ;

and, in relation to any land to which this Schedule applies, “ the relevant undertaking ” means the mineral undertaking of the mineral operator.

(3) In this Schedule “ the relevant rights and facilities ”, in relation to a mineral undertaking, means all rights and facilities for the time being available to the person carrying on that undertaking for the purposes of working, getting, carrying away, using, treating, converting and disposing of minerals, whether on land comprised in the compulsory rights order in question or elsewhere.

(4) Any reference in any provision of this Schedule to the exercise of the relevant rights and facilities in the manner in which they might reasonably have been expected to be exercised in circumstances mentioned in that provision shall be construed as including a reference to the exercise of those rights and facilities to the extent to which they might reasonably have been expected to be exercised in those circumstances.

2. Any provision of this Schedule to the effect that a person shall be entitled to compensation, or that compensation shall be payable, shall be construed as a provision that he shall be entitled to compensation from the Board, or that the compensation in question shall be payable by the Board, as the case may be.

*Annual and initial compensation payable to mineral operator*

3. For the year beginning with the operative date of the compulsory rights order, and for each subsequent year which begins with an anniversary of that date and falls within the period of occupation, there shall be assessed—

- (a) the profit or loss which a person carrying on the relevant undertaking might reasonably have been expected to make for that year by the exercise of the relevant rights and facilities if the compulsory rights order had not been made, and
- (b) the profit or loss which such a person might reasonably have been expected to make for that year by the exercise of those rights and facilities in the circumstances existing in that year.

4.—(1) Where the assessment for any year under sub-paragraph (a) of the last preceding paragraph shows a profit, and the assessment under sub-paragraph (b) of that paragraph also shows a profit, but a smaller profit than the assessment under sub-paragraph (a), the mineral operator shall be entitled to compensation for that year of an amount equal to the difference.

5TH SCH  
—cont.

**5TH SCH.**  
**—cont.**

(2) Where the assessment for any year under sub-paragraph (a) of the last preceding paragraph shows a profit, and the assessment under paragraph (b) of that paragraph shows a loss, the amount of that loss shall be added to the amount of that profit, and the mineral operator shall be entitled to compensation for that year of an amount equal to the sum of those amounts.

(3) Where the assessment for any year under sub-paragraph (a) of the last preceding paragraph shows a loss, and the assessment under sub-paragraph (b) of that paragraph also shows a loss, but a greater loss than the assessment under sub-paragraph (a), the mineral operator shall be entitled to compensation for that year of an amount equal to the difference.

5.—(1) For the year beginning with the operative date of the order, the mineral operator (in addition to any compensation payable by virtue of the last preceding paragraph) shall be entitled to compensation of an amount equal to the amount of any expenses reasonably incurred by him which are directly attributable to his being required to vacate land comprised in the order.

(2) Without prejudice to the generality of the preceding sub-paragraph, the expenses referred to in that sub-paragraph shall be taken to include any expenses reasonably incurred by the mineral operator in procuring the cancellation or modification of a contract in force immediately before the operative date, in so far as it is—

- (a) a contract for the supply of goods or the rendering of services which would have been required by him for the purposes of the relevant undertaking if the order had not been made, but in consequence of the order are not required for those purposes, or
- (b) a contract for the supply by him of minerals or other goods which but for the order would have been supplied by him, directly or indirectly, by means of operations on land comprised in the order and, in consequence of the order, cannot be so supplied.

6.—(1) If, in consequence of the confirmation of the compulsory rights order, the mineral operator incurs a loss in respect of a forced sale of any livestock, vehicles, plant, equipment or other chattels which are kept on land comprised in the order, or which are used on any such land for the purposes of the relevant undertaking, the mineral operator shall (subject to the next following sub-paragraph) be entitled to compensation of an amount equal to that loss.

(2) Subsection (3) of section twenty-seven of this Act shall apply for the purposes of this paragraph.

*Terminal compensation payable to mineral operator*

7.—(1) The provisions of this and the next following paragraph shall have effect in relation to land to which this Schedule applies where, after the end of the period of occupation, it continues to be land falling within paragraph (a) or paragraph (b) of subsection (1) of section thirty-three of this Act.

(2) For the purposes of this paragraph there shall be assessed the profit which, for each year after the period of occupation, a person carrying on the relevant undertaking might reasonably have been expected to make by the exercise of the relevant rights and facilities, as those rights and facilities might reasonably have been expected to subsist at the end of the period of occupation, and in the circumstances which might reasonably have been expected to exist at the end of that period, if—

- (a) the compulsory rights order had not been made, and
- (b) during the period of occupation, the person carrying on the relevant undertaking had exercised the relevant rights and facilities in the manner in which (had that order not been made) he might reasonably have been expected to exercise them.

(3) There shall also be assessed the profit which, for each year after the period of occupation, a person carrying on the relevant undertaking might reasonably be expected to make by the exercise of the relevant rights and facilities, as those rights and facilities subsist at the end of the period of occupation, and in the circumstances existing at the end of that period, on the assumption that, during that period, he had exercised the relevant rights and facilities (so far as was reasonably practicable, having regard to the effect of the compulsory rights order) in such manner as in the circumstances he might reasonably have been expected to exercise them.

(4) In this paragraph, and in paragraphs 8 to 10 of this Schedule, “year after the period of occupation” means a year which is either the year beginning with the end of the period of occupation or a year beginning with an anniversary of the end of that period.

8.—(1) For each year after the period of occupation there shall be assessed the following values, that is to say,—

- (a) the current value, as at the end of the period of occupation, of the expectation of making a profit for that year assessed in accordance with sub-paragraph (3) of the last preceding paragraph, and
- (b) the current value, as at the end of the period of occupation, of the expectation of making a profit for that year assessed in accordance with sub-paragraph (2) of that paragraph.

(2) If the aggregate of the values assessed in accordance with head (a) of the preceding sub-paragraph is less than the aggregate of the values assessed in accordance with head (b) thereof, the mineral operator shall be entitled to compensation of an amount equal to the difference.

9.—(1) The provisions of this and the next following paragraph shall have effect in relation to land to which this Schedule applies where, after the end of the period of occupation, it continues to be subject to a mining lease the benefit of which is held for the purposes of a mineral undertaking, and that mining lease contains a provision as to minimum rent.

5TH SCH.  
—cont.

(2) For each year after the period of occupation there shall be assessed the minimum rent liability (if any) which the mineral operator might reasonably have been expected to incur under that mining lease if—

- (a) the compulsory rights order had not been made, and
- (b) during the period of occupation, he had exercised the relevant rights and facilities in the manner in which (had that order not been made) he might reasonably have been expected to exercise them.

(3) For each such year there shall also be assessed, in the circumstances existing at the end of the period of occupation, the minimum rent liability (if any) which the mineral operator might reasonably be expected to incur under that mining lease, on the assumption that, during that period, he had exercised the relevant rights and facilities (so far as was reasonably practicable, having regard to the effect of the compulsory rights order) in such manner as in the circumstances he might have reasonably been expected to exercise them.

(4) In this and the next following paragraph any reference to a minimum rent liability for any year, in relation to a mining lease, is a reference to the difference between—

- (a) the rent payable for that year under that mining lease, and
- (b) the rent which would have been payable for that year under that mining lease if the lease had not contained any provision as to minimum rent.

(5) The preceding provisions of this paragraph shall have effect in relation to an order conferring working rights as they have effect in relation to a mining lease.

(6) In this paragraph “rent” includes yearly or other rent, and any toll, duty, royalty or other annual or periodical payment in the nature of rent, whether payable in money or in money’s worth or otherwise.

10.—(1) The following capital equivalents shall be assessed, that is to say,—

- (a) the capital equivalent, as at the end of the period of occupation, of the aggregate minimum rent liabilities assessed in accordance with sub-paragraph (3) of the last preceding paragraph, and
- (b) the capital equivalent, as at the end of the period of occupation, of the aggregate minimum rent liabilities assessed in accordance with sub-paragraph (2) of that paragraph.

(2) If the capital equivalent assessed in accordance with head (a) of the preceding sub-paragraph is greater than the capital equivalent assessed in accordance with head (b) thereof, the mineral operator shall be entitled to compensation of an amount equal to the difference.

(3) For the purposes of this paragraph the capital equivalent of the aggregate minimum rent liabilities for any years (whether assessed in accordance with sub-paragraph (2) or sub-paragraph (3) of the last preceding paragraph) shall be taken to be the amount of a fund which, if set aside for the purpose at the end of the period of occupation, would afford a sufficient (but not more than sufficient) indemnity against those liabilities as so assessed.

*Compensation payable to owner other than mineral operator*5TH SCH.  
—cont.

11.—(1) The provisions of paragraphs 12 and 13 of this Schedule shall have effect in relation to land to which this Schedule applies where, immediately before the operative date of the order, the interest of the owner of the land, or a stratum thereof, is held by a person other than the mineral operator.

(2) In those provisions “the separate interest” means the interest which is held as mentioned in the preceding sub-paragraph, and any reference to the owner of the separate interest is a reference to the person who is for the time being entitled to that interest.

12.—(1) For the year beginning with the operative date of the order, and for each subsequent year which begins with an anniversary of that date and falls within the period of occupation, there shall be assessed the aggregate amount of the rent, royalties and other sums to which the owner of the separate interest might reasonably have been expected to be entitled for that year in respect of that interest, and in respect of any interest of his in any other relevant land, if—

- (a) the compulsory rights order had not been made, and
- (b) the person carrying on the relevant undertaking had exercised the relevant rights and facilities in the manner in which, in those circumstances, he might reasonably have been expected to exercise them.

(2) For any such year there shall also be assessed the aggregate amount of the rent, royalties and other sums to which the owner of the separate interest might reasonably have been expected to be entitled for that year in respect of that interest, and in respect of any interest of his in any other relevant land, on the assumption that the person carrying on the relevant undertaking exercised the relevant rights and facilities during that year (so far as was reasonably practicable, having regard to the effect of the compulsory rights order) in such manner as in those circumstances he might reasonably have been expected to exercise them.

(3) For any year for which the amount assessed under the last preceding sub-paragraph is less than the amount assessed under sub-paragraph (1) of this paragraph, the owner of the separate interest shall be entitled to compensation of an amount equal to the difference.

(4) In this paragraph “other relevant land” means land, other than the land in which the separate interest subsists, being land in which the mineral operator has an interest held for the purposes of the relevant undertaking.

13.—(1) For the purposes of this paragraph there shall be assessed the market value which, at the end of the period of occupation, the separate interest might reasonably have been expected to have if—

- (a) the compulsory rights order had not been made, and
- (b) the person carrying on the relevant undertaking had exercised the relevant rights and facilities in the manner in which in those circumstances he might reasonably have been expected to exercise them.

**5TH SCH.**  
—cont.

(2) There shall also be assessed the market value which, in the circumstances existing at the end of the period of occupation, the separate interest might reasonably be expected to have, on the assumption that, during that period, the person carrying on the relevant undertaking exercised the relevant rights and facilities (so far as was reasonably practicable, having regard to the effect of the compulsory rights order) in the manner in which in those circumstances he might reasonably have been expected to exercise them.

(3) If the value assessed under the last preceding sub-paragraph is less than the value assessed under sub-paragraph (1) of this paragraph, the owner of the separate interest shall be entitled to compensation of an amount equal to the difference.

*Provisions as to compensation under other provisions of Part II*

14.—(1) Where any land to which this Schedule applies consists or forms part of land which constitutes a holding to which section seventeen, section twenty-one or section twenty-nine of this Act applies, the following provisions of this paragraph shall have effect.

(2) Where for any year—

(a) compensation would (apart from this sub-paragraph) be payable in respect of that holding by virtue of section seventeen of this Act, but

(b) it may reasonably be assumed that part of the holding would have been prevented from being used as mentioned in paragraph (c) of subsection (1) of section nineteen of this Act if the compulsory rights order had not been made, and the person carrying on the relevant undertaking had exercised the relevant rights and facilities in the manner in which, in those circumstances, he might reasonably have been expected to exercise them,

the provisions of sections eighteen and nineteen of this Act shall apply in relation to that year as if that part of the holding were not comprised in the holding, and any reference in those sections to the entirety of the holding shall be construed accordingly.

(3) Compensation under section twenty-two of this Act shall not be payable in respect of work carried out on land which forms part of the holding and is land to which this Schedule applies.

(4) If the entirety of the holding consists of land to which this Schedule applies, no compensation under section twenty-three of this Act shall be payable in respect of the holding.

(5) If only part of the holding consists of land to which this Schedule applies,—

(a) section twenty-three of this Act shall have effect in relation to the holding, but

(b) subsections (2) and (4) of that section shall apply as if that land did not form part of the holding, and any reference in that section to values computed in accordance with any of paragraphs (a), (b) and (c) of subsection (2) thereof shall be construed accordingly.



(6) In this paragraph any reference to section seventeen, section eighteen, section nineteen, section twenty-two or section twenty-three of this Act includes a reference to the provisions of that section as applied by section twenty-nine of this Act.

5TH SCH  
—cont.

15.—(1) Where the land comprised in a compulsory rights order consists of or includes land of which, immediately before the operative date of the order, the surface is occupied by one person and any of the subjacent strata are occupied by another person, those subjacent strata shall not be treated as constituting a holding to which section seventeen, section twenty-one or section twenty-nine of this Act applies.

(2) Where the land comprised in a compulsory rights order consists of or includes land of which, at the end of the period of occupation, the surface is owned by one person and any of the subjacent strata are owned by another person, the subjacent strata shall not be treated as constituting or forming part of a holding to which section twenty-one of this Act applies, or a holding in respect of which the provisions of that section have effect as applied by section twenty-nine of this Act.

## SIXTH SCHEDULE

Section 34

### APPLICATION OF COMPENSATION PROVISIONS TO SPECIAL CASES

#### *Changes in right of occupation, or division of ownership of holding*

1.—(1) Subject to the next following paragraph, where a compulsory rights order comprises the whole or part of a holding to which section seventeen of this Act applies, and at any time on or after the operative date and before the end of the period of occupation an act or event occurs whereby—

- (a) one person becomes the person who is for the time being entitled to occupy part of that holding or who would be so entitled if the order had not been made, and
- (b) another person becomes the person who is for the time being entitled to occupy another part of that holding or who would be so entitled if the order had not been made,

the following provisions of this paragraph shall have effect.

(2) As from the occurrence of that act or event, each of those parts of the holding shall be treated, for the purposes of sections seventeen to nineteen of this Act, as if it were a separate holding, and were a holding to which section seventeen of this Act applied:

Provided that no compensation shall be payable by virtue of section seventeen of this Act in respect of land which (in accordance with the preceding provisions of this sub-paragraph) is to be treated as a separate holding, but does not include any of the land comprised in the compulsory rights order.

2. Where a compulsory rights order comprises the whole or part of a holding to which section seventeen of this Act applies, and at any time on or after the operative date and before the end of the period of occupation a new tenancy is created which comprises the holding or any part thereof, that tenancy shall be disregarded for the purposes of sections seventeen to twenty of this Act, and for the purposes of the preceding paragraph, and the provisions of those sections and of that paragraph shall apply as if that tenancy had not been created.

6TH SCH.  
—cont.

3.—(1) Where by virtue of section seventeen of this Act compensation is payable for any year in respect of a holding to which that section applies (or to which, in accordance with the preceding provisions of this Schedule, it is to be treated as applying), and the person entitled to that compensation is not the person who was entitled to occupy the holding on the operative date (in this paragraph referred to as “the original occupier”) and is not a person who has become entitled to the relevant interest in the holding—

- (a) on or after the death of the original occupier, in accordance with the disposition of the original occupier’s estate effected by his will, or the law relating to intestacy, or the combination of his will and that law, or
- (b) under an agreement which was made for valuable consideration by the person entitled to the compensation and was in force immediately before the operative date, or under a disposition creating or transferring the relevant interest in the holding in pursuance of such an agreement,

the compensation payable to him for that year shall not include any sum assessed in accordance with the provisions of section nineteen of this Act.

(2) In this paragraph “the relevant interest”, in relation to a person entitled to compensation for any year in respect of a holding, means the interest in or right over the holding by virtue of which he is entitled to that compensation; “will” includes a codicil; and “disposition”, where the reference is to a disposition creating or transferring an interest, does not include any provision contained in a will, but, with that exception, includes any conveyance, assignment, lease or other assurance.

4.—(1) The provisions of this paragraph shall have effect where a compulsory rights order comprises the whole or part of a holding to which section twenty-one of this Act applies, and at the end of the period of occupation one person is the owner of part of that holding and another person is the owner of another part thereof.

(2) For the purposes of sections twenty-one to twenty-three of this Act, each of those parts of the holding shall be treated as if it were a separate holding, and were a holding to which section twenty-one of this Act applied:

Provided that no compensation shall be payable by virtue of any of those sections in respect of land which (in accordance with the preceding provisions of this sub-paragraph) is to be treated as a separate holding, but does not include any of the land comprised in the compulsory rights order.

5. The provisions of paragraphs 1 to 4 of this Schedule shall (with the necessary modifications) have effect in relation to a holding to which section twenty-nine of this Act applies as they have effect in relation to a holding to which sections seventeen and twenty-one of this Act apply.

6. In the following paragraphs of this Schedule, any reference to a holding, in relation to any provisions of Part II of this Act, includes a reference to land which, in accordance with any of the preceding paragraphs of this Schedule, is to be treated as if it were a separate holding for the purposes of those provisions.

*Provisions as to assessment of profit or loss under s. 19*6TH SCH.  
—cont.

7. For the purposes of section nineteen of this Act, the period preceding the operative date of a compulsory rights order shall, in relation to a particular holding, be taken to be such period (either longer or shorter than four years) immediately preceding that date as may be agreed, or determined by the Lands Tribunal, to be appropriate, if it is shown that, in the case of that holding, a period of four years immediately preceding that date would be inappropriate for the purposes of that section.

8.—(1) Where a person is entitled to compensation for any year in respect of a holding by virtue of section seventeen of this Act, then in so far as it is shown that—

- (a) reasonable opportunities were open to him (apart from the occupation and use of any part of the holding not comprised in the order) to mitigate any loss of profit from the holding by augmenting his income for that year in other ways, and
- (b) those opportunities would not have been open to him if he had continued to be in occupation of the entirety of the holding,

the amount of any profit assessed for that year under subsection (1) of section nineteen of this Act shall be reduced by the amount by which he has augmented his income for that year by availing himself of those opportunities, or by which he might reasonably have been expected to augment his income for that year if he had availed himself of those opportunities, as the case may be.

(2) For the purposes of this paragraph no account shall be taken of any opportunities of which the person in question has not availed himself (notwithstanding that they were opportunities of the kind described in the preceding sub-paragraph) in so far as they would have involved his engaging (whether as an employed person or otherwise) in a substantially different occupation from that in which he was engaged during the period preceding the operative date of the order.

(3) Paragraph (a) of subsection (8) of section nineteen of this Act, and the last preceding paragraph, shall apply for the purposes of this paragraph as they apply for the purposes of that section.

9.—(1) Where a person is entitled to compensation for any year in respect of a holding by virtue of section seventeen of this Act, and he has received any compensation—

- (a) by virtue of section twenty-six of this Act, in respect of any improvements carried out on land comprised in that holding, being improvements of a description specified in Part I or Part VI of the Fourth Schedule to this Act, or
- (b) by virtue of section twenty-seven of this Act, in respect of a forced sale of any property kept on or used for the purposes of that holding, or removed from that holding, as the case may be,

the amount of any profit assessed for that year under subsection (1) of section nineteen of this Act shall be reduced by the amount of the income from that compensation which is attributable to that year.

6TH SCH.  
—cont.

(2) For the purposes of the preceding sub-paragraph, the income from any compensation which is attributable to any year—

- (a) in a case where the compensation is shown to have been invested by the recipient thereof, shall be taken to be the amount of income accruing in respect of that year from the property representing the compensation, and
- (b) in any other case, shall be taken to be an amount equal to the income which would have accrued for that year from property representing the compensation if it had been invested in securities bearing interest at the rate for the time being in force for the purposes of section thirty-five of this Act.

(3) In this paragraph any reference to Part I or Part VI of the Fourth Schedule to this Act includes a reference to that Part as varied by any order made under section twenty-six or section twenty-eight of this Act.

10. The provisions of paragraphs 8 and 9 of this Schedule shall have effect (with the necessary modifications) in relation to any compensation payable under paragraph 4 of the Fifth Schedule to this Act, and to any compensation received by virtue of paragraph 5 or paragraph 6 of that Schedule, as those provisions have effect in relation to compensation to which a person is entitled by virtue of section seventeen of this Act, and to compensation received by virtue of section twenty-six or twenty-seven of this Act.

11. In paragraphs 7 to 9 of this Schedule, references to sections seventeen, nineteen and twenty-seven of this Act shall include references to the provisions of those sections as applied by section twenty-nine of this Act.

*Assessment of annual compensation otherwise than by reference  
to letting from year to year*

12.—(1) Where compensation is payable by virtue of section seventeen of this Act in respect of a holding which consists of or includes—

- (a) land which, immediately before the operative date of the compulsory rights order in question, was used for a purpose for which land would not normally be let from year to year, or
- (b) land in respect of which, immediately before the operative date, there was in force permission granted under Part III of the Act of 1947 for the land to be used for such a purpose,

subsections (2) to (4) of section eighteen of this Act shall not apply, and for the purposes of that section, and for the purposes of paragraph (b) of subsection (1) of section nineteen of this Act, and (where applicable) for the purposes of subsection (3) of the said section nineteen, the annual value of the land for any year shall be determined in accordance with regulations made by the Minister under this paragraph.

(2) Any regulations made under this paragraph may include provisions specifying purposes which, in relation to the provisions of this paragraph, are to be treated as purposes for which land would not normally be let from year to year.

(3) In this paragraph any reference to any of the provisions of sections seventeen to nineteen of this Act includes a reference to that provision as applied by section twenty-nine of this Act.

6TH SCH.  
—cont.

13.—(1) Where any land to which section thirty-two of this Act applies in relation to a compulsory rights order is—

(a) land which, immediately before the operative date of the order, was used for a purpose for which land would not normally be let from year to year, or

(b) land in respect of which, immediately before the operative date, there was in force permission granted under Part III of the Act of 1947 for the land to be used for such a purpose, subsection (3) of that section shall not apply, and for the purposes of subsection (2) of that section annual value shall be determined in accordance with regulations made by the Minister under this paragraph.

(2) Sub-paragraph (2) of the last preceding paragraph shall apply for the purposes of this paragraph as it applies for the purposes of that paragraph.

*Valuation of property otherwise than by reference to sale  
in open market*

14.—(1) This paragraph applies to any provision of this Act under which compensation is to be assessed by reference to the value which any property would have if it were offered for sale.

(2) For the purposes of the application of any such provision to property of a kind not normally the subject of sales in the open market, the Minister may make regulations providing for value to be ascertained by reference to such matters as may be specified in the regulations.

*Woodlands*

15. The Minister may by regulations make provision for modifying or adapting any of the provisions of this Act relating to compensation in respect of compulsory rights orders in their application to land which, immediately before the operative date of such an order, or the date of entry thereunder, was used as woodlands, or as woodlands of a particular description specified in the regulations.

*Terminal compensation in respect of agricultural land qualifying  
for compensation under s. 26*

16.—(1) The provisions of this paragraph shall have effect where compensation under section twenty-six of this Act is payable in respect of any improvements or other matters, and the land in relation to which that compensation is payable constitutes or forms part of a holding to which section twenty-one of this Act applies.

(2) Section twenty-two of this Act shall apply in relation to that holding as if any reference in that section to the condition in which the land was immediately before the date of entry (in so far as any such reference is applicable to the land referred to in the preceding sub-paragraph) were a reference to the condition in which that land would have been, immediately before the date of entry, if those improvements or other matters had not been carried out, or had not applied to that land, as the case may be.

6TH SCH.  
—*cont.*

(3) Section twenty-three of this Act shall apply in relation to the holding as if, for the value mentioned in paragraph (c) of subsection (2) of that section, there were substituted the value which, at the end of the period of occupation, a freehold interest in the holding would have if—

- (a) those improvements or other matters had not been carried out, or had not applied to the land in question, as the case may be, but
- (b) in all other respects the entirety of the holding were in the state in which it was immediately before the date of entry.

(4) Subsection (4) of section twenty-three of this Act shall apply for the purpose of computing value as mentioned in the last preceding sub-paragraph as it applies for the purpose of computing the values referred to in that subsection.

*Provisions as to compensation under s. 32*

17.—(1) No compensation shall be payable under subsection (2) of section thirty-two of this Act for any year for which the interest of the owner of the relevant land is held subject to, and with the benefit of, a tenancy which was subsisting immediately before the operative date of the compulsory rights order in question, unless the rent payable under that tenancy for that year is a rent which is subject to a liability to be reduced in consequence of that order or of anything done in the exercise of rights conferred by that order, or is a rent which has been so reduced in pursuance of such a liability.

(2) For the purposes of the preceding sub-paragraph the rent payable under a tenancy shall be taken to be subject to a liability to be reduced as therein mentioned if, under the terms and conditions of the tenancy or under any enactment applicable thereto, the tenant is entitled to require that rent to be so reduced, or is entitled to require the question whether the rent should be so reduced, or generally what rent should be payable under the tenancy, to be referred to arbitration or to any court or tribunal; and the reference in that sub-paragraph to a rent which has been so reduced in pursuance of such a liability shall be construed accordingly.

18.—(1) No compensation shall be payable under subsection (2) of the said section thirty-two for any year for which the owner of the relevant land is entitled to compensation under subsection (2) of section thirty-one of this Act in respect of a right to which this paragraph applies.

(2) This paragraph applies to any right which fulfils the following conditions, that is to say,—

- (a) that it is a right restrictive of the use of the whole or part of the land comprised in the compulsory rights order in question;
- (b) that the benefit of the right is annexed to the relevant land, or to that land together with other land, or (if the benefit of the right is not so annexed) that the right is exercisable by a person who is the owner of the relevant land; and
- (c) that the exercise of the right, in relation to any land comprised in the order, could (apart from the order) have prevented that land from being used for the purposes which, in relation to the authorisation referred to in the order, constitute the authorised purposes.

19. In paragraphs 17 and 18 of this Schedule any reference to the relevant land shall be construed in accordance with subsection (2) of section thirty-two of this Act.

6TH SCH.  
—cont.

*Restricted lettings, and easements and similar rights*

20. This paragraph applies to the following rights, that is to say,—

- (a) any right conferred by a letting of land, or a licence to occupy land, in pursuance of an agreement made (whether the agreement expressly so provides or not) in contemplation of the use of the land only for grazing or mowing during some specified period of the year;
- (b) any easement or similar right over land.

21. For the purposes of the following provisions of this Act, that is to say, subsections (2) and (3) of section seventeen, subsection (2) of section twenty-one, subsection (1) of section twenty-nine, and the provisions of subsection (3) of section seventeen as applied by subsection (2) of section twenty-nine, any right to which the last preceding paragraph applies shall be disregarded; and, in relation to any land which is subject to any such right, those provisions shall apply as if that right had not been conferred, reserved or otherwise acquired, as the case may be.

22.—(1) Where in accordance with the provisions of section seventeen of this Act (as modified by the last preceding paragraph) any land constitutes a holding to which that section applies, and, during any year for which compensation is payable in respect of that holding by virtue of that section, any land comprised in the holding is subject to any right to which paragraph 20 of this Schedule applies, the provisions of the next following sub-paragraph shall have effect as to the assessment under section nineteen of this Act of profit or loss for that year in respect of that holding.

(2) Any profit or loss required to be so assessed under subsection (1) of section nineteen of this Act, and (if the remainder of the holding referred to in subsection (3) of that section includes any of the land which is subject to the right in question) any profit or loss required to be so assessed for that year under subsection (3) of that section, shall be assessed on the basis of an occupation of the holding, or of the remainder of the holding, as the case may be,—

- (a) subject to that right, in so far as it would (if the compulsory rights order had not been made) have been exercisable during the year in question in relation to land comprised in the holding, or in the remainder of the holding, as the case may be, but
- (b) with the benefit of any rent which (if the order had not been made) would have been payable for that year in respect of the exercise of that right in relation to any such land, and
- (c) in all other respects, on the terms and in the circumstances specified in subsection (1) or subsection (3) of that section, as the case may be.

(3) For the purposes of the last preceding sub-paragraph it shall be assumed that the manner and extent of the exercise of the right in question, during the year for which the profit or loss is required to be assessed, is such as it might reasonably have been expected to be during that year if the compulsory rights order had not been made.

6TH SCH.  
—*cont.*

(4) Where the preceding provisions of this paragraph have effect in relation to the assessment of compensation for any year in accordance with section nineteen of this Act, and in respect of the right in question, in so far as it relates to land comprised in the holding, any rent is payable for that year (notwithstanding the compulsory rights order) to the person entitled to that compensation, the amount of that compensation (calculated apart from this sub-paragraph) shall be reduced by the amount of that rent.

(5) In the preceding provisions of this paragraph any reference to section seventeen of this Act includes a reference to section twenty-nine of this Act, and any reference to section nineteen of this Act includes a reference to the provisions of that section as applied by section twenty-nine of this Act.

(6) In this paragraph "rent" includes any sums payable in respect of the exercise of a right to which paragraph 20 of this Schedule applies.

23. Where the whole or part of the land comprised in a compulsory rights order is subject to any such right as is mentioned in sub-paragraph (a) of paragraph 20 of this Schedule, and in any year in which that right subsists, being any such year as is mentioned in subsection (2) of section thirty-one of this Act, the exercise of that right is prevented or injuriously affected by reason of the order or of anything done in the exercise of rights conferred by the order, the said subsection (2) shall have effect in relation to that right as if it were an easement to which that section applies.

24. Any agreement for the letting of land or the grant of a licence in respect of land, where, before the agreement was entered into, the letting or grant was approved by the Minister of Agriculture, Fisheries and Food for the purposes of section two of the Act of 1948 (which relates to the effect of certain lettings and licences to occupy agricultural land, but excepts lettings and licences approved by the said Minister from the operation of the section) shall be treated for the purposes of section seventeen of this Act as conferring a right to occupy the land to which the agreement relates, if apart from this paragraph it would not be treated as conferring such a right.

25. Where the whole or part of a holding to which section seventeen of this Act applies consists of land occupied under a letting or licence approved by the Minister of Agriculture, Fisheries and Food for the purposes of section two of the Act of 1948, and—

- (a) by the agreement under which the land was let or the licence granted a right to use the land for specified purposes was reserved to the person letting the land or granting the licence, as the case may be;
- (b) the exercise of that right is prevented or injuriously affected by reason of the compulsory rights order or of anything done in the exercise of rights conferred by the order; and

(c) that right does not constitute an easement or similar right, subsection (2) of section thirty-one of this Act shall have effect in relation to that right as if it were an easement to which that section applies.



*Apportionment of annual compensation in respect of parts of a year*

6TH SCH.  
—cont.

26.—(1) Where, in consequence of any such act or event as is mentioned in paragraph 1 of this Schedule, a part of a holding is to be treated as a separate holding as mentioned in that paragraph (or in that paragraph as applied by paragraph 5 of this Schedule), and that act or event occurs during the course of the year beginning with the operative date of the compulsory rights order in question, or in the course of a year beginning with an anniversary of that date, the provisions of Part II of this Act, and the provisions of this Schedule other than this sub-paragraph, shall apply—

- (a) in relation to the entirety of the holding, with respect to the part of that year ending with that act or event, and
- (b) in relation to each of those separate holdings, with respect to the part of that year after that act or event,

as if any reference in those provisions to a year included a reference both to the part of that year ending with that act or event and to the part of that year after that act or event.

(2) Where in consequence of any act or event occurring on or after the operative date of a compulsory rights order and before the end of the period of occupation, other than any such act or event as is mentioned in the preceding sub-paragraph,—

- (a) one person would (apart from this sub-paragraph) be entitled to compensation for any year in respect of a holding if that act or event had occurred before the beginning of that year, and
- (b) another person would (apart from this sub-paragraph) be entitled to compensation for that year in respect of the holding if that act or event had occurred after the end of that year,

the provisions of Part II of this Act, and the provisions of this Schedule other than this sub-paragraph, shall apply as if any reference to a year included a reference both to the part of that year ending with that act or event and to the part of that year after that act or event.

(3) For the purposes of the application of the provisions of Part II of this Act, or of the provisions of this Schedule other than this sub-paragraph, to a compulsory rights order which has effect only for part of a year, or for one or more complete years followed by part of another year, any reference in those provisions to a year shall be construed as including a reference to that part of a year.

(4) In the application of any of the said provisions to a part of a year, in accordance with the preceding provisions of this paragraph, any reference to annual value, or to any other amount which is required to be assessed by reference to a year, shall be construed as a reference to so much of the annual value for that year, or of the amount in question assessed by reference to that year, as (on a rateable apportionment of that value or amount as between different parts of that year) is properly attributable to that part of that year.

6TH SCH.  
—cont.

27. Sub-paragraphs (2) to (4) of the last preceding paragraph shall have effect (with the necessary modifications) in relation to compensation under paragraph 4, paragraph 5 or paragraph 12 of the Fifth Schedule to this Act as they have effect in relation to annual compensation in respect of a holding to which section seventeen of this Act applies.

28.—(1) Where, in the case of land to which section thirty-two of this Act applies in relation to a compulsory rights order, a person is the owner of that land for part, but not the whole, of a year, subsection (2) of that section shall apply as if any reference to a year included a reference to that part of a year.

(2) The preceding sub-paragraph shall have effect without prejudice to the operation of sub-paragraph (3) of paragraph 26 of this Schedule, where the said sub-paragraph (3) is applicable; and sub-paragraph (4) of that paragraph shall have effect in relation to the preceding sub-paragraph as it has effect in relation to sub-paragraphs (1) to (3) of that paragraph.

*Concurrent compulsory rights orders*

29. The Minister may by regulations make provision for modifying or adapting any of the provisions of this Act relating to compensation in respect of compulsory rights orders in their application to land which—

- (a) constitutes or forms part of the land comprised in a compulsory rights order, or, in relation to a compulsory rights order, forms part of a holding to which section seventeen or section twenty-nine of this Act applies, or is land to which section thirty-two of this Act applies, and
- (b) at any time after the operative date of that order, and before the end of the period of occupation thereunder, constitutes or forms part of the land comprised in another compulsory rights order, or, in relation to another such order, forms part of a holding to which section seventeen or section twenty-nine of this Act applies, or is land to which section thirty-two of this Act applies.

*Compensation in respect of limited compulsory rights orders*

30.—(1) In respect of a compulsory rights order which provides that its operation shall be limited as mentioned in subsection (1) of section eight of this Act, the provisions of Part II of this Act shall apply subject to the following provisions of this paragraph.

(2) In so far as the operation of the order extends to an easement or similar right in respect of the whole or part of the land comprised in the order, or to a right restrictive of the use of the whole or part of that land, the provisions of section thirty-one of this Act shall have effect with respect to that easement or right, but not with respect to any easement or right to which the operation of the order does not extend.

(3) In so far as the operation of the order extends to the interest or rights created or conferred by a mining lease or order conferring working rights in respect of minerals in or under the land comprised in the compulsory rights order or part thereof, the provisions of

section thirty-three of this Act and of the Fifth Schedule thereto shall have effect with respect to that interest or those rights, but not with respect to any interest or rights created or conferred by a mining lease or order conferring working rights to which the compulsory rights order does not extend.

(4) Subject to sub-paragraphs (2) and (3) of this paragraph, none of the provisions of Part II of this Act (except subsection (4) of section twenty-three in so far as it applies for the purposes of section thirty-one of this Act) shall have effect in relation to the order.

#### *Application to Scotland*

31. In the application of this Schedule to Scotland, for references to Part I of the Fourth Schedule to this Act there shall be substituted references to Part IV of that Schedule, excluding paragraph 21 thereof, and for references to Part III of the Act of 1947 there shall be substituted references to Part II of the Scottish Act of 1947, and for references to an agreement for the letting of land, to the Minister of Agriculture, Fisheries and Food, and to section two of the Act of 1948, there shall be substituted respectively references to a lease, to the Secretary of State, and to section two of the Scottish Act of 1949.

### SEVENTH SCHEDULE

Section 37.

#### ADJUSTMENTS BETWEEN LANDLORDS AND TENANTS AND IN RESPECT OF MORTGAGES AND MINING LEASES AND ORDERS

##### PART I

##### *Agricultural holdings*

1.—(1) The provisions of this paragraph shall have effect where—

- (a) the land comprised in a compulsory rights order consists of or includes land falling within paragraphs (a) and (b) of subsection (1) of section twenty-four of this Act, and
- (b) the tenancy under which the tenant could have claimed compensation for the improvements or special system of farming in question, or a subsequent tenancy under which the tenant has retained or succeeded to the relevant right to compensation, terminates on or after the date of entry, but before the end of the period of occupation, without being succeeded by another such subsequent tenancy.

(2) In the circumstances specified in the preceding sub-paragraph, the provisions of the Act of 1948 as to compensation for long-term improvements, and as to compensation for a special system of farming,—

- (a) shall apply, in relation to the tenancy terminating as mentioned in that sub-paragraph, as if, at the termination of that tenancy, the land in question were in the state in which it was immediately before the date of entry, and
- (b) if the tenant under that tenancy quitted the holding before the termination of his tenancy, shall so apply as if he had quitted the holding on the termination of his tenancy.

6TH SCH.  
—cont.

7TH SCH.  
—cont.

(3) Subsection (5) of section twenty-four of this Act shall apply for the purposes of sub-paragraph (1) of this paragraph as it applies for the purposes mentioned in that subsection ; and subsection (6) of that section shall apply in relation to the last preceding sub-paragraph as it applies in relation to subsection (2) of that section.

2.—(1) The provisions of this paragraph shall have effect where land comprised in an agricultural holding is comprised in a compulsory rights order (whether any other land is comprised in the holding, or comprised in the order, or not), and—

(a) before the date of entry long-term improvements qualifying for compensation under the Act of 1948 (in this Act referred to as “the former improvements”) had been carried out on the land in question, or a special system of farming qualifying for compensation under that Act (in this paragraph referred to as “the former system”) had been adopted on that land, and

(b) at the end of the period of occupation the circumstances are such that the provisions of the Act of 1948 referred to in subsection (2) of section twenty-four of this Act (as extended by subsection (6) of that section) would have applied as mentioned in subsection (3) of that section, but for the fact that the benefit of the former improvements, or the increased value attributable to the former system, as the case may be, has been replaced or regained, on the restoration of the land, by works (in this paragraph referred to as “the new improvements”) or the continuous adoption of a system of farming (in this paragraph referred to as “the new system”) of comparable benefit to the land.

(2) In the circumstances specified in the preceding sub-paragraph, the said provisions of the Act of 1948 shall have effect in relation to the new improvements or the new system, as the case may be, as if those improvements had been carried out, or that system had been adopted, by the person who carried out or adopted the former improvements or the former system.

(3) Subsections (7) and (8) of section twenty-four of this Act shall apply for the purposes of this paragraph as they apply for the purposes of that section.

3.—(1) Where by virtue of section twenty-four of this Act a tenant is entitled to compensation for long-term improvements or for a special system of farming, as mentioned in that section, and—

(a) after the end of the period of occupation expenses are incurred in replacing the benefit of the improvements by other long-term improvements of comparable benefit to the land, or in regaining the increased value attributable to that system of farming by the continuous adoption of a special system of farming of comparable benefit to the land, as the case may be, and

(b) the person incurring those expenses (whether he is the landlord or not) is entitled to compensation in respect of those expenses under section twenty-two of this Act,

the provisions of the Act of 1948 shall apply as if the works in respect of which those expenses are incurred were improvements

carried out by the landlord at the request of the tenant, if apart from this paragraph they would not constitute such improvements.

(2) Subsection (8) of section fourteen of this Act shall not affect the operation of section nine of the Act of 1948 in so far as the said section nine applies in accordance with the preceding sub-paragraph.

4.—(1) The provisions of this paragraph shall apply where—

(a) immediately before the operative date of a compulsory rights order, any of the land comprised in the order consisted of or included an agricultural holding or part of an agricultural holding, and

(b) the tenancy relating to that holding continues until after the end of the period of occupation.

(2) The landlord or the tenant of the agricultural holding may, by notice in writing served on his tenant or landlord, demand a reference to arbitration under the Act of 1948 of the question whether any of the terms and conditions of the contract of tenancy (including any term or condition relating to rent) should be varied in consequence of any change in the state of the land resulting from the occupation or use of the land in the exercise of rights conferred by the order.

(3) On a reference under this paragraph the arbitrator shall determine what variations (if any) should be made in the terms and conditions of the contract of tenancy, as mentioned in the last preceding sub-paragraph, and the date (not being earlier than the end of the period of occupation) from which any such variations are to take effect or to be treated as having taken effect; and as from that date the contract of tenancy shall have effect, or, as the case may be, shall be treated as having had effect, subject to any variations determined by the arbitrator under this paragraph.

(4) Section seventy-seven of the Act of 1948 shall apply to references to arbitration by virtue of this paragraph as it applies to matters which by virtue of the Act of 1948 are required to be determined by arbitration thereunder.

(5) The provisions of this paragraph shall not affect any right of the landlord or the tenant, or the jurisdiction of the arbitrator, under section eight or section nine of the Act of 1948; but where there is a reference to arbitration under either of those sections and under this paragraph in respect of the same agricultural holding, and it appears to the arbitrator that the reference under that section relates wholly or mainly to the consequences of the occupation or use of the land in the exercise of rights conferred by the order, he may direct that proceedings on the two references shall be taken concurrently.

(6) In the last preceding sub-paragraph references to section nine of the Act of 1948 include references to the provisions of that section as applied by paragraph 3 of this Schedule.

5.—(1) Where the land comprised in a compulsory rights order consists of or includes the whole or part of an agricultural holding, section thirteen of the Act of 1948 (which relates to the removal of fixtures and buildings) shall have effect in relation to the holding subject to the following provisions of this paragraph.

(2) In relation to the service of a notice by the tenant on or after the operative date of the order, in respect of a fixture or building

7TH SCH.  
—cont.

on a part of the holding which is within the land comprised in the order, paragraph (b) of subsection (2) of that section (under which the tenant is required to give at least one month's notice of his intention to remove a fixture or building) shall apply with the substitution, for the words "one month", of the words "fourteen days".

(3) Where the tenant has given to the landlord notice under the said subsection (2) (or under that subsection as modified by the last preceding sub-paragraph) of his intention to remove a fixture or building on a part of the holding which is within the land comprised in the order, and that notice is given on or after the operative date of the order, or, if given before that date, expires on or after that date, subsection (3) of that section (under which the landlord can elect to purchase a fixture or building which the tenant has signified his intention of removing) shall not apply to that fixture or building.

(4) The last preceding sub-paragraph shall have effect in relation to a notice served before the operative date of the order notwithstanding that the landlord has given a counter-notice in respect of the fixture or building before the operative date.

(5) In this paragraph any reference to section thirteen of the Act of 1948 includes a reference to the provisions of that section as extended by paragraph (b) of subsection (1) of section sixty-seven of that Act (which relates to market gardens).

6.—(1) Where an agricultural holding consists of or includes land which was comprised in a compulsory rights order, and after the end of the period of occupation the landlord proposes to carry out any such work as is mentioned in paragraph (b) of subsection (1) of section twenty-two of this Act, the landlord or any person authorised by him may at all reasonable times enter upon the holding for the purpose of carrying out that work.

(2) Nothing in the preceding sub-paragraph shall affect any right exercisable by virtue of section seventeen of the Act of 1948 (which confers rights of entry for the purposes therein mentioned).

7. The provisions of paragraph 4 of this Schedule shall apply in relation to mortgages as they apply in relation to contracts of tenancy, as if any reference in that paragraph to such a contract, or to a tenancy, were a reference to a mortgage, and any reference to land consisting of or including an agricultural holding or part of an agricultural holding were a reference to agricultural land subject to a mortgage, and any reference to a landlord or to a tenant were a reference to a mortgagee or to a mortgagor, as the case may be.

## PART II

### *Other land*

- 8.—(1) The provisions of this paragraph shall have effect where—
- (a) the land comprised in a compulsory rights order consists of or includes land falling within paragraphs (a) and (b) of subsection (1) of section thirty of this Act, and
  - (b) the tenancy under which the tenant could have claimed compensation for the improvements terminates on or after the date of entry, but before the end of the period of occupation.

(2) In the circumstances specified in the preceding sub-paragraph, the provisions of the Act of 1927 as to compensation for improvements—

- (a) shall apply, in relation to that tenancy, as if at the termination thereof the land in question were in the state in which it was immediately before the date of entry, and
- (b) if the tenant under that tenancy quitted the holding before the termination of his tenancy, shall so apply as if he had quitted the holding on the termination of his tenancy.

(3) Subsection (5) of section thirty of this Act shall apply for the purposes of this paragraph with the substitution, for references to subsection (2) of that section, of references to the last preceding sub-paragraph.

(4) In this Part of this Schedule “the Act of 1927” means the Landlord and Tenant Act, 1927, and “improvement” includes the erection of a building.

9.—(1) The provisions of this paragraph shall have effect where land comprised in a holding to which Part I of the said Act of 1927 applies is comprised in a compulsory rights order (whether any other land is comprised in the holding, or comprised in the order, or not), and—

- (a) the tenancy under which that holding was held immediately before the operative date continues until after the end of the period of occupation, and
- (b) before the operative date improvements (in this paragraph referred to as “the former improvements”) had been carried out on the land in question, and
- (c) at the end of the period of occupation the circumstances are such that compensation would be payable in respect of the former improvements under section thirty of this Act, but for the fact that the benefit of those improvements has been replaced, on the restoration of the land, by works (in this paragraph referred to as “the new improvements”) of comparable benefit to the land.

(2) In the circumstances specified in the preceding sub-paragraph, the provisions of Part I of the said Act of 1927 as to compensation for improvements shall apply to the new improvements as if they had been carried out by the person who carried out the former improvements.

10. Where a compulsory rights order comprises the whole or part of a holding to which section twenty-nine of this Act applies, and after the end of the period of occupation the tenant carries out improvements thereon, and, in respect of expenses incurred in carrying out those improvements, is entitled to compensation under section twenty-two of this Act as applied by section twenty-nine of this Act, those improvements shall be treated for the purposes of the Act of 1927, and for the purposes of Part II of the Landlord and Tenant Act, 1954, as if they had been carried out by the landlord.

11.—(1) Where a holding to which Part I of the Act of 1927 applies consists of or includes land which was comprised in a compulsory rights order, and after the end of the period of occupation the landlord proposes to carry out any such work as is mentioned in paragraph (b) of subsection (1) of section twenty-two of this Act, the

7TH SCH.  
—cont.

landlord or any person authorised by him may at all reasonable times enter upon the holding for the purpose of carrying out that work.

(2) Nothing in the preceding sub-paragraph shall affect any right exercisable by virtue of section ten of the Act of 1927 (which confers rights of entry for the purposes therein mentioned).

12.—(1) The provisions of this paragraph shall apply where—

(a) immediately before the operative date of a compulsory rights order, any of the land comprised in the order was subject to a tenancy, but did not constitute or form part of an agricultural holding, and

(b) the tenancy continues until after the end of the period of occupation.

(2) The landlord or the tenant of the holding may, by notice in writing served on his tenant or landlord, demand a reference to the court of the question whether any of the terms and conditions of the contract of tenancy (including any term or condition as to rent) should be varied in consequence of any change in the state of the holding resulting from the occupation or use of the land in the exercise of rights conferred by the compulsory rights order.

(3) On a reference under this paragraph the court shall determine what variations (if any) should be made in the terms and conditions of the contract of tenancy, as mentioned in the last preceding sub-paragraph, and the date (not being earlier than the end of the period of occupation) from which any such variations are to take effect or to be treated as having taken effect; and as from that date the contract of tenancy shall have effect, or, as the case may be, shall be treated as having had effect, subject to any variations determined by the court under this paragraph.

(4) In this paragraph “the court” means the court exercising, in accordance with the provisions of section sixty-three of the Landlord and Tenant Act, 1954, the jurisdiction conferred on the tribunal by Part I of the Landlord and Tenant Act, 1927; and the provisions of the said section sixty-three shall apply, in relation to references under this paragraph, as they apply in relation to matters which, by virtue of the said Part I, are required to be determined by the tribunal thereunder.

13. The provisions of the last preceding paragraph shall apply in relation to mortgages as they apply in relation to contracts of tenancy, as if any reference to such a contract, or to a tenancy, were a reference to a mortgage, and any reference to a landlord or to a tenant were a reference to a mortgagee or to a mortgagor, as the case may be.

### PART III

#### *General provisions for protection in respect of tenancies and mortgages*

14. Where any land comprised in a compulsory rights order is subject to a tenancy or mortgage, and—

(a) any obligation or restriction imposed by the terms and conditions of the tenancy or mortgage would (apart from this Act) fall to be performed or observed at a time within the period of occupation, whether by the landlord or the tenant, or by the mortgagee or the mortgagor, as the case may be, and



- (b) in consequence of the rights conferred by the order, or of anything done in the exercise of those rights, that obligation or restriction cannot be so performed or observed at that time.

7TH SCH.  
—cont.

the failure to perform or observe the obligation or restriction at that time shall be deemed not to be a breach of any of the terms and conditions of the tenancy or mortgage.

15.—(1) Where at any time while any land was comprised in a compulsory rights order it was subject to a tenancy or mortgage which continues until after the end of the period of occupation, and at any time within twelve months after the end of that period proceedings are brought to enforce a right of re-entry, forfeiture or foreclosure, or a right to damages or any other remedy, in respect of any failure after the end of that period to comply with any of the terms and conditions of the tenancy or mortgage, the person against whom the proceedings are brought may apply in those proceedings for relief under this paragraph.

(2) If, in a case where application is made for relief under this paragraph, the court to which the application is made is satisfied that the failure to comply with the term or condition in question was attributable to a change in the state of the land resulting from the occupation and use thereof in the exercise of rights conferred by the compulsory rights order, the court may grant such relief, in respect of the matters to which the proceedings relate, as the court may consider reasonable in the circumstances.

16. The provisions of paragraphs 14 and 15 of this Schedule shall be without prejudice to the provisions of paragraph 4 or paragraph 12 of this Schedule, or to any of those provisions as applied in relation to mortgages by paragraph 7 or paragraph 13 thereof.

#### PART IV

##### *Provisions as to mining leases and orders*

17.—(1) The provisions of this Part of this Schedule shall have effect where the land comprised in a compulsory rights order consists of or includes land which, immediately before the operative date of the order, is subject to a mining lease or order conferring working rights the benefit of which is held for the purposes of a mineral undertaking.

(2) In this Part of this Schedule “the mineral operator” and “the relevant rights and facilities”, in relation to such a mining lease or order as is mentioned in the preceding sub-paragraph, have the same meanings as in the Fifth Schedule to this Act.

18. The provisions of the mining lease or order shall have effect subject to the provision that the aggregate amount of the rent, royalties and other sums payable by the mineral operator by virtue of the lease or order for any year which is either—

- (a) the year beginning with the operative date of the compulsory rights order, or
- (b) a year beginning with an anniversary of that date and falling within the period of occupation,

7TH SCH.  
—cont.

shall not exceed the aggregate amount of the rent, royalties and other sums which would have been payable by the mineral operator thereunder for that year if the compulsory rights order had not been made, and he had exercised the relevant rights and facilities in the manner in which, and to the extent to which, he might reasonably have been expected to exercise them in those circumstances.

## PART V

### *Special provisions as to business, professional and other tenants*

19.—(1) The provisions of this Part of this Schedule shall have effect where any of the land comprised in a compulsory rights order is land which, immediately before the operative date of the order, was subject to a tenancy to which Part II of the Act of 1954 applied; and any reference in this Part of this Schedule to a tenancy to which this Part of this Schedule applies is a reference to a tenancy which—

- (a) immediately before the operative date of such an order, was a tenancy to which Part II of that Act applied, and
- (b) comprises the whole or part of the land comprised in that order.

(2) In this Part of this Schedule “the Act of 1954” means the Landlord and Tenant Act, 1954, and “business” has the same meaning as in Part II of that Act.

(3) Sub-paragraph (4) of paragraph 12 of this Schedule shall apply for the purposes of this Part of this Schedule as it applies for the purposes of that paragraph.

20.—(1) As from the operative date of the order and so long thereafter as the tenancy continues and the order continues to have effect, so much of the land comprised in the order as—

- (a) is comprised in the tenancy, and
- (b) immediately before the operative date was occupied by the tenant for the purposes of the relevant business (or for those and other purposes) or was occupied by a person employed by the tenant for the purposes of the relevant business, and
- (c) is not for the time being so occupied by the tenant or by such a person,

shall be treated for the purposes of Part II of the Act of 1954 as if it had continued to be so occupied.

(2) In this paragraph “the relevant business” means the business by reason of which, immediately before the operative date, the tenancy was a tenancy to which Part II of the Act of 1954 applied.

21.—(1) For the purposes mentioned in the next following sub-paragraph, in relation to a tenancy to which this Part of this Schedule applies, paragraphs (f) and (g) of subsection (1) of section thirty of the Act of 1954 (which specify certain grounds on which a landlord may oppose an application for a new tenancy) shall apply as if any reference to the termination of the current tenancy were a reference to the end of the period of occupation.

(2) The said purposes are—

7TH SCH.  
—cont.

- (a) the purposes of the operation of subsection (6) of section twenty-five of the Act of 1954 (which requires a notice by the landlord terminating a tenancy to state whether the landlord would oppose an application for a new tenancy, and, if so, on which of the grounds mentioned in section thirty of that Act he would do so) in relation to the service of a notice under the said section twenty-five at any time on or after the operative date of the order in question and before the end of the period of occupation ;
- (b) the purposes of the operation of subsection (6) of section twenty-six of that Act (which enables a landlord, where the tenant has requested a new tenancy, to give notice that he will oppose an application for a new tenancy, and requires him to state on which of the grounds mentioned in section thirty of that Act he will do so) in relation to the service of a notice under that subsection at any such time ;
- (c) the purposes of the operation of the said section thirty and of section thirty-one of that Act (which relates to the dismissal of an application for a new tenancy where the landlord successfully opposes it) in relation to the determination by the court of an application for a new tenancy, where that application falls to be determined at any such time.

22.—(1) Where an application made under subsection (1) of section twenty-four of the Act of 1954 (whether before or after the commencement of this Act) falls to be determined by the court at a time when the current tenancy is a tenancy to which this Part of this Schedule applies (being a time on or after the operative date of the order in question and before the end of the period of occupation) and on that application an order for the grant of a new tenancy is made under section twenty-nine of that Act, the following provisions of this paragraph shall have effect.

(2) If it falls to the court to determine the rent payable under the new tenancy, the court shall determine that rent as if the compulsory rights order had not been made, and as if so much of the property comprised in the current tenancy as is comprised in the compulsory rights order were in the state in which it was immediately before the operative date.

(3) If it falls to the court to determine any of the terms and conditions of the new tenancy (other than any term or condition as to the rent payable thereunder) the court shall determine those terms or conditions as if the compulsory rights order had not been made ; but, in so far as any such terms or conditions of the new tenancy impose an obligation or restriction in respect of land comprised in the compulsory rights order, the court may suspend the operation of that obligation or restriction during the period of occupation.

**7TH SCH.**  
—*cont.*

(4) If the new tenancy continues until after the end of the period of occupation, the landlord or the tenant may, by notice in writing served on his tenant or landlord, demand a reference to the court of the question whether any of the terms and conditions of the tenancy (including any term or condition as to rent) should be varied, having regard to the state of the land and other circumstances existing at the time when the reference is determined by the court:

Provided that the court shall not entertain such a reference unless the proceedings are begun within twelve months after the end of the period of occupation.

(5) On a reference under the last preceding sub-paragraph, the court shall determine what variations (if any) should be made in the terms and conditions of the tenancy, as mentioned in that sub-paragraph, and the date (not being earlier than the end of the period of occupation) from which any such variations are to take effect or to be treated as having taken effect; and as from that date the tenancy shall have effect, or, as the case may be, shall be treated as having had effect, subject to any variations determined by the court under this paragraph.

23.—(1) The provisions of this paragraph shall have effect, in the case of a tenancy to which this Part of this Schedule applies, where an application under subsection (1) of section twenty-four of the Act of 1954—

(a) is made by the tenant before the end of the period of occupation, but falls to be determined by the court after the end of that period, or

(b) is made by the tenant within twelve months after the end of that period,

and the landlord opposes the application on grounds consisting of or including any of the grounds specified in paragraphs (a) and (c) of subsection (1) of section thirty of that Act (which relate respectively to the state of repair of the holding and to the tenant's use or management of the holding during the current tenancy).

(2) If the court is satisfied that the matters to which the objection in question relates are attributable to a change in the state of the land resulting from the occupation and use thereof in the exercise of rights conferred by the compulsory rights order, the court, in so far as it considers it reasonable to do so in the circumstances, may disregard those matters in determining whether to make an order for the grant of a new tenancy.

(3) The provisions of the last preceding sub-paragraph shall be without prejudice to the operation of paragraph 14 of this Schedule in relation to things done or omitted during the period of occupation.

24.—(1) In relation to an application made under subsection (1) of section twenty-four of the Act of 1954 (whether before or after the commencement of this Act) which falls to be determined by the court at a time when the current tenancy is a tenancy to which this Part of this Schedule applies (being a time on or after the operative date

of the order in question and before the end of the period of occupation) section thirty-seven of that Act (under which a tenant is entitled to compensation from the landlord if an order for the grant of a new tenancy is precluded on certain grounds therein mentioned) shall apply subject to the following provisions of this paragraph.

(2) In subsection (1) of that section—

- (a) the reference to paragraphs (f) and (g) of subsection (1) of section thirty of that Act shall be construed as a reference to those paragraphs as modified by sub-paragraph (1) of paragraph 21 of this Schedule ;
- (b) the reference to quitting the holding shall be construed as a reference to the termination of the current tenancy.

(3) In subsection (2) of that section, for any reference to the rateable value of the holding there shall be substituted a reference to the amount which would have been the rateable value of the holding on the material date if—

- (a) the compulsory rights order in question had not been made, and the authorisation referred to in that order had not been granted and no application had been made for such an authorisation, and
- (b) so much of the land comprised in the order as is comprised in the current tenancy had remained in the state in which it was immediately before the operative date of the order.

(4) Paragraphs (a) to (c) of subsection (5) of that section shall not apply ; but—

- (a) the amount which, in the circumstances mentioned in the last preceding sub-paragraph, would have been the rateable value of the holding on the material date shall be taken to be the value which, in those circumstances, and apart from any exemption from assessment to rates, would on a proper assessment have been the value to be entered in the valuation list as the annual value of the holding ; and
- (b) the provisions of subsection (5) of that section as to the determination of disputes and as to appeals, and the provisions of subsection (6) of that section (which authorises the Commissioners of Inland Revenue to make rules as to procedure) shall apply in relation to any dispute or reference relating to that amount as they apply in relation to any such dispute or reference as is mentioned in those provisions.

(5) The modifications of the said section thirty-seven specified in the preceding provisions of this paragraph shall apply without prejudice to the operation, in relation to that section, of paragraph 20 of this Schedule.

(6) In this paragraph “ the material date ”, in relation to an application under subsection (1) of section twenty-four of the Act of 1954, means the date of the landlord’s notice under section twenty-five of that Act or under subsection (6) of section twenty-six of that Act, as the case may be, and “ annual value ” has the same meaning as in section thirty-seven of that Act.

7TH SCH.  
—cont.

## PART VI

*Application to Scotland*

25. In the application of this Schedule to Scotland—

- (a) for references to the Act of 1948, and to sections eight, nine, thirteen, seventeen, sixty-seven, and seventy-seven of that Act, there shall be substituted respectively references to the Scottish Act of 1949, and to sections seven, eight, fourteen, eighteen, sixty-five, and seventy-five of that Act;
- (b) for references to an arbitrator there shall be substituted references to an arbiter;
- (c) paragraphs 7 and 13 shall be omitted;
- (d) for any reference to a holding to which Part I of the Landlord and Tenant Act, 1927, applies there shall be substituted a reference to a holding the tenant of which is entitled by the terms of his lease to claim compensation in respect of improvements, and any reference to the said Part I or to a tenant entitled to compensation thereunder shall be construed accordingly;
- (e) in paragraph 12 for sub-paragraph (4) there shall be substituted the following sub-paragraph:—  
 “(4) In this paragraph ‘the court’ means the sheriff having jurisdiction in the place where the holding, or any part of it, is situated”;
- (f) in Part III references to a mortgage shall be omitted;
- (g) Part V shall be omitted.

Section 41.

## EIGHTH SCHEDULE

## TENANCIES OF ALLOTMENT GARDENS AND OTHER ALLOTMENTS

1.—(1) In this Schedule—

“the Act of 1908” means the Small Holdings and Allotments Act, 1908;

“the Act of 1922” means the Allotments Act, 1922;

“allotment tenancy” means a tenancy under which land is occupied by the tenant and is either—

(a) land let under that tenancy for use by the tenant as an allotment garden, or

(b) an allotment, not being an allotment garden.

(2) Subsection (4) of section twenty-two of the Act of 1922 (whereby land used by the tenant thereof as an allotment garden is to be presumed to have been let for use by him as an allotment garden) shall apply for the purposes of this Schedule as it applies for the purposes of that Act.

2. Where the land comprised in a compulsory rights order consists of or includes any land which, immediately before the operative date of the order, is occupied (with or without other land) under an allotment tenancy, that tenancy (if not previously terminated) shall terminate by virtue of this paragraph on the date of entry.

3.—(1) On the termination of an allotment tenancy by virtue of the last preceding paragraph, the tenant under that tenancy shall not be entitled to any compensation from his landlord by virtue of the Act of 1908 or the Act of 1922 or the Allotments Act, 1950, or by virtue of any other enactment relating to allotments, but the following provisions of this paragraph shall have effect as to compensation payable by the Board to the tenant in respect of the termination of that tenancy.

(2) Subject to sub-paragraph (4) of this paragraph, the amount of the compensation payable in respect of an allotment tenancy under this paragraph shall be the amount of the compensation (if any) to which, under any of the enactments mentioned in the next following sub-paragraph, the tenant under that tenancy would have been entitled from his landlord, on quitting the land on the termination of his tenancy, if—

- (a) the tenancy had been terminated by the landlord as from the date of entry, and
- (b) in the case of an allotment garden, the tenancy had been so terminated by such re-entry as is mentioned in subsection (2) of section two of the Act of 1922.

(3) The said enactments are the following, that is to say,—

- (a) sections two, three and five of the Act of 1922 ; and
- (b) section forty-seven of the Act of 1908.

(4) In addition to any amount payable in accordance with sub-paragraph (2) of this paragraph, compensation shall be payable under this paragraph in respect of an allotment tenancy of an amount equal to one year's rent under that tenancy, at the rate at which rent was payable thereunder immediately before the date on which the compulsory rights order was made:

Provided that, if the tenancy did not subsist at the time when the order was made, the amount payable by virtue of this sub-paragraph shall be equal to one year's rent at such rate as would have represented a reasonable rent in relation to that tenancy if the order had not been made.

4. In determining the amount of any compensation payable by the Board under the last preceding paragraph, no account shall be taken of any sum due to the landlord from the tenant, or of any right which the landlord would have had (under the Allotments Act, 1950, or otherwise) to deduct any sum so due.

5.—(1) Where in consequence of the confirmation of a compulsory rights order the tenant under an allotment tenancy incurs a loss in respect of a forced sale of any trees, bushes, structures, improvements or other property which, in pursuance of section four or section five of the Act of 1922, or of subsection (4) of section forty-seven of the Act of 1908, he has removed from the land which was comprised in the tenancy, he shall, subject to the following provisions of this paragraph, be entitled to compensation from the Board of an amount equal to that loss.

(2) Subsection (3) of section twenty-seven of this Act shall apply for the purposes of this paragraph as it applies for the purposes of that section.

8TH SCH.  
—cont.

(3) The preceding provisions of this paragraph shall have effect without prejudice to any right to compensation under the said section twenty-seven as applied by section twenty-nine of this Act ; but compensation shall not be payable under this paragraph in respect of a forced sale if compensation is payable in respect thereof under the said section twenty-seven as so applied.

6.—(1) Any compensation payable under paragraph 3 of this Schedule shall accrue due on the date of entry.

(2) Any compensation payable under the last preceding paragraph in respect of a forced sale shall accrue due on the effective date of the sale, or, if that date was before the operative date of the order, shall be treated as having accrued due on the effective date of the sale.

(3) Subsections (7) and (8) of section thirty-five of this Act shall apply in relation to any compensation payable by the Board under this Schedule as they apply in relation to any such compensation as is referred to in subsection (7) of that section, and "effective date" in this paragraph has the same meaning as in that section.

7. Any dispute—

(a) as to a right to compensation from the Board under this Schedule, or as to the amount of any such compensation, or

(b) as to a right to compensation from the Board under section seventeen of this Act, as applied by section twenty-nine thereof, in respect of a holding consisting exclusively of land occupied under an allotment tenancy, or as to the amount of any such compensation,

shall, notwithstanding anything in subsection (3) of section forty of this Act, be determined by a valuation made by a person appointed in default of agreement by the judge of the county court having jurisdiction in the place where the land in question is situated, on an application in writing made for the purpose by the person claiming the compensation or by the Board.

8. Subsection (2) of section six of the Act of 1922 (which relates to the charges of the valuer for a valuation under that section) shall apply in relation to a valuation under the last preceding paragraph as it applies in relation to a valuation under that section, with the substitution, for the reference to the landlord, of a reference to the Board.

9.—(1) Where on the termination of an allotment tenancy any compensation is payable by virtue of sub-paragraph (2) of paragraph 3 of this Schedule, in respect of any matters referred to in the enactments mentioned in sub-paragraph (3) of that paragraph, and the land which, immediately before the operative date of the compulsory rights order in question, was occupied under that tenancy constitutes a holding to which section twenty-nine of this Act applies, sections twenty-two and twenty-three of this Act shall apply in relation to that holding subject to the following provisions of this paragraph.

(2) The said section twenty-two shall apply in relation to the holding as if any reference in that section to the condition in which land was immediately before the date of entry were a reference to



the condition in which the land in question would have been, immediately before the date of entry, if the matters qualifying for compensation had not existed.

8TH SCH.  
—cont.

(3) In the application of subsection (2) of the said section twenty-three to that holding, for the value mentioned in paragraph (c) of that subsection there shall be substituted the value which, at the end of the period of occupation, a freehold interest in the holding would have if it were then in the state in which it might reasonably have been expected to be, immediately before the date of entry, if the matters qualifying for compensation had not existed.

(4) In this paragraph “the matters qualifying for compensation” means the matters in respect of which compensation is payable by virtue of sub-paragraph (2) of paragraph 3 of this Schedule.

10. In the application of this Schedule to Scotland—

- (a) for the reference to subsection (4) of section twenty-two of the Act of 1922 there shall be substituted a reference to subsection (3) of section nineteen of the Allotments (Scotland) Act, 1922 ;
- (b) in sub-paragraph (1) of paragraph 3, for the words “the Act of 1908 or the Act of 1922 or the Allotments Act, 1950” there shall be substituted the words “the Allotments (Scotland) Acts, 1892 to 1950” ;
- (c) in sub-paragraph (2) of paragraph 3, for the words “under any of the enactments mentioned in the next following sub-paragraph” there shall be substituted the words “by virtue of the Allotments (Scotland) Acts, 1892 to 1950 (but excluding any compensation for disturbance)”, and for the words “such re-entry as is mentioned in subsection (2) of section two of the Act of 1922” there shall be substituted the words “such resumption of possession as is mentioned in subsection (3) of section two of the Allotments (Scotland) Act, 1922” ;
- (d) sub-paragraph (3) of paragraph 3 shall be omitted ;
- (e) subject to sub-paragraph (b) of this paragraph, for any reference to the Allotments Act, 1950, there shall be substituted a reference to the Allotments (Scotland) Act, 1950 ;
- (f) in paragraph 5, for the references to section four or section five of the Act of 1922 and to subsection (4) of section forty-seven of the Act of 1908 there shall be substituted respectively references to subsection (8) of section two or section four of the Allotments (Scotland) Act, 1922, and to subsections (5) and (6) of section seven of the Allotments (Scotland) Act, 1892 ;
- (g) for references to a valuation and to the judge of the county court there shall be substituted respectively references to arbitration and to the sheriff ; and
- (h) paragraph 8 shall be omitted, but paragraph (c) of subsection (9) of section two of the Allotments (Scotland) Act, 1922, shall apply in relation to the expenses of an arbitration under paragraph 7 of this Schedule as it applies in relation to the expenses of an arbitration under the said subsection (9).

Sections 39, 47.

## NINTH SCHEDULE

### PROVISIONS AS TO NOTICES

1. Subject to the following provisions of this Schedule, any notice or other document required or authorised to be served or given under this Act, or under any enactment applied by or incorporated with this Act, may be served or given either—

- (a) by delivering it to the person on whom it is to be served or to whom it is to be given ; or
- (b) by leaving it at the usual or last known place of abode of that person, or, in a case where an address for service has been given by that person, at that address ; or
- (c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode, or, in a case in which an address for service has been given by him, at that address ; or
- (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office, or sending it in a prepaid registered letter addressed to the secretary or clerk of the company or body at that office.

2. Where the notice or document is required or authorised to be served on any person as having an interest in land, and the name of that person cannot be ascertained after reasonable inquiry, or where the notice or document is required or authorised to be served on any person as an occupier of land, the notice shall be deemed to be duly served if—

- (a) being addressed to him either by name or by the description of “the owner” or “the occupier”, as the case may be, of the land (describing it), it is delivered or sent in the manner prescribed by the preceding paragraph ; or
- (b) being so addressed, it is sent in a prepaid registered letter to the land in question and is not returned to the person by whom or on whose behalf it is sent, or is delivered to some person on that land or is affixed conspicuously to some object on that land.

3.—(1) Subject to the next following sub-paragraph, where the notice or other document is required to be served on or given to all persons having interests (or interests of a specified description) in any land, or being occupiers of any land, and it appears to the person required or authorised to serve or give the notice or other document that any part of that land is unoccupied, the notice or other document shall be deemed to be duly served on all persons having interests (or the relevant interests, as the case may be) in that part of the land and on any occupiers of that part of the land (other than a person who has given an address for the service of the notice on him) if it is addressed to “the owners and any occupiers” of that part of the land (describing it) and is affixed conspicuously to some object on the land.

(2) This paragraph shall not apply to any notice required to be served or given under the First Schedule to this Act, or under

the provisions of the First Schedule to the Acquisition of Land Act, or the Scottish Acquisition of Land Act, as applied, in relation to compulsory rights orders, by section four of this Act.

9TH SCH.  
—cont.

4. The preceding provisions of this Schedule shall not apply to any notice for which a method of service is prescribed by regulations under this Act, except in so far as any of those provisions are applied by those regulations.

## TENTH SCHEDULE

Section 48.

### TRANSITIONAL PROVISIONS

#### PART I

#### GENERAL

1.—(1) In this Schedule, except in so far as the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“annual compensation under this Act” means compensation under any of the following provisions of this Act, that is to say, sections seventeen to twenty, the provisions of any of those sections as applied by section twenty-nine, and subsection (2) of section thirty-one ;

“the date of requisition”, in relation to any land, means the date on which possession of that land was or is taken in the exercise of emergency powers ;

“the existing arrangements”, in relation to any land which, at the commencement of this Act, is land already requisitioned for opencast operations, or land requisitioned as an opencast storage site, means the following provisions and arrangements in so far as they apply to that land, that is to say,—

(a) the provisions of subsection (1) of section two of the Compensation (Defence) Act, 1939, and

(b) any arrangements in force at the commencement of this Act whereby compensation (either in substitution for, or in addition to, compensation under those provisions) is to be payable by or on behalf of the Minister in consequence of the taking or retention of possession of the land in the exercise of emergency powers ;

“interest”, in relation to any land, includes any right by virtue of which a person is entitled, or would (apart from this Act or any exercise of emergency powers) be entitled, to occupy that land, and also includes any right restrictive of the use of that land ;

“land already requisitioned for opencast operations” means land of which possession has before the commencement of this Act been taken in the exercise of emergency powers, and is for the time being retained in the exercise of those powers for the purpose of working coal on that land, or

10TH SCH.  
—cont.

on land contiguous therewith, by opencast operations, or for the purpose of restoring that land after it has been affected by the working of coal by such operations ;

“land hereafter requisitioned for opencast operations” means land of which possession is after the commencement of this Act taken in the exercise of emergency powers for the purpose of working coal on that land, or on land contiguous therewith, by opencast operations, and is for the time being retained in the exercise of those powers for that purpose, or for the purpose of restoring that land after it has been affected by the working of coal by such operations ;

“land requisitioned for opencast operations” means land which is either land already requisitioned for opencast operations or land hereafter requisitioned for such operations ;

“land requisitioned as an opencast storage site” means land which fulfils the following conditions, that is to say, that—

(a) possession of that land was taken in the exercise of emergency powers before the eighteenth day of December, nineteen hundred and fifty-seven ;

(b) possession of that land was on that day retained in the exercise of those powers for the purpose of storing, cleaning or sorting coal or otherwise preparing it for disposal, and continues for the time being to be so retained for that purpose ; and

(c) during the period beginning with that day and ending with the commencement of this Act, the coal stored or otherwise dealt with on that land has been wholly or mainly coal got by opencast operations ;

“terminal compensation under this Act” means compensation under any of the following provisions of this Act, that is to say, sections twenty-one, twenty-two and twenty-three, or under the provisions of any of those sections as applied by section twenty-nine, or under subsection (3) of section thirty-one ;

“terminal compensation under the Act of 1939” means compensation under paragraph (b) of subsection (1) of section two of the Compensation (Defence) Act, 1939 ;

“terminal date”, in relation to any land of which (by virtue of the following provisions of this Schedule) possession ceases to be retained in the exercise of emergency powers by reason of its being comprised in a compulsory rights order, means the date on which that order ceases to have effect, and, in relation to any other land, means the date on which possession thereof ceases to be retained in the exercise of emergency powers.

(2) Any reference in any provision of this Schedule to a sum paid on account of a prospective right to compensation of a description specified in that provision includes a reference to a sum paid in consideration of a waiver (whether total or partial) of a prospective claim to compensation of that description.

## PART II

## OPENCAST SITES

*Authorisations*10TH SCH.  
—cont.

2. Subsection (1) of section one of this Act shall not have effect with respect to the working of coal on land requisitioned for opencast operations ; but, for the purposes of the provisions of this Act, other than section one, any authorisation given by the Minister by virtue of the Defence (General) Regulations, 1939, whether before or after the commencement of this Act, with respect to the use of any such land by the Board shall be treated as if it were an authorisation granted under section one of this Act to work coal on that land by opencast operations, or to cause or permit coal to be so worked thereon.

3.—(1) Where at the commencement of this Act—

- (a) any land is occupied by the Board for the purpose of working coal on that land, or on land contiguous therewith, by opencast operations, or for the purpose of restoring that land after it has been affected by the working of coal by such operations, and
- (b) the land is either land owned by the Board, or land in which there is a Crown or Duchy interest, but no private interest other than any interest belonging to the Board, and accordingly possession of that land has not been taken, or is not for the time being retained, in the exercise of emergency powers,

subsection (1) of section one of this Act shall not have effect in relation to that land ; but the powers conferred on the Minister by section two of this Act shall be exercisable in relation to that land as those powers would be exercisable by the Minister in relation thereto on granting an authorisation under section one of this Act comprising that land.

(2) The preceding sub-paragraph shall have effect notwithstanding anything in subsection (1) of section forty-four of this Act.

(3) In this paragraph “Crown or Duchy interest” and “private interest” have the meanings assigned to them by section forty-four of this Act.

4. The powers conferred on the Minister by section two of this Act shall be exercisable at any time in relation to any land requisitioned for opencast operations, notwithstanding that the Minister is not then granting an authorisation under section one of this Act in respect of that land, if the Minister has (whether before or after the commencement of this Act) given an authorisation which by virtue of paragraph 2 of this Schedule is to be treated as if it were an authorisation under that section.

*Termination of emergency powers*

5. Where a compulsory rights order is made in respect of land requisitioned for opencast operations, any power to retain possession of land in the exercise of emergency powers shall cease to apply to that land as from the operative date of the order.

10TH SCH.  
—cont.

*Compulsory rights orders in respect of requisitioned opencast sites*

6. Subject to the following provisions of this Part of this Schedule, where the land comprised in a compulsory rights order consists of or includes land requisitioned for opencast operations, the period specified in the order, as the period for which the order is to have effect, shall not extend beyond the tenth anniversary of the date of requisition of that land.

7. Where the land comprised in a compulsory rights order consists exclusively of land requisitioned for opencast operations, then, notwithstanding anything in subsection (5) of section four of this Act,—

(a) the provisions of Part I of the First Schedule to the Acquisition of Land Act, as modified by Part I of the Second Schedule to this Act, except the provisions of paragraphs 2, 5 and 6 of the said First Schedule, as so modified, and

(b) the provisions of Part III of the said First Schedule, as so modified,

shall not apply to that order :

Provided that this paragraph shall have effect subject to the provisions of paragraph 9 of this Schedule in cases falling within that paragraph.

8. A compulsory rights order falling within paragraph 6 or paragraph 7 of this Schedule shall not be varied by extending the period for which it has effect in such a way that, in respect of any of the land comprised in the order, that period extends beyond the tenth anniversary of the date of requisition of that land.

9.—(1) Where the land comprised in a compulsory rights order consists of or includes land requisitioned for opencast operations, and it appears to the Board that, for either or both of the reasons mentioned in the next following sub-paragraph, it is necessary that the period specified in the order, as the period for which the order is to have effect, should extend beyond the tenth anniversary of the date of requisition of that land,—

(a) the period specified in the order may extend beyond that anniversary, and shall (subject to the following provisions of this paragraph) be such period as the Board consider necessary in the circumstances ;

(b) the order shall state the reasons for which the Board consider it necessary that the period specified in the order should so extend ; and

(c) paragraph 7 of this Schedule shall not apply to the order, and the provisions as to the making and confirmation of the order shall be in accordance with subsection (5) of section four of this Act.

(2) The said reasons are—

(a) that a longer period is required for completing the restoration of land comprised in the order so as to be reasonably fit for use as agricultural land ;

(b) that there is in force an agreement relating to that land made between the Board and another person before the eighteenth day of December, nineteen hundred and fifty-seven, which provides for the working of coal by that person by opencast

operations, and is not an agreement under which the coal is to become the property of that other person, and a longer period is required for completing the operations provided for by the agreement.

10TH SCH.  
—cont.

(3) Where an order is made in the circumstances mentioned in sub-paragraph (1) of this paragraph, the period for which the order has effect shall not extend beyond the tenth anniversary of the commencement of this Act.

(4) The Minister shall not confirm an order as being an order falling within sub-paragraph (1) of this paragraph unless he is satisfied that the reasons stated in the order in accordance with that sub-paragraph are well-founded and that it is necessary for those reasons that the period for which the order has effect should extend as mentioned in that sub-paragraph.

10. Where the land comprised in a compulsory rights order consists exclusively of land which, immediately before the operative date of the order, is land requisitioned for opencast operations, section five of this Act, and the Second Schedule to this Act, shall have effect in relation to the order subject to the following modifications:—

- (a) subsections (2) and (3) of that section, and Part II of that Schedule, shall not apply;
- (b) in subsection (4) of that section, for the words “date of entry” there shall be substituted the words “operative date”.

11. Subsection (2) of section nine of this Act shall not apply to land which, at the time when the compulsory rights order in question is confirmed, is land requisitioned for opencast operations.

12. Section thirty-six of this Act shall not apply to land comprised in an opencast site order which, immediately before the operative date of the order, is land requisitioned for opencast operations.

#### *Certification of payments under existing arrangements*

13. In respect of any land which, at the commencement of this Act, is land already requisitioned for opencast operations, the Minister shall, as soon as may be after the commencement of this Act, issue certificates in accordance with paragraphs 14 and 15 of this Schedule.

14.—(1) In respect of any such land as is mentioned in the last preceding paragraph the Minister shall issue, and serve on each person who, at the commencement of this Act, is a person to whom in accordance with the existing arrangements any periodical payments are payable, a certificate stating—

- (a) the interest in land in respect of which those payments are payable to him;
- (b) the annual amount of the payments which are payable in respect of that interest; and
- (c) the times at which, in accordance with the existing arrangements, those payments become payable.

(2) For the purpose of this paragraph the Minister shall determine the annual amount of the periodical payments in respect of an interest in the land by reference to the sums paid or payable in respect of that interest in accordance with the existing arrangements for the year ending with the date of the commencement of this Act:

10TH SCH.  
—cont.

Provided that if, under the existing arrangements, periodical payments have been payable in respect of that interest for only part of that year, the Minister shall have regard to the amount of the sums paid or payable in respect of that interest for that part of that year, and shall adjust that amount proportionately to a full year and determine the annual amount of the periodical payments by reference to that amount as so adjusted.

15. In respect of any such land as is mentioned in paragraph 13 of this Schedule the Minister shall also issue a certificate and serve it on the person who, at the time of issue of the certificate, is the owner of that land, stating whether any sum has been paid in respect of that land on account of any prospective right to terminal compensation under the Act of 1939, and, if so, the amount of the sum so paid.

16. The Minister shall serve on the Board a copy of any certificate issued under paragraph 14 or paragraph 15 of this Schedule.

*Annual and initial compensation*

17. In respect of any land hereafter requisitioned for opencast operations—

- (a) no compensation shall be payable under any of paragraphs (a), (c) and (d) of subsection (1) of section two of the Compensation (Defence) Act, 1939 ;
- (b) annual compensation under this Act shall be payable as if the land were comprised in a compulsory rights order which became operative on the date of requisition of the land ;
- (c) compensation under section twenty-six of this Act (or under that section as extended by section twenty-eight of this Act) shall, where applicable, be payable as if the land were comprised in a compulsory rights order and the date of requisition of the land were the date of entry under that order ; and
- (d) compensation under section twenty-seven of this Act (or under the provisions of that section as applied by section twenty-nine of this Act) shall, where applicable, be payable as if the land were comprised in a compulsory rights order which became operative on the date of requisition of the land, and as if anything done in consequence of the taking of possession of the land in the exercise of emergency powers had been done in consequence of the confirmation of that order.

18. Subject to the following provisions of this Part of this Schedule, in respect of any land which, at the commencement of this Act, is land already requisitioned for opencast operations—

- (a) periodical payments shall continue to be payable in accordance with the existing arrangements, and
- (b) if the land is subsequently comprised in a compulsory rights order, no annual compensation under this Act shall be



payable, but periodical payments shall continue to be payable in accordance with the existing arrangements as if the order had not been made:

10TH SCH  
—cont.

Provided that no such periodical payments shall accrue due in respect of any land after the terminal date.

19. Any periodical payments which continue to be payable as mentioned in the last preceding paragraph, in so far as they accrue due after the commencement of this Act, shall be payable by the Board and not by the Minister or by any other person.

20. The annual amount of any such periodical payments which are payable in respect of an interest in land shall be taken to be the annual amount specified in the certificate issued in respect of that interest under paragraph 14 of this Schedule.

21.—(1) In respect of any land which, at the commencement of this Act, is land already requisitioned for opencast operations, any person who claims that, if annual compensation under this Act were payable in respect of that land, he would be entitled to such compensation in respect of an interest in that land, may, at any time before the first anniversary of the commencement of this Act, serve notice on the Board requiring that annual compensation under this Act shall be payable in respect of that interest.

(2) The right to serve a notice under this paragraph shall apply whether the land in question is for the time being comprised in a compulsory rights order or not.

(3) Any notice served under this paragraph shall be in such form, and shall contain such information, as may be prescribed.

22.—(1) The effect of a notice under the last preceding paragraph in respect of an interest in land shall be as follows:—

- (a) any annual compensation under this Act which, in the circumstances specified in the next following sub-paragraph, would have accrued due in respect of that interest for the period beginning with the commencement of this Act and ending with the terminal date, or for any part of that period, shall be payable, or shall be treated as having become payable, as the case may require, as if those circumstances had existed;
  - (b) if apart from the notice periodical payments would have become payable in respect of that interest in accordance with the existing arrangements, and would have accrued due after the date of service of the notice, those payments shall not be payable;
  - (c) any periodical payments already paid in respect of that interest in accordance with the existing arrangements, in so far as they accrued due after the commencement of this Act, shall be set off against annual compensation under this Act payable in respect of that interest.
- (2) The said circumstances are those which would have existed if—
- (a) this Act had been in operation before the date of requisition of the land in question, and had contained no restriction as to the duration of the period for which a compulsory rights order could have effect;

10TH SCH.  
—cont.

- (b) a compulsory rights order comprising that land had come into operation on the date of requisition, and the requirements of subsection (2) of section five of this Act in relation to that order had been duly complied with ;
- (c) the period of occupation under that order had been a period ending on the date which, in relation to that land, is the terminal date ; and
- (d) anything done in relation to that land in the exercise of emergency powers had been done in the exercise of rights conferred by that order.

(3) In the preceding sub-paragraphs any reference to the commencement of this Act, or to the terminal date, in relation to any land, shall (notwithstanding anything in the last preceding sub-paragraph) be construed as a reference to the actual date on which this Act comes into operation, or to the actual terminal date in relation to that land, as the case may be.

23.—(1) At any time after the first anniversary of the commencement of this Act, any person who is entitled to an interest in land in respect of which a notice could have been, but has not been, served under paragraph 21 of this Schedule, may serve notice on the Board requiring that annual compensation under this Act shall be payable in respect of that interest.

(2) Sub-paragraphs (2) and (3) of paragraph 21 of this Schedule, and the provisions of the last preceding paragraph, shall apply to a notice under this paragraph as they apply to a notice under the said paragraph 21, so however that in the application of the provisions of the last preceding paragraph to a notice under this paragraph any reference to the commencement of this Act, or to the date of service of the notice, shall be construed as a reference to the anniversary of the commencement of this Act which next occurs after the service of the notice.

#### *Terminal compensation*

24. Where after the commencement of this Act possession of any land ceases to be retained in the exercise of emergency powers by reason of the coming into operation of a compulsory rights order comprising that land, no terminal compensation under the Act of 1939 shall be payable in respect of that land.

25. In respect of any land hereafter requisitioned for opencast operations of which possession ceases to be retained in the exercise of emergency powers, otherwise than by reason of the coming into operation of a compulsory rights order comprising that land,—

- (a) no terminal compensation under the Act of 1939 shall be payable, but
- (b) terminal compensation under this Act shall be payable as if the land had been comprised in a compulsory rights order which became operative on the date of requisition of the land, and the period of occupation under that order came to an end on the terminal date, and as if anything done in relation to that land in the exercise of emergency powers had been done in the exercise of rights conferred by that order.

26. In respect of any land already requisitioned for opencast operations of which, after the commencement of this Act, possession ceases to be retained in the exercise of emergency powers, otherwise than by reason of the coming into operation of a compulsory rights order comprising that land,—

10TH SCH.  
—cont.

- (a) no terminal compensation under the Act of 1939 shall be payable, but
- (b) there shall be payable all such terminal compensation under this Act as would have been payable in the circumstances specified in sub-paragraph (2) of paragraph 22 of this Schedule.

27. For the purposes of the application of any of the provisions of this Act, other than this Schedule, to any land falling within paragraph 24, paragraph 25 or paragraph 26 of this Schedule, any reference in those provisions to the date of entry shall be construed as a reference to the date of requisition of the land.

28. Where compensation under section twenty-three of this Act, or under the provisions of that section as applied by section twenty-nine of this Act, would, apart from this paragraph, be payable in respect of any land falling within paragraph 24 or paragraph 26 of this Schedule, and in a certificate issued in respect of that land under paragraph 15 of this Schedule it is stated that a sum was paid in respect of that land as therein mentioned, the amount of that sum (as stated in the certificate) shall be deducted from the amount of that compensation.

#### *Tenant's improvements*

29. In relation to any land falling within paragraph 24 of this Schedule, the provisions of section twenty-four or section thirty of this Act, where applicable, shall have effect subject to the modification specified in paragraph 27 of this Schedule.

30. In relation to any land falling within paragraph 25 of this Schedule, the provisions of section twenty-four or section thirty of this Act, where applicable, shall have effect (subject to the modification specified in paragraph 27 of this Schedule) as if the land had been comprised in a compulsory rights order which became operative on the date of requisition of the land, and the period of occupation under that order came to an end on the terminal date.

31. In relation to any land falling within paragraph 26 of this Schedule, the provisions of section twenty-four or section thirty of this Act, where applicable, shall have effect (subject to the modification specified in paragraph 27 of this Schedule) as those provisions would have had effect in the circumstances specified in sub-paragraph (2) of paragraph 22 of this Schedule.

#### *Depreciation of other land in same ownership*

32.—(1) The Minister may by regulations make provision for the payment of compensation in respect of land which, at such time as may be prescribed by the regulations, is land wherein the interest of the owner is held by a person who is also the owner of land requisitioned for opencast operations.

10TH SCH.  
—cont.

(2) Any such provision made by regulations under this paragraph shall be such as the Minister may consider appropriate for securing that compensation is payable thereunder, in respect of land to which the regulations apply, in cases, and according to principles, corresponding as nearly as may be with the cases in which, and the principles according to which, compensation is payable under section thirty-two of this Act in respect of land to which that section applies.

*Provisions as to minerals*

33.—(1) The powers conferred by Regulation fifty-one A of the Defence (General) Regulations, 1939, shall not be exercisable for the purpose of the working of minerals on any land which is for the time being comprised in a compulsory rights order which has become operative.

(2) The preceding sub-paragraph shall have effect without prejudice to the provisions of Part IV of this Schedule as to the temporary stopping up of highways.

34. In respect of any land requisitioned for opencast operations—

(a) the provisions (where applicable) of the Fifth Schedule to this Act, other than paragraphs 7 to 10, paragraph 13 and sub-paragraphs (3) to (5) of paragraph 14 of that Schedule, and the provisions (where applicable) of Part IV of the Seventh Schedule to this Act, shall apply in relation to any time after the commencement of this Act and before the terminal date as if the land were comprised in a compulsory rights order which became operative on the date of requisition of the land, and

(b) the provisions of paragraphs (3) to (5) of the said Regulation fifty-one A shall not apply in relation to any such time.

35. Where after the commencement of this Act possession of any land ceases to be retained in the exercise of emergency powers by reason of the coming into operation of a compulsory rights order comprising that land—

(a) no sum shall be payable in respect of that land by virtue of paragraph (6) of the said Regulation fifty-one A, but

(b) the provisions (where applicable) of the Fifth Schedule to this Act, other than paragraphs 3 to 6, paragraph 12 and sub-paragraph (2) of paragraph 14 of that Schedule, shall apply in relation to that land as if any reference in those provisions to the operative date or to the date of entry were a reference to the date of requisition of the land.

36. Where after the commencement of this Act—

(a) possession of any land ceases to be retained in the exercise of emergency powers, otherwise than by reason of the coming into operation of a compulsory rights order comprising that land, and

- (b) immediately before the time when possession of that land ceases to be so retained, the land was land requisitioned for opencast operations,

10TH SCH.  
—cont.

no sum shall be payable in respect of that land by virtue of paragraph (6) of the said Regulation fifty-one A, but the provisions (where applicable) of the Fifth Schedule to this Act (with the exceptions specified in the last preceding paragraph) shall apply as if the land had been comprised in a compulsory rights order under which the period of occupation came to an end on the terminal date.

37.—(1) Where at the commencement of this Act—

- (a) any land already requisitioned for opencast operations is land which, if it were comprised in a compulsory rights order which became operative immediately after the commencement of this Act, would (within the meaning of the Fifth Schedule to this Act) be land to which that Schedule applies, and
- (b) in respect of that land any sum has been paid (whether by the Minister or by the Board) on account of any prospective right to compensation under the said Regulation fifty-one A,

the Minister shall, as soon as may be after the commencement of this Act, issue a certificate specifying the amount and date of payment of that sum and the person to whom it was paid.

(2) Any certificate required to be issued in respect of any land in accordance with the preceding sub-paragraph shall be served on any person who, at the date of issue of the certificate, would (within the meaning of the Fifth Schedule to this Act) be the mineral operator in relation to that land if the land were comprised in such a compulsory rights order as is mentioned in the preceding sub-paragraph.

(3) The Minister shall serve on the Board a copy of any certificate issued under this paragraph.

38.—(1) The provisions of this paragraph shall have effect with respect to any sum specified in a certificate issued under the last preceding paragraph.

(2) So much (if any) of that sum as was paid in respect of compensation which (apart from paragraph 34 of this Schedule) would have accrued due after the commencement of this Act under paragraph (4) or paragraph (5) of the said Regulation fifty-one A shall be set off against any compensation becoming payable, in respect of any of the land to which the certificate relates, under paragraph 4 or paragraph 5 of the Fifth Schedule to this Act.

(3) So much (if any) of that sum as was paid in respect of a prospective right to compensation under paragraph (6) or paragraph (7) of the said Regulation fifty-one A shall be set off against any

10TH SCH.  
—cont.

compensation which may become payable by virtue of the operation, in relation to any of the land to which the certificate relates, of any provisions of the Fifth Schedule to this Act in accordance with paragraph 35 or paragraph 36 of this Schedule.

(4) For the avoidance of doubt it is hereby declared that subsection (3) of section forty of this Act applies to any dispute about what proportion of any sum specified in such a certificate was paid as mentioned in sub-paragraph (2) or sub-paragraph (3) of this paragraph.

*Provisions as to allotment gardens and other allotments*

39. The provisions of the Eighth Schedule to this Act shall have effect in relation to any land hereafter requisitioned for opencast operations as if—

- (a) the land were comprised in a compulsory rights order which had become operative, and
- (b) anything done in consequence of the taking of possession of the land in the exercise of emergency powers had been done in consequence of the confirmation of that order:

Provided that for the purposes of the application of those provisions in accordance with this paragraph any reference in those provisions to the operative date of the order or to the date of entry shall be construed as a reference to the date of requisition of the land.

40. The provisions of the Eighth Schedule to this Act shall not have effect in relation to any land which, at the commencement of this Act, is land already requisitioned for opencast operations, whether that land is subsequently comprised in a compulsory rights order or not.

*Concurrent requisitions*

41. The Minister may by regulations make provision for modifying or adapting any of the provisions of this Act relating to compensation (including any such provisions contained in this Schedule) in their application to any land in circumstances corresponding (by reason that two or more parcels of land are at the same time land requisitioned for opencast operations) to the circumstances for which, in relation to compulsory rights orders, provision can be made by regulations under paragraph 29 of the Sixth Schedule to this Act.

PART III

STORAGE SITES

*Termination of emergency powers*

42. Where a compulsory rights order is made in respect of land requisitioned as an opencast storage site, any power to retain possession of land in the exercise of emergency powers shall cease to apply to that land as from the operative date of the order.

*Certification of payments under existing arrangements*10TH SCH.  
—cont.

43. Paragraphs 13 to 16 of this Schedule shall apply in relation to land which, at the commencement of this Act, is land requisitioned as an opencast storage site as they apply in relation to land which, at the commencement of this Act, is land already requisitioned for opencast operations.

*Annual compensation*

44. Paragraphs 18 to 23 of this Schedule shall apply in relation to land which, at the commencement of this Act, is land requisitioned as an opencast storage site as they apply in relation to land which, at the commencement of this Act, is land already requisitioned for opencast operations.

*Terminal compensation and tenant's improvements*

45. Paragraphs 24, 26, 27, 28 and 31 of this Schedule shall have effect in relation to any land which, at the commencement of this Act, is land requisitioned as an opencast storage site, as if any reference in those paragraphs to land already requisitioned for opencast operations were a reference to land requisitioned as an opencast storage site.

*Depreciation of other land in same ownership*

46. In sub-paragraph (1) of paragraph 32 of this Schedule, the reference to land requisitioned for opencast operations shall include a reference to land requisitioned as an opencast storage site; and the power to make regulations under that paragraph shall be exercisable accordingly.

*Concurrent requisitions*

47. In paragraph 41 of this Schedule, the reference to two or more parcels of land which are at the same time land requisitioned for opencast operations shall include references—

(a) to two or more parcels of land of which one or more are land requisitioned for opencast operations and the other or others are at the same time land requisitioned as opencast storage sites, and

(b) to two or more parcels of land both or all of which are at the same time land requisitioned as opencast storage sites; and the power to make regulations under that paragraph shall be exercisable accordingly.

## PART IV

## TEMPORARY STOPPING UP OF HIGHWAYS

48.—(1) This Part of this Schedule applies to any order made before the commencement of this Act under Regulation fifty-one A of the Defence (General) Regulations, 1939, in so far as it—

(a) provided for the temporary stopping up of a highway (not being a highway over which there was a public right of way enjoyable by vehicular traffic) across any land which, at the commencement of this Act, is land already requisitioned for opencast operations, and

(b) is in force immediately after the commencement of this Act.

10<sup>TH</sup> SCH.  
—*cont.*

(2) This Part of this Schedule also applies to any order made after the commencement of this Act under that Regulation in so far as it provides for the temporary stopping up of such a highway across any land which, at the time when the order is made, is land requisitioned for opencast operations.

49. In so far as any order made under that Regulation is an order to which this Part of this Schedule applies,—

- (a) the order shall have effect as if it had been made under section three of the Acquisition of Land Act as applied by section fifteen of this Act, and may be varied or revoked accordingly, and
- (b) the order shall not be affected by any enactment or Order in Council whereby that Regulation is revoked or varied.

## PART V

### PROVISIONS AS TO WOODLANDS

50. Without prejudice to any exercise of the power conferred on the Minister by paragraph 15 of the Sixth Schedule to this Act, the Minister may by regulations make provision for modifying or adapting any of the provisions of this Act relating to compensation (including any such provisions contained in this Schedule) in their application to land which—

- (a) at such time as may be prescribed for the purposes of this sub-paragraph (either generally, or in relation to any particular provision of this Act, or in relation to land of any description specified in the regulations) is or was land requisitioned for opencast operations or land requisitioned as an opencast storage site, and
- (b) at such time as may be so prescribed for the purposes of this sub-paragraph, is or was land used as woodlands, or as woodlands of a particular description specified in the regulations.

## PART VI

### APPLICATION TO SCOTLAND

51. In the application of this Schedule to Scotland, for any reference to the Acquisition of Land Act there shall be substituted a reference to the Scottish Acquisition of Land Act.



Table of Statutes referred to in this Act

| Short Title                                                                  | Session and Chapter             |
|------------------------------------------------------------------------------|---------------------------------|
| Lands Clauses Consolidation Act, 1845 ... ..                                 | 8 & 9 Vict. c. 18.              |
| Lands Clauses Consolidation (Scotland) Act, 1845                             | 8 & 9 Vict. c. 19.              |
| Telegraph Act, 1878 ... ..                                                   | 41 & 42 Vict. c. 76.            |
| Crofters Holdings (Scotland) Act, 1886 ... ..                                | 49 & 50 Vict. c. 29.            |
| Allotments (Scotland) Act, 1892 ... ..                                       | 55 & 56 Vict. c. 54.            |
| Small Holdings and Allotments Act, 1908 ... ..                               | 8 Edw. 7. c. 36.                |
| Acquisition of Land (Assessment of Compensation)<br>Act, 1919 ... ..         | 9 & 10 Geo. 5. c. 57.           |
| Allotments Act, 1922 ... ..                                                  | 12 & 13 Geo. 5. c. 51.          |
| Allotments (Scotland) Act, 1922 ... ..                                       | 12 & 13 Geo. 5. c. 52.          |
| Mines (Working Facilities and Support) Act, 1923                             | 13 & 14 Geo. 5. c. 20.          |
| Land Charges Act, 1925 ... ..                                                | 15 & 16 Geo. 5. c. 22.          |
| Landlord and Tenant Act, 1927 ... ..                                         | 17 & 18 Geo. 5. c. 36.          |
| Land Drainage Act, 1930 ... ..                                               | 20 & 21 Geo. 5. c. 44.          |
| Local Government Act, 1933 ... ..                                            | 23 & 24 Geo. 5. c. 51.          |
| Public Health Act, 1936 ... ..                                               | 26 Geo. 5 & 1 Edw. 8.<br>c. 49. |
| Compensation (Defence) Act, 1939 ... ..                                      | 2 & 3 Geo. 6. c. 75.            |
| Town and Country Planning Act, 1944 ... ..                                   | 7 & 8 Geo. 6. c. 47.            |
| Town and Country Planning (Scotland) Act, 1945                               | 8 & 9 Geo. 6. c. 33.            |
| Water Act, 1945 ... ..                                                       | 8 & 9 Geo. 6. c. 42.            |
| Requisitioned Land and War Works Act, 1945 ...                               | 8 & 9 Geo. 6. c. 43.            |
| Water (Scotland) Act, 1946 ... ..                                            | 9 & 10 Geo. 6. c. 42.           |
| Acquisition of Land (Authorisation Procedure) Act,<br>1946 ... ..            | 9 & 10 Geo. 6. c. 49.           |
| Coal Industry Nationalisation Act, 1946 ... ..                               | 9 & 10 Geo. 6. c. 59.           |
| Acquisition of Land (Authorisation Procedure)<br>(Scotland) Act, 1947 ... .. | 10 & 11 Geo. 6. c. 42.          |
| Local Government (Scotland) Act, 1947 ... ..                                 | 10 & 11 Geo. 6. c. 43.          |
| Agriculture Act, 1947 ... ..                                                 | 10 & 11 Geo. 6. c. 48.          |
| Town and Country Planning Act, 1947 ... ..                                   | 10 & 11 Geo. 6. c. 51.          |
| Town and Country Planning (Scotland) Act, 1947                               | 10 & 11 Geo. 6. c. 53.          |
| River Boards Act, 1948 ... ..                                                | 11 & 12 Geo. 6. c. 32.          |
| Agriculture (Scotland) Act, 1948 ... ..                                      | 11 & 12 Geo. 6. c. 45.          |
| Agricultural Holdings Act, 1948 ... ..                                       | 11 & 12 Geo. 6. c. 63.          |
| Lands Tribunal Act, 1949 ... ..                                              | 12, 13 & 14 Geo. 6.<br>c. 42.   |
| Agricultural Holdings (Scotland) Act, 1949 ...                               | 12, 13 & 14 Geo. 6.<br>c. 75.   |
| Allotments Act, 1950 ... ..                                                  | 14 Geo. 6. c. 31.               |
| Allotments (Scotland) Act, 1950 ... ..                                       | 14 Geo. 6. c. 38.               |
| Mineral Workings Act, 1951 ... ..                                            | 14 & 15 Geo. 6. c. 60.          |
| Rivers (Prevention of Pollution) (Scotland) Act, 1951                        | 14 & 15 Geo. 6. c. 66.          |
| Landlord and Tenant Act, 1954 ... ..                                         | 2 & 3 Eliz. 2. c. 56.           |
| Crofters (Scotland) Act, 1955 ... ..                                         | 3 & 4 Eliz. 2. c. 21.           |

**CHAPTER 70***Slaughterhouses Act, 1958*

## ARRANGEMENT OF SECTIONS

*Provision of slaughterhouse facilities*

## Section

1. Licensing of slaughterhouses—general.
2. Licensing of slaughterhouses where local restrictions in force.
3. Reports on slaughterhouse facilities.
4. Grant of new slaughterhouse licences after submission of report.
5. Isolation of slaughterhalls from dwellings.
6. Special grounds for, and appeals against, certain refusals.

*Regulation of slaughterhouses and knackers' yards*

7. Safety, health and welfare of persons employed in slaughterhouses and knackers' yards.
8. Amendment of Slaughter of Animals Acts, 1933 to 1954.
9. Additional provisions with respect to certain regulations and byelaws.

*Miscellaneous and general*

10. Grants for meat inspection at slaughterhouses.
11. Local inquiries.
12. Financial provisions.
13. Interpretation, etc.
14. Provisions relating to London.
15. Short title and extent.

## SCHEDULES:

First Schedule—Provisions with respect to reference of certain applications to Minister.

Second Schedule—Minor amendments of Slaughter of Animals Acts, 1933 to 1954.

An Act to make provision with respect to slaughterhouses and knackers' yards and the slaughter of animals; and for purposes connected therewith.

[1st August, 1958]

**B**E it enacted by the Queen'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:—

*Provision of slaughterhouse facilities*

Licensing of slaughterhouses—general.

1.—(1) Section sixty-four of the principal Act (which provides that except with the consent of the Minister a slaughterhouse licence shall not be granted or renewed in respect of any premises not previously used as a slaughterhouse) is hereby repealed.

(2) Where an application for the grant or renewal of a slaughterhouse licence is made to a local authority in respect of any premises to which, if they were used as a slaughterhouse, both construction regulations made under section thirteen of the principal Act and construction regulations made under section

two of the Act of 1954, being in each case regulations made after the passing of this Act, would apply, then—

- (a) subject to subsections (3) and (4) of section sixty-six of the principal Act (which provide for appeals), the authority shall not grant or renew the licence unless they are satisfied that all construction regulations for the time being in force, being regulations made under the said section thirteen or under the said section two, are, or by the date on which the licence or renewed licence comes into force will be, complied with in respect of the premises;
- (b) without prejudice to the foregoing paragraph, the authority shall not refuse the application unless—
  - (i) they are not satisfied, on the premises being represented by the applicant as ready for use as a slaughterhouse under the licence or renewed licence, that all the requirements of all regulations with respect to slaughterhouses for the time being in force under the said section thirteen, of all construction regulations for the time being in force under the said section two and of all byelaws, if any, made by the authority and for the time being in force under section sixty-eight of the principal Act are, or within a reasonable time will be, complied with in respect of the premises; or
  - (ii) they are required to refuse the application by section two, four, five or six of this Act; or
  - (iii) in a case to which subsection (4) of section two of this Act applies, the Minister has consented to the refusal;

and this subsection shall apply in relation to the grant, renewal or refusal of an express authorisation under subsection (3) of section sixty-two of the principal Act for the use of premises for or in connection with the slaughter of horses as it applies to the grant, renewal or refusal of a slaughterhouse licence in respect of those premises; and section sixty-five of the principal Act shall not apply in any case to which this subsection applies.

(3) No resolution under section seventy-six of the principal Act (which confers power on a local authority to restrict by resolution the grant or renewal of slaughterhouse licences where the authority are satisfied that the slaughterhouse facilities available in their district are adequate for the time being) shall be passed by a local authority or approved by the Minister after the passing of this Act, and the Minister shall require a local authority to revoke any resolution for the time being having effect under the said section seventy-six or under section seventy-five of the

principal Act (which confers the like power by reason of the provision of slaughterhouse facilities by that or another local authority) if at any time it appears to him—

- (a) in the case of a resolution under the said section seventy-six, that the slaughterhouse facilities available in the authority's district do not for the time being include at least one public slaughterhouse which complies with the following conditions, that is to say, that the providing authority are the occupiers and that facilities for the slaughter of animals at the slaughterhouse, whether by servants of the providing authority or otherwise, are open to all persons requiring them;
- (b) in the case of a resolution under the said section seventy-five, that there is no public slaughterhouse provided by that authority which for the time being complies with the conditions aforesaid or, as the case may be, that the slaughterhouse facilities provided by another authority do not for the time being include at least one public slaughterhouse which complies with those conditions;

and the local authority shall comply with the requirement and, as soon as practicable after the revocation of the resolution, cause notice of the revocation to be published in one or more local newspapers circulating in their district.

(4) Without prejudice to the last foregoing subsection, in the said section seventy-five, for paragraph (b) of subsection (1) (which authorises the passing of a resolution under that section where the local authority are of opinion that slaughterhouse facilities in their district ought to be abolished or reduced having regard to such facilities provided by another authority) there shall be substituted the following paragraph:—

“(b) are of opinion that, having regard to the availability of slaughterhouse facilities provided by another authority, slaughterhouse facilities within their district ought to be abolished or reduced, or ought not to be increased, or are not required”;

and, accordingly, after the word “and”, in the first place where it occurs in the said subsection (1), there shall be inserted the words “any such resolution may also provide”.

(5) The Minister may by regulations—

- (a) require slaughterhouse licences and applications for the grant or renewal of such licences to be in such form and to contain such particulars of all premises to which the licence or application relates as may be prescribed by the regulations;

- (b) require local authorities to keep such records of all slaughterhouse licences granted by them, including the particulars aforesaid, and to furnish the Minister with such information in connection with the grant of slaughterhouse licences, as may be so prescribed;

and each local authority shall make any such records as aforesaid or copies thereof available during reasonable hours at some convenient place or places in their district for inspection by any person without charge.

2.—(1) Where after the passing of this Act an application for the grant of a new slaughterhouse licence is received by a local authority with respect to whose district there is for the time being in force—

Licensing of slaughterhouses where local restrictions in force.

- (a) a resolution having effect under section seventy-five or section seventy-six of the principal Act; or
- (b) a provision of a local Act whereby, notwithstanding the grant of such a licence, the use as a slaughterhouse of the premises to which the application relates would be unlawful,

the three next following subsections shall have effect notwithstanding anything in the resolution or provision in question; and, while any licence granted or renewed in pursuance of those subsections is in force and any terms, conditions or restrictions imposed by or under any local Act are complied with, nothing in any such provision of a local Act as aforesaid shall prevent, or subject any person to any penalty by reason of, the use of those premises as a slaughterhouse or the slaughter of animals on those premises.

(2) Not later than two months after receiving such an application as aforesaid, the local authority shall either—

- (a) serve notice in writing on the applicant that they intend to refuse the application unless before the expiration of the period of twenty-one days commencing with the date of service of the notice he requires the authority in writing to submit the application to the Minister, and that no other appeal will lie against that refusal; or
- (b) if they think fit, themselves submit the application to the Minister;

and where a notice has been served by the authority under paragraph (a) of this subsection and at the expiration of the period referred to in that paragraph the authority have not been required by the applicant to submit the application to the Minister, the authority shall forthwith refuse the application.

(3) Where in pursuance of the last foregoing subsection a local authority are required or determine to submit an application

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to the Minister, the provisions of the First Schedule to this Act shall have effect, and the Minister—

- (a) if he is not satisfied that the grant of the licence is necessary for the purpose of securing adequate slaughterhouse facilities or expedient for special reasons, shall direct the authority to refuse the application forthwith; or
- (b) if he is satisfied as aforesaid, shall direct that, save as required by section five or section six of this Act, the application shall not be refused unless the authority are not, in relation to the premises in respect of which the application is made, satisfied as mentioned in paragraph (b) of subsection (2) of section one of this Act or, in a case to which that subsection does not apply, as mentioned in subsection (1) or subsection (2) of section sixty-five of the principal Act,

and the authority shall comply with any direction given under this subsection.

(4) Where in the case of any premises—

- (a) a new slaughterhouse licence in respect thereof has been granted in pursuance of a direction under the last foregoing subsection; or
- (b) those premises have under subsection (3) of the said section seventy-five been exempted from the operation of a resolution having effect under that section; or
- (c) since the passing of such a resolution as aforesaid a slaughterhouse licence in respect of those premises has been granted in the exercise of a power reserved for the local authority under the said subsection (3) as originally enacted,

the local authority shall not refuse any subsequent application for the grant or renewal of a slaughterhouse licence in respect of the same premises (not being an application for the grant of a new slaughterhouse licence) unless—

- (i) the Minister has given his consent in accordance with subsection (7) of this section; or
- (ii) the authority are not, in relation to the premises, satisfied as mentioned in paragraph (b) of the last foregoing subsection; or
- (iii) the authority are required to refuse the application by section five or section six of this Act.

(5) Where any such subsequent application in respect of any premises as is referred to in the last foregoing subsection is refused otherwise than on the grounds specified in paragraph (ii) or (iii) of that subsection, any person having an interest in the premises or in any land held therewith, being an interest of which the value is reduced in consequence of the refusal, shall be entitled

to be paid by the authority by way of compensation an amount equal to the reduction; and subsections (3), (4) and (6) of section seventy-eight of the principal Act shall apply for the purposes of compensation under this subsection as if any reference in those subsections to the said section seventy-eight were a reference to this subsection:

Provided that no such amount shall be payable if either—

- (a) a previous application for the grant or renewal of a slaughterhouse licence in respect of those premises has been refused otherwise than on the grounds specified in the said paragraph (ii) or (iii) at a time when the last foregoing subsection or subsection (4) of section seventy-five of the principal Act applied thereto; or
- (b) the use of those premises as a slaughterhouse has previously been terminated by virtue of a resolution under the said section seventy-five or of such a provision of a local Act as is mentioned in the next following subsection.

(6) Where by virtue of any provision of a local Act a local authority have power to terminate the use of any premises as a slaughterhouse without the agreement of the occupier and otherwise than on the grounds of injury or danger to the public health, of nuisance, of the unsuitability of the premises, or of failure to make use of those premises as a slaughterhouse, the authority shall not exercise that power in relation to any premises except with the consent of the Minister given in accordance with the next following subsection; and where that consent is so given, then, notwithstanding anything in that local Act, no other appeal shall lie against the exercise of that power.

(7) On requesting the Minister's consent—

- (a) to the refusal of an application for the grant or renewal of a slaughterhouse licence by virtue of paragraph (i) of subsection (4) of this section; or
- (b) to the exercise in relation to any premises of such a power as is mentioned in the last foregoing subsection,

the local authority shall serve on the applicant, or, as the case may be, on the person who holds a slaughterhouse licence in respect of those premises, notice in writing that the request has been made and of the reasons therefor, and that he may make representations to the Minister with respect thereto before the expiration of the period of twenty-one days commencing with the date of service of the notice; and the Minister, if, after considering any representation so made to him, he is both—

- (i) satisfied that the grant or renewal of that licence, or, as the case may be, the continued use of those premises as a slaughterhouse, is unnecessary for the purpose of securing adequate slaughterhouse facilities; and

(ii) not satisfied that that grant, renewal or continued use is expedient for special reasons, shall give, and in any other case shall refuse, his consent.

(8) Where a local authority such as is mentioned in subsection (1) of this section receive an application for the grant or renewal of a slaughterhouse licence in respect of any premises which is neither an application for the grant of a new slaughterhouse licence nor an application to which subsection (4) of this section applies, the authority shall refuse the application forthwith if—

- (a) the grant or renewal is precluded by a resolution for the time being having effect under section seventy-five or section seventy-six of the principal Act; or
- (b) by virtue of such a provision of a local Act as is mentioned in the said subsection (1), the use of the premises as a slaughterhouse would be unlawful notwithstanding the grant or renewal of the licence.

(9) As from the date of the passing of this Act—

- (a) the following provisions of the principal Act shall cease to have effect, that is to say—
  - (i) in subsection (3) of section seventy-five, except in relation to a resolution under that section passed before the date aforesaid, the words from “and may” to “licence” and the words “or reservation”;
  - (ii) subsection (4) of section seventy-five;
  - (iii) subsection (2) of section seventy-eight;
- (b) where the operation of any such provision of a local Act as is mentioned in subsection (1) or subsection (6) of this section is dependent upon the provision of a slaughterhouse, and at the date aforesaid that slaughterhouse has not been provided or has ceased to be used as such, that provision of that local Act shall cease to have effect.

Reports on  
slaughterhouse  
facilities.

3.—(1) Each local authority shall carry out a review of, and, after consultation with such organisations as appear to the authority to represent the interests concerned, submit to the Minister a report on—

- (a) the existing and probable future requirements of their district for slaughterhouse facilities having regard to the needs both of persons requiring the use of such facilities and of other persons; and
- (b) the slaughterhouse facilities which are, or are likely to become, available to meet those requirements (including any port slaughterhouse).

(2) The report aforesaid shall be submitted not earlier than such day as the Minister may by order made by statutory instrument appoint nor later than twelve months (or such longer



period as the Minister may in any particular case allow) after that day, and the day so appointed shall not be earlier than nine months after there have come into force in relation to premises of any one or more classes or descriptions—

- (a) construction regulations under section thirteen of the principal Act; and
- (b) construction regulations under section two of the Act of 1954,

being in each case regulations made after the passing of this Act.

(3) The report aforesaid shall include—

- (a) such particulars as the Minister may direct of any premises in the authority's district for the time being used as a slaughterhouse, including any port slaughterhouse, specifying separately—

- (i) premises which already comply with all the requirements of all construction regulations for the time being in force in relation to premises of any one or more classes or descriptions, being regulations made under section thirteen of the principal Act or under section two of the Act of 1954;

- (ii) premises which do not so comply but which the authority expect will so comply by the date recommended by the authority in pursuance of paragraph (d) of this subsection;

- (iii) premises which the authority expect will not so comply by that date;

- (b) such particulars as the Minister may direct of any premises in the authority's district which are not for the time being being used as a slaughterhouse but in respect of which—

- (i) a slaughterhouse licence is or has been in force; and

- (ii) an application for the renewal or grant of such a licence is outstanding or can still be made before the expiration of twelve months from the date when the licence referred to in the foregoing sub-paragraph ceases or ceased to be in force;

- (c) such particulars as the Minister may direct of any application for the grant of a new slaughterhouse licence which is outstanding at the date of the submission of the report;

- (d) the authority's recommendation as to the date which the Minister should fix for the requirements aforesaid to come into force in relation to all slaughterhouses in their district;

- (e) such other matters, if any, as the Minister may either generally or in any particular case direct:

Provided that where such an application as is referred to in paragraph (c) of this subsection is received too late for the inclusion of the required particulars in the body of the report those particulars shall be submitted separately at the same time as, and be deemed to form part of, the report.

(4) On submitting their report to the Minister, the local authority shall make copies thereof available during reasonable hours at some convenient place or places in their district for inspection by any person without charge or for supply to any person applying therefor subject, if the authority think fit, to the payment by that person of such sum not exceeding five shillings as the authority may determine, and shall cause to be published in one or more local newspapers circulating in their district a notice that the report has been submitted, specifying the place or places at which and the hours during which copies thereof are available for inspection or supply, and stating that representations with respect thereto may be made to the Minister at any time before the expiration of the period of two months commencing with the date of the first publication of the notice; and a copy of the said notice shall be served by the authority—

(a) on every person other than the authority who is the occupier of any premises such as are referred to in paragraph (a) or paragraph (b) of subsection (3) of this section; and

(b) on every other person by whom an application for the grant or renewal of a slaughterhouse licence has been made to them between the passing of this Act and the expiration of the period aforesaid.

(5) The local authority shall forward immediately to the Minister a copy—

(a) of any application for the grant of a new slaughterhouse licence which is received by them after the submission of their report but before the expiration of the period aforesaid; and

(b) of any application for the grant or renewal of a slaughterhouse licence in respect of premises included in their report by virtue of paragraph (b) of subsection (3) of this section which is received by them after the submission of the report but before the expiration of the twelve months referred to in that paragraph.

(6) After considering any representations with respect to the report made to him before the expiration of the period of two months aforesaid and any application of which a copy is forwarded to him under the last foregoing subsection before the expiration of that period, and, if he thinks fit, after causing a local inquiry to be held, the Minister shall accept the report subject to such observations thereon as he may think fit to attach thereto, including, if it appears to him expedient, a direction that the report

shall be deemed to include, in addition to the particulars of applications included or deemed to be included by virtue of subsection (3) of this section, such particulars of such, if any, of any applications for the grant of a new slaughterhouse licence of which copies have been forwarded to him as aforesaid as he may specify; and the local authority shall—

- (a) make copies of the report and observations available during reasonable hours at some convenient place or places in their district for inspection by any person without charge or for supply to any person applying therefor subject, if the authority think fit, to the payment by that person of such sum not exceeding five shillings as the authority may determine; and
- (b) cause to be published in one or more local newspapers circulating in their district a notice that the report has been accepted, specifying the place or places at which and the hours during which copies of the report and observations are available for inspection or supply.

(7) Paragraph (c) of, and the proviso to, subsection (3), paragraph (b) of subsection (4) and subsection (5) of this section shall not apply in relation to any application to which subsection (1) of section two of this Act applies.

4.—(1) After the submission of their report to the Minister under the last foregoing section, a local authority shall not grant a new slaughterhouse licence except—

- (a) on an application included in that report, either as submitted to or as accepted by the Minister, or deemed by virtue of subsection (3) or subsection (6) of that section to be so included;
- (b) in respect of premises to which such an application as aforesaid related, not being an application refused by the authority under subsection (1) of section six of this Act, but on a fresh application by a person who is the successor in title to those premises or the site thereof of the person by whom the first-mentioned application was made, being a fresh application made within twelve months from the date of the acceptance of the report aforesaid by the Minister or within six months from the date when the person by whom the first-mentioned application was made ceased, whether by reason of his death or for any other reason, to be entitled to occupy those premises or the site thereof, whichever period expires the later;
- (c) by virtue of a direction under paragraph (b) of subsection (3) of section two of this Act; or
- (d) on an application approved by the Minister under subsection (2) of this section.

Grant of new slaughterhouse licences after submission of report.

(2) Where a local authority receive an application for a new slaughterhouse licence after the submission of their report aforesaid, being an application to which subsection (5) of section three of this Act does not apply and which cannot be granted unless the application is approved by the Minister under this subsection, the provisions of the First Schedule to this Act shall have effect, and the Minister—

- (a) if he is not satisfied that the grant of the licence is necessary for the purpose of securing adequate slaughterhouse facilities or expedient for special reasons, shall direct the authority to refuse the application forthwith; or
- (b) if he is satisfied as aforesaid, shall inform the local authority and the applicant that he approves the application;

and the local authority shall comply with any direction given under paragraph (a) of this subsection.

(3) Where in the case of an application of which a copy has been forwarded to the Minister by a local authority under subsection (5) of section three of this Act, being an application for the grant of a new slaughterhouse licence, the Minister determines not to give such a direction as is mentioned in subsection (6) of that section, he shall direct the authority to refuse the application forthwith, and the authority shall comply with that direction.

Isolation of  
slaughterhalls  
from dwellings

5.—(1) Where in the case of an application for the grant or renewal of a slaughterhouse licence in respect of any premises received by a local authority after the date of the passing of this Act, being an application—

- (a) for the grant of a new slaughterhouse licence; or
- (b) in respect of premises in respect of which a new slaughterhouse licence has been granted since the said date; or
- (c) in respect of premises in the case of which a holder of a slaughterhouse licence in respect of those premises has been convicted of an offence by virtue of subsection (2) of this section,

it appears to the authority that the proposed slaughterhall forms part of a building another part of which, being a part within the curtilage of those premises, is, or is proposed to be, used or adapted for use as a dwelling, then, subject to subsection (2) of section six of this Act, the authority shall refuse the application forthwith unless they are satisfied that, if the licence is granted or renewed, no part of that building within the curtilage of those premises will be used as a dwelling at any time while the licence is in force.

(2) Where after the date of the passing of this Act a slaughterhouse licence is in force in respect of any premises, then, if any person causes or permits to be used as a dwelling any part of a building which contains a slaughterhall, being a part within the

curtilage of those premises, he shall be guilty of an offence under the principal Act:

Provided that this subsection shall not apply if that part has been appropriated as a dwelling continuously since before the date aforesaid and no application to which the foregoing subsection applies has been made in respect of those premises since that date.

(3) If a person convicted of an offence by virtue of the last foregoing subsection is the holder of a slaughterhouse licence in respect of the premises in question, the court may, in addition to any other punishment, cancel the licence.

(4) It shall be the duty of every local authority to enforce and execute in their district the provisions of subsection (2) of this section; and sections one hundred and eighteen to one hundred and twenty of the principal Act (which relate to appeals) shall apply for the purposes of this section as if this section were contained in that Act.

(5) In this section the expression "slaughterhall" means that part of a slaughterhouse in which the actual slaughtering of any animal or the dressing of carcases takes place.

6.—(1) In the case of an application—

- (a) with respect to which a direction is given by the Minister under paragraph (b) of subsection (3) of section two of this Act; or
- (b) included in a local authority's report as accepted by the Minister under section three of this Act or deemed by virtue of subsection (3) or subsection (6) of that section to be so included; or
- (c) approved by the Minister under subsection (2) of section four of this Act; or
- (d) for the grant or renewal of a slaughterhouse licence in respect of premises in respect of which such a licence has ceased to be in force less than twelve months before the date when the application is made or ceases to be in force on or after that date,

Special grounds for, and appeals against, certain refusals.

being an application to which subsection (2) of section one of this Act applies, the local authority shall refuse the application upon its appearing to them, at any time after the expiration of twelve months from the date of the direction, acceptance, approval or cessation, as the case may be, and before the premises to which the application relates are represented by the applicant as ready for use as a slaughterhouse under the licence or renewed licence, either—

- (i) that the applicant has failed to take reasonable steps to secure the making of progress with the preparation of the premises for such use; or

(ii) that the applicant will be unable, or has abandoned his intention, to use those premises as a slaughterhouse; and, for the purposes of this subsection, such a fresh application as is referred to in paragraph (b) of subsection (1) of section four of this Act shall be deemed to have been included in the local authority's report as accepted by the Minister under section three of this Act.

(2) The document notifying the refusal of an application under the foregoing subsection or under subsection (1) of section five of this Act shall state the grounds therefor, and the applicant may appeal against the refusal to a magistrates' court, and that court, if satisfied that the local authority acted unreasonably in refusing the application on those grounds, may declare the refusal to be of no effect; and sections one hundred and seventeen and one hundred and eighteen of the principal Act shall apply for the purposes of any appeal under this subsection as if this subsection were contained in that Act.

(3) Without prejudice to the last foregoing subsection, no appeal to a magistrates' court shall lie under subsection (3) of section sixty-six of the principal Act against a refusal—

- (a) in pursuance of subsection (1) of this section;
- (b) in pursuance of subsection (2) of section two of this Act;
- (c) in pursuance of a direction under paragraph (a) of subsection (3) of the said section two;
- (d) with the consent of the Minister given by virtue of paragraph (i) of subsection (4) of the said section two;
- (e) in pursuance of subsection (8) of the said section two;
- (f) in pursuance of a direction under paragraph (a) of subsection (2) of section four of this Act or under subsection (3) of that section; or
- (g) in pursuance of subsection (1) of section five of this Act.

*Regulation of slaughterhouses and knackers' yards*

Safety, health and welfare of persons employed in slaughterhouses and knackers' yards.

7. In subsection (1) of section one hundred and fifty-one of the Factories Act, 1937 (which relates to the interpretation of the expression "factory" for the purposes of that Act), at the end of paragraph (c) there shall be inserted the words " or

- (d) the slaughtering of cattle, sheep, swine, goats, horses, asses or mules; or
- (e) the confinement of such animals as aforesaid while awaiting slaughter at other premises, in a case where the place of confinement is available in connection with those other premises, is not maintained primarily for agricultural purposes within the meaning of the Agriculture Act, 1947, or, as the case may be, the Agriculture (Scotland) Act, 1948, and does not form part of premises used for the holding of a market in respect of such animals".

8.—(1) For so much of subsection (1) of section one of the Slaughter of Animals Act, 1933, as precedes the proviso to that subsection there shall be substituted the following:—

Amendment  
of Slaughter  
of Animals  
Acts, 1933  
to 1954.

“ No animal to which this Act applies shall, in a slaughterhouse or knacker’s yard, be slaughtered otherwise than instantaneously by means of a mechanically-operated instrument in proper repair unless—

- (a) by stunning, effected by means of a mechanically-operated instrument or an instrument for stunning by means of electricity, being in either case an instrument in proper repair, it is instantaneously rendered insensible to pain until death supervenes; or
- (b) by such other means as may, by regulations made by the Minister of Agriculture, Fisheries and Food, after consultation with such organisations as appear to him to represent the interests concerned, be authorised for use in the case of all animals to which this Act applies, or a class of such animals to which the animal slaughtered belongs, and in all slaughterhouses or knackers’ yards or slaughterhouses or knackers’ yards of a class to which belongs the slaughterhouse or knacker’s yard in which the animal is slaughtered, it is rendered insensible to pain until death supervenes, and there are complied with such conditions (if any) as may, by regulations so made, be expressed to be applicable to the use of those means in the case of all animals to which this Act applies or such a class of animals as aforesaid and in all slaughterhouses or knackers’ yards or such a class of slaughterhouses or knackers’ yards as aforesaid ”.

(2) Regulations made by virtue of the foregoing subsection may make such incidental or consequential provision as may appear to the Minister to be necessary or expedient for the purposes of the regulations, including, in particular, in a case where a condition expressed to be applicable to the use of any means of rendering an animal insensible to pain consists in the giving of approval to any matter by a local authority within the meaning of the said Act of 1933, provision for securing a right of appeal to a magistrates’ court against a withholding or withdrawal of approval.

(3) Before making any regulations under section two of the Act of 1954 the Minister shall consult with such organisations as appear to him to represent the interests concerned; and, without prejudice to any other power with respect thereto, any such regulations may provide—

- (a) subject to such limitations and safeguards, if any, as may be specified in the regulations, for the appropriate

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authority to grant in relation to particular premises, either unconditionally or subject to conditions, exemption from the operation of specific provisions of those regulations where it appears to that authority that compliance with those provisions cannot for the time being reasonably be required with respect to the premises or any activities carried on thereat;

- (b) for the regulations to come into force on different days fixed by, or by an order to be made by statutory instrument under, those regulations in respect of different classes or descriptions of premises and different areas, and for different provisions to come into force on different days;

and in paragraph (a) of this subsection the expression "appropriate authority", except in relation to a slaughterhouse provided by a local authority within the meaning of the said Act of 1933, means such a local authority, and in relation to a slaughterhouse so provided means the Minister.

(4) The Slaughter of Animals Acts, 1933 to 1954, shall have effect subject to the amendments specified in the Second Schedule to this Act (being amendments consequential on the provisions of subsection (1) of this section, or of a minor nature, or expedient for the purpose of facilitating the consolidation of those Acts, this section and subsection (1) of the next following section).

Additional provisions with respect to certain regulations and byelaws.

9.—(1) Any regulations made under or by virtue of any provision of this Act shall be made by statutory instrument and be subject to annulment in pursuance of a resolution of either House of Parliament.

(2) Without prejudice to any other power with respect thereto, any regulations made with respect to slaughterhouses or knackers' yards under section thirteen of the principal Act may include provision for the regulations to come into force on different days fixed by, or by an order to be made by statutory instrument under, those regulations in respect of different classes or descriptions of premises and different areas, and for different provisions to come into force on different days.

(3) For the purposes of any regulations made under section thirteen of the principal Act, section one hundred and three and subsections (1) and (3) of section one hundred and five of the principal Act (which relate respectively to the powers of entry of the Minister's officers for the purpose of ascertaining whether there is or has been any contravention of the provisions of any regulations made under the principal Act which the Minister is empowered to enforce and to persons obstructing the exercise of such powers) shall have effect as if the Minister as well as the local



authority were empowered to enforce those regulations so far as they apply to any slaughterhouse or knacker's yard.

(4) If a person convicted of an offence against any regulations made with respect to slaughterhouses or knackers' yards under section thirteen of the principal Act is the holder of a licence under Part IV of that Act in respect of the premises where the offence was committed, the court may, in addition to any other punishment, cancel that licence; and sections one hundred and eighteen to one hundred and twenty of the principal Act shall apply for the purposes of this subsection as if this subsection were contained in that Act.

(5) In subsection (3) of section sixty-eight of the principal Act (which provides that, if a person convicted of an offence against any byelaw made under that section holds a licence under Part IV of that Act, the court may cancel the licence) after the word "Act" there shall be inserted the words "in respect of the premises where the offence was committed".

#### *Miscellaneous and general*

10. The Minister may by regulations approved by the Treasury provide for the making by him of contributions towards the expenses incurred by a local authority in carrying out at slaughterhouses their functions with respect to the inspection of meat prepared for sale for human consumption in cases where the Minister is satisfied that, by reason of the extent to which the meat appears to him to exceed in quantity what it appears to him should be regarded as required for consumption in the authority's district, those expenses impose an unduly heavy burden on the ratepayers of that district.

Grants for meat inspection at slaughterhouses.

11. Subsections (1) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to local inquiries) shall apply for the purposes of this Act and Part IV of the principal Act as if in those subsections—

Local inquiries.

- (a) any reference to the said Act of 1933 included a reference to this Act and to the said Part IV; and
- (b) any reference to a department were a reference to the Minister.

12.—(1) There shall be defrayed out of moneys provided by Parliament any expenses incurred under this Act by any government department and any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under Part I of the Local Government Act, 1948, or the Local Government (Financial Provisions) (Scotland) Act, 1954, as amended by the Valuation and Rating (Scotland) Act, 1956.

Financial provisions.

(2) Subsection (5) of section seventy-eight of the principal Act (which empowers the Minister to make grants out of moneys provided by Parliament to a local authority of an amount not exceeding one-half of any sums payable by that authority by way of compensation for the closure of a private slaughterhouse in consequence of a resolution under section seventy-five of that Act) is hereby repealed except in relation to any such resolution passed before the tenth day of May, nineteen hundred and fifty-six.

Interpretation,  
etc.

**13.—(1)** In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

“ the Act of 1954 ” means the Slaughter of Animals (Amendment) Act, 1954;

“ construction regulations ” means regulations with respect to the construction, lay-out or equipment of premises used as a slaughterhouse;

“ knacker’s yard ” has the meaning assigned by subsection (1) of section one hundred and thirty-five of the principal Act;

“ local authority ” has the meaning assigned by section eighty-five of the principal Act and, in relation to, or to an application in respect of, any premises, means the local authority within whose district those premises are situated;

“ the Minister ” means the Minister of Agriculture, Fisheries and Food;

“ new ”, in relation to a slaughterhouse licence, means in respect of premises in respect of which such a licence was not in force at, or at any time less than twelve months before, the date when the application for the licence was made;

“ port slaughterhouse ” means a slaughterhouse forming part of an imported animals’ wharf or landing place approved by the Minister under the Diseases of Animals Act, 1950, for the purpose of the landing of imported animals;

“ the principal Act ” means the Food and Drugs Act, 1955;

“ public slaughterhouse ” means a slaughterhouse provided by a local authority;

“ slaughterhouse ” and “ slaughterhouse licence ” have the meanings respectively assigned by subsection (1) of section one hundred and thirty-five of the principal Act;

“slaughterhouse facilities” has the meaning assigned by subsection (2) of section seventy of the principal Act:

Provided that this subsection, other than the definitions of the Act of 1954, of the Minister and of the principal Act, shall not apply to section eight of, or the Second Schedule to, this Act.

(2) Where, in the case of any two or more local authorities, their functions with respect to the licensing of slaughterhouses fall for the time being to be discharged by a joint board, then, in relation to those authorities, any reference in sections one to six of, or in the First Schedule to, this Act to a local authority shall be construed as a reference to that joint board.

(3) Section two hundred and eighty-five of the Public Health Act, 1936 (which relates to the service of notices) shall apply to any notice or other document required or authorised by this Act to be given to or served on any person.

(4) Save where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by or under any subsequent enactment, including this Act.

14.—(1) Sections one to six of this Act shall not extend to the administrative county of London. Provisions relating to London.

(2) In the application to the administrative county of London of subsection (4) of section nine of this Act, for the reference therein to Part IV of the principal Act there shall be substituted a reference to sections one hundred and forty-four and one hundred and forty-five of the Public Health (London) Act, 1936.

(3) For the purposes of any regulations with respect to slaughterhouses or knackers' yards under section thirteen of the principal Act, the Metropolitan Cattle Market shall be deemed to be within the City of London and not to be within the metropolitan borough of Islington.

(4) The repeal of subsections (1) to (3) of section one of the Act of 1954 effected by subsection (1) of section one hundred and thirty-six of the principal Act shall not extend to the administrative county of London.

15.—(1) This Act may be cited as the Slaughterhouses Act, 1958. Short title, and extent.

(2) Except for section seven, subsection (1) of section twelve and subsection (4) of section thirteen, this Act shall not extend to Scotland.

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

## SCHEDULES

### FIRST SCHEDULE

#### PROVISIONS WITH RESPECT TO REFERENCE OF CERTAIN APPLICATIONS TO MINISTER

Sections 2, 4, 13.

1. The provisions of this Schedule shall have effect where a local authority—

- (a) in pursuance of subsection (2) of section two of this Act are required or determine to submit an application to the Minister; or
- (b) receive an application to which subsection (2) of section four of this Act applies.

2. The local authority shall forthwith—

- (a) send a copy of the application to the Minister; and
- (b) cause to be published in one or more local newspapers circulating in their district a notice giving particulars of the application and stating that representations with respect thereto may be made to the Minister within the period of one month commencing with the date of the first publication of the notice; and
- (c) give notice in writing to the applicant of the date of expiry of the period aforesaid stating that any representations by him must be made to the Minister before that date.

3. Before making his determination with respect to the application, the Minister shall consider any representations made to him as aforesaid and consult the local authority by whom the copy of the application was sent to him and any other local authority who appear to him to be affected, and may, if he thinks fit, cause a local inquiry to be held.

Sections 8, 13,

### SECOND SCHEDULE

#### MINOR AMENDMENTS OF SLAUGHTER OF ANIMALS ACTS, 1933 TO 1954

##### *The Slaughter of Animals Act, 1933*

(23 & 24 Geo. 5. c. 39)

1. In section three (which prohibits the slaughter or stunning in a slaughterhouse or knacker's yard of animals as defined by the Act except by licensed slaughtermen)—

- (a) in subsection (1), for the words "No animal" there shall be substituted the words "No animal to which this Act applies";
- (b) in subsection (5), after the word "operation" there shall be inserted the words "within their area"; and
- (c) subsection (8) shall be omitted.

2. In section six (which empowers a local authority who have provided or established a slaughterhouse to employ persons to slaughter or stun animals as defined by the Act in accordance with the provisions thereof)—

- (a) for the word "animals" there shall be substituted the words "animals to which this Act applies";
- (b) without prejudice to subsection (1) of section seventy-three of the principal Act, the words from "and" onwards (which empower the making of charges for the services of persons so employed) shall cease to have effect except in relation to the administrative county of London.

3. In subsection (1) of section seven (which, as amended by the Act of 1954, enables medical officers of health and other officers to enter slaughterhouses and knackers' yards for the purpose of ascertaining whether there is a contravention of the provisions of the Act or of any regulations under section two of the Act of 1954)—

- (a) the reference to the provisions of the Act shall be construed as including a reference to the provisions of any regulations made by virtue of subsection (1) of section eight of this Act; and
- (b) for the words from "shall refuse to permit" to "under this Act" where last occurring there shall be substituted the words "obstructs a person in the exercise of his powers under the foregoing provisions of this subsection".

4. In subsection (1) of section eight (which relates to the enforcement of the provisions of the Act)—

- (a) references to the provisions of the Act shall be construed as including references to the provisions of any regulations made by virtue of subsection (1) of section eight of this Act or under section two of the Act of 1954; and
- (b) for the word "enforce" there shall be substituted the words "execute and enforce".

5. After section eight there shall be inserted the following section:—

"8A. The animals to which this Act applies are horses, cattle, sheep, swine and goats."

6. In section nine (which relates to interpretation)—

- (a) the definitions of "animal" and "mechanically-operated instrument" shall be omitted;
- (b) in the definition of "contravention" the reference to any provision of the Act shall be construed as including a reference to any provision of any regulations made by virtue of subsection (1) of section eight of this Act or under section two of the Act of 1954; and
- (c) after the last-mentioned definition there shall be inserted the following definition:—  
" 'Horse' includes ass and mule ".

*The Slaughter of Animals (Pigs) Act, 1953*

(1 & 2 Eliz. 2. c. 27)

7. In section one (which prescribes conditions for the slaughter of certain pigs elsewhere than in slaughterhouses or knackers' yards)—

- (a) in paragraph (b) the words "or stunning" shall be omitted;
- (b) at the end of paragraph (b) there shall be added the words  
" and  
(c) any such stunning shall be effected by means of a mechanically-operated instrument or an instrument for stunning by means of electricity, being in either case an instrument in proper repair; "
- (c) for the word "pig", in both places where it occurs, there shall be substituted the word "swine".

2ND SCH.  
—cont.

8. In subsection (1) of section three (which relates to interpretation) the definitions of “mechanically-operated instrument” and “pig” shall be omitted.

*The Slaughter of Animals (Amendment) Act, 1954*

(2 & 3 Eliz. 2. c. 59)

9. In subsection (1) of section two (which empowers the Minister to make regulations for securing humane conditions and practices in connection with the slaughter of animals, as defined by section nine of the Slaughter of Animals Act, 1933, at slaughterhouses and knackers' yards)—

(a) for the words “the slaughter of animals at slaughterhouses and knackers' yards” there shall be substituted the words “the slaughter, at slaughterhouses and knackers' yards, of animals to which the Slaughter of Animals Act, 1933, applies”; and

(b) for the word “animals”, in the second and third places where it occurs, there shall be substituted the words “such animals as aforesaid”.

10. In subsection (5) of section three, for the words “revoke or suspend the operation of such a” there shall be substituted the words “revoke any such licence granted by them or suspend the operation within their district of any such”.

11. In section four (which extends subsection (1) of section one of the Slaughter of Animals Act, 1933), subsection (1) shall cease to have effect.

*Table of Statutes referred to in this Act*

| Short Title                                                         | Session and Chapter             |
|---------------------------------------------------------------------|---------------------------------|
| Slaughter of Animals Act, 1933 ... ..                               | 23 & 24 Geo. 5. c. 39.          |
| Local Government Act, 1933 ... ..                                   | 23 & 24 Geo. 5. c. 51.          |
| Public Health Act, 1936 ... ..                                      | 26 Geo. 5 & 1 Edw. 8.<br>c. 49. |
| Public Health (London) Act, 1936 ... ..                             | 26 Geo. 5 & 1 Edw. 8.<br>c. 50. |
| Factories Act, 1937... ..                                           | 1 Edw. 8 & 1 Geo. 6.<br>c. 67.  |
| Agriculture Act, 1947 ... ..                                        | 10 & 11 Geo. 6. c. 48.          |
| Local Government Act, 1948 ... ..                                   | 11 & 12 Geo. 6. c. 26.          |
| Agriculture (Scotland) Act, 1948 ... ..                             | 11 & 12 Geo. 6. c. 45.          |
| Diseases of Animals Act, 1950 ... ..                                | 14 Geo. 6. c. 36.               |
| Slaughter of Animals (Pigs) Act, 1953 ... ..                        | 1 & 2 Eliz. 2. c. 27.           |
| Local Government (Financial Provisions) (Scotland) Act, 1954 ... .. | 2 & 3 Eliz. 2. c. 13.           |
| Slaughter of Animals (Amendment) Act, 1954 ... ..                   | 2 & 3 Eliz. 2. c. 59.           |
| Food and Drugs Act, 1955 ... ..                                     | 4 & 5 Eliz. 2. c. 16.           |
| Valuation and Rating (Scotland) Act, 1956 ... ..                    | 4 & 5 Eliz. 2. c. 60.           |

## CHAPTER 71

### *Agriculture Act, 1958*

#### ARRANGEMENT OF SECTIONS

##### Section

1. Repeal of powers of supervision, direction and dispossession under Part II of Agriculture Act, 1947, and Part II of Agriculture (Scotland) Act, 1948.
2. Amendments as to fixing of rents of agricultural holdings.
3. Amendments as to notices to quit agricultural holdings.
4. Rights of tenants as to provision of fixed equipment necessary to comply with statutory requirements.
5. Transfer to Lord Chancellor of Minister's functions as respects Agricultural Land Tribunals.
6. Provisions as to succession to holdings in Scotland.
7. Amendment of 11 & 12 Geo. 5. c. 48 as to injurious weeds.
8. Minor and consequential amendments.
9. Interpretation.
10. Repeals, savings and transitional provisions.
11. Short title and extent.

##### SCHEDULES:

First Schedule—Minor and consequential amendments.

Second Schedule—Enactments repealed in consequence of the provisions of this Act.

Third Schedule—Enactments repealed as spent.

Fourth Schedule—Transitional provisions.

An Act to amend the Agriculture Act, 1947, the Agricultural Holdings Act, 1948, the Agriculture (Scotland) Act, 1948, and the Agricultural Holdings (Scotland) Act, 1949; to require the landlord of an agricultural holding in certain cases to provide, repair or alter fixed equipment on the holding; to amend Part II of the Landlord and Tenant Act, 1954, as to tenancies of agricultural land excluded therefrom; to amend the Schedule to the Corn Production Acts (Repeal) Act, 1921, and section twenty-one of the Hill Farming Act, 1946; and for purposes connected with the matters aforesaid.

[1st August, 1958]

**B**E it enacted by the Queen'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) So much of Part II of the Agriculture Act, 1947 (in this Act referred to as "the Act of 1947") as provides for supervision orders, and for the giving of directions to and the dispossession of owners or occupiers on grounds of bad estate management or bad husbandry, that is to say sections twelve to twenty of that Act, shall cease to have effect, and all entries in the register of local land charges relating to supervision orders shall, as soon as may be after the passing of this Act, be deleted.

Repeal of powers of supervision, direction and dispossession under Part II of Agriculture Act, 1947, and Part II of Agriculture (Scotland) Act, 1948.

(2) So much of Part II of the Agriculture (Scotland) Act, 1948 (in this Act referred to as "the Scottish Act of 1948") as provides for warning notices, and for the giving of directions to and the dispossession of owners or occupiers on grounds of bad estate management or bad husbandry, that is to say sections twenty-seven to thirty-four of that Act, shall cease to have effect.

Amendments  
as to fixing  
of rents of  
agricultural  
holdings.

2. In section eight of the Agricultural Holdings Act, 1948 (in this Act referred to as "the Act of 1948") and in section seven of the Agricultural Holdings (Scotland) Act, 1949 (in this Act referred to as "the Scottish Act of 1949"), the following paragraph shall be inserted at the end of subsection (1) (which enables the landlord or tenant of an agricultural holding to demand a reference to arbitration of the question what rent should be payable in respect of the holding)—

"For the purposes of this subsection the rent properly payable in respect of a holding shall be the rent at which, having regard to the terms of the tenancy (other than those relating to rent), the holding might reasonably be expected to be let in the open market by a willing landlord to a willing tenant, there being disregarded (in addition to the matters referred to in the next following subsection) any effect on rent of the fact that the tenant who is a party to the arbitration is in occupation of the holding."

Amendments  
as to notices  
to quit  
agricultural  
holdings.

3.—(1) There shall be transferred to the Agricultural Land Tribunal the functions conferred on the Minister of Agriculture, Fisheries and Food (in this Act referred to as "the Minister") by sections twenty-four and twenty-five of the Act of 1948 (which provide for the giving or withholding by the Minister of consent to the operation of notices to quit agricultural holdings) and by section twenty-seven thereof (which relates to the grant by the Minister of certificates of bad husbandry for the purposes of notices to quit).

(2) The following subsection shall be substituted for subsection (1) of section twenty-five of the Act of 1948 (which requires the Minister to withhold his consent to the operation of a notice to quit an agricultural holding unless he is satisfied as to certain matters)—

"(1) The Agricultural Land Tribunal shall consent under the last foregoing section to the operation of a notice to quit an agricultural holding or part of an agricultural holding if, but only if, they are satisfied as to one or more of the following matters, being a matter or matters specified by the landlord in his application for their consent, that is to say—

(a) that the carrying out of the purpose for which the landlord proposes to terminate the tenancy is desirable in the interests of good husbandry as respects the land to which the notice relates, treated as a separate unit; or



- (b) that the carrying out thereof is desirable in the interests of sound management of the estate of which the land to which the notice relates forms part or which that land constitutes; or
- (c) that the carrying out thereof is desirable for the purposes of agricultural research, education, experiment or demonstration, or for the purposes of the enactments relating to smallholdings or allotments; or
- (d) that greater hardship would be caused by withholding than by giving consent to the operation of the notice; or
- (e) that the landlord proposes to terminate the tenancy for the purpose of the land's being used for a use, other than for agriculture, not falling within paragraph (b) of subsection (2) of the last foregoing section:

Provided that, notwithstanding that they are satisfied as aforesaid, the Tribunal shall withhold consent to the operation of the notice to quit if in all the circumstances it appears to them that a fair and reasonable landlord would not insist on possession."

(3) The foregoing provisions of this section shall apply to Scotland subject to the following modifications, that is to say—

- (a) for references to the Minister and to the Agricultural Land Tribunal there shall be substituted respectively references to the Secretary of State and to the Land Court;
- (b) for references to sections twenty-four, twenty-five and twenty-seven of the Act of 1948 there shall be substituted respectively references to sections twenty-five, twenty-six and twenty-eight of the Scottish Act of 1949; and
- (c) in the subsection substituted for subsection (1) of section twenty-six of the Scottish Act of 1949, in paragraph (c) after the word "smallholdings" there shall be inserted the words "or such holdings as are mentioned in section sixty-four of the Agriculture (Scotland) Act, 1948", and in paragraph (e) for the words "paragraph (b)" there shall be substituted the words "paragraph (c)".

(4) This section shall come into operation on the appointed day.

4.—(1) Where, on an application by the tenant of an agricultural holding, the Agricultural Land Tribunal are satisfied that it is reasonable, having regard to the tenant's responsibilities to farm the holding in accordance with the rules of good husbandry, that he should carry on on the holding an agricultural activity specified in the application to the extent and in the manner specified therein and—

- (a) that, unless fixed equipment is provided on the holding, the tenant, in carrying on that activity to that extent

Rights of tenants as to provision of fixed equipment necessary to comply with statutory requirements.

and in that manner, will contravene requirements imposed by or under any enactment, or

- (b) that it is reasonable that the tenant should use, for purposes connected with that activity, fixed equipment already provided on the holding, but that, unless that equipment is altered or repaired, the tenant, in using the equipment for those purposes, will contravene requirements imposed by or under any enactment,

the Tribunal may, subject to the provisions of this section, direct the landlord to carry out, within a period specified in the direction, such work for the provision or, as the case may be, the alteration or repair of that fixed equipment as will enable the tenant to comply with the said requirements:

Provided that where it appears to the Tribunal that an agricultural activity specified in the tenant's application has not been carried on on the holding for a period of at least three years immediately preceding the making of the application the Tribunal shall not direct the landlord to carry out work in connection with that activity unless they are satisfied that the starting of the activity did not or, where the activity has not yet been started, will not constitute or form part of a substantial alteration of the type of farming carried on on the holding.

(2) The Tribunal shall not direct the landlord to carry out work under the foregoing subsection unless they are satisfied—

- (a) that it is reasonable so to do having regard to the landlord's responsibilities to manage the land comprised in the holding in accordance with the rules of good estate management and also to the period for which the holding may be expected to remain a separate holding and to any other material consideration, and
- (b) that the landlord has refused to carry out that work on being requested in writing so to do by the tenant or has not agreed to carry it out within a reasonable time after being so requested;

and shall not in any case direct the landlord to carry out work thereunder if provision is made by the contract of tenancy, or by any other agreement between the landlord and the tenant, for the carrying out of the work by the landlord or by the tenant, or if the landlord is under a duty to carry out the work in order to comply with a requirement imposed on him by or under any enactment.

(3) If the landlord fails to comply with a direction under subsection (1) of this section the tenant shall have the same remedies as if the contract of tenancy had contained an undertaking by the landlord to carry out the work required by the direction within the period allowed by the Tribunal and, notwithstanding any term in the contract of tenancy restricting the carrying out by

the tenant of alterations to the holding, those remedies shall include the right of the tenant to carry out the work himself and recover from the landlord the reasonable cost thereof.

(4) The Tribunal, on an application by the landlord, may extend or further extend the period specified in a direction under subsection (1) of this section if it is shown to their satisfaction that the period so specified, or that period as previously extended under this subsection, as the case may be, will not allow sufficient time both for the completion of preliminary arrangements necessary or desirable in connection with the work required by the direction (including, in appropriate cases, the determination of an application by the landlord for a grant out of moneys provided by Parliament in respect of that work) and for the carrying out of the said work.

(5) Section nine of the Act of 1948 (which provides for increases of rent where certain improvements are carried out by the landlord) shall have effect as if the reference in subsection (1) thereof to improvements carried out at the request of the tenant included a reference to improvements carried out in compliance with a direction given by the Tribunal under subsection (1) of this section; and where, on the failure of the landlord to comply with a direction so given by the Tribunal, the tenant has himself carried out the work specified in the direction, the said section nine shall apply as if the work had been carried out by the landlord and as if any grant made to the tenant in respect thereof out of moneys provided by Parliament had been made to the landlord:

Provided that no increase in rent shall take effect under the said section nine where the tenant has carried out an improvement under this section until such time as the tenant has recovered from the landlord the reasonable cost thereof.

(6) Where, on the application of the sub-tenant of an agricultural holding, the Tribunal have directed the immediate landlord of the sub-tenant to carry out work under subsection (1) of this section, being work which constitutes an improvement such as is specified in the Third Schedule to the Act of 1948,—

- (a) section forty-nine of the Act of 1948 (which provides that a tenant shall not be entitled under section forty-seven of that Act to compensation for an improvement such as is specified in the Third Schedule thereto unless his landlord has consented to the carrying out of the improvement) shall not apply as respects a claim by the immediate landlord against his superior landlord for compensation in respect of that work, and
- (b) if, on the failure of the immediate landlord to comply with the direction of the Tribunal, the sub-tenant has himself carried out the work, section forty-seven of the Act of 1948 shall have effect for the purposes of a claim

for compensation by the immediate landlord against his superior landlord as if the work had been carried out by the immediate landlord.

(7) References in this section to the reasonable cost of work carried out by a tenant shall, where the tenant has received a grant in respect thereof out of moneys provided by Parliament, be construed as references to the reasonable cost reduced by the amount of the grant.

(8) Sections ten and eleven of the Act of 1947 (which specify the circumstances in which an owner of agricultural land is deemed for the purposes of that Act to fulfil his responsibilities to manage the land in accordance with the rules of good estate management and an occupier of such land is deemed for those purposes to fulfil his responsibilities to farm it in accordance with the rules of good husbandry) shall apply for the purposes of this section.

(9) This section shall come into operation on the appointed day

(10) This section shall not apply to Scotland.

Transfer to Lord Chancellor of Minister's functions as respects Agricultural Land Tribunals.

5. The functions conferred on the Minister in relation to Agricultural Land Tribunals by section seventy-three of the Act of 1947 shall be exercisable by the Lord Chancellor and not by the Minister, so however that the duty of providing the said Tribunals with the necessary officers and servants and of paying salaries, fees and allowances shall remain with the Minister.

Provisions as to succession to holdings in Scotland.

6.—(1) Subsection (1) of section twenty of the Scottish Act of 1949 (which empowers the tenant of an agricultural holding, by will or other testamentary writing, to bequeath his lease of the holding to any person) shall have effect, in relation to any tenant of an agricultural holding whose death occurs after the expiration of a period of one month beginning with the date of the passing of this Act, with the substitution for the words "to any person" of the words "to any member of his family".

(2) For the purposes of the said subsection (1), as amended as aforesaid, the expression "member of his family" means the wife or husband of the tenant or his son-in-law or daughter-in-law or a person adopted by the tenant or any person who, failing nearer heirs, would be entitled to succeed in case of intestacy to the lease of the holding.

In this subsection "adopted" means adopted in pursuance of an adoption order made under the Adoption Act, 1950, or any enactment repealed by that Act, or under any corresponding enactment of the Parliament of Northern Ireland.

(3) Subject to the provisions of the next following subsection, where notice to quit is given to the tenant of an agricultural

holding, being a tenant who after the passing of this Act has acquired right to the lease of the holding as the heir-at-law of the former tenant or as a legatee by virtue of section twenty of the Scottish Act of 1949, then if—

- (a) the notice to quit is given in accordance with subsection (1) of section twenty-four of that Act so as to terminate the tenancy not earlier than the term (being the term stipulated in the lease as the term of outgo or the corresponding term in any succeeding year) next occurring after the first anniversary of the date on which the tenant acquired right to the lease as aforesaid and not later than the term next occurring after the second anniversary of that date, or
- (b) in a case where at that date the unexpired term of the lease exceeded two years, the landlord gives notice to quit when it becomes legally competent for him to give such notice; and
- (c) it is stated in the notice to quit that it is given in pursuance of this subsection;

the provisions of subsection (1) of section twenty-five of that Act shall not apply to the notice to quit.

(4) In relation to such a tenant as is mentioned in the last foregoing subsection who has acquired right to the lease within the period of seven years commencing with the passing of this Act paragraph (a) of the said subsection shall have effect with the substitution for the words “the first anniversary” of the words “the second anniversary” and for the words “the second anniversary” of the words “the third anniversary”.

(5) Such a tenant as is mentioned in subsection (3) of this section shall not be deprived on quitting the holding in pursuance of a notice to quit given in accordance with that subsection of any right to compensation for an improvement specified in Part II of the First Schedule to the Scottish Act of 1949 which has been carried out on the holding between the first day of November, nineteen hundred and forty-eight, and the passing of this Act by reason only of the failure of the person by whom the improvement was carried out to give notice to the landlord in accordance with section fifty-one of that Act of his intention to carry out the improvement:

Provided that—

- (a) a claim for compensation shall not be made by virtue of this subsection unless the Land Court, on an application made to them in that behalf by the tenant, are satisfied that if notice of intention to carry out the improvement had been duly given as aforesaid the landlord would not have given notice in accordance with section fifty-

two of that Act objecting to the carrying out of the improvement or if he had given such notice the Secretary of State, in pursuance of that section, would not have withheld his approval to the carrying out of the improvement, and authorise the making of the claim; and

- (b) the compensation payable by virtue of this subsection shall not exceed either such sum as fairly represents the value of the improvement to an incoming tenant or such sum as is equal to the capital cost of the improvement less one-tenth of such cost for each complete year which has elapsed between the time at which the carrying out of the improvement was completed and the time at which the tenant quitted the holding, whichever is the less.

Amendment  
of 11 & 12  
Geo. 5. c. 48  
as to injurious  
weeds.

7.—(1) The Schedule to the Corn Production Acts (Repeal) Act, 1921 (which makes provision for the control of injurious weeds) shall have effect as if, for the reference in paragraph (1) thereof to a notice in writing requiring the occupier of land on which injurious weeds are growing to cut down or destroy the weeds in the manner and within the time specified in the notice, there were substituted a reference to a notice in writing requiring him, within the time specified in the notice, to take such action as may be necessary to prevent the weeds from spreading.

(2) The following paragraphs shall be substituted for paragraph (3) of the said Schedule (which provides that a person who unreasonably fails to comply with a notice requiring him to cut down or destroy injurious weeds shall be liable, in proceedings instituted by the Minister, to a fine not exceeding twenty pounds and to a daily penalty of twenty shillings if the default continues after conviction; and empowers the Minister to cut down or destroy the said weeds and recover the reasonable cost of so doing from the person in default)—

“(3) Where a notice has been served under this Schedule on the occupier of any land and that person unreasonably fails to comply with the requirements of the notice, he shall be guilty of an offence and shall, on summary conviction, be liable to a fine not exceeding seventy-five pounds, or, in the case of a second or subsequent offence, to a fine not exceeding one hundred and fifty pounds.

(3A) If a failure in respect of which a person is convicted under the last foregoing paragraph is not remedied within fourteen days after the conviction he shall be guilty of a further offence under that paragraph and may be punished accordingly.

(3B) Proceedings for an offence under paragraph (3) of this Schedule shall not be instituted except by the Minister.

(3C) Where the Minister has served a notice under this Schedule on the occupier of any land and the occupier has not taken the action required by the notice within the time specified therein, the Minister may take that action and recover a sum equal to the reasonable cost of so doing from the occupier or, if it is not practicable after reasonable inquiry to ascertain his name or address and he is not the owner of the land, from the owner.

(3D) Where the Minister is entitled to recover a sum under the last foregoing paragraph from the owner of land (whether or not he is also the occupier) and is unable after reasonable enquiry to ascertain the name or address of the owner he may apply to the High Court or, if the said sum does not exceed the amount by which the jurisdiction of the county court is limited by section forty-one of the County Courts Act, 1934, to the county court, for an order imposing on the land a charge for securing the payment of that sum.

(3E) A charge imposed under the last foregoing paragraph shall be a local land charge and shall be registrable under section fifteen of the Land Charges Act, 1925, accordingly; and the Minister shall, for the purpose of enforcing the charge, have the same powers and remedies under the Law of Property Act, 1925, and otherwise as he would have if he were a mortgagee by deed having powers of sale and lease, of accepting surrenders of leases, and of appointing a receiver.

(3F) Where, by reason of the default of the occupier, the owner of any land has been required to pay any sum to the Minister under paragraph (3C) of this Schedule or has, by reason of a charge imposed on the land under paragraph (3D) thereof, otherwise suffered loss he shall be entitled to recover the amount of his loss from the occupier ”.

(3) The fine which may be imposed under paragraph (4) of the said Schedule on a person who prevents or obstructs entry on land shall be increased from an amount not exceeding twenty pounds to an amount not exceeding fifty pounds.

(4) Paragraph (5) of the said Schedule (which relates to the service of notices) shall cease to have effect, and section one hundred and seven of the Act of 1947 shall apply for the purposes of notices required or authorised to be served under the said Schedule as it applies for the purposes of notices required or authorised to be served under that Act.

(5) In the application of this section to Scotland, for the reference to section one hundred and seven of the Act of 1947 there shall be substituted a reference to section eighty-three of the Scottish Act of 1948, and in the application of the said Schedule to Scotland any reference therein to a charge on land

shall be omitted and paragraph (6) (which authorises the Minister to delegate his powers under the said Schedule to the council of any county or borough) shall not apply.

Minor and consequential amendments.

8.—(1) The enactments specified in Part I of the First Schedule to this Act (being enactments applying to England and Wales) and the enactments specified in Part II of that Schedule (being enactments applying to Scotland) shall have effect subject to the amendments specified in that Schedule, being minor amendments or amendments consequential on the foregoing provisions of this Act.

(2) Part III of the First Schedule to the House of Commons Disqualification Act, 1957, shall have effect, in its application to the House of Commons of the Parliament of the United Kingdom, as if for the reference therein to an acting chairman of an Agricultural Land Tribunal there were substituted a reference to a member of a panel of deputy-chairmen of an Agricultural Land Tribunal.

Interpretation.

9.—(1) In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say:—

- “ Act of 1947 ” means the Agriculture Act, 1947;
- “ Act of 1948 ” means the Agricultural Holdings Act, 1948;
- “ agricultural holding ”, as respects England and Wales has the meaning assigned to it by section one of the Act of 1948, and as respects Scotland has the meaning assigned to it by section one of the Scottish Act of 1949;
- “ the appointed day ” means such day as the Minister or, in relation to Scotland, the Secretary of State, may by order made by statutory instrument appoint, and different days may be appointed by such orders in relation to different provisions of this Act;
- “ contract of tenancy ” and “ fixed equipment ” have the meanings assigned to them by section ninety-four of the Act of 1948;
- “ Land Court ” means the Scottish Land Court;
- “ landlord ” and “ tenant ”, as respects England and Wales, have the meanings assigned to them by section ninety-four of the Act of 1948, and as respects Scotland have the meanings assigned to them by section ninety-three of the Scottish Act of 1949;
- “ lease ”, as respects Scotland, means a letting of land for a term of years, or for lives, or for lives and years, or from year to year;
- “ the Minister ” means the Minister of Agriculture, Fisheries and Food;
- “ Scottish Act of 1948 ” means the Agriculture (Scotland) Act, 1948;



“ Scottish Act of 1949 ” means the Agricultural Holdings (Scotland) Act, 1949.

(2) References in this Act to any enactment shall be construed, except where the context otherwise requires, as references to that enactment as amended by or under any other enactment, including this Act.

10.—(1) The enactments specified in the Second Schedule to this Act are, in consequence of the foregoing provisions of this Act, hereby repealed to the extent specified in the third column of that Schedule—

- (a) in the case of the enactments specified in Part I of that Schedule, on the passing of this Act, and
- (b) in the case of the enactments specified in Part II of that Schedule, on the appointed day.

(2) The repeal by virtue of this Act of provisions contained in Part II of the Act of 1947 shall not affect the operation of section ninety-five of that Act (which applies certain of those provisions for the purposes of special directions to secure production).

(3) The repeal by virtue of this Act of section twenty-one of the Act of 1947 shall not affect the operation of subsection (5) of section twenty of the Mineral Workings Act, 1951 (which applies the definition of “ owner ” in the said section twenty-one for the purposes of the said section twenty).

(4) The repeal by virtue of this Act of provisions contained in Part II of the Scottish Act of 1948 shall not affect the operation of section thirty-five of that Act (in relation to which certain of those provisions have effect for the purposes of special directions to secure production).

(5) The repeal by virtue of this Act of section seventy-one of the Scottish Act of 1948 shall not affect the operation of subsection (6) of section twenty-one of the Crofters (Scotland) Act, 1955 (which applies the provisions of the said section seventy-one to the reference to the Land Court of certain proposals of the Crofters Commission) or the power of the Secretary of State to make regulations under the said section as so applied.

(6) The enactments specified in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, being to that extent spent.

(7) The transitional provisions set out in the Fourth Schedule to this Act shall have effect.

11.—(1) This Act may be cited as the Agriculture Act, 1958.

(2) This Act, except subsection (2) of section eight thereof, shall not extend to Northern Ireland.

Repeals,  
savings and  
transitional  
provisions.

Short title and  
extent.

## SCHEDULES

## FIRST SCHEDULE

## MINOR AND CONSEQUENTIAL AMENDMENTS

## PART I

## ENGLAND AND WALES

*Hill Farming Act, 1946*

1. On the appointed day, in section twenty-one (which empowers the Minister to avoid or relax covenants in leases prohibiting or restricting the burning of heather or grass), the following subsection shall be substituted for subsection (1)—

“(1) Where a lease of land in England or Wales contains a covenant, condition or agreement whereby the burning of heather or grass by the tenant is prohibited or restricted, the Agricultural Land Tribunal, on an application by the tenant, may if it appears to them that the covenant, condition or agreement is preventing or impeding the proper use for agricultural purposes of the land comprised in the lease or any of that land and that it is expedient in all the circumstances so to do, give such directions for avoiding or relaxing the covenant, condition or agreement as they think fit.”

*Agriculture Act, 1947*

2. Section fifty-three (which empowers the Minister, where it appears to him that a smallholdings authority have failed to fulfil their responsibilities to manage in accordance with the rules of good estate management land held by them for the purposes of smallholdings, to direct the authority to carry out certain work on the land) shall cease to have effect.

3. In section seventy-three (which provides for the establishment, constitution and procedure of Agricultural Land Tribunals)—

(a) for references to the Minister there shall be substituted references to the Lord Chancellor;

(b) in subsection (1), for the words “determining matters referred to them under this Act” there shall be substituted the words “hearing and determining references and applications made to them under any enactment”;

(c) in subsection (3), the following paragraph shall be inserted after the words “and in particular—”

“(aa) as to the manner in which applications are to be made to the Tribunals and the time within which they are to be made;”

and paragraph (c) shall be omitted;

(d) in subsection (4), the words “or application” shall be inserted after the word “reference”; and

(e) after subsection (4) there shall be inserted the following subsection—

“(5) An Agricultural Land Tribunal may, for the purpose of hearing and determining applications and refer-

ences made to them under any enactment, sit in two or more divisions, and, in relation to the hearing and determination of any such application or reference by such a division, that division shall be deemed to be the Tribunal.

1ST SCH.  
—cont.

4. In relation to Agricultural Land Tribunals, section seventy-five (which provides for the case where land lies partly in the area of one such tribunal and partly in the area of another) shall have effect (except as respects a reference to such a tribunal under section eighty-five or section eighty-six of the Act of 1947) as if, for the reference therein to the Minister, there were substituted a reference to the Lord Chancellor.

5.—(1) The Ninth Schedule shall be amended in accordance with the following provisions of this paragraph.

(2) The following paragraphs shall be substituted for paragraphs 13 to 16—

“ 13.—(1) The Lord Chancellor shall appoint a chairman for each Agricultural Land Tribunal, who shall be a barrister or solicitor of not less than seven years' standing.

(2) The chairman shall hold office for three years, and a chairman whose term of office expires shall be eligible to be re-appointed as chairman.

(3) The chairman may resign his office by notice in writing to the Lord Chancellor.

(4) If the Lord Chancellor is satisfied that the chairman is incapacitated by infirmity of mind or body from discharging the duties of his office, or if the chairman is adjudged bankrupt or makes a composition or arrangement with his creditors, the Lord Chancellor may revoke the appointment of the chairman.

14. The Lord Chancellor shall draw up for each Agricultural Land Tribunal and from time to time revise a panel of deputy-chairmen, who shall be barristers or solicitors of not less than seven years' standing.

15.—(1) The Lord Chancellor shall draw up for each Agricultural Land Tribunal and from time to time revise a panel of persons appearing to him to represent the interests of farmers and a panel of persons appearing to him to represent the interests of owners of agricultural land.

(2) Subject to the following sub-paragraph, the persons to be placed on either panel shall be selected by the Lord Chancellor from nominations made at his request by persons appearing to him to represent the interests of farmers or of owners of agricultural land, as the case may be.

(3) The last foregoing sub-paragraph shall not prevent the Lord Chancellor from placing on either of the panels a person not nominated in accordance with that sub-paragraph, if the persons requested to make the nominations for that purpose do not make the required number of nominations, or the nominations they make do not include enough persons who appear to the Lord Chancellor to be suitable.

1ST SCH.  
—cont.

16.—(1) For each hearing by an Agricultural Land Tribunal of an application or reference thereto the members of the Tribunal shall be—

- (a) the chairman, or a person nominated by the chairman either from the panel of deputy-chairmen (whether for that Tribunal or for any other Agricultural Land Tribunal) or from among the chairmen of other Agricultural Land Tribunals, and
- (b) one person nominated by the chairman from each of the panels for that Tribunal drawn up under the last foregoing paragraph or from a corresponding panel for any other Agricultural Land Tribunal.

(2) The chairman may, if it appears to him expedient so to do, nominate two assessors to be added to the Tribunal for the hearing of an application or reference thereto in order to assist the Tribunal in the hearing.

(3) The assessors shall be selected by the chairman from a panel of persons nominated by the President of the Royal Institution of Chartered Surveyors.

16A. If the chairman of an Agricultural Land Tribunal is prevented by sickness or any other reason from making nominations under sub-paragraphs (1) and (2) of the last foregoing paragraph or from otherwise discharging the duties of his office, those duties may be discharged by a person appointed from the panel of deputy-chairmen for that Tribunal by the chairman or, if the chairman is unable to make the appointment, by the Lord Chancellor."

(3) In paragraph 17, for the reference to the Minister there shall be substituted a reference to the Lord Chancellor.

(4) Paragraph 18 shall cease to have effect.

*Agricultural Holdings Act, 1948*

6. The following section shall be substituted for section ten—

" 10.—(1) Where under the contract for a tenancy of an agricultural holding, whether created before or after the commencement of this Act, provision is made for the maintenance of specified land, or a specified proportion of the holding, as permanent pasture, the landlord or the tenant may, by notice in writing served on his tenant or landlord, demand a reference to arbitration under this Act of the question whether it is expedient in order to secure the full and efficient farming of the holding that the amount of land required to be maintained as permanent pasture should be reduced.

(2) On a reference under the foregoing subsection the arbitrator may by his award—

- (a) direct that the contract of tenancy shall have effect subject to such modifications of the provisions thereof as to land which is to be maintained as permanent pasture or is to be treated as arable land, and as to cropping, as may be specified in the direction; and

(b) if he gives a direction reducing the area of land which under the contract of tenancy is to be maintained as permanent pasture, order that the contract of tenancy shall have effect as if it provided that on quitting the holding on the termination of the tenancy the tenant should leave as permanent pasture, or should leave as temporary pasture sown with seeds mixture of such kind as may be specified in the order, such area of land (in addition to the area of land required by the contract of tenancy, as modified by the direction, to be maintained as permanent pasture) as may be so specified, so however that the area required to be left as aforesaid shall not exceed the area by which the land required by the contract of tenancy to be maintained as permanent pasture has been reduced by virtue of the direction."

1ST SCH.  
—cont.

7. In section eleven, in subsection (3) (which provides for a question whether a tenant has so exercised his rights under subsection (1) of that section as to injure or deteriorate his holding to be determined for certain purposes by the Minister), for the words from " shall be determined by the Minister " to the end of the subsection there shall be substituted the words " shall be determined by arbitration under this Act; and the award of the arbitrator shall, for the purposes of any proceedings brought under the last foregoing subsection (including an arbitration under paragraph (b) thereof) be conclusive proof of the facts stated therein."

8. On the appointed day, in section twenty-four, for references to the Minister there shall be substituted references to the Agricultural Land Tribunal.

9. On the appointed day, in section twenty-five—

- (a) subsections (2) to (4) shall cease to have effect;
- (b) in subsection (5) the words " the Minister or " in each place where they occur shall be omitted; and
- (c) in subsection (6), for the reference to the Minister there shall be substituted a reference to the Agricultural Land Tribunal, and for the word " he " there shall be substituted the words " the Tribunal ".

10. The following section shall be substituted for section twenty-six—

" 26.—(1) The Lord Chancellor may by order provide—

- (a) for requiring any question arising under subsection (2) of section twenty-four of this Act to be determined by arbitration under this Act, for limiting the time within which any such arbitration may be required or any proceedings for the purposes thereof may be taken, and for extending the period within which a counter-notice may be given by the tenant under subsection (1) of that section where any such arbitration is required;
- (b) for suspending the operation of notices to quit until the termination of any such arbitration as aforesaid;

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1ST SCH.  
—cont.

(c) for postponing the date at which a tenancy is to be terminated by a notice to quit which has effect in consequence of any such arbitration as aforesaid or of an application under the said section twenty-four;

(d) for excluding the application of subsection (1) of the said section twenty-four in relation to sub-tenancies in such cases as may be specified in the order, and for making such provision as appears to the Lord Chancellor expedient for the purpose of safeguarding the interests of sub-tenants, including provision enabling the Agricultural Land Tribunal, where the interest of a tenant is terminated by notice to quit, to secure that a sub-tenant will hold from the landlord on the like terms as he held from the tenant.

(2) The power to make orders conferred on the Lord Chancellor by this section shall be exercisable by statutory instrument (which shall be subject to annulment in pursuance of a resolution of either House of Parliament) and shall include a power, exercisable in the like manner, to revoke or vary any order made thereunder."

11. On the appointed day, for section twenty-seven there shall be substituted the following section—

" 27. For the purposes of paragraph (c) of subsection (2) of section twenty-four of this Act, the landlord of an agricultural holding may apply to the Agricultural Land Tribunal for a certificate that the tenant is not fulfilling his responsibilities to farm in accordance with the rules of good husbandry, and the Tribunal, if satisfied that the tenant is not fulfilling his said responsibilities, shall grant such a certificate."

12. Section twenty-eight (which empowers the Minister to give to the tenant of an agricultural holding, being a holding in respect of which a certificate of bad husbandry under section twenty-four of the Act of 1948 is in force, directions for securing that the holding does not further deteriorate before the termination of the tenancy) shall cease to have effect.

13. The following section shall be substituted for section twenty-nine—

" Penalty  
for breach  
of condition  
accompanying  
consent  
to notice  
to quit.

29.—(1) Where, on giving consent under section twenty-four of this Act to the operation of a notice to quit an agricultural holding or part of an agricultural holding, the Agricultural Land Tribunal imposed a condition under section twenty-five of this Act for securing that the land to which the notice to quit related would be used for the purpose for which the landlord proposed to terminate the tenancy, and it is proved on an application to the Tribunal on behalf of the Crown—

(a) that the landlord has failed to comply with the condition within the period allowed thereby, or

(b) that the landlord has acted in contravention of the condition,

1st SCH.  
—cont.

the Tribunal may by order impose on the landlord a penalty of an amount not exceeding two years' rent of the holding at the rate at which rent was payable immediately before the termination of the tenancy, or, where the notice to quit related to a part only of the holding, of an amount not exceeding the proportion of the said two years' rent which it appears to the Tribunal is attributable to that part.

(2) A penalty imposed under this section shall be a debt due to the Crown and shall, when recovered, be paid into the Exchequer.

(3) The Tribunal may, in proceedings under this section, by order provide for the payment by any party of such sum as the Tribunal consider a reasonable contribution towards costs.

(4) An order under this section shall be enforceable in the same manner as a judgment or order of the county court to the like effect."

14. On the appointed day, in section fifty (which empowers the Minister to approve the carrying out by the tenant of an agricultural holding of certain long-term improvements)—

- (a) for references to the Minister there shall be substituted references to the Agricultural Land Tribunal;
- (b) in subsection (1), the words from "after giving notice" to "so to do" shall be omitted;
- (c) in subsection (2), the words from "after affording" to "by the Minister" and the words from "and in either case" to the end of the subsection shall be omitted; and
- (d) in subsection (4), the words from "after affording" to "by the Minister" shall be omitted.

15. In section fifty, in subsection (3), the following paragraph shall be inserted at the end—

"In this subsection "the prescribed period" means the period prescribed by the Lord Chancellor by order made by statutory instrument (which shall be subject to annulment in pursuance of a resolution of either House of Parliament); and the power to make orders under this subsection shall include a power, exercisable in the like manner, to revoke or vary any order made thereunder."

16. In section sixty-three, in subsection (1), for the words "paragraph (ii) of section ten" there shall be substituted the words "paragraph (b) of subsection (2) of section ten".

17. On the appointed day, in section sixty-eight (which empowers the Minister to direct that, for the purposes of certain improvements to be carried out by the tenant, an agricultural holding shall be treated as a market garden)—

- (a) for references to the Minister there shall be substituted references to the Agricultural Land Tribunal; and
- (b) in subsection (1), the words from "and after affording" to "by the Minister" shall be omitted.

18. On the appointed day, sections seventy-five and seventy-six (which respectively provide for representations to the Minister as to

1ST SCH  
—cont

the taking of action by him, and for proposals as to such action to be referred to the Agricultural Land Tribunal) shall cease to have effect.

19. As from the appointed day, the power to make rules under subsection (2) of section seventy-seven shall, in relation to arbitrations under paragraph (a) of subsection (1) of section twenty-six of the Act of 1948, be exercisable by the Lord Chancellor and not by the Minister.

20. In the Sixth Schedule, in paragraph 1, for the reference to the Lord Chief Justice of England there shall be substituted a reference to the Lord Chancellor.

21.—(1) The provisions of paragraph 24 of the Sixth Schedule (under which a special case may be stated for the opinion of the county court where any question of law arises in the course of an arbitration under the Act of 1948) shall apply in relation to a question as to the jurisdiction of an arbitrator as they apply in relation to a question of law arising in the course of an arbitration.

(2) The provisions of the Sixth Schedule relating to the fixing and recovery of the remuneration of an arbitrator and the making and enforcement of an award as to costs, together with any other provision thereof applicable for the purposes of or in connection with those provisions, shall apply where the arbitrator has no jurisdiction to decide the question referred to him as they apply where the arbitrator has jurisdiction to decide that question.

*Mineral Workings Act, 1951*

22. In section twenty-one, in subsection (1), for the words “ section fourteen ” there shall be substituted the words “ section ninety-five ”.

*Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951*

23. On the appointed day, in section twenty-one—

(a) in subsections (2) and (3), for references to the Minister there shall be substituted references to the Agricultural Land Tribunal,

(b) subsections (4) and (7) shall cease to have effect,

(c) for paragraph (c) of subsection (5) there shall be substituted the following—

“ (c) the Agricultural Land Tribunal has not before the beginning of his period of residence protection decided whether to give or withhold consent to the operation of the notice to quit,”

(d) in subsection (6), for the reference to the Minister there shall be substituted a reference to the Lord Chancellor, and for the reference to regulations there shall be substituted a reference to orders, and

(e) in subsection (8) the words from “ and the expression ” to the end shall be omitted.

24. As from the appointed day, the power to make regulations conferred by subsection (4) of section twenty-two shall be exercisable by the Lord Chancellor and not by the Minister, and subsection (5) of that section shall have effect accordingly.



*Coastal Flooding (Emergency Provisions) Act, 1953*1ST SCH.  
—cont.

25. In section sixteen, for the words “ section fourteen ” there shall be substituted the words “ section ninety-five ”.

*Agriculture (Miscellaneous Provisions) Act, 1954*

26. In section five, in subsection (1) (which empowers an Agricultural Land Tribunal to award costs against a person concerned in a reference to them who has acted frivolously, vexatiously or oppressively), after the word “ reference ” in each place where it occurs there shall be inserted the words “ or application ”.

27. In section six—

(a) subsection (3) (which entitles the Minister to appear and be heard on a reference or application to the High Court in respect of a question of law arising in the course of proceedings before an Agricultural Land Tribunal) shall cease to have effect; and

(b) the power to make orders conferred by subsection (6) shall be exercisable by the Lord Chancellor and not by the Minister.

28. On the appointed day, in section seven, for the words “ the Minister of Agriculture and Fisheries ” there shall be substituted the words “ the Agricultural Land Tribunal ”.

*Landlord and Tenant Act, 1954*

29. Subsection (1) of section forty-three shall have effect, and be deemed always to have had effect, as if, at the end of paragraph (a) thereof, there were inserted the words “ or a tenancy which would be a tenancy of an agricultural holding if the proviso to subsection (1) of section two of the Agricultural Holdings Act, 1948, did not have effect or, in a case where the approval of the Minister of Agriculture, Fisheries and Food was given as mentioned in the said subsection (1), if that approval had not been given ”.

## PART II

## SCOTLAND

*Agriculture (Scotland) Act, 1948*

30. Section thirty-six (which relates to special directions as to stocking of deer forests and grouse moors) shall cease to have effect.

31. In the Third Schedule, in paragraph 1, the words “ section twenty-nine or ”, and in paragraph 5 the words “ subsection (4) of section thirty and ” shall be omitted.

*Agricultural Holdings (Scotland) Act, 1949*

32. For section nine there shall be substituted the following section—

“ 9.—(1) Where under the lease of an agricultural holding, whether entered into before or after the commencement of this Act, provision is made for the maintenance of specified land, or a specified proportion of the holding, as permanent pasture, the landlord or the tenant may, by notice in writing served on his tenant or landlord, demand a reference to arbitration under this Act of the question whether it is expedient in order to secure the full and efficient farming of the holding that the amount of land required to be maintained as permanent pasture should be reduced.

1ST SCH  
—cont.

(2) On a reference under the foregoing subsection the arbiter may by his award—

- (a) direct that the lease shall have effect subject to such modifications of the provisions thereof as to land which is to be maintained as permanent pasture or is to be treated as arable land, and as to cropping, as may be specified in the direction; and
- (b) if he gives a direction reducing the area of land which under the lease is to be maintained as permanent pasture, order that the lease shall have effect as if it provided that on quitting the holding on the termination of the tenancy the tenant should leave as permanent pasture, or should leave as temporary pasture sown with seeds mixture of such kind as may be specified in the order, such area of land (in addition to the area of land required by the lease, as modified by the direction, to be maintained as permanent pasture) as may be so specified, so however that the area required to be left as aforesaid shall not exceed the area by which the land required by the lease to be maintained as permanent pasture has been reduced by virtue of the direction."

33. In section twelve, in subsection (3) (which provides for a question whether a tenant has so exercised his rights under subsection (1) of that section as to injure or deteriorate his holding to be determined for certain purposes by the Secretary of State) for the words from "determined by the Secretary of State" to "a certificate of the Secretary of State" there shall be substituted the words "determined by arbitration; and a certificate of the arbiter"; and in subsection (5) after the words "section nine of this Act" there shall be inserted the words "or an arbiter has directed under the said section nine".

34. In section twenty-four (which relates to the giving of notices to quit), in paragraph (a) of subsection (6) after the words "other purposes" there shall be inserted the words "(not being agricultural purposes)".

35. On the appointed day, in section twenty-five—

- (a) for references to the Secretary of State there shall be substituted references to the Land Court;
- (b) paragraph (a) of subsection (2) shall cease to have effect; and
- (c) at the end of paragraph (b) of subsection (2) there shall be added the words "and it is stated in the notice that it is given by reason of the matter aforesaid".

36. On the appointed day, in section twenty-six—

- (a) subsections (2) to (4) shall cease to have effect;
- (b) in subsection (5) the words "the Secretary of State or" in each place where they occur shall be omitted; and
- (c) in subsection (6) for the reference to the Secretary of State there shall be substituted a reference to the Land Court.

37. On the appointed day, for section twenty-seven there shall be substituted the following section—

"27.—(1) An application by a landlord for the consent of the Land Court under section twenty-five of this Act to the operation

of a notice to quit shall be made within one month after service on the landlord by the tenant of a counter-notice requiring that subsection (1) of that section shall apply to the notice to quit.

1ST SCH.  
—CONT.

(2) A tenant to whom has been given a notice to quit in connection with which any question arises under subsection (2) of section twenty-five of this Act shall, if he requires such question to be determined by arbitration under this Act, give notice to the landlord to that effect within one month after the notice to quit has been served on him; and where the award of the arbiter in an arbitration so required is such that the provisions of subsection (1) of section twenty-five of this Act would have applied to the notice to quit if a counter-notice had been served within the period limited by that subsection the period within which a counter-notice may be served under that subsection shall be extended up to the expiration of one month from the issue of the arbiter's award.

(3) Where such an arbitration as is referred to in the last foregoing subsection has been required by the tenant, or where an application has been made to the Land Court for their consent to the operation of a notice to quit, the operation of the notice to quit shall be suspended until the issue of the arbiter's award or of the decision of the Land Court, as the case may be.

(4) Where the decision of the Land Court giving their consent to the operation of a notice to quit, or the award of the arbiter in such an arbitration as is referred to in subsection (2) of this section, is issued at a date later than six months before the date on which the notice to quit is expressed to take effect, the Land Court, on application made to them in that behalf at any time not later than one month after the issue of the decision or award aforesaid, may postpone the operation of the notice to quit for a period not exceeding twelve months.

(5) If the tenant of an agricultural holding receives from the landlord notice to quit the holding or a part thereof and in consequence thereof gives to a sub-tenant notice to quit that holding or part, the provisions of subsection (1) of section twenty-five of this Act shall not apply to the notice given to the sub-tenant; but if the notice to quit given to the tenant by the landlord does not have effect, the notice to quit given as aforesaid by the tenant to the sub-tenant shall not have effect.

For the purposes of this subsection a notice to quit part of the holding which under the provisions of section thirty-three of this Act is accepted by the tenant as notice to quit the entire holding shall be treated as a notice to quit the holding.

(6) Where notice is served on the tenant of an agricultural holding to quit the holding or a part thereof, being a holding or part which is subject to a sub-tenancy, and the tenant serves on the landlord a counter-notice in accordance with the provisions of subsection (1) of section twenty-five of this Act, the tenant shall also serve on the sub-tenant notice in writing that he has served such counter-notice on the landlord, and the sub-tenant shall be entitled to be a party to any proceedings before the Land Court for their consent to the notice to quit."

1st Sch  
—cont.

38. On the appointed day, for section twenty-eight there shall be substituted the following section—

“28. For the purposes of paragraph (d) of subsection (2) of section twenty-five of this Act, the landlord of an agricultural holding may apply to the Land Court for a certificate that the tenant is not fulfilling his responsibilities to farm in accordance with the rules of good husbandry, and the Land Court, if satisfied that the tenant is not fulfilling his said responsibilities, shall grant such a certificate.”

39. Section twenty-nine (which empowers the Secretary of State to give to the tenant of an agricultural holding, being a holding in respect of which a certificate of bad husbandry under section twenty-five of the Scottish Act of 1949 is in force, directions for securing that the holding does not further deteriorate before the termination of the tenancy) shall cease to have effect.

40. For section thirty there shall be substituted the following section—

“Penalty for breach of condition accompanying consent to notice to quit.

30.—(1) Where, on giving consent under section twenty-five of this Act to the operation of a notice to quit an agricultural holding or part of an agricultural holding, the Land Court imposed a condition under section twenty-six of this Act for securing that the land to which the notice to quit related would be used for the purpose for which the landlord proposed to terminate the tenancy, and it is proved, on an application to the Land Court on behalf of the Crown—

- (a) that the landlord has failed to comply with the condition within the period allowed thereby, or
- (b) that the landlord has acted in contravention of the condition,

the Land Court may by order impose on the landlord a penalty of an amount not exceeding two years' rent of the holding at the rate at which rent was payable immediately before the termination of the tenancy, or, where the notice to quit related to a part only of the holding, of an amount not exceeding the proportion of the said two years' rent which it appears to the Land Court is attributable to that part.

(2) A penalty imposed under this section shall be a debt due to the Crown and shall, when recovered, be paid into the Exchequer.”

41. On the appointed day, in section fifty-two (which empowers the Secretary of State to approve the carrying out by the tenant of certain long-term improvements)—

- (a) for references to the Secretary of State there shall be substituted references to the Land Court;
- (b) in subsection (2) the words from “after giving notice” to “so to do”, the words from “after affording” to “appointed by the Secretary of State” and the words from “and in either case” to the end of the subsection, shall be omitted; and
- (c) in subsection (4) the words from “after affording” to “appointed by the Secretary of State” shall be omitted.

42. In section sixty-three, in subsection (1), for the words “paragraph (ii) of section nine” there shall be substituted the words “paragraph (b) of subsection (2) of section nine”.

1ST SCH.  
—cont.

43. On the appointed day, in section sixty-six (which empowers the Secretary of State to direct that, for the purposes of certain improvements to be carried out by the tenant, an agricultural holding shall be treated as a market garden)—

- (a) for references to the Secretary of State there shall be substituted references to the Land Court; and
- (b) in subsection (1) the words from “ and after affording ” to “ appointed by the Secretary of State ” shall be omitted.

44. On the appointed day, sections seventy-one and seventy-two (which respectively provide for representations to the Secretary of State as to the taking of action by him, and for proposals as to such action to be referred to the Land Court) shall cease to have effect.

*Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951*

45. On the appointed day in section twenty-one (as read with section twenty-four)—

- (a) in subsections (2) and (3) for references to the Secretary of State there shall be substituted references to the Land Court;
- (b) subsections (4) and (7) shall cease to have effect;
- (c) in subsection (5) for paragraph (c) there shall be substituted the following paragraph—  
“ (c) the Scottish Land Court has not before the beginning of his period of residence protection decided whether to give or withhold consent to the operation of the notice to quit.”; and
- (d) in subsection (6) the reference to section twenty-seven of the Scottish Act of 1949 shall be construed as a reference to that section as originally enacted and not as amended by this Act.

46. On the appointed day, in section twenty-four, in paragraph (b), the words from “ for references to the Agricultural Land Tribunal ” to “ appeals thereto ” and paragraph (c) shall be omitted.

## SECOND SCHEDULE

ENACTMENTS REPEALED IN CONSEQUENCE OF THE PROVISIONS OF THIS ACT Section 10.

### PART I

#### ENACTMENTS REPEALED ON THE PASSING OF THIS ACT

| Session and Chapter       | Short Title                                  | Extent of Repeal                                                                                                                                                                                                                                            |
|---------------------------|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11 & 12 Geo. 5.<br>c. 48. | The Corn Production Acts (Repeal) Act, 1921. | In the Schedule, paragraph (5).                                                                                                                                                                                                                             |
| 10 & 11 Geo. 6.<br>c. 48. | The Agriculture Act, 1947.                   | Section nine.<br>Sections twelve to twenty-one.<br>Section fifty-three.<br>In section seventy-three, in subsection (3), paragraph (c).<br>In section one hundred and six, in subsection (4), the words “ other than the power conferred by paragraph (a) of |

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| 2ND SCH.<br>—cont. | Session and<br>Chapter                    | Short Title                                            | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------|-------------------------------------------|--------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                    | 10 & 11 Geo. 6.<br>c. 48.—cont.           | The Agriculture Act, 1947<br>—cont.                    | subsection (1) of section twelve of this Act”.<br>In the Second Schedule, in paragraph 1, the words “fourteen or” and in paragraph 5 the words “and subsection (5) of section fifteen”.                                                                                                                                                                                                                                                                                                                                                                                                 |
|                    | 11 & 12 Geo. 6.<br>c. 45.                 | The Agriculture (Scotland) Act, 1948.                  | In the Ninth Schedule, paragraph 18.<br>In section twenty-six, subsection (1).<br>Sections twenty-seven to thirty-four.<br>Sections thirty-six to thirty-eight.<br>In section sixty-three, subsection (2).<br>Section seventy-one.<br>In section eighty-two, in subsection (4), the words “other than the power conferred by paragraph (a) of subsection (1) of section twenty-seven of this Act”, and the words “of section twenty-nine or”.<br>In the Third Schedule, in paragraph 1, the words “twenty-nine or” and in paragraph 5 the words “subsection (4) of section thirty and”. |
|                    | 11 & 12 Geo. 6.<br>c. 63.                 | The Agricultural Holdings Act, 1948.                   | Section twenty-eight.<br>In section forty-seven, paragraph (b) of subsection (2).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                    | 12, 13 & 14<br>Geo. 6. c. 75.             | The Agricultural Holdings (Scotland) Act, 1949.        | In section seven, in subsection (3), the words “or under subsection (7) of section thirty-two of the Agriculture (Scotland) Act, 1948”.                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|                    | 15 & 16 Geo. 6.<br>& 1 Eliz. 2.<br>c. 10. | The Income Tax Act, 1952.                              | Section twenty-nine.<br>In section five hundred and twenty-nine, in paragraph (e) of subsection (2), the words “subsection (7) of section eighteen of the Agriculture Act, 1947, and subsection (7) of section thirty-three of the Agriculture (Scotland) Act, 1948”.                                                                                                                                                                                                                                                                                                                   |
|                    | 1 & 2 Eliz. 2.<br>c. 18.                  | The Coastal Flooding (Emergency Provisions) Act, 1953. | Section fifteen.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|                    | 2 & 3 Eliz. 2.<br>c. 39.                  | The Agriculture (Miscellaneous Provisions) Act, 1954.  | Section four.<br>In section six, subsection (3).<br>The First Schedule.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|                    | 4 & 5 Eliz. 2.<br>c. 60.                  | The Valuation and Rating (Scotland) Act, 1956.         | Section thirty-nine.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

## PART II

2ND SCH.  
—cont.

## ENACTMENTS REPEALED ON THE APPOINTED DAY

| Session and Chapter       | Short Title                                     | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11 & 12 Geo. 6. c. 63.    | The Agricultural Holdings Act, 1948.            | <p>In section twenty-five, subsections (2) to (4), and in subsection (5) the words "the Minister or" in each place where they occur.</p> <p>In section fifty, in subsection (1), the words from "after giving notice" to "so to do", in subsection (2), the words from "after affording" to "by the Minister" and the words from "and in either case" to the end of the subsection, and in subsection (4), the words from "after affording" to "by the Minister".</p> <p>In section sixty-eight, in subsection (1), the words from "and after affording" to "by the Minister".</p> <p>Sections seventy-five and seventy-six.</p>                                                                                                                   |
| 12, 13 & 14 Geo. 6. c. 75 | The Agricultural Holdings (Scotland) Act, 1949. | <p>In section twenty-five, paragraph (a) of subsection (2).</p> <p>In section twenty-six, subsections (2) to (4), and in subsection (5) the words "the Secretary of State or" in each place where they occur.</p> <p>In section fifty-two, in subsection (2), the words from "after giving notice" to "so to do", the words from "after affording" to "appointed by the Secretary of State" and the words from "and in either case" to the end of the subsection, and in subsection (4) the words from "after affording" to "appointed by the Secretary of State".</p> <p>In section sixty-six, in subsection (1), the words from "and after affording" to "appointed by the Secretary of State".</p> <p>Sections seventy-one and seventy-two.</p> |

2ND SCH.  
—cont.

| Session and Chapter       | Short Title                                                                 | Extent of Repeal                                                                                                                                                                                                                                                                |
|---------------------------|-----------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 14 & 15 Geo. 6.<br>c. 65. | The Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951. | In section twenty-one, subsections (4) and (7), and in subsection (8), the words from "and the expression " to the end.<br>In section twenty-four, in paragraph (b), the words from "for references to the Agricultural Land Tribunal" to "appeals thereto", and paragraph (c). |

## Section 10.

## THIRD SCHEDULE

## ENACTMENTS REPEALED AS SPENT

| Session and Chapter       | Short Title                                  | Extent of Repeal                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|---------------------------|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11 & 12 Geo. 5.<br>c. 48. | The Corn Production Acts (Repeal) Act, 1921. | In section one, in the proviso, paragraphs (a), (b) and (d).<br>In the Schedule, in paragraph 10, sub-paragraph (ii).                                                                                                                                                                                                                                                                                                                                                                         |
| 10 & 11 Geo. 6.<br>c. 48. | The Agriculture Act, 1947.                   | In section sixty-one, subsection (8).<br>In section sixty-three, subsection (3).<br>In section seventy-one, subsection (7).<br>In section seventy-six, subsections (1) and (3).<br>Section ninety-one.<br>In section ninety-five, in subsection (1), the words from "or, in the case of an order" to the end of the subsection.<br>In section ninety-eight, subsection (6).<br>Section one hundred and ten.<br>In section one hundred and eleven, subsection (2).<br>The Thirteenth Schedule. |



3RD SCH.  
—cont.

| Session and Chapter        | Short Title                                                                 | Extent of Repeal                                                                                                                                                                                                                                                                                            |
|----------------------------|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 11 & 12 Geo. 6. c. 45.     | The Agriculture (Scotland) Act, 1948.                                       | In section thirty-five, in subsection (1), the words from "or in the case of an instrument" to the end of the subsection.<br>In section forty-eight, subsection (5).<br>In section sixty-eight, subsection (5).<br>Section eighty-seven.<br>In section eighty-eight, subsection (2).<br>The Tenth Schedule. |
| 11 & 12 Geo. 6. c. 63.     | The Agricultural Holdings Act, 1948.                                        | In section twenty-four, subsection (3).<br>In section thirty-four, in subsection (1), the words "or of subsection (3) thereof".                                                                                                                                                                             |
| 12, 13 & 14 Geo. 6. c. 75. | The Agricultural Holdings (Scotland) Act, 1949.                             | In section twenty-five, subsection (3).<br>In section thirty-five, in subsection (1), the words "or of subsection (3) thereof".                                                                                                                                                                             |
| 14 & 15 Geo. 6. c. 65.     | The Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951. | In section twenty-one, in subsections (2) and (3), the words "or subsection (3)" in each place where they occur.                                                                                                                                                                                            |

## FOURTH SCHEDULE

Section 10.

## TRANSITIONAL PROVISIONS

1. Where, by virtue of any provision of the First Schedule to this Act, any functions of the Minister under an enactment referred to in that provision fall to be exercised after the coming into operation thereof by the Lord Chancellor, the Agricultural Land Tribunal or an arbitrator, anything done in the exercise of those functions, in so far as it has effect immediately before the coming into operation of that provision shall, subject to the provisions of this Schedule, continue to have effect thereafter as if done by the Lord Chancellor, the Agricultural Land Tribunal or an arbitrator, as the case may be, under the said enactment as amended by this Act.

2. Notwithstanding the repeal by this Act of section fourteen of the Act of 1947—

- (a) a direction given by the Minister under paragraph (a) of subsection (1) of that section which is in force immediately before the passing of this Act shall continue in force, and the provisions of the Act of 1947 applicable for the purposes of such a direction shall continue to apply for those purposes notwithstanding the repeal by this Act of any of those provisions;

4TH SCH.  
—cont.

- (b) the right conferred on the Minister by subsection (5) of the said section fourteen to recover the reasonable cost of work carried out before the passing of this Act in the exercise of powers conferred by that subsection shall continue to be exercisable, and subsection (6) of that section shall continue to apply in relation to disputes as to the reasonable cost of such work; and
- (c) the Second Schedule to the Act of 1947 shall continue to apply as respects a direction given under the said section fourteen.

3. Notwithstanding the repeal by this Act of section fifteen of the Act of 1947, subsection (6) of that section shall continue to have effect as respects the right of a tenant to compensation for an improvement carried out before the passing of this Act.

4.—(1) This paragraph shall apply where, immediately before the passing of this Act, the Minister was in possession of land under section eighteen of the Act of 1947.

(2) In this paragraph—

“the landlord” has the same meaning as in the said section eighteen;

“the landlord’s agreement” means the agreement, if any, regulating the Minister’s possession of the land made between the Minister and the landlord under subsection (2) of the said section eighteen.

(3) The Minister shall be entitled to remain in possession of the land until the eleventh day of October, nineteen hundred and fifty-eight.

(4) If, immediately before the said eleventh day of October, the land is being farmed by a person entrusted by the Minister with the farming thereof (in this sub-paragraph referred to as “the farmer”) then, on that day—

(a) the farmer shall become the tenant of the land under a tenancy from year to year beginning on that day on such terms as may thereafter be agreed between the farmer and the landlord or as may, in default of agreement, be determined by arbitration under the Act of 1948; and

(b) the landlord’s agreement and the agreement regulating the farming of the land made between the Minister and the farmer under paragraph (b) of subsection (2) of the said section eighteen shall each determine as if the condition specified in paragraph (b) of subsection (5) of that section had been satisfied.

(5) If, immediately before the said eleventh day of October, the land is being farmed by a person acting under the direction of the Minister the landlord’s agreement shall determine on that day as if the landlord had served on the Minister a notice in writing under paragraph (a) of subsection (5) of the said section eighteen two months before that day.

(6) Notwithstanding the repeal by this Act of the said section eighteen, subsections (2) and (4) and (6) to (8) of that section shall continue to apply in relation to the land, so however that paragraph (b) of the said subsection (2) shall not apply in relation thereto.

5.—(1) Where, before the passing of this Act,—

(a) a reference to arbitration under subsection (1) of section eight of the Act of 1948 has been demanded, but

(b) the arbitrator has not made his award thereon,

section two of this Act shall not apply as respects the arbitration unless the reference was demanded in such circumstances that any increase or reduction of rent made in consequence thereof would take effect on or after the twenty-ninth day of September, nineteen hundred and fifty-nine.

(2) Where, as respects an arbitration under subsection (1) of the said section eight in relation to a tenancy, section two of this Act would have applied by virtue of the foregoing sub-paragraph but for the fact that the arbitrator had made his award before the passing of this Act, nothing in subsection (3) of the said section eight shall prevent a further reference to arbitration being begun in relation to that tenancy at any time after the passing of this Act.

6. Nothing in this Act shall affect the operation of the Act of 1948 as respects the giving of consent to the operation of a notice to quit an agricultural holding or part of an agricultural holding in a case where the tenant served on the landlord a counter-notice under subsection (1) of section twenty-four of that Act before the coming into operation of section three of this Act:

Provided that where, as respects any condition imposed under subsection (5) of section twenty-five of the Act of 1948 in connection with the giving of consent to the operation of such a notice to quit, the time within which the condition ought to have been complied with expires after the fourth day of March, nineteen hundred and fifty-eight, or any act is done after that date in contravention of the condition, the Act of 1948 shall have effect in relation thereto subject to the amendment specified in paragraph 13 of the First Schedule to this Act.

7. Nothing in this Act shall affect the operation of subsection (2) of section twenty-four of the Act of 1948 in a case where, before the coming into operation of section three of this Act, the Minister consented under the said section twenty-four to the operation of a notice to quit.

8.—(1) Subject to the following sub-paragraph, nothing in the provisions of this Act shall affect the operation of paragraph (c) of subsection (2) of section twenty-four of the Act of 1948 or of section twenty-seven thereof in a case where, before the coming into operation of section three of this Act, an application was made by a landlord under the said section twenty-seven for a certificate that the tenant was not fulfilling his responsibilities to farm in accordance with the rules of good husbandry.

(2) In so far as the said section twenty-seven continues to apply by virtue of the foregoing sub-paragraph, it shall apply as if paragraph (b) of subsection (2) thereof were omitted.

9. Without prejudice to the generality of paragraph 1 of this Schedule, regulations made by the Minister under section twenty-six or section fifty of the Act of 1948 in force immediately before the

4TH SCH.  
—cont.

4TH SCH.  
—cont.

passing of this Act shall continue in force thereafter and shall be treated as orders made by the Lord Chancellor under the said section twenty-six, or, as the case may be, the said section fifty, as amended by this Act.

10.—(1) Nothing in paragraph 5 of the First Schedule to this Act, shall affect the appointment of a chairman of an Agricultural Land Tribunal made before the passing of this Act or any proceedings before such a Tribunal commenced before the passing thereof.

(2) A panel drawn up by the Lord Chancellor before the passing of this Act under paragraph 15 of the Ninth Schedule to the Act of 1947 shall be deemed for the purposes of proceedings commenced after the passing of this Act to have been drawn up under that paragraph as amended by paragraph 5 of the First Schedule to this Act.

11. Nothing in paragraph 20 of the First Schedule to this Act shall affect the validity of the appointment of a panel of arbitrators by the Lord Chief Justice of England under sub-paragraph (3) of paragraph 1 of the Sixth Schedule to the Act of 1948; and that appointment shall continue to have effect for the purposes of the Act of 1948 until such time as a new panel is appointed under the said sub-paragraph (3) by the Lord Chancellor.

12. Nothing in this Act shall affect the operation of the Schedule to the Corn Production Acts (Repeal) Act, 1921, in a case where a notice was served under paragraph (1) of that Schedule before the passing of this Act.

13. Paragraphs 1 and 2, paragraphs 5 to 8 and paragraph 12 of this Schedule shall apply to Scotland, subject to the following modifications that is to say—

- (a) in paragraph 1, for references to the Minister and to the Lord Chancellor, the Agricultural Land Tribunal or an arbitrator there shall be substituted respectively references to the Secretary of State and to the Land Court or an arbiter;
- (b) in paragraph 2, for references to the Minister, to the Act of 1947, to section fourteen of that Act, to paragraph (a) of subsection (1) and to subsections (5) and (6) of that section and to the Second Schedule to that Act, there shall be substituted respectively references to the Secretary of State, to the Scottish Act of 1948, to section twenty-nine of that Act, to paragraph (a) of subsection (1) or subsection (3) and to subsections (6) and (7) of that section and to the Third Schedule to that Act;
- (c) in paragraph 5, for references to section eight of the Act of 1948, to the twenty-ninth day of September and to an arbitrator there shall be substituted respectively references to section seven of the Scottish Act of 1949, to the twenty-eighth day of November and to an arbiter;
- (d) in paragraphs 6 and 7, for the references to sections twenty-four and twenty-five of the Act of 1948 and to paragraph 13 of the First Schedule to this Act there shall be substituted

respectively references to sections twenty-five and twenty-six of the Scottish Act of 1949 and to paragraph 40 of the said Schedule;

4TH SCP.  
—cont.

- (e) in paragraph 8, for references to paragraph (c) of subsection (2) of section twenty-four of the Act of 1948 and to section twenty-seven of that Act there shall be substituted respectively references to paragraph (d) of subsection (2) of section twenty-five of the Scottish Act of 1949 and to section twenty-eight of that Act.

14. Notwithstanding the provisions of paragraph 37 of the First Schedule to this Act, the regulations made by the Secretary of State under section twenty-seven of the Scottish Act of 1949 in force immediately before the day appointed for the coming into operation of section three of this Act shall continue to have effect for the purposes of any proceedings consequent upon a notice to quit in a case where the tenant served on the landlord a counter-notice under subsection (1) of section twenty-five of that Act before that day.



*Table of Statutes referred to in this Act*

| Short Title                                                                   | Session and Chapter        |
|-------------------------------------------------------------------------------|----------------------------|
| Corn Production Acts (Repeal) Act, 1921 ...                                   | 11 & 12 Geo. 5. c. 48.     |
| Law of Property Act, 1925 ... ..                                              | 15 & 16 Geo. 5. c. 20.     |
| Land Charges Act, 1925 ... ..                                                 | 15 & 16 Geo. 5. c. 22.     |
| County Courts Act, 1934 ... ..                                                | 24 & 25 Geo. 5. c. 53.     |
| Hill Farming Act, 1946 ... ..                                                 | 9 & 10 Geo. 6. c. 73.      |
| Agriculture Act, 1947 ... ..                                                  | 10 & 11 Geo. 6. c. 48.     |
| Agriculture (Scotland) Act, 1948 ... ..                                       | 11 & 12 Geo. 6. c. 45.     |
| Agricultural Holdings Act, 1948 ... ..                                        | 11 & 12 Geo. 6. c. 63.     |
| Agricultural Holdings (Scotland) Act, 1949 ...                                | 12, 13 & 14 Geo. 6. c. 75. |
| Adoption Act, 1950 ... ..                                                     | 14 Geo. 6. c. 26.          |
| Mineral Workings Act, 1951 ... ..                                             | 14 & 15 Geo. 6. c. 60.     |
| Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951 ... .. | 14 & 15 Geo. 6. c. 65.     |
| Coastal Flooding (Emergency Provisions) Act, 1953 ... ..                      | 1 & 2 Eliz. 2. c. 18.      |
| Agriculture (Miscellaneous Provisions) Act, 1954                              | 2 & 3 Eliz. 2. c. 39.      |
| Landlord and Tenant Act, 1954 ... ..                                          | 2 & 3 Eliz. 2. c. 56.      |
| Crofters (Scotland) Act, 1955 ... ..                                          | 3 & 4 Eliz. 2. c. 21.      |
| House of Commons Disqualification Act, 1957...                                | 5 & 6 Eliz. 2. c. 20.      |

## CHAPTER 72

### Insurance Companies Act, 1958 ARRANGEMENT OF SECTIONS

#### *Preliminary*

#### Section

1. Companies to which Act applies.

#### *Restriction on carrying on of insurance business*

2. Minimum paid up share capital.

#### *Accounts, etc.*

3. Separation of funds relating to certain classes of business.
4. Preparation of annual accounts and balance sheets.
5. Periodic investigation of certain companies by actuary.
6. Statement of business by Committee of Lloyd's, etc.
7. Statement of business by accident insurance company.
8. Deposit of accounts, etc., with Board of Trade.
9. Audit of accounts.
10. Accounts, etc., to be laid before Parliament.

#### *Amalgamations and transfers*

11. Provisions as to certain amalgamations and transfers.
12. Statements relating to amalgamation or transfer to be deposited with Board of Trade.

#### *Insolvency and winding up*

13. Margin of solvency for general business.
14. Investigation of company of doubtful solvency.
15. Winding up.
16. Subsidiary companies.
17. Supplemental provisions as to winding up.
18. Reduction of contracts as alternative to winding up.

#### *Deposits with Accountant-General of Supreme Court*

19. Treatment of deposits.
20. Regulations as to deposits.

#### *Special provisions as to certain insurance companies*

21. Mutual associations, industrial assurance companies and other special cases.
22. Unregistered companies.
23. Oversea companies.
24. Bond investment companies.

#### *Miscellaneous and supplemental provisions*

25. Advertisements, etc., referring to amount of authorised capital.
26. Penalty for non-compliance with Act.
27. Penalty for falsifying statements, etc.
28. Recovery and application of penalties.
29. Service of notices.
30. Documents deposited with Board of Trade.
31. Exercise of powers of Board of Trade.
32. Expenses.
33. Interpretation.
34. Provisions as to regulations.
35. Savings.
36. Consequential amendments, repeals, revocations and transitional provisions.
37. Short title, commencement and extent.

**SCHEDULES:**

First Schedule—Requirements to be complied with by underwriters of Lloyd's and other approved associations.

Second Schedule—Adaptations, etc., for special cases.

Third Schedule—Rules for valuing policies and liabilities.

Fourth Schedule—Liquidator's duties as to valuation of liabilities.

Fifth Schedule—Amendments and repeals.

**An Act to consolidate the Assurance Companies Acts, 1909 to 1946, and the enactments amending those Acts with corrections and improvements made under the Consolidation of Enactments (Procedure) Act, 1949.**

[1st August, 1958]

**B**E it enacted by the Queen'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:—

*Preliminary*

**1.—(1)** Subject to the provisions of this section, this Act **Companies to** applies to all insurance companies, whether established within **which Act** or outside Great Britain, which carry on within Great Britain **applies.** insurance business of all or any of the following classes, that is to say, life assurance business, industrial assurance business, fire insurance business, accident insurance business, bond investment business, motor vehicle insurance business, and marine, aviation and transit insurance business.

**(2)** Subject to the provisions of this section, this Act also applies to any insurance company, whether established within or outside Great Britain, which carries on within Great Britain employers' liability insurance business and no other insurance business of a class specified in the foregoing subsection.

**(3)** A company as defined by section four hundred and fifty-five of the Companies Act, 1948, which carries on insurance business of a class specified in subsection (1) of this section in any part of the world other than Great Britain shall for the purposes of that subsection be deemed to be a company carrying on such business within Great Britain.

**(4)** Where this Act applies to an insurance company by reason that it carries on insurance business of a class specified in subsection (1) of this section, and the company also carries on

employers' liability insurance business, it shall not, in relation to its employers' liability insurance business, be bound by the provisions of this Act.

(5) This Act does not apply to any insurance company which is registered under the Acts relating to friendly societies or to trade unions; and the Board of Trade may, on the application of an unregistered trade union originally established before the first day of July, eighteen hundred and ninety, extend to it the exemption conferred by this subsection, and may on the application of an unregistered friendly society extend to it the said exemption if it appears to the Board, after consulting the Chief Registrar of Friendly Societies, that the society is one to which it is inexpedient that this Act should apply.

(6) This Act does not apply to a member of Lloyd's, or of any other association of underwriters approved by the Board of Trade, who carries on insurance business of any class, provided that he complies with the requirements set out in the First Schedule to this Act and applicable to business of that class.

#### *Restriction on carrying on of insurance business*

Minimum  
paid up share  
capital.

2.—(1) Subject to the provisions of subsections (5) and (6) of section one of this Act and of the Second Schedule thereto, no person shall carry on in Great Britain insurance business of a class specified in subsection (1) of the said section one, or employers' liability insurance business and no other insurance business of a class so specified, except a company incorporated, whether under the Companies Act, 1948, or otherwise, and having a paid up share capital of not less than fifty thousand pounds:

Provided that this subsection shall not apply to any insurance company which, immediately before the twenty-ninth day of October, nineteen hundred and forty-five, was carrying on in Great Britain insurance business of a class specified in section one of this Act in compliance with such of the provisions of the Assurance Companies Act, 1909, as then applied to the company and to that class of business.

(2) If any person contravenes the provisions of the foregoing subsection, then—

(a) in a case where that person is not a body corporate, he shall be liable on summary conviction to imprisonment for a term not exceeding three months, or on conviction on indictment to imprisonment for a term not exceeding two years; and

(b) in a case where that person is a body corporate—

(i) the body corporate may be wound up by the court under the Companies Act, 1948, on a petition



of the Board of Trade presented by leave of the court; and

(ii) any director, manager, secretary or other officer or agent of the body corporate shall be liable to the penalty provided in paragraph (a) of this subsection, unless he proves that the contravention occurred without his knowledge or that he used all due diligence to prevent the occurrence thereof.

(3) Subject to the provisions of the Second Schedule to this Act, the statutory declaration required by section one hundred and nine of the Companies Act, 1948, to be delivered to the registrar of companies before a company to which that section applies commences business shall, in the case of a company (other than a company to which this Act does not apply) registered after the fifth day of March, nineteen hundred and forty-six, the objects whereof include the carrying on of insurance business of a class specified in subsection (1) of section one of this Act, or of employers' liability insurance business and no other insurance business of a class so specified, include a statement that not less than fifty thousand pounds of the company's share capital has been paid up.

*Accounts, etc.*

3.—(1) Subject to the provisions of this Act, where an insurance company to which this Act applies—

Separation of funds relating to certain classes of business.

(a) carries on, together with other business, insurance business of one only of the classes to which this section applies, or

(b) carries on, with or without other business, insurance business of two or more of the said classes,

the receipts of that class of insurance business, or of each of those classes of insurance business, as the case may be, shall be entered in a separate account and shall be carried to and form a separate insurance fund with an appropriate name:

Provided that nothing in this subsection shall require the investments of any such fund to be kept separate from the investments of any other fund.

(2) Subject as aforesaid, a fund of any particular class—

(a) shall be as absolutely the security of the policy holders of that class as though it belonged to a company carrying on no other business than insurance business of that class;

(b) shall not be liable for any contracts of the company for which it would not have been liable had the business of the company been only that of insurance of that class; and

- (c) shall not be applied, directly or indirectly, for any purposes other than those of the class of business to which the fund is applicable.

(3) This section shall not apply in the case of a company carrying on life assurance business or industrial assurance business and established before the ninth day of August, eighteen hundred and seventy, by the terms of whose deed of settlement the whole of the profits of all the business carried on by the company are paid exclusively to the life policy holders, and on the face of whose life policies there distinctly appears the liability, in respect of the other business, of the life assurance fund or the industrial assurance fund, or, in the case of a company carrying on both life and industrial assurance business, of either or both of those funds, as the case may be.

(4) Nothing in paragraph (b) of subsection (2) of this section shall affect the liability of the life assurance fund or the industrial assurance fund of a company established before the ninth day of August, eighteen hundred and seventy, for contracts entered into by the company before that date.

(5) This section applies to insurance business of the following classes, namely, life assurance business, industrial assurance business, bond investment business and employers' liability insurance business.

Preparation  
of annual  
accounts and  
balance sheets.

4. Every insurance company to which this Act applies shall, at the expiration of each financial year of the company, prepare in the prescribed form a revenue account for the year, a balance sheet and, except where the company carries on insurance business of one class only and no other business, a profit and loss account.

Periodic  
investigation  
of certain  
companies  
by actuary

5.—(1) Every insurance company to which this Act applies, being a company which carries on life assurance business, industrial assurance business or bond investment business,—

- (a) shall, once in every five years, or at such shorter intervals as may be prescribed by the deed of settlement of the company, or by its regulations or byelaws, cause an investigation to be made into its financial condition, including a valuation of its liabilities, by an actuary, and
- (b) when such an investigation has been made, or when at any other time an investigation into the financial condition of the company has been made with a view to the distribution of profits, or the results of which are made public, shall cause an abstract of the actuary's report of the investigation to be made in the prescribed form:

Provided that, in the case of a mutual company carrying on life assurance business or industrial assurance business whose profits are allocated to members wholly or mainly by annual abatements of premium, the abstract of the actuary's report may be made at intervals not exceeding five years.

(2) Where under the foregoing subsection an insurance company causes an abstract to be made of the report of an actuary on his investigation into the financial condition of the company, the company shall prepare in the prescribed form a statement of its insurance business at the date to which the accounts of the company are made up for the purposes of the investigation:

Provided that if the investigation is made annually, the company may prepare such a statement at any time, so that it be made at least once in every five years.

6.—(1) The Committee of Lloyd's, and the managing body of every association of underwriters approved by the Board of Trade under and for the purposes of subsection (6) of section one of this Act, shall deposit every year with the Board a statement in the prescribed form summarising the extent and character of the insurance business done by the members of Lloyd's or of the association, as the case may be, in the twelve months to which the statement relates.

Statement of  
business by  
Committee of  
Lloyd's, etc.

(2) Regulations made for the purposes of this section may require the statement to deal separately with such classes or descriptions of business as may be specified in the regulations.

7. Every insurance company to which this Act applies, being a company which carries on accident insurance business, shall annually prepare in the prescribed form a statement of that business.

Statement of  
business by  
accident insur-  
ance company.

8.—(1) Every account, balance sheet, abstract or statement required by the foregoing provisions of this Act (other than section six thereof) to be made shall be printed, and four copies thereof, one of which shall be signed by the chairman and two directors of the company and by the principal officer of the company and, if the company has a managing director, by the managing director, shall be deposited at the Board of Trade within six months after the close of the period to which the account, balance sheet, abstract or statement relates:

Deposit of  
accounts,  
etc., with  
Board of  
Trade.

Provided that, if in any case it is made to appear to the Board that the circumstances are such that a longer period than six months should be allowed, the Board may extend that period by such period not exceeding three months as they think fit.

(2) The Board of Trade shall consider the documents deposited under the foregoing subsection, and if any such document appears

to the Board to be inaccurate or incomplete in any respect the Board shall communicate with the company with a view to the correction of any such inaccuracies and the supply of deficiencies.

(3) There shall be deposited with every revenue account and balance sheet of a company any report on the affairs of the company submitted to the shareholders or policy holders of the company in respect of the financial year to which the account and balance sheet relate.

(4) Where an insurance company registered under the Companies Act, 1948, or under the former Companies Acts, in any year deposits its accounts and balance sheet in accordance with the provisions of this section, then, if the company at the same time sends a copy of the accounts and balance sheet to the registrar of companies,—

(a) section one hundred and twenty-seven of the said Act of 1948 (which requires certain documents to be annexed to the annual return made by a company) shall not then apply to that company, and

(b) the copy of the accounts and balance sheet so sent shall be dealt with in all respects as if it had been sent in compliance with the said section one hundred and twenty-seven.

(5) In the case of a mutual company such as is mentioned in the proviso to subsection (1) of section five of this Act, the company shall, where the abstract required by the said subsection (1) is not made annually, include with the copies of each such abstract deposited under this section particulars as to the rates of abatement of premiums applicable to different classes or series of assurances allowed in each year during the period which has elapsed since copies of such an abstract were previously so deposited.

(6) A printed copy of the accounts, balance sheet, abstract or statement last deposited under this section shall on the application of any shareholder or policy holder of the company be forwarded to him by the company by post or otherwise.

Audit of  
accounts.

9. Where the accounts of an insurance company to which this Act applies are not subject to audit in accordance with the provisions of the Companies Act, 1948, or the Companies Clauses Consolidation Act, 1845, relating to audit, the accounts of the company shall be audited annually in the prescribed manner, and regulations made for the purposes of this section may apply to any such company the provisions of the said Act of 1948 relating to audit, subject to such adaptations and modifications as may appear necessary or expedient.

**10.** The Board of Trade shall lay annually before Parliament the accounts, balance sheets, abstracts, statements and other documents under this Act, or purporting to be under this Act, deposited with them during the preceding year, except reports on the affairs of insurance companies submitted to the shareholders or policy holders thereof, and may append to such accounts, balance sheets, abstracts, statements or other documents any note of the Board thereon and any correspondence in relation thereto.

Accounts, etc.,  
to be laid  
before  
Parliament.

*Amalgamations and transfers*

**11.—(1)** Subject to the provisions of this section, where—

Provisions as  
to certain  
amalgamations  
and transfers.

- (a) it is intended to amalgamate two or more insurance companies to which this Act applies and any of those companies carries on long term business or employers' liability insurance business, or
- (b) it is intended to transfer long term business of any class or employers' liability insurance business from one insurance company to which this Act applies to another such company,

the directors of any one or more of those companies may apply to the court, by petition, to sanction the proposed arrangement, and the court, after hearing the directors and other persons whom it considers entitled to be heard upon the petition, may sanction the arrangement if it is satisfied that no sufficient objection thereto has been established :

Provided that where it is intended, in the case of an insurance company carrying on life assurance business or industrial assurance business, to amalgamate the company with another company or to transfer that business to another company, the court shall not sanction the amalgamation or transfer if it appears to the court that the life policy holders representing one-tenth or more of the total amount assured in the company dissent therefrom.

(2) Before any application is made to the court under this section—

- (a) notice of the intention to make the application shall be published in the Gazette ;
- (b) except in relation to a transfer of employers' liability insurance business, a statement of the nature of the amalgamation or transfer, together with an abstract containing the material facts embodied in the agreement or deed under which the amalgamation or transfer is proposed to be effected, and copies of the actuarial or other reports upon which the agreement

or deed is founded, including a report by an independent actuary, shall, unless the court otherwise directs, be transmitted to each policy holder of each company, being a life, endowment, sinking fund or bond investment policy holder, in the manner provided by section one hundred and thirty-six of the Companies Clauses Consolidation Act, 1845, for the transmission to shareholders of notices not requiring to be served personally ; and

- (c) the agreement or deed under which the amalgamation or transfer is effected shall be open for the inspection of the policy holders and shareholders at the offices of the companies for a period of fifteen days after the publication of the notice in the Gazette.

(3) Subject to the provisions of this Act, no amalgamation or transfer such as is mentioned in subsection (1) of this section shall take place unless it is sanctioned by the court in accordance with this section ;

Provided that this subsection shall not apply if any of the companies concerned in the amalgamation or transfer is registered or has its head office in Northern Ireland and the amalgamation or transfer has been sanctioned by the High Court of Justice in Northern Ireland.

(4) This section shall not apply to an amalgamation or transfer if each of the companies concerned therein is registered or has its head office in Northern Ireland.

(5) In this section " court " means the High Court of Justice in England and, in a case where any of the companies concerned in an amalgamation or transfer is registered or has its head office in Scotland, includes the Court of Session.

Statements relating to amalgamation or transfer to be deposited with Board of Trade.

**12.** Where an amalgamation or transfer such as is mentioned in subsection (1) of section eleven of this Act takes place, being an amalgamation or transfer to which that section applies, the combined company or the purchasing company, as the case may be, shall, within ten days from the date of the completion of the amalgamation or transfer, deposit with the Board of Trade—

- (a) certified copies of statements of the assets and liabilities of the companies concerned in the amalgamation or transfer, together with a statement of the nature and terms of the amalgamation or transfer ;
- (b) a certified copy of the agreement or deed under which the amalgamation or transfer is effected ;
- (c) certified copies of the actuarial or other reports upon which that agreement or deed is founded ; and

- (d) a declaration under the hand of the chairman of each company and the principal officer of each company that to the best of their belief every payment made or to be made to any person on account of the amalgamation or transfer is therein fully set out, and that no payments beyond those set out have been made or are to be made either in money, policies, bonds, valuable securities or other property by or with the knowledge of any parties to the amalgamation or transfer.

*Insolvency and winding up*

13.—(1) Subject to the provisions of the Second Schedule to this Act, an insurance company to which this Act applies, being a company which carries on general business, shall be deemed, for the purposes of section two hundred and twenty-two of the Companies Act, 1948 (which authorises the court to wind up a company unable to pay its debts), to be unable to pay its debts if the value of its assets does not exceed the amount of its liabilities by whichever is the greater of the following amounts, namely—

Margin of solvency for general business.

(a) fifty thousand pounds ; or

(b) one-tenth of the general premium income of the company in its last preceding financial year ;

and the provisions of this Act relating to winding up shall have effect accordingly :

Provided that this section shall not apply to an insurance company unless and until a period of two years, or such longer period as the Board of Trade may in any case allow, has expired from the date of its commencing to carry on general business.

(2) For the purposes of this section—

(a) in computing the amount of the liabilities of an insurance company, all contingent and prospective liabilities shall be taken into account, but not liabilities in respect of share capital ; and

(b) the general premium income of an insurance company in any year shall be taken to be the net amount, after deduction of any premiums paid by the company for reinsurance, of the premiums received by the company in that year in respect of all insurance business (whether or not being insurance business of a class specified in section one of this Act) other than long term business.

(3) Regulations made for the purposes of this section may require that, in every balance sheet prepared under section four of this Act by an insurance company carrying on general business, there shall be included a certificate—

(a) in such form and signed by such persons as may be prescribed by the regulations ; and

(b) containing such a statement with respect to the assets and liabilities of the company as may be so prescribed ;

and if any such company fails to comply with the regulations so made, the value of its assets shall, in any proceedings under this section for the winding up of the company, be deemed, until the contrary is proved, not to exceed the amount of its liabilities by the amount required by subsection (1) of this section.

(4) Nothing in this section shall be taken as affecting the manner in which, on a winding up, any assets or liabilities are required to be dealt with, whether by virtue of section three of this Act or otherwise.

Investigation  
of company  
of doubtful  
solvency.

**14.—(1)** The Board of Trade, by notice in writing served upon an insurance company to which this Act applies, being a company which may be wound up by the court under the provisions of the Companies Act, 1948—

(a) may require the company to furnish to the Board 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 the purpose of determining whether the company is insolvent, or was insolvent at any date (not earlier than the close of the period to which the accounts and balance sheet of the company last deposited under section eight of this Act relate) specified in the notice, and

(b) may 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 a notice has been served upon an insurance company under the foregoing subsection, either—

(a) 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, or

(b) the Board, after considering the material furnished pursuant to the said requirements, consider it to be expedient for the purpose aforesaid so to do,

the Board may serve upon the company a notice in writing stating that they propose 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 unless the company within a period of seven days from the date of the service of the notice upon it gives notice in writing to the Board that it objects



to such an appointment being made, the Board may after the expiration of that period make such an appointment.

(3) If the company within the said period gives notice in writing to the Board that it objects to such an appointment being made, the Board may apply to the court for leave to make such an appointment, and the court shall grant leave unless it is satisfied by the company that such an appointment cannot reasonably be required for the purpose aforesaid, and on leave being granted the Board may make such an appointment.

(4) Where an appointment is made under this section the provisions of sections one hundred and sixty-six and one hundred and sixty-seven of the Companies Act, 1948, shall apply with respect to an inspector appointed under this section in like manner as they apply to an inspector appointed under section one hundred and sixty-four of that Act.

(5) The expenses of and incidental to an investigation carried out by an inspector appointed under this section shall be defrayed by the Board:

Provided that—

(a) where the court grants leave to make an appointment, the court may, if it thinks fit, direct the company to repay to the Board the whole or any part of the said expenses; and

(b) if an order for the winding up of the company by the court is made at any time within twelve months from the date on which the report of the inspector is made to the Board, or, if more than one report is so made, from the date when the first report is so made, the said expenses shall be deemed, for the purposes of the Companies Act, 1948, to be expenses properly incurred in the winding up and the amount thereof, after deducting any sum repaid to the Board pursuant to a direction given by the court under the foregoing paragraph, shall be paid out of the assets of the company *pari passu* with the taxed costs of the petition.

(6) In this section “the court” means the court having jurisdiction to wind up the company.

**15.**—(1) The court may order the winding up, in accordance Winding up. with the Companies Act, 1948, of an insurance company to which this Act applies (not being a company registered or having its head office in Northern Ireland), and the provisions of that Act shall apply accordingly, subject to the modification that the company may be ordered to be wound up on the petition of ten or more policy holders owning policies of an aggregate value of not less than ten thousand pounds:

Provided that such a petition shall not be presented except by leave of the court, and leave shall not be granted until a *prima*

facie case has been established to the satisfaction of the court and until security for costs for such amount as the court may think reasonable has been given.

(2) The Board of Trade may, with the leave of the court, present a petition for the winding up, in accordance with the Companies Act, 1948, of an insurance company to which this Act applies, being a company which may be wound up by the court under the provisions of the said Act of 1948, on the ground—

- (a) that the company is unable to pay its debts within the meaning of sections two hundred and twenty-two and two hundred and twenty-three of the said Act of 1948, or
- (b) that, an inspector having been appointed to investigate the affairs of the company under section fourteen of this Act, any such refusal has taken place as, under subsection (3) of section one hundred and sixty-seven of the said Act of 1948, as applied by the said section fourteen, is, or might be, made the ground of the punishment of an officer or agent of the company.

In this subsection "the court" means the court having jurisdiction to wind up the company.

Subsidiary  
companies.

16.—(1) Where the insurance business or any part of the insurance business of an insurance company has been transferred to an insurance company to which this Act applies under an arrangement in pursuance of which the first-mentioned company (in this section called the subsidiary company) or the creditors thereof has or have claims against the company to which the transfer was made (in this section called the principal company), then, if the principal company is being wound up by or under the supervision of the court, the court shall, subject to the provisions of this section, order the subsidiary company to be wound up in conjunction with the principal company, and may by the same or any subsequent order appoint the same person to be liquidator for the two companies, and make provision for such other matters as may seem to the court necessary, with a view to the companies being wound up as if they were one company.

(2) The commencement of the winding up of the principal company shall, save as otherwise ordered by the court, be the commencement of the winding up of the subsidiary company.

(3) In adjusting the rights and liabilities of the members of the several companies between themselves, the court shall have regard to the constitution of the companies, and to the arrangements entered into between the companies, in the same manner as the court has regard to the rights and liabilities of different classes of contributories in the case of the winding up of a single company, or as near thereto as circumstances admit.

(4) Where any company alleged to be subsidiary is not in process of being wound up at the same time as the principal company to which it is subsidiary, the court shall not direct the subsidiary company to be wound up unless, after hearing all objections (if any) that may be urged by or on behalf of the company against its being wound up, the court is of opinion that the company is subsidiary to the principal company, and that the winding up of the company in conjunction with the principal company is just and equitable.

(5) An application may be made in relation to the winding up of any subsidiary company in conjunction with a principal company by any creditor of, or person interested in, the principal or subsidiary company.

(6) Where a company stands in the relation of a principal company to one company, and in the relation of a subsidiary company to some other company, or where there are several companies standing in the relation of subsidiary companies to one principal company, the court may deal with any number of such companies together or in separate groups, as it thinks most expedient, upon the principles laid down in this section.

**17.**—(1) In any proceedings upon a petition to wind up an insurance company presented by the Board of Trade under subsection (2) of section fifteen of this Act, evidence that the company was insolvent at the close of the period to which the accounts and balance sheet of the company last deposited under section eight of this Act relate, or at any date specified in a notice served under subsection (1) of section fourteen of this Act, shall be evidence that the company continues to be unable to pay its debts, unless the contrary is proved. Supplemental provisions as to winding up.

(2) Where an insurance company to which this Act applies is being wound up by the court, or subject to the supervision of the court, or voluntarily, the value of a policy of any class or of a liability under such a policy requiring to be valued in the winding up shall be estimated in the manner applicable to policies and liabilities of that class provided by the Third Schedule to this Act.

(3) The rules in the Third and Fourth Schedules to this Act shall be of the same force, and may be revoked or amended, as if they were rules made in pursuance of section three hundred and sixty-five of the Companies Act, 1948; and rules may be made under that section for the purpose of carrying into effect the provisions of this Act with respect to the winding up of insurance companies.

**18.** In the case of an insurance company which has been proved to be unable to pay its debts, the court may, if it thinks fit, reduce the amount of the contracts of the company upon such terms and subject to such conditions as the court thinks just, in place of making a winding up order. Reduction of contracts as alternative to winding up.

*Deposits with Accountant-General of Supreme Court*

Treatment of deposits.

**19.**—(1) Every sum deposited with the Accountant-General of the Supreme Court under section two of the Assurance Companies Act, 1909, or under paragraph 1 of the Second Schedule to this Act shall be invested by the Accountant-General in such of the securities usually accepted by the court for the investment of funds placed under its administration as the company by whom the sum was deposited may select, and the interest accruing due thereon shall be paid to the company.

(2) A deposit so made in respect of any class of business in respect of which a separate insurance fund is required to be kept shall be deemed to form part of that fund, and all interest accruing due on any such deposit or the securities in which it is for the time being invested shall be carried by the company to that fund.

Regulations as to deposits.

**20.**—(1) Regulations may be made with respect to applications for warrants, the payment of deposits, and the investment thereof or dealing therewith, the deposit of stocks or other securities in lieu of money, the payment of interest from time to time accruing due on any securities in which deposits are for the time being invested, and the withdrawal and transfer of deposits.

(2) The regulations made under the foregoing subsection in respect of the withdrawal of deposits shall include provision for allowing an insurance company to withdraw any deposit made by it if the Board of Trade are satisfied in manner provided by the regulations—

(a) in the case of a company carrying on general business, whether with or without long term business, that the value of the company's assets exceeds the amount of its liabilities by the amount required by section thirteen of this Act ; or

(b) in the case of a company carrying on long term business but not general business, either that it has a paid up share capital of fifty thousand pounds or more, or—

(i) in the case of a company required to keep a separate fund or funds, that the value of the assets of the fund or of each such fund exceeds the amount of the liabilities to which it may be applied and that the excess, or, where more than one such fund is kept, the aggregate excess, is not less than fifty thousand pounds ;

(ii) in the case of a company not so required, that the value of the company's assets exceeds the amount of its liabilities by fifty thousand pounds.

(3) In computing liabilities for the purposes of paragraph (b) of the last foregoing subsection, all contingent and prospective liabilities shall be taken into account, but not liabilities in respect of share capital.

*Special provisions as to certain insurance companies*

**21. As respects—**

- (a) the mutual associations mentioned in Part I of the Second Schedule to this Act ;
- (b) industrial assurance companies ; and
- (c) such insurance companies as are mentioned in Part III of that Schedule ;

Mutual associations, industrial assurance companies and other special cases.

the provisions contained in Parts I to III of that Schedule shall respectively have effect for adapting the operation of this Act to the special circumstances of those companies.

**22. Every insurance company to which this Act applies, being a company which is not registered under the Companies Act, 1948, or under the former Companies Acts,—**

Unregistered companies.

- (a) if it has not incorporated in its deed of settlement section ten of the Companies Clauses Consolidation Act, 1845, shall keep a shareholders address book in accordance with the provisions of that section, and shall, on the application of any shareholder or policy holder of the company, furnish to him a copy of the book, on payment of a sum not exceeding sixpence for every hundred words required to be copied ;
- (b) shall cause a sufficient number of copies of its deed of settlement to be printed, and shall, on the application of any shareholder or policy holder of the company, furnish to him one of those copies on payment of a sum not exceeding one shilling.

**23. The following provisions of the Companies Act, 1948, that is to say, sections four hundred and seven, four hundred and nine to four hundred and fifteen and four hundred and twenty-five, if, apart from this subsection they would not so apply, shall apply in relation to an insurance company constituted outside Great Britain which carries on insurance business within Great Britain as they apply in relation to oversea companies within the meaning of section four hundred and six of that Act.**

Oversea companies.

Bond investment companies.

24. Where an insurance company to which this Act applies carries on bond investment business, the company shall not give the holder of any policy issued after the second day of December, nineteen hundred and nine, any advantage dependent on lot or chance:

Provided that this section shall not be construed as in any way prejudicing any question as to the application to any such transaction, whether in respect of a policy issued before, on or after the said second day of December, of the law relating to lotteries.

*Miscellaneous and supplemental provisions*

Advertisements, etc., referring to amount of authorised capital.

25. Where any advertisement, notice or other official publication of an insurance company to which this Act applies contains a statement of the amount of the authorised capital of the company, the publication shall also contain a statement of the amount of the capital which has been subscribed and the amount paid up.

Penalty for non-compliance with Act.

26.—(1) Subject to the provisions of this section, any insurance company which makes default in complying with any of the requirements of this Act shall be liable to a penalty not exceeding one hundred pounds, or, in the case of a continuing default, to a penalty not exceeding fifty pounds for every day during which the default continues, and every director, manager, secretary or other officer or agent of the company who is knowingly a party to the default shall be liable to a like penalty.

(2) Subject as aforesaid, if any such default continues for a period of three months after notice of default by the Board of Trade (which notice shall be published in one or more newspapers as the Board may, upon the application of one or more policy holders or shareholders, direct), the default shall be a ground on which the court may order the winding up of the company, in accordance with the Companies Act, 1948.

(3) This section shall not apply as respects a default in complying with a requirement contained in any of the following provisions of this Act, that is to say, section two, subsection (3) of section thirteen, section fourteen and Parts I and III of the Second Schedule.

Penalty for falsifying statements, etc.

27. If any account, balance sheet, abstract, statement or other document required by any provision of this Act other than section fourteen thereof is false in any particular to the knowledge of any person who signs it, that person shall be guilty of a misdemeanour and shall be liable on summary conviction to a fine not exceeding fifty pounds.

**28.** Every penalty imposed by section twenty-six or section twenty-seven of this Act shall be recovered and applied in the same manner as penalties imposed by the Companies Act, 1948, are recoverable and applicable. Recovery and application of penalties.

**29.** Any notice which is by this Act required to be sent to any policy holder may be addressed and sent to the person to whom notices respecting that policy are usually sent, and any notice so addressed and sent shall be deemed to be notice to the holder of the policy: Service of notices.

Provided that where any person claiming to be interested in a policy has given to the company notice in writing of his interest, any notice which is by this Act required to be sent to policy holders shall also be sent to that person at the address specified by him in his notice.

**30.—(1)** The Board of Trade may direct any documents deposited with them under this Act, or certified copies thereof, to be kept by the registrar of companies or by any other officer of the Board; and any such documents and copies shall be open to inspection, and copies thereof may be procured by any person on payment of such fees as the Board may direct. Documents deposited with Board of Trade.

(2) Every document deposited under this Act with the Board of Trade, and certified by the registrar of companies, or by any person appointed in that behalf by the President of the Board of Trade, to be a document so deposited, shall be deemed to be a document so deposited.

(3) Every document purporting to be certified by the registrar of companies, or by any person appointed in that behalf by the President of the Board of Trade, to be a copy of a document so deposited shall be deemed to be a copy of that document, and shall be received in evidence as if it were the original document, unless some variation between it and the original be proved.

**31.** Anything required or authorised by or 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 of Trade, any secretary, under-secretary or assistant secretary of the Board or any person authorised in that behalf by the President. Exercise of powers of Board of Trade.

**32.—(1)** Subject to the provisions of subsection (3) of section thirteen of the Economy (Miscellaneous Provisions) Act, 1926 (which empowers the Treasury to issue out of the Bankruptcy and Companies Winding-up (Fees) Account, in aid of the moneys voted by Parliament for the salaries and expenses of the Board of Trade, sums towards meeting the charges estimated by the Board in respect of salaries and expenses under the Companies Act, 1948, in relation to the winding up of companies in Expenses.

England), any expenses incurred by the Board of Trade under this Act shall be defrayed out of moneys provided by Parliament.

(2) The said subsection (3) shall have effect as if the expenses incurred by the Board of Trade under section fourteen of this Act were expenses incurred by the Board under the Companies Act, 1948, in relation to the winding up of companies in England.

(3) Any sums paid to the Board of Trade under the proviso to subsection (5) of the said section fourteen shall be appropriated in aid of the moneys voted by Parliament for the salaries and expenses of the Board.

**Interpretation.** 33.—(1) In this Act, unless the context otherwise requires—

“accident insurance business” means the issue of, or the undertaking of liability under, policies of insurance upon the happening of personal accidents, whether fatal or not, disease or sickness, or any class of personal accidents, disease or sickness ;

“actuary” means, except in section fourteen of this Act, an actuary possessing the prescribed qualifications ;

“annuities on human life” does not include superannuation allowances and annuities payable out of any fund applicable solely to the relief and maintenance of persons engaged or who have been engaged in any particular profession, trade or employment, or of the dependants of such persons ;

“bond investment business” means, subject to the provisions of subsection (3) of this section, the business of issuing bonds or endowment certificates by which the company, in return for subscriptions payable at periodic intervals of less than six months, contracts to pay the bond holder a sum at some future date, not being life assurance business, industrial assurance business, or sinking fund or capital redemption insurance business ;

“chairman” means the person for the time being presiding over the board of directors or other governing body of the insurance company ;

“court” means the High Court of Justice in England or, in the case of an insurance company registered or having its head office in Scotland, means, except in the provisions of this Act relating to deposits, the Court of Session ;

“deed of settlement”, in relation to an insurance company, includes any instrument constituting the company ;

“employers’ liability insurance business” means the issue of, or the undertaking of liability under, policies insuring employers against liability to pay compensation or



- damages to workmen in their employment, but does not include any business carried on as incidental only to marine, aviation and transit insurance business ;
- “ financial year ” means each period of twelve months at the end of which the balance of the accounts of the insurance company is struck, or, if no such balance is struck, means the calendar year ;
- “ fire insurance business ” means, subject to the provisions of subsection (4) of this section, the issue of, or the undertaking of liability under, policies of insurance against loss by or incidental to fire ;
- “ former Companies Acts ” means the Companies Act, 1929, and any enactment repealed by that Act or by the Companies (Consolidation) Act, 1908 ;
- “ Gazette. ” means the London or Edinburgh Gazette, as the case may require ;
- “ general business ” means insurance business of a class or classes specified in section one of this Act, not being long term business ;
- “ industrial assurance business ” has the meaning assigned to it by subsection (2) of section one of the Industrial Assurance Act, 1923 ;
- “ insolvent ” means, in relation to an insurance 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 two hundred and twenty-two and two hundred and twenty-three of the Companies Act, 1948, hold, or have held, that the company was at that date unable to pay its debts ;
- “ insurance company ” means a person or body of persons (whether incorporated or not) carrying on insurance business ;
- “ interest ” includes dividends ;
- “ life assurance business ” means, subject to the provisions of subsection (5) of this section, the issue of, or the undertaking of liability under, policies of assurance upon human life, or the granting of annuities upon human life, not being industrial assurance business ;
- “ life policy ” means any instrument by which the payment of money is assured on death (except death by accident only) or the happening of any contingency dependent on human life, or any instrument evidencing a contract which is subject to payment of premiums for a term dependent on human life ;

“long term business” means insurance business of all or any of the following classes, namely, life assurance business, industrial assurance business and bond investment business, and includes, in relation to any insurance company, insurance business carried on by the company as incidental only to any such class of business ;

“marine, aviation and transit insurance business” means the business of effecting and carrying out, otherwise than incidentally to some other class of insurance business, contracts of insurance—

(a) upon vessels or aircraft, or upon the machinery, tackle, furniture or equipment of vessels or aircraft, or

(b) upon goods, merchandise or property of any description whatever on board vessels or aircraft, or

(c) upon the freight of, or any other interest in or relating to, vessels or aircraft, or

(d) against damage arising out of or in connection with the use of vessels or aircraft, including third party risks, or

(e) against risks incidental to the construction, repair or docking of vessels, including third party risks, or

(f) against transit risks (whether the transit is by sea, inland water, land or air, or partly one and partly another) including risks incidental to the transit insured from the commencement of the transit to the ultimate destination covered by the insurance, but not including risks the insurance of which is motor vehicle insurance business, or

(g) against any other risks the insurance of which is customarily undertaken in conjunction with or as incidental to any such business as is referred to in the foregoing paragraphs of this definition ;

“motor vehicle insurance business” means the business of effecting contracts of insurance against loss of, or damage to or arising out of or in connection with the use of, motor vehicles, including third party risks ;

“policy”—

(a) in relation to life assurance business or industrial assurance business, includes an instrument evidencing a contract to pay an annuity upon human life, and

(b) in relation to accident insurance business, motor vehicle insurance business, marine, aviation

and transit insurance business or employers' liability insurance business, includes any policy under which there is for the time being an existing liability already accrued, or under which any liability may accrue, and

(c) in relation to bond investment business, includes any bond, certificate, receipt or other instrument evidencing the contract with the company ;

“ policy holder ” means the person who for the time being is the legal holder of the policy for securing the contract with the insurance company, or, in relation to bond investment business, means the person who for the time being is the legal holder of the bond, certificate, receipt or other instrument evidencing the contract with the company, and—

(a) in relation to life assurance business or industrial assurance business, includes an annuitant, and

(b) in relation to accident insurance business, motor vehicle insurance business or marine, aviation and transit insurance business, includes a person to whom, under any policy, any sum is due or a weekly or other periodic payment is payable, and

(c) in relation to employers' liability insurance business, includes a person to whom, under any policy, any sum is due or a weekly payment is payable ;

“ prescribed ” means prescribed by regulations under this Act ;

“ registrar of companies ” has the meaning assigned to it by section four hundred and fifty-five of the Companies Act, 1948 ;

“ underwriter ” includes any person named in a policy or other contract of insurance as liable to pay or contribute towards the payment of the sum secured by the policy or contract.

(2) References in the foregoing subsection to damage include references to loss of life and personal injury.

(3) Where, in return for subscriptions payable at periodic intervals of less than six months, a person or body of persons, whether incorporated or not (not being registered or certified under the Acts relating to friendly societies, building societies or trade unions) undertakes, by prospectus or otherwise, to pay to the subscriber at a future date the amount of the subscriptions with interest thereon (with or without a right on the part of the

subscriber to the return of his subscriptions in the meantime), that business shall for purposes of this Act be treated as bond investment business, and the card, book or other document in which receipts of subscriptions are entered shall be treated as the instrument evidencing the contract, and the subscriber shall be treated as the owner of the policy, subject to such modifications of the provisions of the Third Schedule to this Act as may be prescribed for the purpose of adapting to such business as aforesaid the provisions of that Schedule relating to bond investment business.

(4) A policy shall not be deemed for the purposes of this Act to be a policy of fire insurance by reason only that loss by fire is one of the various risks covered by the policy.

(5) Any business carried on by an insurance company which under the provisions of any special Act relating to that company (being an Act which came into operation before the first day of July, nineteen hundred and ten) is to be treated as life assurance business shall continue to be treated as life assurance business or industrial assurance business, as the case may require, and shall not be deemed to be other business of a class specified in section one of this Act.

(6) Except where the context otherwise requires, references in this Act to any other enactment shall be construed as references to that enactment as amended by or under any subsequent enactment, including this Act.

Provisions  
as to  
regulations.

**34.—(1)** The Board of Trade may make regulations under this Act for any purpose for which regulations are authorised or required to be made thereunder.

(2) Any power conferred by this Act to make regulations shall be exercisable by statutory instrument.

(3) Any statutory instrument containing regulations made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament :

Provided that this subsection shall not apply to any statutory instrument containing only regulations made under section nine of this Act or subsection (3) of section thirty-three thereof.

(4) Subject to the provisions of the last foregoing subsection, regulations made under subsection (1) of section twenty of this Act shall have effect as if they were enacted in this Act.

(5) The Board of Trade may, on the application or with the consent of any insurance company, alter any form prescribed

by regulations made by them under this Act for the purpose of adapting the form to the circumstances of the company.

**35.—**(1) This Act shall not affect the National Debt Commissioners or the Postmaster General, acting under the authorities vested in them respectively by the Government Annuities Act, 1929, and the Post Office Savings Bank Act, 1954. Savings.

(2) Save as otherwise expressly provided by this Act, nothing in this Act shall apply to insurance business of any class other than a class specified in section one of this Act.

**36.—**(1) The Industrial Assurance Act, 1923, shall have effect subject to the amendments specified in Part I of the Fifth Schedule to this Act, being amendments consequential on the provisions of this Act. Consequential amendments, repeals, revocations and transitional provisions.

(2) The enactments set out in Part II of the said Fifth Schedule are hereby repealed to the extent specified in the third column of that Part.

(3) Part III of the Government of Ireland (Companies, Societies, &c.) Order, 1922, and the Government of Ireland (Assurance Companies) Order, 1924 (which together modify the provisions of the Assurance Companies Act, 1909, in consequence of the coming into operation of the Government of Ireland Act, 1920) and the Employers' Liability Insurance (Modification) Order, 1948 (which modifies the provisions of the Assurance Companies Acts, 1909 to 1946, in consequence of the coming into operation of the National Insurance (Industrial Injuries) Act, 1946) are hereby revoked.

(4) In so far as any instrument made or other thing done under an enactment repealed or revoked by this Act could have been made or done under a corresponding enactment in this Act, it shall not be invalidated by the repeals and revocations effected by the foregoing provisions of this section but shall have effect as if it had been made or done under that corresponding enactment.

Without prejudice to the generality of the foregoing provisions of this subsection, where an enactment repealed by this Act confers power to make rules but the corresponding enactment in this Act confers power to make regulations, rules made under the first-mentioned enactment in force at the commencement of this Act shall be deemed to be regulations and not rules, and references to rules made thereunder in an enactment not repealed by this Act shall be construed accordingly.

(5) Any enactment or other document whatsoever referring to any enactment repealed or revoked by this Act shall be construed as referring (or including a reference) to the corresponding enactment in this Act.

Without prejudice to the generality of the foregoing provisions of this subsection, any enactment or document whatsoever referring to an assurance company within the meaning of the Assurance Companies Act, 1909, shall be construed as referring (or as including a reference) to an insurance company to which this Act applies.

(6) Regulations may provide for the manner in which deposits made, and premiums placed in a trust fund, under the provisions of the Eighth Schedule to the Assurance Companies Act, 1909, as originally enacted are to be dealt with in consequence of the substitution for those provisions, by virtue of sub-paragraph (1) of paragraph 3 of Part II of the Second Schedule to the Assurance Companies Act, 1946, of the provisions now contained in the First Schedule to this Act, and may provide for any other matters which appear to the Board of Trade to be incidental to or consequential on the said substitution; and the said regulations shall have effect notwithstanding anything in any trust deed made for the purposes of the first-mentioned provisions.

(7) 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; and the said section thirty-eight shall apply in relation to revocations effected by this Act as it applies in relation to repeals.

Short title,  
commencement  
and extent.

**37.**—(1) This Act may be cited as the Insurance Companies Act, 1958.

(2) This Act shall come into operation at the expiration of a period of three months beginning with the date on which it is passed.

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

## SCHEDULES

### FIRST SCHEDULE

Sections 1, 36.

#### REQUIREMENTS TO BE COMPLIED WITH BY UNDERWRITERS OF LLOYD'S AND OTHER APPROVED ASSOCIATIONS

1.—(1) Every underwriter shall, in accordance with the provisions of a trust deed approved by the Board of Trade, carry to a trust fund all premiums received by him or on his behalf in respect of any insurance business.

(2) Premiums received in respect of long term business shall in no case be carried to the same trust fund under this paragraph as premiums received in respect of general business, but the trust deed may provide for carrying the premiums received in respect of all or any classes of long term business and all or any classes of general business either to a common fund or to any number of separate funds.

2.—(1) The accounts of every underwriter shall be audited annually by an accountant approved by the Committee of Lloyd's or the managing body of the association, as the case may be, and the auditor shall furnish a certificate in the prescribed form to the Committee or managing body and the Board of Trade.

(2) The said certificate shall in particular state whether in the opinion of the auditor the value of the assets available to meet the underwriter's liabilities in respect of insurance business is correctly shown in the accounts, and whether or not that value is sufficient to meet the liabilities calculated—

- (a) in the case of liabilities in respect of long term business, by an actuary ; and
- (b) in the case of other liabilities, by the auditor on a basis approved by the Board of Trade.

(3) Where any liabilities of an underwriter are calculated by an actuary under the last foregoing sub-paragraph, he shall furnish a certificate of the amount thereof to the Committee of Lloyd's or the managing body of the association, as the case may be, and to the Board of Trade, and shall state in his certificate on what basis the calculation is made ; and a copy of his certificate shall be annexed to the auditor's certificate.

3. The underwriter shall, when required by the Committee of Lloyd's or the managing body of the association, as the case may be, furnish to them such information as they may require for the purpose of preparing the statement of business which is to be deposited with the Board of Trade under section six of this Act.

### SECOND SCHEDULE

#### ADAPTATIONS, ETC., FOR SPECIAL CASES

Sections 2, 13,  
21.

##### PART I

#### MUTUAL ASSOCIATIONS

1.—(1) Where, on the application of any association of persons whether incorporated or not, which, immediately before the twenty-ninth day of October, nineteen hundred and forty-five, was not carrying on in Great Britain insurance business of a class specified

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2ND SCH.  
cont.

in section one of this Act, the Board of Trade are satisfied that the association—

- (a) is about to carry on long term business in Great Britain ;  
and
- (b) is so constituted that the whole of the divisible surplus or profits thereof must, whenever determined or declared, be apportioned or applied for the benefit of the association's policy holders, or such of them as are entitled in accordance with the terms of the policies or any instruments governing the constitution of the association to participate in the profits of the association ;

the Board may by order direct that the provisions of section two of this Act shall not apply to the association on condition that it carries on no business other than long term business and such other business (if any) as may be specified in the order.

(2) Where an order is made under the foregoing sub-paragraph as respects any association, the association shall, before commencing to carry on long term business in Great Britain, deposit with the Accountant-General of the Supreme Court the sum of twenty thousand pounds, and shall keep that sum so deposited while it continues to carry on long term business in Great Britain.

(3) Where the association is to be incorporated, the deposit may be made by the subscribers of the memorandum of association of the company, or any of them, in the name of the proposed company, and, upon the incorporation of the company, shall be deemed to have been made by, and to be part of the assets of, the company ; and the registrar of companies shall not issue a certificate of incorporation of the company until the deposit has been made.

(4) Where the association intends to carry on insurance business of more than one of the classes specified in subsection (1) of section one of this Act a separate sum of twenty thousand pounds shall be deposited and kept deposited under this paragraph as respects each such class of business.

(5) The Accountant-General shall not accept a deposit under this paragraph except on a warrant of the Board of Trade.

2. Where, on the application of any association of persons, whether incorporated or not, the Board of Trade are satisfied that the association—

- (a) is carrying on or about to carry on fire insurance business ;  
and
- (b) is not carrying on or about to carry on that business except for the purpose of the mutual insurance of its members against damage caused to buildings or other property owned or occupied by them ;

the Board may by order direct that section two and section thirteen of this Act, in so far as they would have applied to the association apart from the order, shall not apply to the association on condition that it carries on no business other than fire insurance business and business incidental thereto.



3.—(1) Where, on the application of any association of persons, whether incorporated or not, the Board of Trade are satisfied that the association—

2ND SCH.  
—cont.

- (a) is carrying on or about to carry on either employers' liability insurance business or marine, aviation and transit insurance business ; and
- (b) is not carrying on or about to carry on that class of business except for the purpose of the mutual insurance of its members against risks incidental to their trade or industry ;

the Board may by order direct that the provisions of this Act (other than section fourteen, subsection (2) of section fifteen and subsection (1) of section seventeen thereof), in so far as they would have applied to the association apart from the order, shall not apply to the association on condition that it carries on no business other than employers' liability insurance business or marine, aviation and transit insurance business, as the case may be, and business incidental thereto.

(2) Any order made under this paragraph in relation to an association carrying on or about to carry on employers' liability insurance business may be made so as to have effect as from the sixth day of March, nineteen hundred and forty-six.

4. Where a direction under this Part of this Schedule is given in respect of a company registered under the Companies Act, 1929, or the Companies Act, 1948, at any time after the fifth day of March, nineteen hundred and forty-six, being a company which has not commenced business, the statutory declaration required by section one hundred and nine of the said Act of 1948 to be delivered to the registrar of companies before the company commences business shall be accompanied by a copy, certified by the Board of Trade, of the order of the Board containing the direction, and that copy shall be filed by the registrar.

5. Any order made under this Part of this Schedule may be revoked by the Board of Trade—

- (a) on the application of the association to which it applies ; or
- (b) if the Board cease to be satisfied of the matters on the ground of which the order was made ; or
- (c) if the Board are satisfied that the condition specified in the order has not been complied with.

## PART II

### INDUSTRIAL ASSURANCE COMPANIES

6.—(1) In its application to industrial assurance business this Act shall have effect subject to the modifications specified in the following provisions of this paragraph.

(2) Anything which under the provisions of this Act (other than section fourteen, subsection (2) of section fifteen and subsection (1) of section seventeen thereof) is, apart from this Part of this Schedule, required or authorised to be done to, by, or with the Board of Trade or the President of the Board of Trade shall or may be done to, by, or with the Industrial Assurance Commissioner

2ND SCH.  
—cont.

(hereinafter in this Part of this Schedule referred to as “the Commissioner”):

Provided that, where the company transacts other business besides that of industrial assurance, nothing in this sub-paragraph shall affect the powers and duties of the Board of Trade or the President of the Board of Trade under this Act in relation to that other class of business; and where any document required under the said provisions to be sent to the Board relates both to industrial assurance business and to other insurance business, the document shall be sent both to the Commissioner and to the Board.

(3) Where any expenses of management, or interest from investments, or sums on account of depreciation of securities, are apportioned between the industrial assurance business and any other business carried on by the company the auditor shall include in his report a special report as to the propriety or otherwise of the apportionment.

(4) A copy of every report of the auditor of the company shall be furnished to the Commissioner.

(5) The Commissioner may refuse to issue a warrant for a deposit under paragraph 1 of this Schedule if he considers that it is inexpedient that the company should be authorised to carry on industrial assurance business, but in the case of such a refusal the company may appeal to the court, and the Commissioner shall be entitled to appear and be heard on any such appeal.

(6) On a petition under section eleven of this Act the Commissioner shall be entitled to be heard, and on any such hearing the Commissioner may apply to the court to exercise its powers under paragraph (b) of subsection (2) of that section of directing that the requirements of that paragraph shall be dispensed with or modified.

(7) On any such petition, any class of persons (including employees of any company concerned) who allege that they are adversely affected by the amalgamation or transfer shall be entitled to appear and to be heard.

(8) The independent actuary referred to in paragraph (b) of subsection (2) of the said section eleven shall be appointed by the President of the Institute of Actuaries or by the President of the Faculty of Actuaries in Scotland on the application of the Commissioner and shall make his report to the Commissioner, by whom copies thereof shall be sent to each company concerned in the amalgamation or transfer, and each such company shall, unless the court otherwise directs, transmit copies thereof to the owner of each policy of the company in the manner provided by that section.

(9) The said section eleven shall apply to any transfer from one company to another, howsoever effected, of the liabilities or of any of the liabilities arising in respect of industrial assurance business in like manner as if the transfer were a transfer of the industrial assurance business.

7. The provisions of this Act relating to industrial assurance business shall have effect notwithstanding anything in the memorandum or articles of association or rules or special Act of any insurance company carrying on such business:

Provided that nothing in this Act shall affect the liability of the industrial assurance fund or of the life assurance fund in the case

of a company established before the first day of January, nineteen hundred and twenty-four, to the prejudice of persons interested in contracts entered into by the company before that date.

8. The Commissioner shall include in his annual report under section forty-four of the Industrial Assurance Act, 1923, a report of his proceedings under this Act, and that section shall have effect accordingly.

### PART III

#### MISCELLANEOUS SPECIAL CASES

9. Regulations may provide that, in their application to an insurance company established in a country outside Great Britain, sections two and thirteen of this Act and this Schedule shall have effect subject to such adaptations of the references to paid up share capital and fifty thousand pounds as appear to the Board of Trade to be necessary having regard to the law relating to companies in force in that country or the currency of that country.

10.—(1) Where, on the application of any insurance company carrying on general business, the Board of Trade are satisfied that it is guaranteed by another insurance company carrying on general business and satisfying the requirements for a guarantor set out in the following sub-paragraph, the Board may by order direct that, subject to such conditions as may be specified in the order, section thirteen of this Act shall not apply to the first-mentioned insurance company.

(2) A guarantor shall be required for the purposes of this paragraph to be either—

- (a) a body corporate which has a paid up share capital of not less than fifty thousand pounds (as required by section two of this Act) and the value of whose assets exceeds the amount of its liabilities by the amount required by section thirteen of this Act; or
- (b) an underwriter to whom this Act does not apply by virtue of subsection (6) of section one of this Act; or
- (c) an insurance company as respects which, as being itself guaranteed by another insurance company, there is an order in force under this paragraph;

and for the purposes of this paragraph, an insurance company shall be deemed to be guaranteed by another insurance company if, but only if, all its liabilities to policy holders in respect of insurance business of any class specified in section one of this Act are reinsured with or guaranteed by the other insurance company.

11. Where, on the application of any insurance company, the Board of Trade are satisfied—

- (a) that it carries on business wholly or mainly for the purpose of insuring a limited class of persons having a financial or other interest in common; and
- (b) that, having regard to the limited nature of its business, the provisions of section thirteen of this Act are inappropriate or unduly onerous to the company;

the Board may by order direct that, subject to such conditions as may be specified in the order, the said section thirteen shall

2ND SCH.  
—cont.

not apply to the company, or shall apply so as to require that the value of the company's assets shall exceed the amount of its liabilities by a less amount than the amount specified in that section.

12. Where, on the application of an insurance company carrying on general business of any class, not being a class in respect of which a separate fund is required to be maintained by section three of this Act, the Board of Trade are satisfied that, in the special circumstances of the company—

(a) that business or any part thereof ought to be treated as if it were not business of that class but were either—

(i) general business of some other class, not being a class in respect of which a separate fund is required as aforesaid ; or

(ii) business of a class not specified in section one of this Act ; or

(b) that business ought to be treated as if it were long term business ;

the Board may by order direct that, subject to such conditions as may be specified in the order, it shall be so treated for the purposes of this Act :

Provided that an order directing that any business shall be treated as if it were business of a class not specified in section one of this Act shall, in relation to that direction, specify as a condition that the company carries on other business which is general business and which is not directed by that or any other order under this paragraph to be treated as if it were business of a class not so specified or as if it were long term business.

13. Regulations made under section twenty of this Act in respect of the withdrawal of deposits shall include provision for allowing any insurance company as respects which a direction is given under paragraph 10 or paragraph 11 of this Schedule to withdraw any deposit made by it.

14. Any order made under this Part of this Schedule may be revoked by the Board of Trade—

(a) if the Board cease to be satisfied of the matters on the ground of which the order was made ; or

(b) if the Board are satisfied that any condition specified in the order has not been complied with.

Sections 17, 33.

### THIRD SCHEDULE

#### RULES FOR VALUING POLICIES AND LIABILITIES

##### *Life policies*

1.—(1) The value of a life policy shall be the difference between the present value of the reversion in the sum assured according to the contingency upon which it is payable, including any bonus or addition thereto made before the commencement of the winding up, and the present value of the future annual premiums.

(2) In calculating such present values interest shall be assumed at such rate, and the rate of mortality according to such tables, as the court may direct.

(3) The premium to be calculated shall be such premium as according to the said rate of interest and rate of mortality is sufficient to provide for the risk incurred by the office in issuing the policy, exclusive of any addition thereto for office expenses and other charges.

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—cont.

#### *Annuities*

2. An annuity shall be valued according to the tables used by the company which granted the annuity at the time of granting it, or, where those tables cannot be ascertained or adopted to the satisfaction of the court, according to such rate of interest and table of mortality as the court may direct.

#### *Bond investment policies*

3.—(1) The value of a bond investment policy shall be the difference between the present value of the sum assured according to the date at which it is payable, including any bonus or addition thereto made before the commencement of the winding up, and the present value of the future annual premiums.

(2) In calculating such present values, interest shall be assumed at such rate as the court may direct.

(3) The premium to be calculated shall be such premium as, according to the said rate of interest, is sufficient to provide for the sum assured by the policy, exclusive of any addition thereto for office expenses and other charges.

#### *Fire, accident, motor vehicle, marine, aviation and transit policies*

4. The value of a current fire, accident, motor vehicle, marine, aviation or transit policy shall be such portion of the last premium paid as is proportionate to the unexpired portion of the period in respect of which the premium was paid:

Provided that this rule shall not apply to a policy of insurance upon goods, merchandise or property on board a vessel or aircraft, or a policy of insurance against transit risks or risks incidental to transit, but any such policy shall be valued in like manner as it would have been valued if this Act had not passed.

5. The present value of a periodic payment under an accident or motor vehicle policy shall, in the case of total permanent incapacity, be such an amount as would, if invested in the purchase of a life annuity from the National Debt Commissioners through the Post Office Savings Bank, purchase an annuity equal to seventy-five per cent. of the annual value of the periodic payment, and, in any other case, shall be such proportion of that amount as may, under the circumstances of the case, be proper.

#### *Employers' liability policies*

6. The value of a current employers' liability policy shall be such portion of the last premium paid as is proportionate to the unexpired portion of the period in respect of which the premium was paid, together with, in the case of a policy under which any weekly payment is payable, the present value of that weekly payment.

7. The present value of a weekly payment under an employers' liability policy shall, if the incapacity of the workman in respect of which it is payable is total permanent incapacity, be such an amount as would, if invested in the purchase of a life annuity from the

3RD SCH.  
—cont.

National Debt Commissioners through the Post Office Savings Bank, purchase an annuity for the workman equal to seventy-five per cent. of the annual value of the weekly payment, and in any other case shall be such proportion of that amount as may, under the circumstances of the case, be proper.

Section 17.

#### FOURTH SCHEDULE

##### LIQUIDATOR'S DUTIES AS TO VALUATION OF LIABILITIES

Where an insurance company to which this Act applies is being wound up by the court or subject to the supervision of the court, the liquidator, in the case of all persons appearing by the books of the company to be entitled to or interested in policies granted by the company, shall—

- (a) ascertain the value of the liability of the company to each such person, and
- (b) give notice of that value to such persons in such manner as the court may direct,

and any person to whom notice is so given shall be bound by the value so ascertained unless he gives notice of his intention to dispute that value in the manner and within a time to be prescribed by a rule or order of the court.

Section 36.

#### FIFTH SCHEDULE

##### AMENDMENTS AND REPEALS

##### PART I

##### CONSEQUENTIAL AMENDMENTS OF INDUSTRIAL ASSURANCE ACT, 1923

In subsection (1) of section one,—

- (a) for the words “an assurance company within the meaning of the Assurance Companies Act, 1909”, there shall be substituted the words “an insurance company to which the Insurance Companies Act, 1958, applies”;
- (b) for the words “and an assurance company” there shall be substituted the words “and an insurance company”.

In subsection (1) of section seven—

- (a) for the words from “industrial assurance company” to “industrial assurance companies” there shall be substituted the words “association as respects which an order has been made under sub-paragraph (1) of paragraph 1 of the Second Schedule to the Insurance Companies Act, 1958, and the said Act of 1958 (in so far as it relates to deposits)”;
- (b) for the words “Subsection (3)” in paragraph (b) there shall be substituted the words “Sub-paragraph (3) of the said paragraph 1”;
- (c) for the words from “but” to “shall apply” in paragraph (f) there shall be substituted the words “and accordingly sub-paragraph (4) of the said paragraph 1 shall not apply”.

In section eighteen, the following paragraph shall be substituted for paragraph (a) of subsection (1)—

- “(a) The valuation shall be made by an actuary as defined by section thirty-three of the Insurance Companies Act, 1958, as modified by Part II of the Second Schedule thereto ;”.

## PART II

5TH SCH.  
—cont.

## ENACTMENTS REPEALED

| Session and Chapter    | Short Title                                     | Extent of Repeal                                                                                                                          |
|------------------------|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| 9 Edw. 7. c. 49.       | The Assurance Companies Act, 1909.              | The whole Act.                                                                                                                            |
| 13 & 14 Geo. 5. c. 8.  | The Industrial Assurance Act, 1923.             | Sections twelve and forty-two.                                                                                                            |
| 20 & 21 Geo. 5. c. 43. | The Road Traffic Act, 1930.                     | Section forty-two.                                                                                                                        |
| 23 & 24 Geo. 5. c. 9.  | The Assurance Companies (Winding up) Act, 1933. | The whole Act.                                                                                                                            |
| 25 & 26 Geo. 5. c. 45. | The Assurance Companies (Winding up) Act, 1935. | The whole Act.                                                                                                                            |
| 9 & 10 Geo. 6. c. 28.  | The Assurance Companies Act, 1946.              | The whole Act except section five.                                                                                                        |
| 11 & 12 Geo. 6. c. 38. | The Companies Act, 1948.                        | In section four hundred and fifty-six, the words "The Assurance Companies Acts, 1909 to 1946,"<br>In the Sixteenth Schedule, paragraph 1. |

— 50 —

Table of Statutes referred to in this Act

| Short Title                                        | Session and Chapter    |
|----------------------------------------------------|------------------------|
| Companies Clauses Consolidation Act, 1845 ...      | 8 & 9 Vict. c. 16.     |
| Interpretation Act, 1889 ... ..                    | 52 & 53 Vict. c. 63.   |
| Companies (Consolidation) Act, 1908 ... ..         | 8 Edw. 7. c. 69.       |
| Assurance Companies Act, 1909 ... ..               | 9 Edw. 7. c. 49.       |
| Government of Ireland Act, 1920 ... ..             | 10 & 11 Geo. 5. c. 67. |
| Industrial Assurance Act, 1923 ... ..              | 13 & 14 Geo. 5. c. 8.  |
| Economy (Miscellaneous Provisions) Act, 1926... .. | 16 & 17 Geo. 5. c. 9.  |
| Companies Act, 1929 ... ..                         | 19 & 20 Geo. 5. c. 23. |
| Government Annuities Act, 1929 ... ..              | 19 & 20 Geo. 5. c. 29. |
| Assurance Companies Act, 1946 ... ..               | 9 & 10 Geo. 6. c. 28.  |
| National Insurance (Industrial Injuries) Act, 1946 | 9 & 10 Geo. 6. c. 62.  |
| Companies Act, 1948 ... ..                         | 11 & 12 Geo. 6. c. 38. |
| Post Office Savings Bank Act, 1954 ... ..          | 2 & 3 Eliz. 2. c. 62.  |

## 7 ELIZ. 2

## CHAPTER 1

An Act to amend the Armed Forces (Housing Loans)  
Act, 1949. [18th December, 1958]

Most Gracious Sovereign,

**W**E, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards providing such sums as may be required for the provision of housing accommodation in Great Britain for married persons serving in, or employed in connection with, the armed forces of the Crown, and for the repayment of sums issued for that purpose, have resolved that the Armed Forces (Housing Loans) Act, 1949, be amended in manner hereinafter mentioned in this Act; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the Queen'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:—

Extension of  
period and  
increase of  
aggregate of  
housing loans.  
12, 13 & 14  
Geo. 6. c. 77.  
2 & 3 Eliz. 2,  
c. 3.

1. Subsection (1) of section one of the Armed Forces (Housing Loans) Act, 1949 (which, as amended by the Armed Forces (Housing Loans) Act, 1953, authorises, subject to certain provisions, the issue from time to time during the ten financial years ending on the thirty-first day of March, nineteen hundred and sixty, of sums out of the Consolidated Fund not exceeding in the aggregate seventy-five million pounds, to be applied as appropriations in aid of moneys provided by Parliament for those years for the provision of approved housing accommodation in Great Britain for married persons serving in, or employed in connection with, the armed forces of the Crown) shall have effect as if—

- (a) for the words "ten financial years" there were substituted the words "fifteen financial years" and for the words "nineteen hundred and sixty" there were substituted the words "nineteen hundred and sixty-five";
- (b) for the words "seventy-five million pounds" there were substituted the words "ninety-five million pounds".

Power to  
accelerate  
repayment  
of housing  
loans.

2.—(1) Notwithstanding anything in subsection (3) of section one of the said Act of 1949 (which provides for the aggregate of sums issued under subsection (1) of that section in any financial year to be repaid, with interest at the appropriate rate, by sixty equal annual instalments) the Treasury may authorise the payment in any financial year into the Exchequer, out of moneys provided by Parliament for the defence services, of additional sums in satisfaction of such part of any such aggregate or interest thereon or both as the Treasury may determine.



(2) Sums paid into the Exchequer under this section in any financial year shall not exceed the sums arising in that year from the sale of housing accommodation approved for the purposes of the said Act of 1949; and any sums so paid—

- (a) shall be issued out of the Consolidated Fund and applied as provided by subsection (4) of the said section one;
- (b) shall, as the Treasury may direct, reduce the number or amount, or both the number and amount, of the said annual instalments or such of them as the Treasury may direct;

and where the sums paid into the Exchequer under this section in satisfaction of any amount of principal are less than that amount, so much, not exceeding the difference, as the Treasury may direct of the sums paid into the Exchequer under the said section one and applicable, apart from this section, to the payment of interest shall instead be applied in redeeming or paying off debt of such description as the Treasury think fit.

(3) In this section “defence services” means the Navy, Army and Air services.

3.—(1) This Act may be cited as the Armed Forces (Housing Loans) Act, 1958. Short title and  
repeal.

(2) The Armed Forces (Housing Loans) Act, 1953, is hereby repealed.

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## CHAPTER 2

An Act to enlarge the amounts which may be advanced to the Agricultural Mortgage Corporation Limited by the Minister of Agriculture, Fisheries and Food for the purpose of increasing the Corporation's guarantee fund, and to extend the period during which the Minister may give the Corporation assistance by way of annual grant or loan. [18th December, 1958]

**B**E it enacted by the Queen'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 powers of the Minister of Agriculture, Fisheries and Food to assist the Agricultural Mortgage Corporation Limited shall be extended as follows:— Increased  
assistance to  
Corporation.

- (a) the amount of the advances he may make to it under section two of the Agricultural Mortgage Corporation Act, 1956, for the purpose of increasing its guarantee fund shall be increased by one million seven hundred 4 & 5 Eliz. 2.  
c. 38.

and fifty thousand pounds, and accordingly in subsection (1) of that section for the words "three million two hundred and fifty thousand pounds" there shall be substituted the words "five million pounds"; and

- (b) the period during which he may make payments to it by way of grant or loan under section thirty-two of the Agricultural Development Act, 1939, shall be extended for fifteen years from the end of March nineteen hundred and fifty-nine, but so that the payment made in any of those fifteen years shall not exceed one hundred thousand pounds (instead of the one hundred and fifty thousand pounds authorised for years up to the end of that month by subsection (2) of section two of the Agriculture (Miscellaneous Provisions) Act, 1944).

2 & 3 Geo. 6.  
c. 48.

7 & 8 Geo. 6.  
c. 28.

Short title.

2. This Act may be cited as the Agricultural Mortgage Corporation Act, 1958.

### CHAPTER 3

An Act to extend the period during which advances may be made to the National Research Development Corporation out of the Consolidated Fund and to increase the limit on such advances. [18th December, 1958]

**B**E it enacted by the Queen'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:—

Extension of period for making advances to National Research Development Corporation and increase of limit on such advances.

11 & 12 Geo. 6.  
c. 60.  
2 & 3 Eliz. 2.  
c. 20.

Short title and citation.

1. In section seven of the Development of Inventions Act, 1948 (which, as amended by section one of the Development of Inventions Act, 1954, empowers the Board of Trade with the consent of the Treasury to make advances to the National Research Development Corporation to defray capital expenditure, but limits the time within which such advances may be made to ten years from the establishment of the Corporation and the aggregate amount outstanding in respect of such advances to five million pounds), in subsection (1), for the words "ten years" there shall be substituted the words "twenty years" and, in subsection (2), for the words "five million pounds" there shall be substituted the words "ten million pounds".

2.—(1) This Act may be cited as the Development of Inventions Act, 1958.

(2) This Act and the Development of Inventions Acts, 1948 and 1954, may be cited together as the Development of Inventions Acts, 1948 to 1958.

## CHAPTER 4

### An Act to continue certain expiring laws.

[18th December, 1958]

**W**HEREAS 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—

- (a) as respects those mentioned in Part I of the said Schedule, on the thirty-first day of December, nineteen hundred and fifty-eight; and
- (b) as respects those mentioned in Part II of the said Schedule, on the thirty-first day of March, nineteen hundred and fifty-nine:

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 Queen'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 Part, be continued until the thirty-first day of December, nineteen hundred and fifty-nine. Continuance of Acts in Schedule.

(2) The Acts mentioned in Part II of the Schedule to this Act shall, to the extent specified in column three of that Part, be continued until the thirty-first day of March, nineteen hundred and sixty.

(3) Any unrepealed enactments which are temporary in their duration shall, in so far as they amend or affect any enactment continued by the foregoing provisions of this Act, be continued in like manner as that enactment 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, 1958. Short title and application 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, save as hereinbefore provided, shall not apply to Northern Ireland.

## Section 1.

## SCHEDULE

## PART I

| 1                                    | 2                                                | 3                 | 4                                                   |
|--------------------------------------|--------------------------------------------------|-------------------|-----------------------------------------------------|
| Session and Chapter                  | Short Title                                      | How far continued | Amending Acts                                       |
| (1)<br>9 & 10 Geo. 5.<br>c. 92.      | The Aliens Restriction (Amendment) Act, 1919.    | Section one ...   | —                                                   |
| (2)<br>1 & 2 Geo. 6.<br>c. 12.       | The Population (Statistics) Act, 1938.           | The whole Act     | 1 & 2 Geo. 6.<br>c. 55.<br>1 & 2 Eliz. 2.<br>c. 37. |
| (3)<br>10 & 11 Geo. 6.<br>c. 36.     | The Education (Exemptions) (Scotland) Act, 1947. | The whole Act     | —                                                   |
| (4)<br>12, 13 & 14<br>Geo. 6. c. 25. | The Tenancy of Shops (Scotland) Act, 1949.       | The whole Act     | —                                                   |
| (5)<br>1 & 2 Eliz. 2.<br>c. 23.      | The Accommodation Agencies Act, 1953.            | The whole Act     | —                                                   |

## PART II

| 1                               | 2                                                          | 3                 | 4                                                                                                                                                               |
|---------------------------------|------------------------------------------------------------|-------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Session and Chapter             | Short Title                                                | How far continued | Amending Acts                                                                                                                                                   |
| (6)<br>6 & 7 Geo. 6.<br>c. 44.  | The Rent of Furnished Houses Control (Scotland) Act, 1943. | The whole Act     | 10 & 11 Geo. 6.<br>c. 43.<br>12, 13 & 14<br>Geo. 6. c. 40.<br>15 & 16 Geo. 6.<br>& 1 Eliz. 2.<br>c. 40.<br>2 & 3 Eliz. 2.<br>c. 50.<br>5 & 6 Eliz. 2.<br>c. 25. |
| (7)<br>9 & 10 Geo. 6.<br>c. 34. | The Furnished Houses (Rent Control) Act, 1946.             | The whole Act     | 12, 13 & 14<br>Geo. 6. c. 40.<br>15 & 16 Geo. 6.<br>& 1 Eliz. 2.<br>c. 40.<br>2 & 3 Eliz. 2.<br>c. 53.<br>5 & 6 Eliz. 2.<br>c. 25.                              |
| (8)<br>1 & 2 Eliz. 2.<br>c. 46. | The Licensing Act, 1953 ...                                | Part II ...       | —                                                                                                                                                               |

## CHAPTER 5

### *Adoption Act, 1958*

#### ARRANGEMENT OF SECTIONS

##### PART I

##### ADOPTION ORDERS

###### *Making of adoption orders*

###### Section

1. Power to make adoption orders.
2. Age and sex of applicant.
3. Care and possession of infants before adoption, and notification of local authority.
4. Consents.
5. Power to dispense with consent.
6. Evidence of consent of parent or guardian.
7. Functions of court as to adoption orders.
8. Interim orders.
9. Jurisdiction and procedure in England.
10. Appeals from magistrates' courts in England.
11. Jurisdiction and procedure in Scotland.
12. Modification of foregoing provisions in the case of applicants not ordinarily resident in Great Britain.

###### *Effects of adoption orders*

13. Rights and duties of parents and capacity to marry.
14. Friendly societies, insurance, etc.
15. Affiliation orders, etc.
16. English intestacies, wills and settlements.
17. Provisions supplementary to s. 16.
18. Scottish intestacies, etc.
19. Citizenship.

###### *Registration*

20. Adopted Children Register (England).
21. Registration of English adoptions.
22. Adopted Children Register (Scotland).
23. Registration of Scottish adoptions.
24. Amendment of orders and rectification of Registers.
25. Registration and certificates of baptism.

###### *Legitimation following adoption*

26. Legitimation: revocation of adoption orders and cancellations in Registers.
27. Legitimation: marking of entries on re-registration of births.

**PART II****LOCAL AUTHORITIES AND ADOPTION SOCIETIES****Section**

- 28. Local authorities.
- 29. Restriction on making arrangements for adoption.
- 30. Registration of adoption societies.
- 31. Procedure and right of appeal.
- 32. Adoption societies regulations, etc.
- 33. Inspection of books, etc., of registered adoption societies.

**PART III****CARE AND POSSESSION OF INFANTS AWAITING ADOPTION**

- 34. Restriction on removal by parent or guardian after giving consent.
- 35. Return of infants placed by adoption societies and local authorities.
- 36. Further provisions as to adoption of children in care of local authorities.

**PART IV****SUPERVISION OF CHILDREN AWAITING ADOPTION OR  
PLACED WITH STRANGERS**

- 37. Meaning of protected child.
- 38. Duty of local authority to secure well-being of protected children.
- 39. Power to inspect premises.
- 40. Notices and information to be given to local authorities.
- 41. Power of local authority to prohibit placing of child.
- 42. Appeal to juvenile court against prohibition under section 41.
- 43. Removal of protected children from unsuitable surroundings.
- 44. Offences under Part IV.
- 45. Extension of power to issue warrants to search for and remove a child.
- 46. Avoidance of insurances on lives of protected children.
- 47. Sittings of juvenile courts in proceedings under Part IV.
- 48. Appeal to quarter sessions.
- 49. Authentication of documents.

**PART V****MISCELLANEOUS AND GENERAL**

- 50. Prohibition of certain payments.
- 51. Restriction upon advertisements.
- 52. Restriction on removal of infants for adoption outside British Islands.
- 53. Provisional adoption by persons domiciled outside Great Britain.
- 54. Offences.
- 55. Service of notices, etc.
- 56. Rules and regulations.
- 57. Interpretation.
- 58. Amendment and adaptation of enactments.
- 59. Transitional provisions and repeals.
- 60. Short title, extent and commencement.

**SCHEDULES:**

First Schedule—Form of entry in Adopted Children Register in England.

Second Schedule—Form of entry in Adopted Children Register in Scotland.

Third Schedule—Purposes for which adoption societies regulations may be made.

Fourth Schedule—Consequential amendments of enactments.

Fifth Schedule—Transitional provisions.

Sixth Schedule—Enactments repealed.

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**An Act to consolidate the enactments relating to the adoption of children.**

[18th December, 1958]

**B**E it enacted by the Queen'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**

**ADOPTION ORDERS**

*Making of adoption orders*

1.—(1) Subject to the provisions of this Act, the court may, upon an application made in the prescribed manner by a person domiciled in England or Scotland, make an order (in this Act referred to as an adoption order) authorising the applicant to adopt an infant. Power to make adoption orders.

(2) An adoption order may be made on the application of two spouses authorising them jointly to adopt an infant; but an adoption order shall not in any other case be made authorising more than one person to adopt an infant.

(3) An adoption order may be made authorising the adoption of an infant by the mother or father of the infant, either alone or jointly with her or his spouse.

(4) An adoption order may be made in respect of an infant who has already been the subject of an adoption order under this Act or the Adoption Act, 1950, or any enactment repealed by that Act; and in relation to an application for an adoption order in respect of such an infant, the adopter or adopters under the previous or last previous adoption order shall be deemed

**PART I**  
—*cont.*

to be the parent or parents of the infant for all the purposes of this Act.

(5) An adoption order shall not be made in England unless the applicant and the infant reside in England and shall not be made in Scotland unless the applicant and the infant reside in Scotland, subject however to section twelve of this Act.

**Age and sex**  
**of applicant.**

2.—(1) Subject to subsection (2) of this section, an adoption order shall not be made in respect of an infant unless the applicant—

- (a) is the mother or father of the infant ;
- (b) is a relative of the infant, and has attained the age of twenty-one years ; or
- (c) has attained the age of twenty-five years.

(2) An adoption order may be made in respect of an infant on the joint application of two spouses—

- (a) if either of the applicants is the mother or father of the infant ; or
- (b) if the condition set out in paragraph (b) or paragraph (c) of subsection (1) of this section is satisfied in the case of one of the applicants, and the other of them has attained the age of twenty-one years.

(3) An adoption order shall not be made in respect of an infant who is a female in favour of a sole applicant who is a male, unless the court is satisfied that there are special circumstances which justify as an exceptional measure the making of an adoption order.

**Care and**  
**possession of**  
**infants before**  
**adoption, and**  
**notification**  
**of local**  
**authority.**

3.—(1) An adoption order shall not be made in respect of any infant unless he has been continuously in the care and possession of the applicant for at least three consecutive months immediately preceding the date of the order, not counting any time before the date which appears to the court to be the date on which the infant attained the age of six weeks.

(2) Except where the applicant or one of the applicants is a parent of the infant, an adoption order shall not be made in respect of an infant who at the hearing of the application is below the upper limit of the compulsory school age unless the applicant has, at least three months before the date of the order, given notice in writing to the local authority within whose area he was then resident of his intention to apply for an adoption order in respect of the infant.

**Consents.**

4.—(1) Subject to section five of this Act, an adoption order shall not be made—

- (a) in any case, except with the consent of every person who is a parent or guardian of the infant ;



(b) on the application of one of two spouses, except with the consent of the other spouse ;

PART I  
—cont.

and shall not be made in Scotland in respect of an infant who is a minor except with the consent of the infant.

(2) The consent of any person to the making of an adoption order in pursuance of an application (not being the consent of the infant) may be given (either unconditionally or subject to conditions with respect to the religious persuasion in which the infant is proposed to be brought up) without knowing the identity of the applicant for the order.

(3) The reference in paragraph (a) of subsection (1) of this section to a parent of an infant does not include a reference to any person having the rights and powers of a parent of the infant by virtue of any of the following enactments, that is to say—

- (a) section seventy-five of the Children and Young Persons Act, 1933, or sub-paragraph (1) of paragraph 12 of the Fourth Schedule to that Act (which relate to the exercise of parental rights in respect of children and young persons who are committed to the care of fit persons or ordered to be sent to approved schools) ;
- (b) section seventy-nine of the Children and Young Persons (Scotland) Act, 1937, or sub-paragraph (1) of paragraph 12 of the Second Schedule to that Act (which make corresponding provision in Scotland) ;
- (c) section three of the Children Act, 1948 (which applies to children in respect of whom the local authority have assumed parental rights by resolution under section two of that Act).

5.—(1) The court may dispense with any consent required by paragraph (a) of subsection (1) of section four of this Act if it is satisfied that the person whose consent is to be dispensed with—

Power to dispense with consent.

- (a) has abandoned, neglected or persistently ill-treated the infant ; or
- (b) cannot be found or is incapable of giving his consent or is withholding his consent unreasonably.

(2) If the court is satisfied that any person whose consent is required by the said paragraph (a) has persistently failed without reasonable cause to discharge the obligations of a parent or guardian of the infant, the court may dispense with his consent whether or not it is satisfied of the matters mentioned in subsection (1) of this section.

**PART I**  
—*cont.*

(3) Where a person who has given his consent to the making of an adoption order without knowing the identity of the applicant therefor subsequently withdraws his consent on the ground only that he does not know the identity of the applicant, his consent shall be deemed for the purposes of this section to be unreasonably withheld.

(4) The court may dispense with the consent of the spouse of an applicant for an adoption order if it is satisfied that the person whose consent is to be dispensed with cannot be found or is incapable of giving his consent or that the spouses have separated and are living apart and that the separation is likely to be permanent.

Evidence of  
consent of  
parent or  
guardian.

6.—(1) Where a parent or guardian of an infant does not attend in the proceedings on an application for an adoption order for the purpose of giving his consent to the making of the order, then, subject to subsection (2) of this section, a document signifying his consent to the making of such an order shall, if the person in whose favour the order is to be made is named in the document or (where the identity of that person is not known to the consenting party) is distinguished therein in the prescribed manner, be admissible as evidence of that consent, whether the document is executed before or after the commencement of the proceedings; and where any such document is attested as mentioned in subsection (3) of this section, it shall be admissible as aforesaid without further proof of the signature of the person by whom it is executed.

(2) A document signifying the consent of the mother of an infant shall not be admissible under this section unless—

- (a) the infant is at least six weeks old on the date of the execution of the document; and
- (b) the document is attested on that date as mentioned in subsection (3) of this section.

(3) Any reference in this section to a document being attested as mentioned in this subsection is, if the document is executed in the United Kingdom, a reference to its being attested by either a justice of the peace or—

- (a) if it is executed in England, an officer of a county court appointed for the purposes of section eighty-four of the County Courts Act, 1934, or a justices' clerk within the meaning of section twenty-one of the Justices of the Peace Act, 1949;
- (b) if it is executed in Scotland, the sheriff;

and, if it is executed outside the United Kingdom, a reference to its being attested by a person of any such class as may be prescribed.

PART I  
—cont.

(4) For the purposes of this section a document purporting to be attested as mentioned in subsection (3) of this section shall be deemed to be so attested, and to be executed and attested on the date and at the place specified in the document, unless the contrary is proved.

(5) In the application of this section to Scotland, for the words "admissible as evidence" and the word "admissible" there shall be substituted the words "sufficient evidence".

7.—(1) The court before making an adoption order shall be satisfied— Functions of court as to adoption orders.

- (a) that every person whose consent is necessary under this Act, and whose consent is not dispensed with, has consented to and understands the nature and effect of the adoption order for which application is made, and in particular in the case of any parent understands that the effect of the adoption order will be permanently to deprive him or her of his or her parental rights ;
- (b) that the order if made will be for the welfare of the infant ; and
- (c) that the applicant has not received or agreed to receive, and that no person has made or given or agreed to make or give to the applicant, any payment or other reward in consideration of the adoption except such as the court may sanction.

(2) In determining whether an adoption order if made will be for the welfare of the infant, the court shall have regard (among other things) to the health of the applicant, as evidenced, in such cases as may be prescribed, by the certificate of a fully registered medical practitioner, and shall give due consideration to the wishes of the infant, having regard to his age and understanding.

(3) The court in an adoption order may impose such terms and conditions as the court may think fit, and in particular may require the adopter by bond or otherwise to make for the infant such provision (if any) as in the opinion of the court is just and expedient.

8.—(1) Subject to the provisions of this section, the court may, upon any application for an adoption order, postpone the determination of the application and make an interim order giving the custody of the infant to the applicant for a period not exceeding two years by way of a probationary period upon such terms as regards provision for the maintenance and education and supervision of the welfare of the infant and otherwise as the court may think fit. Interim orders.

(2) All such consents as are required to an adoption order shall be necessary to an interim order but subject to a like power on the part of the court to dispense with any such consent.

PART I  
--cont.

(3) An interim order shall not be made in any case where the making of an adoption order would be unlawful by virtue of section three of this Act.

(4) Where an interim order has been made giving the custody of an infant to the applicant for a period of less than two years, the court may by order extend that period, but the total period for which the custody of the infant is given to the applicant under the order as varied under this subsection shall not exceed two years.

(5) An interim order shall not be deemed to be an adoption order within the meaning of this Act.

Jurisdiction  
and procedure  
in England.

9.—(1) An application for an adoption order may be made in England to the High Court or, at the option of the applicant but subject to Adoption Rules, to any county court or magistrates' court within the jurisdiction of which the applicant or the infant resides at the date of the application.

(2) In this Act "Adoption Rules" means rules made under subsection (3) of this section or made by virtue of this section under section fifteen of the Justices of the Peace Act, 1949.

(3) Rules in regard to any matter to be prescribed under this Part of this Act and dealing generally with all matters of procedure and incidental matters arising out of this Part of this Act and for carrying this Part of this Act into effect shall be made in England by the Lord Chancellor.

(4) Subsection (3) of this section does not apply in relation to proceedings before magistrates' courts, but the power to make rules conferred by section fifteen of the Justices of the Peace Act, 1949, shall include power to make provision as to any of the matters mentioned in that subsection.

(5) Adoption Rules may provide for applications for adoption orders being heard and determined otherwise than in open court and, where the application is made to a magistrates' court, for the hearing and determination of the application in a juvenile court, and may make provision for excluding or restricting the jurisdiction of any court where a previous application made by the same applicant in respect of the same infant has been refused by that or any other court.

(6) Adoption Rules made as respects magistrates' courts may provide for enabling any fact tending to establish the identity of an infant with an infant to whom a document relates to be proved by affidavit and for excluding or restricting in relation to any facts that may be so proved the power of a justice of the peace to compel the attendance of witnesses.

(7) For the purpose of any application in England for an adoption order, the court shall, subject to Adoption Rules, appoint some person to act as guardian ad litem of the infant

upon the hearing of the application with the duty of safeguarding the interests of the infant before the court.

PART I  
—cont.

(8) Where the person so appointed is an officer of a local authority the court may authorise the authority to incur any necessary expenditure; but nothing in this section shall be deemed to authorise the court to appoint an officer of a local authority to act as guardian ad litem except with the consent of that authority.

10.—(1) Where, on an application made in England to a magistrates' court, the court makes or refuses to make an adoption order, an appeal shall lie to the High Court.

Appeals from  
magistrates'  
courts in  
England.

(2) So much of subsection (1) of section sixty-three of the Supreme Court of Judicature (Consolidation) Act, 1925, as requires an appeal from any court or person to the High Court to be heard and determined by a divisional court shall not apply to appeals under this section.

11.—(1) An application for an adoption order may be made in Scotland to the Court of Session or to the sheriff court or juvenile court within whose jurisdiction the applicant or the infant resides at the date of the application.

Jurisdiction  
and procedure  
in Scotland.

(2) In Scotland, provision shall be made by act of sederunt with regard to any matter to be prescribed under this Part of this Act, and generally with regard to all matters of procedure and incidental matters arising out of this Part of this Act and for carrying this Part of this Act into effect.

(3) Any such act of sederunt may provide for applications for adoption orders to be heard and determined otherwise than in open court and may make provision for excluding or restricting the jurisdiction of any court where a previous application made by the same applicant in respect of the same infant has been refused by that or any other court.

(4) For the purposes of any application in Scotland for an adoption order, the court shall, subject to any act of sederunt under this section, appoint some person to act as curator ad litem of the infant upon the hearing of the application with the duty of safeguarding the interests of the infant before the court.

(5) Where the person so appointed is an officer or servant of a local authority and appointed as such, the court may authorise the authority to incur any necessary expenditure; but nothing in this section shall be deemed to authorise the court to appoint an officer or servant of a local authority to act as curator ad litem of an infant except with the consent of that authority.

**PART I**  
—*cont.*

Modification of foregoing provisions in the case of applicants not ordinarily resident in Great Britain.

**12.**—(1) An adoption order may, notwithstanding anything in this Act, be made on the application of a person who is not ordinarily resident in Great Britain; and in relation to such an application—

- (a) subsection (5) of section one of this Act does not apply; and
- (b) subsection (2) of section three of this Act applies with the substitution of the word “living” for the word “resident”.

(2) Subsection (1) of section nine and subsection (1) of section eleven of this Act do not apply in relation to an application for an adoption order by a person not ordinarily resident in Great Britain, but such an application may be made, in England to the High Court or the county court, and in Scotland to the Court of Session or the sheriff court.

(3) Where an application for an adoption order is made jointly by spouses who are not, or one of whom is not, ordinarily resident in Great Britain, the notice required by subsection (2) of section three of this Act (as modified by subsection (1) of this section) may be given by either of the applicants; and the provisions of subsection (1) of that section shall be deemed to be complied with if they are complied with in the case of one of the applicants and the applicants have been living together in Great Britain for at least one of the three months mentioned in that subsection.

(4) This section does not affect the construction of subsection (1) of the said section three in its application to any joint application to which subsection (3) of this section does not apply.

*Effects of adoption orders*

Rights and duties of parents and capacity to marry.

**13.**—(1) Upon an adoption order being made, all rights, duties, obligations and liabilities of the parents or guardians of the infant in relation to the future custody, maintenance and education of the infant, including all rights to appoint a guardian and (in England) to consent or give notice of dissent to marriage, shall be extinguished, and all such rights, duties, obligations and liabilities shall vest in and be exercisable by and enforceable against the adopter as if the infant were a child born to the adopter in lawful wedlock; and in respect of the matters aforesaid (and, in Scotland, in respect of the liability of a child to maintain his parents) the infant shall stand to the adopter exclusively in the position of a child born to the adopter in lawful wedlock.

(2) In any case where two spouses are the adopters, the spouses shall in respect of the matters aforesaid, and for the purpose of the jurisdiction of any court to make orders as to the custody and maintenance of and right of access to children, stand to each other and to the infant in the same relation as they would have stood if they had been the lawful father and mother

of the infant and the infant shall stand to them in the same relation as to a lawful father and mother.

PART I  
—cont.

(3) For the purpose of the law relating to marriage, an adopter and the person whom he has been authorised to adopt under an adoption order shall be deemed to be within the prohibited degrees of consanguinity; and the provisions of this subsection shall continue to have effect notwithstanding that some person other than the adopter is authorised by a subsequent order to adopt the same infant.

(4) The references in subsection (3) of this section to an adoption order include references to an order authorising an adoption made under the Adoption of Children Act (Northern Ireland), 1950, or any enactment of the Parliament of Northern Ireland for the time being in force.

14.—(1) For the purposes of the enactments for the time being in force relating to friendly societies, collecting societies or industrial insurance companies, an adopter shall be deemed to be the parent of the infant whom he is authorised to adopt under an adoption order. Friendly societies, insurance, etc.

(2) Where, before the making of an adoption order in respect of an infant, the natural parent of the infant has effected an insurance with any such society or company for the payment, on the death of the infant, of money for funeral expenses, the rights and liabilities under the policy shall by virtue of the adoption order be transferred to the adopter and the adopter shall, for the purposes of the said enactments, be treated as the person who took out the policy.

(3) In section eleven of the Married Women's Property Act, 1882, and section two of the Married Women's Policies of Assurance (Scotland) Act, 1880 (which make provision as to policies of assurance effected for the benefit of children) references to a person's children shall include, and be deemed always to have included, references to children adopted by that person under an adoption order.

15.—(1) Where an adoption order is made in respect of an infant who is illegitimate, then, unless the adopter is his mother and the mother is a single woman, any affiliation order or decree of affiliation and aliment in force with respect to the infant, and any agreement whereby the father of the infant has undertaken to make payments specifically for the benefit of the infant, shall cease to have effect, but without prejudice to the recovery of any arrears which are due under the order, decree or agreement at the date of the adoption order. Affiliation orders, etc.

(2) After an adoption order has been made in respect of an infant who is illegitimate, no affiliation order or decree of affiliation and aliment shall be made with respect to the infant unless the adoption order was made on the application of the mother of the infant alone.

PART I  
—cont.

(3) Where an adoption order is made in respect of an infant committed to the care of a fit person by an order in force under the Children and Young Persons Act, 1933, or the Children and Young Persons (Scotland) Act, 1937, the last mentioned order shall cease to have effect.

(4) Where an adoption order is made in respect of an infant in respect of whom a resolution is in force under section two of the Children Act, 1948 (which provides for the assumption by local authorities of parental rights in certain circumstances) the resolution shall cease to have effect.

(5) The references in this section to an adoption order include references to an order authorising an adoption made under the Adoption of Children Act (Northern Ireland), 1950, or any enactment of the Parliament of Northern Ireland for the time being in force.

English  
intestacies,  
wills and  
settlements.

16.—(1) Where, at any time after the making of an adoption order, the adopter or the adopted person or any other person dies intestate in respect of any real or personal property (other than property subject to an entailed interest under a disposition to which subsection (2) of this section does not apply), that property shall devolve in all respects as if the adopted person were the child of the adopter born in lawful wedlock and were not the child of any other person.

(2) In any disposition of real or personal property made, whether by instrument inter vivos or by will (including codicil) after the date of an adoption order—

- (a) any reference (whether express or implied) to the child or children of the adopter shall, unless the contrary intention appears, be construed as, or as including, a reference to the adopted person ;
- (b) any reference (whether express or implied) to the child or children of the adopted person's natural parents or either of them shall, unless the contrary intention appears, be construed as not being, or as not including, a reference to the adopted person ; and
- (c) any reference (whether express or implied) to a person related to the adopted person in any degree shall, unless the contrary intention appears, be construed as a reference to the person who would be related to him in that degree if he were the child of the adopter born in lawful wedlock and were not the child of any other person.

(3) Where under any disposition any real or personal property or any interest in such property is limited (whether subject to any preceding limitation or charge or not) in such a way that it would, apart from this section, devolve (as nearly



as the law permits) along with a dignity or title of honour, then, whether or not the disposition contains an express reference to the dignity or title of honour, and whether or not the property or some interest in the property may in some event become severed therefrom, nothing in this section shall operate to sever the property or any interest therein from the dignity, but the property or interest shall devolve in all respects as if this section had not been enacted.

PART I  
—cont.

(4) The references in this section to an adoption order include references to an order authorising an adoption made under the Adoption of Children Act (Northern Ireland), 1950, or any enactment of the Parliament of Northern Ireland for the time being in force.

17.—(1) For the purposes of the application of the Administration of Estates Act, 1925, to the devolution of any property in accordance with the provisions of the last foregoing section, and for the purposes of the construction of any such disposition as is mentioned in that section, an adopted person shall be deemed to be related to any other person being the child or adopted child of the adopter or (in the case of a joint adoption) of either of the adopters—

Provisions  
supplementary  
to s. 16.

- (a) where he or she was adopted by two spouses jointly, and that other person is the child or adopted child of both of them, as brother or sister of the whole blood ;
- (b) in any other case, as brother or sister of the half-blood.

(2) For the purposes of subsection (2) of the last foregoing section, a disposition made by will or codicil shall be treated as made on the date of the death of the testator.

(3) Notwithstanding anything in the last foregoing section, trustees or personal representatives may convey or distribute any real or personal property to or among the persons entitled thereto without having ascertained that no adoption order has been made by virtue of which any person is or may be entitled to any interest therein, and shall not be liable to any such person of whose claim they have not had notice at the time of the conveyance or distribution ; but nothing in this subsection shall prejudice the right of any such person to follow the property, or any property representing it, into the hands of any person, other than a purchaser, who may have received it.

(4) Where an adoption order is made in respect of a person who has been previously adopted, the previous adoption shall be disregarded for the purposes of the last foregoing section in relation to the devolution of any property on the death of a person dying intestate after the date of the subsequent adoption order, and in relation to any disposition of property made, or taking effect on the death of a person dying, after that date.

**PART I**  
—*cont.*

(5) The references in this section to an adoption order shall be construed in accordance with subsection (4) of the last foregoing section.

Scottish  
intestacies,  
etc.

**18.**—(1) Sections sixteen and seventeen of this Act shall not affect the law of Scotland relating to the distribution of the moveable estate of a person dying domiciled in Scotland, the devolution of heritable property situated in Scotland or the disposal of any property by instrument *inter vivos*.

(2) An adoption order shall not deprive the adopted person of any legal rights competent to him in the estate of his parents or of any right to or interest in property to which, but for the order, he would have been entitled under any intestacy or disposition, whether occurring or made before or after the making of the adoption order, or confer on him any right to or interest in property as a child of the adopter; and the expressions “child”, “children” and “issue”, where used in relation to any person in any disposition, shall not, unless the contrary intention appears, include a person or persons adopted by that person, or the issue of a person so adopted.

(3) In this section the expression “disposition” means a deed, instrument or writing whether *inter vivos* or *mortis causa* whereby property is conveyed or under which a succession arises.

(4) This section extends to Scotland only, and references therein to an adoption order and to an adopter and an adopted person shall be construed as references to an adoption order made in Scotland and to an adopter and a person adopted in pursuance of such an order.

Citizenship.

**19.**—(1) Where an adoption order is made in respect of an infant who is not a citizen of the United Kingdom and Colonies, then, if the adopter, or in the case of a joint adoption the male adopter, is a citizen of the United Kingdom and Colonies, the infant shall be a citizen of the United Kingdom and Colonies as from the date of the order.

(2) The references in this section to an adoption order include references to an order authorising an adoption under the Adoption of Children Act (Northern Ireland), 1950, or any enactment of the Parliament of Northern Ireland for the time being in force.

*Registration*

Adopted  
Children  
Register  
(England).

**20.**—(1) The Registrar General shall maintain at the General Register Office a register, to be called the Adopted Children Register, in which shall be made such entries as may be directed to be made therein by adoption orders, but no other entries.

(2) In England, a certified copy of an entry in the Adopted Children Register, if purporting to be sealed or stamped with the seal of the General Register Office, shall, without any further

or other proof of that entry, be received as evidence of the adoption to which it relates and, where the entry contains a record of the date of the birth or the country or the district and sub-district of the birth of the adopted person, shall also be received as aforesaid as evidence of that date or country or district and sub-district in all respects as if the copy were a certified copy of an entry in the Registers of Births.

(3) The Registrar General shall cause an index of the Adopted Children Register to be made and kept in the General Register Office; and every person shall be entitled to search that index and to have a certified copy of any entry in the Adopted Children Register in all respects upon and subject to the same terms, conditions and regulations as to payment of fees and otherwise as are applicable under the Births and Deaths Registration Act, 1953, and the Registration Service Act, 1953, in respect of searches in other indexes kept in the General Register Office and in respect of the supply from that office of certified copies of entries in the certified copies of the Registers of Births and Deaths.

(4) The Registrar General shall, in addition to the Adopted Children Register and the index thereof, keep such other registers and books, and make such entries therein, as may be necessary to record and make traceable the connection between any entry in the Registers of Births which has been marked "Adopted" pursuant to the next following section or any enactment at the time in force, and any corresponding entry in the Adopted Children Register.

(5) The registers and books kept under subsection (4) of this section shall not be, nor shall any index thereof be, open to public inspection or search, and the Registrar General shall not furnish any person with any information contained in or with any copy or extract from any such registers or books except under an order of any of the following courts, that is to say—

- (a) the High Court;
- (b) the Westminster County Court or such other county court as may be prescribed; and
- (c) the court by which an adoption order was made in respect of the person to whom the information, copy or extract relates.

(6) In relation to an adoption order made by a magistrates' court, the reference in paragraph (c) of subsection (5) of this section to the court by which the order was made includes a reference to a court acting for the same petty sessions area.

**21.—**(1) Every adoption order made by a court in England shall contain a direction to the Registrar General to make in the Adopted Children Register an entry in the form set

Registration  
of English  
adoptions.

PART I  
—cont.

out in the First Schedule to this Act, and (subject to the next following subsection) shall specify the particulars to be entered under the headings in columns 2 to 6 of that Schedule.

(2) For the purposes of compliance with the requirements of the last foregoing subsection,—

(a) where the precise date of the infant's birth is not proved to the satisfaction of the court, the court shall determine the probable date of his birth and the date so determined shall be specified in the order as the date of his birth ;

(b) where the country of birth of the infant is not proved to the satisfaction of the court, then, if it appears probable that the infant was born within the United Kingdom, the Channel Islands or the Isle of Man, he shall be treated as having been born in England, and in any other case the particulars of the country of birth may be omitted from the order and from the entry in the Adopted Children Register ;

and the names to be specified in the order as the name and surname of the infant shall be the name or names and surname stated in that behalf in the application for the adoption order, or, if no name or surname is so stated, the original name or names of the infant and the surname of the applicant.

(3) The particulars to be entered in the Adopted Children Register under the heading in column 2 of the First Schedule to this Act shall include, in the case of an infant born in England, the registration district and sub-district in which the birth took place ; and where the infant was born in England but the registration district and sub-district in which the birth took place is not proved to the satisfaction of the court, or where the infant is treated by virtue of paragraph (b) of subsection (2) of this section as born in England, he shall be treated for the purposes of this subsection as born in the district and sub-district in which the court sits.

(4) Where upon any application to a court in England for an adoption order in respect of an infant (not being an infant who has previously been the subject of an adoption order made by a court in England under this Act or any enactment at the time in force) there is proved to the satisfaction of the court the identity of the infant with a child to whom an entry in the Registers of Births relates, any adoption order made in pursuance of the application shall contain a direction to the Registrar General to cause the entry in the Registers of Births to be marked with the word " Adopted ".

(5) Where an adoption order is made by a court in England in respect of an infant who has previously been the subject of an adoption order made by such a court under this Act or any enactment at the time in force, the order shall contain a direction

to the Registrar General to cause the previous entry in the Adopted Children Register to be marked with the word "Re-adopted".

PART I  
—cont.

(6) Where an adoption order is made by a court in England, the prescribed officer of the court shall cause the order to be communicated in the prescribed manner to the Registrar General, and upon receipt of the communication the Registrar General shall cause compliance to be made with the directions contained in the order.

22.—(1) The Registrar General for Scotland shall maintain at the General Registry Office a register, to be called the Adopted Children Register, in which shall be made such entries as may be directed to be made therein by adoption orders, but no other entries. Adopted Children Register (Scotland).

(2) In Scotland, an extract of any entry in the Adopted Children Register maintained under this section, if purporting to be sealed or stamped with the seal of the General Registry Office, shall, without any further or other proof of the entry, be received as evidence of the adoption to which it relates and, where the entry contains a record of the date of the birth or the country of the birth of the adopted person, shall also be received as aforesaid as evidence of that date or country in all respects as if the extract were an extract of an entry in the Register of Births.

(3) The Registrar General for Scotland shall cause an index of the Adopted Children Register maintained under this section to be made and kept in the General Registry Office; and every person shall be entitled to search that index and to have an extract of any entry in the said register in all respects upon and subject to the same terms, conditions and regulations as to payment of fees and otherwise as are applicable under the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, in respect of searches in other indexes kept in the General Registry Office and in respect of the supply from that office of extracts of entries in the Registers of Births, Deaths and Marriages.

(4) The Registrar General for Scotland shall, in addition to the Adopted Children Register and the index thereto, keep such other registers and books, and make such entries therein, as may be necessary to record and make traceable the connection between any entry in the Register of Births which has been marked "Adopted" pursuant to the next following section or any enactment at the time in force, and any corresponding entry in the Adopted Children Register maintained under this section; but the registers and books kept under this subsection shall not be, nor shall any index thereof be, open to public inspection or search, nor, except under an order of the Court of Session or a sheriff, shall the Registrar General furnish any information

**PART I**  
—cont.

contained in or any copy or extract from any such registers or books to any person other than an adopted person who has attained the age of seventeen years and to whom that information, copy or extract relates.

(5) Regulations made under the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, may make provision as to the duties to be performed by Registrars of Births, Deaths and Marriages in the execution of this and the next following section.

(6) The provisions of the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, with regard to the registration of names given in baptism or without baptism after registration of birth and with regard to the alteration of erroneous entries shall apply to the Adopted Children Register maintained by the Registrar General for Scotland and to registration therein in like manner as they apply to any register of births and to registration therein.

Registration  
of Scottish  
adoptions.

**23.**—(1) Every adoption order made by a court in Scotland shall contain a direction to the Registrar General for Scotland to make in the Adopted Children Register maintained by him an entry recording the adoption in the form set out in the Second Schedule to this Act.

(2) For the purposes of compliance with the requirements of the foregoing subsection,—

- (a) where the precise date of the infant's birth is not proved to the satisfaction of the court, the court shall determine the probable date of his birth and the date so determined shall be specified in the order as the date of his birth ;
- (b) where the country of birth of the infant is not proved to the satisfaction of the court, then, if it appears probable that the infant was born within the United Kingdom, the Channel Islands or the Isle of Man, he shall be treated as having been born in Scotland, and in any other case the particulars of the country of birth may be omitted from the order and from the entry in the Adopted Children Register ;

and the names to be specified in the order as the name and surname of the infant shall be the name or names and surname stated in that behalf in the application for the adoption order, or, if no name or surname is so stated, the original name or names of the infant and the surname of the applicant.

(3) There shall be produced with every application to a court in Scotland for an adoption order in respect of an infant whose birth has been registered under the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, an extract of the entry of the birth.

(4) Where upon any application to a court in Scotland for an adoption order in respect of an infant (not being an infant who has previously been the subject of an adoption order made by a court in Scotland under this Act or any enactment at the time in force) there is proved to the satisfaction of the court the identity of the infant with a child to whom an entry in the Register of Births relates, any adoption order made in pursuance of the application shall contain a direction to the Registrar General for Scotland to cause the entry in that register to be marked with the word "Adopted".

(5) Where an adoption order is made by a court in Scotland in respect of an infant who has previously been the subject of an adoption order made by such a court under this Act or any enactment at the time in force, the order shall contain a direction to the Registrar General for Scotland to cause the previous entry in the Adopted Children Register maintained by him to be marked with the word "Re-adopted".

(6) Where an adoption order is made by a court in Scotland, the clerk of the court shall cause the order to be communicated to the Registrar General for Scotland, and upon receipt of the communication the Registrar General shall cause compliance to be made with the directions contained in the order.

24.—(1) The court by which an adoption order has been made may, on the application of the adopter or of the adopted person, amend the order by the correction of any error in the particulars contained therein, and may—

Amendment  
of orders and  
rectification  
of Registers.

(a) if satisfied on the application of the adopter or of the adopted person that within one year beginning with the date of the order any new name has been given to the adopted person (whether in baptism or otherwise), or taken by him, either in lieu of or in addition to a name specified in the particulars required to be entered in the Adopted Children Register in pursuance of the order, amend the order by substituting or adding that name in those particulars, as the case may require ;

(b) if satisfied on the application of any person concerned that a direction for the marking of an entry in the Registers of Births, the Register of Births or the Adopted Children Register included in the order in pursuance of subsection (4) or subsection (5) of section twenty-one or subsection (4) or subsection (5) of section twenty-three of this Act was wrongly so included, revoke that direction.

(2) Where an adoption order is amended or a direction revoked under subsection (1) of this section, the prescribed officer of the court or, in Scotland, the clerk of the court, shall

**PART I**  
—*cont.*

cause the amendment to be communicated in the prescribed manner to the Registrar General or, as the case may be, the Registrar General for Scotland, who shall as the case may require,—

- (a) cause the entry in the Adopted Children Register to be amended accordingly ; or
- (b) cause the marking of the entry in the Registers of Births, the Register of Births or the Adopted Children Register to be cancelled.

(3) Where an adoption order is quashed or an appeal against an adoption order allowed by any court, the court shall give directions to the Registrar General or the Registrar General for Scotland to cancel any entry in the Adopted Children Register, and any marking of an entry in that Register, the Registers of Births or the Register of Births, as the case may be, which was effected in pursuance of the order.

(4) Where the Registrar General is notified by the Registrar General for Scotland that an adoption order has been made by a court in Scotland in respect of an infant to whom an entry in the Registers of Births or the Adopted Children Register relates, the Registrar General shall cause the entry to be marked “Adopted (Scotland)” or, as the case may be, “Re-adopted (Scotland)” ; and where, after an entry has been so marked, the Registrar General is notified as aforesaid that the adoption order has been quashed, or that an appeal against the adoption order has been allowed, he shall cause the marking to be cancelled.

(5) Where the Registrar General for Scotland is notified by the Registrar General that an adoption order has been made by a court in England in respect of an infant to whom an entry in the Register of Births or the Adopted Children Register maintained by the Registrar General for Scotland relates, the Registrar General for Scotland shall cause the entry to be marked “Adopted (England)” or, as the case may be, “Re-adopted (England)” ; and where, after an entry has been so marked, the Registrar General for Scotland is notified as aforesaid that the adoption order has been quashed, or that an appeal against the adoption order has been allowed, he shall cause the marking to be cancelled.

(6) Where an adoption order has been amended, any certified copy of the relevant entry in the Adopted Children Register which may be issued pursuant to subsection (3) of section twenty of this Act shall be a copy of the entry as amended, without the reproduction of any note or marking relating to the amendment or of any matter cancelled pursuant thereto ; and a copy or extract of an entry in any register, being an entry the marking of which has been cancelled, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.



(7) In relation to an adoption order made by a magistrates' court, the reference in subsection (1) of this section to the court by which the order has been made includes a reference to a court acting for the same petty sessions area.

PART I  
—cont.

25. Where a child in respect of whom an adoption order has been made is baptised, the entry to be made in the register under section three of the Parochial Registers Act, 1812, or, as the case may be, the certificate to be transmitted under section four of that Act, shall describe the child as the adopted son or daughter of the person or persons by whom he or she was adopted, instead of as the son or daughter of the natural parents.

Registration and certificates of baptism.

*Legitimation following adoption*

26.—(1) Where any person adopted by his father or mother alone has subsequently become a legitimated person on the marriage of his father and mother, the court by which the adoption order was made may, on the application of any of the parties concerned, revoke that order.

Legitimation: revocation of adoption orders and cancellations in Registers.

(2) Where an adoption order is revoked under this section, the prescribed officer of the court or, in Scotland, the clerk of the court, shall cause the revocation to be communicated in the prescribed manner to the Registrar General or, as the case may be, the Registrar General for Scotland, who shall cause to be cancelled—

- (a) the entry in the Adopted Children Register relating to the adopted person ; and
- (b) the marking with the word " Adopted " (or, as the case may be, with that word and the word " (Scotland) " or " (England) ") of any entry relating to him in the Registers of Births or the Register of Births ;

and a copy or extract of an entry in any register, being an entry the marking of which is cancelled under this section, shall be deemed to be an accurate copy if and only if both the marking and the cancellation are omitted therefrom.

(3) In relation to an adoption order made by a magistrates' court, the reference in subsection (1) of this section to the court by which the order was made includes a reference to a court acting for the same petty sessions area.

27. Without prejudice to the provisions of section twenty-six of this Act, where, after an entry in the Registers of Births or the Register of Births has been marked with the word " Adopted " (with or without the addition of the word " (Scotland) " or " (England) ") the birth is re-registered under section fourteen of the Births and Deaths Registration Act, 1953, or section two of the Registration of Births, Deaths, and Marriages (Scotland) (Amendment) Act, 1934 (which provide for

Legitimation: marking of entries on re-registration of births.

PART I  
—cont.

the re-registration of the birth of legitimated persons), the entry made on the re-registration shall be marked in the like manner.

## PART II

### LOCAL AUTHORITIES AND ADOPTION SOCIETIES

Local  
authorities.

**28.**—(1) The local authorities for the purposes of this Act are, in England, the councils of counties and county boroughs and, in Scotland, the councils of counties and large burghs within the meaning of the Local Government (Scotland) Act, 1947; and for the purposes of this Act any small burgh within the meaning of that Act shall be included in the county in which it is situated.

(2) Every such local authority have power to make and participate in arrangements for the adoption of children.

Restriction  
on making  
arrangements  
for adoption.

**29.**—(1) It shall not be lawful for any body of persons to make any arrangements for the adoption of an infant unless that body is a registered adoption society or a local authority.

(2) It shall not be lawful for a registered adoption society or local authority by whom arrangements are made for the adoption of an infant to place him in the care and possession of a person who proposes to adopt him if an adoption order in respect of the infant could not lawfully be made in favour of that person.

(3) Every person who—

(a) takes any part in the management or control of a body of persons which exists wholly or in part for the purpose of making arrangements for the adoption of infants and which is not a registered adoption society or a local authority; or

(b) is guilty of a contravention of subsection (1) or subsection (2) of this section;

shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both.

(4) In any proceedings for an offence under paragraph (a) of subsection (3) of this section, proof of things done or of words written, spoken or published (whether or not in the presence of any party to the proceedings) by any person taking part in the management or control of a body of persons, or in making arrangements for the adoption of infants on behalf of the body, shall be admissible as evidence of the purpose for which that body exists.

(5) The court by which a person is convicted of a contravention of subsection (2) of this section may order the infant in respect of whom the offence was committed to be returned to his parent or guardian or to the registered adoption society or local authority.

**30.**—(1) Subject to the following provisions of this Part of this Act, where an application is made in the prescribed manner by or on behalf of an adoption society to the local authority in whose area the administrative centre of the society is situated and there is furnished therewith the prescribed information relating to the activities of the society, the local authority shall, on payment by the society of such fee (not exceeding one pound) as may be prescribed, register the society under this Part of this Act.

**PART II**  
—*cont.*  
Registration  
of adoption  
societies.

(2) Any question where the administrative centre of an adoption society is situated shall be determined by the Secretary of State, whose determination shall be final.

(3) A local authority shall not register an adoption society under this Part of this Act unless the authority are satisfied, by such evidence as the authority may reasonably require, that the society are a charitable association.

(4) A local authority may refuse to register an adoption society under this Part of this Act, if it appears to the authority—

- (a) that the activities of the society are not controlled by a committee of members of the society who are responsible to the members of the society ;
- (b) that any person proposed to be employed, or employed, by the society for the purpose of making any arrangements for the adoption of children on behalf of the society is not a fit and proper person to be so employed ;
- (c) that the number of competent persons proposed to be employed, or employed, by the society for the purpose aforesaid is, in the opinion of the authority, insufficient having regard to the extent of the activities of the society in connection with that purpose ; or
- (d) that any person taking part in the management or control of the society or any member of the society has been convicted of an offence under this Part of this Act, Part II of the Adoption Act, 1950, or the Adoption of Children (Regulation) Act, 1939, or of a breach of any regulations made under this Part of this Act, the said Part II, or the said Act of 1939.

(5) A local authority may at any time cancel the registration of an adoption society on any ground which would entitle the authority to refuse an application for the registration of the society, or on the ground that the society are no longer a charitable association, or on the ground that the administrative centre of the society is no longer situated in the area of the authority.

**PART II**  
**—cont.**  
**Procedure**  
**and right**  
**of appeal.**

**31.—(1)** Where a local authority propose to refuse an application for registration made to them by or on behalf of an adoption society or to cancel the registration of an adoption society, the local authority shall give to the society not less than fourteen days' notice in writing of their intention to do so.

(2) Every such notice shall state the grounds on which the authority intend to refuse the application or to cancel the registration, as the case may be, and shall contain an intimation that, if within fourteen days after the receipt of the notice the society inform the authority in writing that they desire to do so, the authority will, before refusing the application or cancelling the registration, as the case may be, give to the society an opportunity of causing representations to be made to the authority by or on behalf of the society.

(3) If the local authority, after giving to the society an opportunity of causing such representations as aforesaid to be made, decide to refuse the application for registration or to cancel the registration, as the case may be, they shall give to the society notice in writing of their decision.

(4) Any adoption society aggrieved by the refusal of an application for registration, or by the cancellation of their registration, by a local authority may—

- (a) in England, appeal to quarter sessions by a notice of appeal given within twenty-one days after notice in writing of the decision has been given to the society;
- (b) in Scotland, appeal to the sheriff within whose jurisdiction the administrative centre of the society is situated within the said twenty-one days.

(5) Section thirty-one of the Summary Jurisdiction Act, 1879, and section eighty-four of the Magistrates' Courts Act, 1952 (which relate to appeals from magistrates' courts to courts of quarter sessions) shall, with the necessary modifications, apply in relation to an appeal in England under this section as if the decision of the local authority were an order of a magistrates' court.

(6) Where the registration of an adoption society is cancelled by a local authority, the adoption society shall, for the purposes of this Part of this Act, be deemed to be registered under this Part of this Act during the period within which an appeal against the cancellation may be brought under this section and, if such an appeal is brought, until the determination or abandonment of the appeal.

**Adoption**  
**societies**  
**regulations, etc.**

**32.—(1)** The Secretary of State may make regulations for any of the purposes set out in the Third Schedule to this Act and for prescribing anything which by this Part of this Act (including that Schedule) is authorised or required to be prescribed.

(2) Any person who contravenes or fails to comply with the provisions of regulations made under subsection (1) of this section shall be liable on summary conviction to a fine not exceeding twenty-five pounds and, in the case of a second or subsequent conviction, to a fine not exceeding fifty pounds.

PART II  
—cont.

(3) The Secretary of State may make regulations with respect to the exercise by local authorities of their functions of making or participating in arrangements for the adoption of children, and such regulations may make provision, in relation to local authorities who exercise those functions, for purposes corresponding with the purposes for which the Secretary of State has power under subsection (1) of this section to make regulations in relation to registered adoption societies.

33.—(1) A local authority may at any time give notice in writing to any registered adoption society which has been registered by the authority under this Part of this Act, or to any officer of such a society, requiring that society or officer to produce to the authority such books, accounts and other documents relating to the performance by the society of the function of making arrangements for the adoption of infants as the authority may consider necessary for the exercise of the powers conferred on the authority by subsection (5) of section thirty of this Act.

Inspection of  
books, etc., of  
registered  
adoption  
societies.

(2) Any such notice may contain a requirement that any information to be furnished in accordance with the notice shall be verified by statutory declaration.

(3) Any person who fails to comply with the requirements of a notice under this section 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.

### PART III

#### CARE AND POSSESSION OF INFANTS AWAITING ADOPTION

34. While an application for an adoption order in respect of an infant is pending in any court, a parent or guardian of the infant who has signified his consent to the making of an adoption order in pursuance of the application shall not be entitled, except with the leave of the court, to remove the infant from the care and possession of the applicant, and in considering whether to grant or refuse such leave the court shall have regard to the welfare of the infant.

Restriction  
on removal  
by parent  
or guardian  
after giving  
consent.

PART III  
—cont.  
Return of  
infants  
placed by  
adoption  
societies and  
local  
authorities.

**35.—(1)** Subject to subsection (2) of this section, at any time after an infant has been delivered into the care and possession of any person in pursuance of arrangements made by a registered adoption society or local authority for the adoption of the infant by that person, and before an adoption order has been made on the application of that person in respect of the infant—

- (a) that person may give notice in writing to the society or authority of his intention not to retain the care and possession of the infant ; or
- (b) the society or authority may cause notice in writing to be given to that person of their intention not to allow the infant to remain in his care and possession.

(2) After an application has been made for an adoption order in the case of an infant, no notice shall be given in respect of that infant under paragraph (b) of subsection (1) of this section except with the leave of the court.

(3) Where a notice is given to an adoption society or local authority by any person, or by such a society or authority to any person, under subsection (1) of this section, or where an application for an adoption order made by any person in respect of an infant placed in his care and possession by such a society or authority is refused by the court or withdrawn, that person shall, within seven days after the date on which notice was given or the application refused or withdrawn, as the case may be, cause the infant to be returned to the society or authority, and the society or authority shall receive the infant.

(4) Where the period specified in an interim order made under section eight of this Act (whether as originally made or as varied under subsection (4) of that section) expires without an adoption order having been made in respect of the infant, subsection (3) of this section shall apply as if the application for an adoption order upon which the interim order was made had been refused at the expiration of that period.

(5) It shall be sufficient compliance with the requirements of subsection (3) of this section if the infant is delivered to, and is received by, a suitable person nominated for the purpose by the adoption society or local authority.

(6) Any person who contravenes the provisions of this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both ; and the court by which the offender is convicted may order the infant in respect of whom the offence is committed to be returned to his parent or guardian or to the registered adoption society or local authority.

36.—(1) Where notice of intention to apply for an adoption order is given in pursuance of subsection (2) of section three of this Act in respect of an infant who is for the time being in the care of a local authority, not being an infant who was delivered into the care and possession of the person by whom the notice is given in pursuance of such arrangements as are mentioned in subsection (1) of section thirty-five of this Act, the said section thirty-five shall apply as if the infant had been so delivered, except that where the application is refused by the court or withdrawn the infant need not be returned to the local authority unless the local authority so require.

PART III  
—cont.  
Further provisions as to adoption of children in care of local authorities.

(2) Where notice of intention is given as aforesaid in respect of any infant who is for the time being in the care of a local authority then, until the application for an adoption order has been made and disposed of, any right of the local authority to require the infant to be returned to them otherwise than in pursuance of the said section thirty-five shall be suspended; and while the infant remains in the care and possession of the person by whom the notice is given—

- (a) no contribution shall be payable (whether under a contribution order or otherwise) in respect of the infant by any person liable under section eighty-six of the Children and Young Persons Act, 1933, or section ninety of the Children and Young Persons (Scotland) Act, 1937, to make contributions in respect of him (but without prejudice to the recovery of any sum due at the time the notice is given); and
- (b) subsections (2) and (3) of section eleven of the Family Allowances Act, 1945 (which provide that certain children in the care of a local authority shall not be treated as included in any family for the purposes of that Act) shall not apply in relation to the infant,

unless twelve weeks have elapsed since the giving of the notice without the application being made or the application has been refused by the court or withdrawn.

(3) Where notice of intention to apply for an adoption order is given as aforesaid in respect of any infant who is for the time being in the care of a local authority, and is given to a local authority other than the local authority in whose care the infant is, the authority to whom the notice is given shall inform that other authority of the receipt of the notice.

## PART IV

## SUPERVISION OF CHILDREN AWAITING ADOPTION OR PLACED WITH STRANGERS

Meaning of protected child.

**37.**—(1) Subject to the following provisions of this section, where—

- (a) arrangements are made for placing a child below the upper limit of the compulsory school age in the care and possession of a person who is not a parent, guardian or relative of his, and another person, not being a parent or guardian of his, takes part in the arrangements ; or
- (b) notice of intention to apply for an adoption order in respect of a child is given under subsection (2) of section three of this Act,

then, while the child is in the care and possession of the person first mentioned in paragraph (a) of this subsection or, as the case may be, of the person giving the notice mentioned in paragraph (b) thereof, but is not a foster child within the meaning of Part I of the Children Act, 1958, he is a protected child within the meaning of this Part of this Act.

(2) A child is not a protected child by reason of any such arrangements as are mentioned in paragraph (a) of subsection (1) of this section if the Minister of Pensions and National Insurance took part in them or if the child is only temporarily in the care and possession of the person first mentioned in that subsection, nor while the child is in the care of any person in any of the circumstances mentioned in subsections (2), (4) or (5) of section two of the Children Act, 1958, or paragraphs (b) to (e) of subsection (3) of that section.

(3) A child is not a protected child by reason of any such notice as is mentioned in paragraph (b) of subsection (1) of this section while he is in an approved school or in the care of any person in any such school, home or institution as is mentioned in subsection (3) or subsection (5) of section two of the Children Act, 1958.

(4) A protected child ceases to be a protected child on the making of an adoption order in respect of him or on his attaining the age of eighteen, whichever first occurs.

(5) A child in the care and possession of two spouses one of whom is a parent, relative or guardian of his shall be deemed for the purposes of this Part of this Act to be in the care and possession of that one of them.



## PART IV

—cont.

38. It shall be the duty of every local authority to secure that protected children within their area are visited from time to time by officers of the authority, who shall satisfy themselves as to the well-being of the children and give such advice as to their care and maintenance as may appear to be needed.

Duty of local authority to secure well-being of protected children.

39. Any officer of a local authority authorised to visit protected children may, after producing, if asked to do so, some duly authenticated document showing that he is so authorised, inspect any premises in the area of the authority in which such children are to be or are being kept.

Power to inspect premises.

40.—(1) Subject to subsection (2) of this section, where arrangements are made for the placing of a child in the care and possession of any person and by reason of the arrangements the child would be a protected child while in the care and possession of that person, every person taking part in the arrangements shall give notice in writing of the arrangements to the local authority for the area in which the person in whose care and possession the child is to be placed is living.

Notices and information to be given to local authorities.

(2) A notice under subsection (1) of this section need not be given by the person in whose care and possession the child is to be placed, nor by a parent or guardian of the child.

(3) A notice under subsection (1) of this section shall be given not less than two weeks before the child is placed as mentioned in that subsection, except that where the child is so placed in an emergency, the notice may be given not later than one week after the child is so placed.

(4) Where a person who has a protected child in his care and possession changes his permanent address he shall, not less than two weeks before the change, or, if the change is made in an emergency, not later than one week after the change, give written notice specifying the new address to the local authority in whose area his permanent address is before the change, and if the new address is in the area of another local authority, the authority to whom the notice is given shall inform that other local authority and give them such of the particulars mentioned in subsection (6) of this section as are known to them.

(5) If a protected child dies, the person in whose care and possession he was at his death shall within forty-eight hours of the death give to the local authority notice in writing of the death.

**PART IV**  
—*cont.*

(6) A person who has or proposes to have a protected child in his care and possession shall at the request of the local authority give them the following particulars, so far as known to him, that is to say, the name, sex and date and place of birth of the child, and the name and address of every person who is a parent or guardian or acts as a guardian of the child or from whom the child has been or is to be received.

Power of local authority to prohibit placing of child.

41. Where arrangements are made for the placing of a child in the care and possession of any person, and by reason of the arrangements the child would be a protected child while in the care and possession of that person, then, if neither a registered adoption society nor a local authority took part in the arrangements and it appears to the authority to whom notice is to be given under the last foregoing section that it would be detrimental to the child to be kept by that person in the premises in which he proposes to keep him, they may by notice in writing given to that person prohibit him from receiving the child in those premises.

Appeal to juvenile court against prohibition under section 41.

42.—(1) A person aggrieved by a prohibition imposed under the last foregoing section may, within fourteen days from the date on which he is notified of the prohibition, appeal to a juvenile court.

(2) The notice by which a prohibition is imposed under that section shall contain a statement informing the person on whom it is imposed of his right to appeal against the prohibition and of the time within which he may do so.

(3) In the application of this section to Scotland, for the reference to a juvenile court there shall be substituted a reference to the sheriff.

Removal of protected children from unsuitable surroundings.

43.—(1) If a juvenile court is satisfied, on the complaint of a local authority, that a protected child is being kept or is about to be received by any person who is unfit to have his care, or in contravention of any prohibition imposed by the local authority under section forty-one of this Act, or in any premises or any environment detrimental or likely to be detrimental to him, the court may make an order for his removal to a place of safety until he can be restored to a parent, relative or guardian of his, or until other arrangements can be made with respect to him; and on proof that there is imminent danger to the health or well-being of the child the power to make an order under this section may be exercised by a justice of the peace acting on the application of a person authorised to visit protected children.

(2) An order under this section may be executed by any person authorised to visit protected children or by any constable and may, notwithstanding anything in section six of the Sunday Observance Act, 1677, be executed on a Sunday.

**PART IV**  
—cont.

(3) A local authority may receive into their care under section one of the Children Act, 1948, any child removed under this section, whether or not the circumstances of the child are such that they fall within paragraphs (a) to (c) of subsection (1) of that section and notwithstanding that he may appear to the local authority to be over the age of seventeen.

(4) Where a child is removed under this section the local authority shall, if practicable, inform a parent or guardian of the child, or any person who acts as his guardian.

(5) In the application of this section to Scotland, for references to a juvenile court there shall be substituted references to the sheriff.

**44.—(1)** A person shall be guilty of an offence if—

Offences  
under Part IV.

- (a) being required, under any provision of this Part of this Act, to give any notice or information, he fails to give the notice within the time specified in that provision or fails to give the information within a reasonable time, or knowingly makes or causes or procures another person to make any false or misleading statement in the notice or information ;
- (b) he refuses to allow the visiting of a protected child by a duly authorised officer of a local authority or the inspection, under the power conferred by section thirty-nine of this Act, of any premises ;
- (c) he keeps any child in any premises in contravention of a prohibition imposed under this Part of this Act ;
- (d) he refuses to comply with an order under this Part of this Act for the removal of any child or obstructs any person in the execution of such an order.

(2) A person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding one hundred pounds or both.

**45.** For the purposes of section forty of the Children and Young Persons Act, 1933, or section forty-seven of the Children and Young Persons (Scotland) Act, 1937 (which enable a warrant authorising the search for and removal of a child to be issued on suspicion of unnecessary suffering caused to, or certain offences committed against, the child), any refusal to allow the

Extension of  
power to issue  
warrants to  
search for  
and remove  
a child.

**PART IV**  
—*cont.*

visiting of a protected child or the inspection of any premises by a person authorised to do so under this Part of this Act shall be treated as giving reasonable cause for such a suspicion.

Avoidance of insurances on lives of protected children.

**46.** A person who maintains a protected child shall be deemed for the purposes of the Life Assurance Act, 1774, to have no interest in the life of the child.

Sittings of juvenile courts in proceedings under Part IV.

**47.** Subsection (2) of section forty-seven of the Children and Young Persons Act, 1933 (which restricts the time and place at which a sitting of a juvenile court may be held and the persons who may be present at such a sitting) shall not apply to any sitting of a juvenile court in any proceedings under this Part of this Act.

Appeal to quarter sessions.

**48.** An appeal shall lie to quarter sessions from any order made under this Part of this Act by a juvenile court or any other magistrates' court within the meaning of the Magistrates' Courts Act, 1952.

Authentication of documents.

**49.—(1)** Any notice by a local authority under this Part of this Act may be signed on behalf of the authority by the clerk of the authority or by any other officer of the authority authorised in writing to sign such a notice.

(2) Any notice purporting to bear the signature of the clerk of a local authority or any officer stated therein to be authorised by the authority to sign notices under this Part of this Act shall be deemed, until the contrary is proved, to have been duly given by the authority.

## PART V

### MISCELLANEOUS AND GENERAL

Prohibition of certain payments.

**50.—(1)** Subject to the provisions of this section, it shall not be lawful to make or give to any person any payment or reward for or in consideration of—

- (a) the adoption by that person of an infant ;
- (b) the grant by that person of any consent required in connection with the adoption of an infant ;
- (c) the transfer by that person of the care and possession of an infant with a view to the adoption of the infant ; or
- (d) the making by that person of any arrangements for the adoption of an infant.

PART V  
—cont.

(2) Any person who makes or gives, or agrees or offers to make or give, any payment or reward prohibited by this section, or who receives or agrees to receive or attempts to obtain any such payment or reward, shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both; and the court may order any infant in respect of whom the offence was committed to be removed to a place of safety until he can be restored to his parents or guardian or until other arrangements can be made for him.

(3) This section does not apply to any payment made to an adoption society or local authority by a parent or guardian of an infant or by a person who adopts or proposes to adopt an infant, being a payment in respect of expenses reasonably incurred by the society or authority in connection with the adoption of the infant, or to any payment or reward authorised by the court to which an application for an adoption order in respect of an infant is made.

51.—(1) It shall not be lawful for any advertisement to be published indicating— Restriction upon advertisements.

- (a) that the parent or guardian of an infant desires to cause the infant to be adopted; or
- (b) that a person desires to adopt an infant; or
- (c) that any person (not being a registered adoption society or a local authority) is willing to make arrangements for the adoption of an infant.

(2) Any person who causes to be published or knowingly publishes an advertisement in contravention of the provisions of this section shall be liable on summary conviction to a fine not exceeding fifty pounds.

52.—(1) Except under the authority of an order under section fifty-three of this Act, it shall not be lawful for any person to take or send an infant who is a British subject out of Great Britain to any place outside the British Islands with a view to the adoption of the infant (whether in law or in fact) by any person not being a parent or guardian or relative of the infant; and any person who takes or sends an infant out of Great Britain to any place in contravention of this subsection, or makes or takes part in any arrangements for transferring the care and possession of an infant to any person for that purpose, shall be liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding one hundred pounds or to both. Restriction on removal of infants for adoption outside British Islands.

**PART V**  
—*cont.*

(2) In any proceedings under this section, a report by a British consular officer or a deposition made before a British consular officer and authenticated under the signature of that officer shall, upon proof that the officer or the deponent cannot be found in the United Kingdom, be admissible as evidence of the matters stated therein, and it shall not be necessary to prove the signature or official character of the person who appears to have signed any such report or deposition.

(3) In this section “the British Islands” means the United Kingdom, the Channel Islands and the Isle of Man.

(4) In the application of this section to Scotland, for the words “admissible as evidence” there shall be substituted the words “sufficient evidence”.

Provisional  
adoption  
by persons  
domiciled  
outside Great  
Britain.

**53.**—(1) If the court is satisfied, upon an application being made by a person who is not domiciled in England or Scotland, that the applicant intends to adopt an infant under the law of or within the country in which he is domiciled, and for that purpose desires to remove the infant from Great Britain either immediately or after an interval, the court may, subject to the provisions of this section, make an order (in this section referred to as a provisional adoption order) authorising the applicant to remove the infant for the purpose aforesaid, and giving to the applicant the custody of the infant pending his adoption as aforesaid.

(2) An application for a provisional adoption order may be made, in England to the High Court or the county court, and in Scotland to the Court of Session or the sheriff court.

(3) A provisional adoption order may be made in any case where, apart from the domicile of the applicant, an adoption order could be made in respect of the infant under Part I of this Act, but shall not be made in any other case.

(4) Subject to the provisions of this section, the provisions of this Act, other than this section and sections sixteen, seventeen and nineteen, shall apply in relation to a provisional adoption order as they apply in relation to an adoption order, and references in those provisions to adoption, to an adoption order, to an application or applicant for such an order and to an adopter or a person adopted or authorised to be adopted under such an order shall be construed accordingly.

(5) In relation to a provisional adoption order section three of this Act shall have effect as if for the word “three”, both where it occurs in subsection (1) and where it occurs in subsection (2), there were substituted the word “six”.

(6) Any entry in the Registers of Births, the Register of Births or the Adopted Children Register which is required to be marked in consequence of the making of a provisional adoption order shall, in lieu of being marked with the word "Adopted" or "Re-adopted" (with or without the addition of the word "(Scotland)" or "(England)") be marked with the words "Provisionally adopted" or "Provisionally re-adopted", as the case may require.

PART V  
—cont.

**54.**—(1) Where any offence under Part II, Part III, Part IV or Part V of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, member of the committee, secretary or other officer of the body, he, as well as the body, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Offences.

(2) Proceedings for an offence under Part II, Part III, Part IV or Part V of this Act may, in England, be taken by a local authority.

**55.** Any notice or information required to be given under this Act may be given by post. Service of notices, etc.

**56.**—(1) Any power to make rules or regulations conferred by this Act on the Lord Chancellor or the Secretary of State or the Court of Session shall be exercisable by statutory instrument. Rules and Regulations.

(2) The Statutory Instruments Act, 1946, shall apply to a statutory instrument containing an act of sederunt made for the purposes of this Act as if the act of sederunt had been made by a Minister of the Crown.

**57.**—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say— Interpretation.

“adoption order” has the meaning assigned to it by section one of this Act ;

“Adoption Rules” has the meaning assigned to it by subsection (2) of section nine of this Act ;

“adoption society” means a body of persons whose functions consist of or include the making of arrangements for the adoption of children ;

“body of persons” means any body of persons, whether incorporated or unincorporated ;

**PART V**  
—cont.

- “charitable association” means a body of persons which exists only for the purpose of promoting a charitable, benevolent or philanthropic object, whether or not the object is charitable within the meaning of any rule of law, and which applies the whole of its profits (if any) or other income in promoting the objects for which it exists ;
- “compulsory school age”, in relation to England, has the same meaning as in the Education Acts, 1944 to 1953 and, in relation to Scotland, means school age as defined in the Education (Scotland) Acts, 1939 to 1956.
- “court” means a court having jurisdiction to make adoption orders ;
- “England” includes Wales ;
- “father”, in relation to an illegitimate infant, means the natural father ;
- “guardian”, in relation to an infant, means a person appointed by deed or will in accordance with the provisions of the Guardianship of Infants Acts, 1886 and 1925, or by a court of competent jurisdiction to be the guardian of the infant ;
- “infant” means a person under twenty-one years of age, but does not include a person who is or has been married ;
- “place of safety” means a home provided by a local authority under Part II of the Children Act, 1948, remand home, police station, or any hospital, surgery or other suitable place the occupier of which is willing temporarily to receive a child ;
- “prescribed”, in Part I of this Act, means prescribed by Adoption Rules or an act of sederunt under section eleven of this Act, and except in Part I of this Act, means prescribed by regulations made by the Secretary of State ;
- “registered adoption society” means an adoption society registered under Part II of this Act ;
- “Registrar General for Scotland” means the Registrar General of Births, Deaths and Marriages in Scotland ;
- “relative”, in relation to an infant, means a grandparent, brother, sister, uncle or aunt, whether of the full blood or half blood or by affinity, and includes—
- (a) where an adoption order has been made in respect of the infant or any other person under any enactment (including any enactment of the Parliament of Northern Ireland) any person who would



be a relative of the infant within the meaning of this definition if the adopted person were the child of the adopter born in lawful wedlock ;

PART V  
—cont.

(b) where the infant is illegitimate, the father of the infant and any person who would be a relative of the infant within the meaning of this definition if the infant were the legitimate child of his mother and father.

(2) For the purposes of this Act, a person shall be deemed to make arrangements for the adoption of an infant or to take part in arrangements for the placing of a child in the care or possession of another person, if (as the case may be)—

- (a) he enters into or makes any agreement or arrangement for, or for facilitating, the adoption of the infant by any other person, whether the adoption is effected, or is intended to be effected, in pursuance of an adoption order or otherwise ; or
- (b) he enters into or makes any agreement or arrangement for, or facilitates, the placing of the child in the care or possession of that other person ;

or if he initiates or takes part in any negotiations of which the purpose or effect is the conclusion of any agreement or the making of any arrangement therefor, or if he causes another to do so.

(3) This Act applies to citizens of the Republic of Ireland as it applies to British subjects, and references in this Act to British subjects shall be construed accordingly.

(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.

**58.**—(1) The amendments specified in the Fourth Schedule to this Act, being amendments consequential on the provisions of this Act, shall be made in the enactments mentioned in that Schedule (and shall, in so far as those enactments have been amended by the Second Schedule to the Children Act, 1958, have effect in substitution for the amendments so made). Amendment and adaptation of enactments.

(2) Any reference in any enactment to an adopted child within the meaning of the Adoption of Children Act, 1926, or the Adoption of Children (Scotland) Act, 1930, or to an adopter within the meaning of those Acts, shall be construed as including a reference to an infant adopted under this Act, or the Adoption Act, 1950, or to the person by whom an infant has been so adopted, as the case may be.

(3) Any reference in any enactment to an adoption order made under the Adoption Act, 1950, shall be construed as including a reference to an adoption order made under this Act.

**PART V**  
**—cont.**  
**Transitional provisions and repeals.**

**59.—(1)** This Act has effect subject to the transitional provisions set out in the Fifth Schedule to this Act.

**(2)** The enactments mentioned in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

**(3)** The mention of particular matters in the Fifth Schedule to this Act shall be without prejudice to the general application of section thirty-eight of the Interpretation Act, 1889 (which relates to the effect of repeals).

**Short title, extent and commencement.**

**60.—(1)** This Act may be cited as the Adoption Act, 1958.

**(2)** This Act (except section nineteen, and so much of section fifty-eight as repeals section sixteen of the Adoption Act, 1950) does not extend to Northern Ireland.

**(3)** This Act comes into force on the first day of April, nineteen hundred and fifty-nine.

## SCHEDULES

### FIRST SCHEDULE

Section 21.

#### FORM OF ENTRY IN ADOPTED CHILDREN REGISTER IN ENGLAND

| 1            | 2                                  | 3                         | 4            | 5                                                               | 6                                                             | 7             | 8                                                                     |
|--------------|------------------------------------|---------------------------|--------------|-----------------------------------------------------------------|---------------------------------------------------------------|---------------|-----------------------------------------------------------------------|
| No. of entry | Date and country of birth of child | Name and surname of child | Sex of child | Name and surname, address and occupation of adopter or adopters | Date of adoption order and description of court by which made | Date of entry | Signature of officer deputed by Registrar General to attest the entry |
|              |                                    |                           |              |                                                                 |                                                               |               |                                                                       |

## SECOND SCHEDULE

Section 23.

## FORM OF ENTRY IN ADOPTED CHILDREN REGISTER IN SCOTLAND

| 1            | 2                                 | 3                         | 4   | 5                                                               | 6                                                             | 7                                                       |
|--------------|-----------------------------------|---------------------------|-----|-----------------------------------------------------------------|---------------------------------------------------------------|---------------------------------------------------------|
| No. of Entry | Name and surname of adopted child | Date and country of birth | Sex | Name and surname, occupation and address of adopter or adopters | Date of adoption order and description of court by which made | Date of registration and signature of Registrar General |
|              |                                   |                           |     |                                                                 |                                                               |                                                         |

## THIRD SCHEDULE

Section 32.

PURPOSES FOR WHICH ADOPTION SOCIETIES REGULATIONS  
MAY BE MADE

1. For regulating the conduct of negotiations entered into by or on behalf of registered adoption societies with persons who, having the care and possession of infants, are desirous of causing the infants to be adopted, and, in particular for securing—

- (a) that, where the parent or guardian of an infant proposes to place the infant at the disposition of the society with a view to the infant being adopted, he shall be furnished with a memorandum in the prescribed form explaining, in ordinary language, the effect, in relation to his rights as a parent or guardian, of the making of an adoption order in respect of the infant, and calling attention to the provisions of this Act and of any rules made thereunder relating to the consent of a parent or guardian to the making of such an order, and to the provisions of this Act relating to the sending or taking of infants abroad; and
- (b) that, before so placing the infant at the disposition of the society, the parent or guardian shall sign a document in the prescribed form certifying that he has read and understood the said memorandum.

3RD SCH.  
—cont.

2. For requiring that the case of every infant proposed to be delivered by or on behalf of a registered adoption society into the care and possession of a person proposing to adopt him shall be considered by a committee (to be called a “ case committee ”) appointed by the society for the purpose and consisting of not less than three persons.

3. For prescribing, in the case of every such infant as aforesaid, the inquiries which must be made and the reports which must be obtained by the society in relation to the infant and the person proposing to adopt him for the purpose of ensuring, so far as may be, the suitability of the infant and the person proposing to adopt him respectively, and, in particular, for requiring that a report on the health of the infant signed by a fully registered medical practitioner must be obtained by the society.

4. For securing that no such infant shall be delivered into the care and possession of a person proposing to adopt him by or on behalf of the society until that person has been interviewed by the case committee or by some person on their behalf, until a representative of the committee has inspected any premises in Great Britain in which the person proposing to adopt the infant intends that the infant should reside permanently, and until the committee have considered the prescribed reports.

5. For requiring a registered adoption society to furnish to the registration authority by whom the society was registered the prescribed accounts and the prescribed information relating to the activities of the society.

6. For making provision for the care and supervision of infants who have been placed by their parents or guardians at the disposition of adoption societies.

7. For prohibiting or restricting the disclosure of records kept by registered adoption societies and making provision for the safe keeping of such records when they are no longer required.

Section 58.

#### FOURTH SCHEDULE

##### CONSEQUENTIAL AMENDMENTS OF ENACTMENTS

###### *The Children Act, 1948*

In subsection (1) of section thirty-nine, for paragraphs (b) and (c) there shall be substituted the following paragraphs:—

“ (b) Part I of the Children Act, 1958;

(c) Parts II and IV of the Adoption Act, 1958; ”

In subsection (1) of section forty-three, there shall be added, at the end, the words “ except subsection (3) of section thirty-two of the Adoption Act, 1958 ”.

In subsection (1) of section forty-four, the word “ I ” and the words “ and the Adoption of Children (Regulation) Act, 1939 ” shall be omitted, and after the word “ 1937 ” there shall be inserted the words “ or any of the enactments specified in paragraphs (b) and (c) of subsection (1) of section thirty-nine of this Act, except subsection (3) of section thirty-two of the Adoption Act, 1958 ”.

In subsection (1) of section fifty-one, for the words from “the Public Health Act, 1936”, to the end of the subsection, there shall be substituted the words “Part I of the Children Act, 1958, or Part IV of the Adoption Act, 1958”.

In subsection (2) of section fifty-four, for paragraphs (c) to (e) there shall be substituted the following paragraph:—

“(c) any place where a foster child within the meaning of Part I of the Children Act, 1958, or a child to whom any of the provisions of that Part are extended by section twelve or thirteen of that Act, or a protected child within the meaning of Part IV of the Adoption Act, 1958, is being maintained;”.

#### *The Children Act, 1958*

In section seventeen, in the definition of “relative”, for the words “the Adoption Act, 1950” there shall be substituted the words “the Adoption Act, 1958”.

### FIFTH SCHEDULE

Section 59.

#### TRANSITIONAL PROVISIONS

1. Subsection (3) of section thirteen of this Act applies in relation to an adoption order made under the Adoption Act, 1950, or any enactment repealed by that Act, or the Adoption of Children Act (Northern Ireland), 1929, as it applies in relation to an adoption order within the meaning of that subsection, but not so as to invalidate any marriage solemnized before the first day of January, nineteen hundred and fifty.

2. Section fourteen of this Act applies in relation to an adoption order made under the Adoption Act, 1950, or any enactment repealed by that Act, as it applies in relation to an adoption order within the meaning of this Act.

3. Subsection (2) of section fifteen of this Act applies in relation to an adoption order made under the Adoption Act, 1950, as it applies in relation to an adoption order within the meaning of this Act.

4.—(1) Subject to the following provisions of this paragraph, sections sixteen to eighteen of this Act apply in relation to an adoption order made under the Adoption Act, 1950, or any enactment repealed by that Act, or the Adoption of Children Act (Northern Ireland), 1929, as they apply in relation to an adoption order within the meaning of those sections respectively.

(2) Nothing in sub-paragraph (1) of this paragraph affects the devolution of any property on the intestacy of a person who died before the first day of January, nineteen hundred and fifty, or any disposition made before that date.

(3) Subsection (2) of the said section seventeen does not apply in relation to a disposition made by will or codicil executed before the commencement of this Act unless the will or codicil is confirmed by codicil executed after the commencement of this Act.

(4) Notwithstanding any rule of law, a disposition made by will or codicil executed before the date of an adoption order (within the meaning of section thirteen of the Adoption Act, 1950) shall not be

5TH SCH.  
—cont.

treated for the purposes of section sixteen of this Act as made after that date by reason only that, before the commencement of this Act, the will or codicil was confirmed by a codicil executed after that date.

5. Any register kept under any provision of the Adoption Act, 1950, or any enactment repealed by that Act, and any index to such a register, shall be deemed to be part of the register or index kept under the corresponding provision of this Act.

6.—(1) Subsections (1) and (2) of section twenty-four of this Act apply in relation to an adoption order made under the Adoption Act, 1950, or any enactment repealed by that Act, as they apply in relation to an adoption order made under this Act, but as if, in paragraph (b) of the said subsection (1), there were substituted, for any reference to a provision of this Act, a reference to the corresponding provision of the said Act of 1950.

(2) The power of the court under subsection (1) of the said section twenty-four to amend an order to which that subsection applies by virtue of the foregoing sub-paragraph includes power to make, on the application of the adopter or of the adopted person, any such amendment of the particulars contained in the order as appears to be required to bring the order into the form in which it would have been made if section twenty-one or, as the case may be, section twenty-three of this Act had applied to the order, subject to the modification that, where the application relates to an order in which the surname of the adopted person is not specified, the name which was his surname one year after the date of the order may be added in the said particulars instead of the adopter's (if different), notwithstanding anything in subsection (2) of the said section twenty-one or subsection (2) of the said section twenty-three.

7. Section twenty-six of this Act applies in relation to an adoption order made under the Adoption Act, 1950, or any enactment repealed by that Act, as it applies in relation to an adoption order made under this Act.

8. The provisions of this Act have effect in relation to an adoption society registered under Part II of the Adoption Act, 1950, or the Adoption of Children (Regulation) Act, 1939, as if it were registered under Part II of this Act.

9. Any rule, regulation or act of sederunt made under the Adoption Act, 1950, or any enactment repealed by that Act shall, in so far as it is in force at the commencement of this Act and could have been made under the corresponding enactment of this Act, continue in force and have effect as if it had been so made.

10. Any reference in any enactment or document, whether express or implied, to any enactment contained in the Adoption Act, 1950, or to any enactment repealed by that Act, shall be construed as a reference to the corresponding enactment of this Act.

11. Any proceedings pending at the commencement of this Act under the Adoption Act, 1950, may be continued under the corresponding enactment of this Act.

## SIXTH SCHEDULE

Section 59.

## ENACTMENTS REPEALED

| Session and Chapter                       | Short Title                           | Extent of Repeal                                                                                                                                                                                                                                           |
|-------------------------------------------|---------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 14 Geo. 6.<br>c. 26.                      | The Adoption Act,<br>1950.            | The whole Act.                                                                                                                                                                                                                                             |
| 15 & 16 Geo. 6.<br>&<br>1 Eliz. 2. c. 55. | The Magistrates' Courts<br>Act, 1952. | In section one hundred and<br>twenty-two, in paragraph (j) of<br>subsection (1), the words from<br>"or by virtue" to the end of<br>the paragraph.                                                                                                          |
| 4 & 5 Eliz. 2.<br>c. 19.                  | The Friendly Societies<br>Act, 1955.  | Section seven.                                                                                                                                                                                                                                             |
| 6 & 7 Eliz. 2.<br>c. 65.                  | The Children Act,<br>1958.            | Part II; the First Schedule; and<br>in the Second Schedule, the<br>entries relating to sections thirty-<br>nine, forty-four and fifty-one,<br>and subsection (2) of section<br>fifty-four, of the Children Act,<br>1948, and to the Adoption Act,<br>1950. |



Table of Statutes referred to in this Act

| Short Title                                                                             | Session and Chapter              |
|-----------------------------------------------------------------------------------------|----------------------------------|
| Sunday Observance Act, 1677 ... ..                                                      | 29 Cha. 2. c. 7.                 |
| Life Assurance Act, 1774 ... ..                                                         | 14 Geo. 3. c. 48.                |
| Parochial Registers Act, 1812 ... ..                                                    | 52 Geo. 3. c. 146.               |
| Summary Jurisdiction Act, 1879 ... ..                                                   | 42 & 43 Vict. c. 49.             |
| Married Women's Policies of Assurance (Scotland)<br>Act, 1880 ... ..                    | 43 & 44 Vict. c. 26.             |
| Married Women's Property Act, 1882 ... ..                                               | 45 & 46 Vict. c. 75.             |
| Interpretation Act, 1889 ... ..                                                         | 52 & 53 Vict. c. 63.             |
| Administration of Estates Act, 1925 ... ..                                              | 15 & 16 Geo. 5. c. 23.           |
| Supreme Court of Judicature (Consolidation) Act,<br>1925 ... ..                         | 15 & 16 Geo. 5. c. 49.           |
| Adoption of Children Act, 1926 ... ..                                                   | 16 & 17 Geo. 5. c. 29.           |
| Adoption of Children (Scotland) Act, 1930 ... ..                                        | 20 & 21 Geo. 5. c. 37.           |
| Children and Young Persons Act, 1933 ... ..                                             | 23 & 24 Geo. 5. c. 12.           |
| County Courts Act, 1934 ... ..                                                          | 24 & 25 Geo. 5. c. 53.           |
| Registration of Births, Deaths and Marriages<br>(Scotland) (Amendment) Act, 1934 ... .. | 24 & 25 Geo. 5. c. 19.           |
| Public Health Act, 1936 ... ..                                                          | 26 Geo. 5. & 1 Edw. 8.<br>c. 49. |
| Children and Young Persons (Scotland) Act, 1937                                         | 1 Edw. 8 & 1 Geo. 6.<br>c. 37.   |

Table of Statutes referred to in this Act—cont.

| Short Title                                     | Session and Chapter                    |
|-------------------------------------------------|----------------------------------------|
| Adoption of Children (Regulation) Act, 1939 ... | 2 & 3 Geo. 6. c. 27.                   |
| Family Allowances Act, 1945 ... ..              | 8 & 9 Geo. 6. c. 41.                   |
| Statutory Instruments Act, 1946 ... ..          | 9 & 10 Geo. 6. c. 36.                  |
| Local Government (Scotland) Act, 1947 ...       | 10 & 11 Geo. 6. c. 43.                 |
| Children Act, 1948 ... ..                       | 11 & 12 Geo. 6. c. 43.                 |
| Justices of the Peace Act, 1949 ... ..          | 12, 13 & 14 Geo. 6.<br>c. 101.         |
| Adoption Act, 1950 ... ..                       | 14 Geo. 6. c. 26.                      |
| Magistrates' Courts Act, 1952 ... ..            | 15 & 16 Geo. 6. &<br>1 Eliz. 2. c. 55. |
| Births and Deaths Registration Act, 1953 ...    | 1 & 2 Eliz. 2. c. 20.                  |
| Registration Service Act, 1953 ... ..           | 1 & 2 Eliz. 2. c. 37.                  |
| Children Act, 1958 ... ..                       | 6 & 7 Eliz. 2. c. 65.                  |

## CHAPTER 6

### *National Debt Act, 1958*

#### ARRANGEMENT OF SECTIONS

##### PART I

##### THE POST OFFICE REGISTER OF GOVERNMENT STOCK

###### Section

1. The Post Office register.
2. Power to make regulations with respect to the register.
3. Closing of register for transfers of stock to be redeemed.
4. Settlement of disputes as to holdings on the register.
5. Transfer to register of small holdings in names of deceased persons.
6. Acceptance of probate issued in Isle of Man or Channel Islands.

##### PART II

##### SAVINGS CERTIFICATES

7. Power of Treasury to issue national savings certificates.
8. Prolongation of currency of national savings certificates.
9. Power of Treasury to issue securities in exchange for national savings certificates.
10. War savings certificates.
11. Provisions supplementary to sections 7 to 10.

##### PART III

##### GENERAL PROVISIONS RELATING TO MONEY RAISED THROUGH THE POST OFFICE

12. Power of Treasury to make regulations as to raising of money through Post Office.
13. Power to replace lost or destroyed bonds issued through Post Office or coupons thereof.



## PART IV

## MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

## Section

14. Provisions as to 3½% War Loan stock.
15. Definition of "government stock" and consequential amendment of enactments defining it by reference to Savings Bank Act, 1893.
16. Provisions as to previous effect of s. 8 of Savings Banks Act, 1920.
17. Repeal and savings.
18. Saving for powers of Parliament of Northern Ireland.
19. Application of certain provisions of Act to Isle of Man and Channel Islands.
20. Short title.

SCHEDULE—Enactments repealed.

An Act to consolidate certain enactments relating to the national debt. [18th December, 1958]

**B**E it enacted by the Queen'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

## THE POST OFFICE REGISTER OF GOVERNMENT STOCK

1.—(1) The register—

- (a) which was established in pursuance of section one of the War Loan (Supplemental Provisions) Act, 1915, as amended by section two of the War Loan Act, 1918, and
- (b) with which, by virtue of subsection (2) of section twelve of the Savings Banks Act, 1929, were amalgamated such stock registers as, by virtue of the Savings Banks Act, 1880, had been established by savings banks authorities;

The Post Office register.

shall continue in existence by the name of the Post Office register, and is hereafter in this Part of this Act referred to as "the register".

(2) Any description of government stock, as defined in this Act, may be registered in the register.

2.—(1) The appropriate authority may, by statutory instrument, make regulations with respect to the keeping of the register and the stock registered therein, and in particular with respect to—

Power to make regulations with respect to the register.

- (a) investments in, and sales of, stock so registered, and the receipt and payment of interest thereon.

**PART I**  
—cont.

- (b) the manner in which, and the conditions subject to which, stock may be transferred either from the name of the holder registered in the register to that of any other person registered or to be registered therein, or from the register to the books of the Bank of England or the Bank of Ireland, and vice versa,
- (c) the commissions and fees payable in respect of dealings in stock registered in the register,
- (d) the maximum amount of stock which may be registered in the register in any one holding in any one year or at any one time, and the exceptions which are to be allowed from any such limits in the case of friendly societies, trade unions or other similar bodies,

and separate regulations may, with the consent of the National Debt Commissioners, be made with respect to any part of the register kept by the trustees of a trustee savings bank.

(2) Regulations under this section—

- (a) may provide for the total amount of stock registered in the register being held by the National Debt Commissioners,
- (b) may provide, in connection with any stock registered in the register, for the issue through the Post Office of bearer bonds for such amounts as may be provided by the regulations, with coupons annexed entitling the bearer of the coupons to the interest on the stock,
- (c) may apply, with such modifications as appear necessary or expedient, to stock registered in the register, or to bearer bonds issued under this section, any of the provisions of the National Debt Act, 1870, subsections (1) to (6) of section five of the Miscellaneous Financial Provisions Act, 1955, or any Act, regulation or warrant relating to savings banks,
- (d) may direct that all or any of the provisions of the regulations shall, with such modifications as appear necessary or expedient, apply, and be deemed always to have applied, to stock issued before the date on which the regulations come into force, as they apply to stock issued after that date,
- (e) may contain such consequential and supplemental provisions as appear necessary or expedient for giving full effect to the regulations.

(3) In this section “the appropriate authority” means the Treasury in conjunction with the Postmaster General and, in the case of regulations relating to the National Debt Commissioners, those Commissioners.

(4) A statutory instrument containing regulations under this section shall be laid before Parliament.

PART I  
—cont.

3. In the event of the redemption of any government stock, the register may be closed for transfers of the stock for not more than one month immediately preceding the redemption date.

Closing of register for transfers of stock to be redeemed.

4.—(1) If a dispute arises between the Postmaster General, or the trustees of a savings bank, and the holder of any stock registered in the register, or a person claiming to be entitled to any such stock, the matter in dispute shall be referred in writing to the Chief Registrar of friendly societies.

Settlement of disputes as to holdings on the register.

(2) On a reference under the foregoing subsection, the Chief Registrar may proceed *ex parte* on notice in writing sent by post to the Postmaster General or trustees, and may inspect the register, and may administer oaths to any witnesses appearing before him; and his award on the matter in dispute shall be final and binding on all parties.

(3) This section—

- (a) in its application to Scotland, shall have effect as if, for the references to the Chief Registrar of friendly societies, there were substituted references to the Assistant Registrar of friendly societies for Scotland;
- (b) in its application to Northern Ireland, shall have effect as if, for the references to the Chief Registrar of friendly societies, there were substituted references to the Chief Registrar of friendly societies or a deputy appointed by him.

5.—(1) Where the Bank of England or the Bank of Ireland have reason to believe that a person in whose name any government stock of an amount not exceeding in the aggregate one hundred pounds in nominal value or in actual value, whichever is the less, is standing in their books, has died, the Bank may, in such manner as may be prescribed by regulations under section two of this Act, transfer the stock from their books to the register, and may in such manner as may be so prescribed, remit any interest accrued thereon to the Postmaster General to be dealt with in the same manner as if the stock had been registered in the register at the time when the interest accrued due.

Transfer to register of small holdings in names of deceased persons.

(2) Where any stock is transferred or any interest is remitted in pursuance of this section, the transfer or remittance shall be deemed to have been properly made, and the Bank of England or the Bank of Ireland, as the case may be, shall be discharged from all liability in respect of the stock transferred or the interest remitted, as the case may be.

**PART I**  
—cont.

Acceptance of  
probate issued  
in Isle of Man  
or Channel  
Islands.

6.—(1) In the case of the death of a person entitled to stock registered in the register, the production—

- (a) of probate or letters of administration granted by any court in the Isle of Man or in any of the Channel Islands having authority to grant the same, or
- (b) of a certified copy of probate or letters of administration so granted,

shall be sufficient authority to the appropriate authority, and (in so far as they are concerned) to the National Debt Commissioners, to transfer the stock to the person to whom the probate or letters of administration were granted or as directed by that person, but the appropriate authority shall not transfer stock in pursuance of this section except on production to it of a certificate from the Commissioners of Inland Revenue showing either that all death duties payable in Great Britain in respect of the stock have been paid or that no duty is payable in Great Britain in respect thereof.

(2) Where any stock is transferred in pursuance of this section the appropriate authority and the National Debt Commissioners shall, notwithstanding the invalidity of, or any defect in, the probate or letters of administration, be freed, discharged and indemnified from and against all proceedings of any kind whatsoever brought against them by any person whatsoever for or in respect of the transfer of the stock.

(3) In this section “the appropriate authority”, in relation to stock registered otherwise than in a part of the register kept by the trustees of a trustee savings bank, means the Postmaster General, and, in relation to stock registered in a part of the register kept by the trustees of a trustee savings bank, means the trustees of that bank.

(4) This section shall, in its application to Northern Ireland, have effect with the substitution, in subsection (1), for the references to Great Britain, of references to Northern Ireland, and for the reference to the Commissioners of Inland Revenue of a reference to the Minister of Finance for Northern Ireland.

**PART II**

**SAVINGS CERTIFICATES**

Power of  
Treasury to  
issue national  
savings  
certificates.

7.—(1) The Treasury may, by the issue through the Post Office of national savings certificates, borrow such sums as they think proper to raise for the purpose of their being applied in accordance with the following provisions of this section.

(2) National savings certificates shall bear such rate of interest and be subject to such conditions as to repayment or otherwise as the Treasury think fit.

PART II  
—cont.

(3) The principal of, and interest on, any national savings certificates and any expenses incurred in connection with the issue thereof shall be charged on the Consolidated Fund of the United Kingdom (hereafter in this Act referred to as “the Consolidated Fund”).

(4) The Treasury shall from time to time (as they think fit) issue out of the Consolidated Fund, and apply in the purchase, redemption or paying off of any description of debt, sums equal to the moneys borrowed under this section.

(5) The powers conferred on the Treasury by this section shall be in addition to and not in derogation of any other power to borrow for the time being exercisable by the Treasury.

8.—(1) The Treasury may from time to time direct, as respects any national savings certificates, that the currency thereof shall be prolonged to such extent and on such conditions as to interest and otherwise as may be specified in the direction.

Prolongation of currency of national savings certificates.

(2) In this section “currency”, in relation to a savings certificate, means the period at the expiration of which it is required to be redeemed or repaid.

(3) Subsection (1) of this section shall have effect notwithstanding anything in the foregoing provisions of this Part of this Act or in any regulations made, or having effect as if made, under this Act, or any conditions relating to the issue of any national savings certificates, but nothing in that subsection shall prejudice the right of a holder of a national savings certificate, if he so desires, to have the amount payable thereunder paid to him on or before maturity.

9.—(1) The Treasury may make arrangements for enabling the holders of national savings certificates of any issue to exchange them (whether on or before maturity) for national savings certificates of a later issue, or for any other securities, and for the purposes of any such exchange may provide for the issue of such new securities as they think fit and for the cancellation of any savings certificates received in exchange.

Power of Treasury to issue securities in exchange for national savings certificates.

(2) The Treasury may, by statutory instrument, make rules for carrying into effect the provisions of the foregoing subsection, and may by those rules provide, with the necessary modifications, for the matters for which provision could be made under section twenty-nine of the National Debt (Conversion) Act, 1888, and may also by those rules apply, with such modifications as may be necessary, any of the provisions of Part IV of that Act, whether repealed or not, which they think it expedient to apply.

**PART II**  
—cont.

(3) The principal of, and interest on, any securities issued under this section and any expenses incurred in connection with the exchange of savings certificates and the issue of new securities under this section shall be charged on the Consolidated Fund.

(4) There shall be paid to the Bank of England and the Bank of Ireland respectively out of the Consolidated Fund for the management in any financial year of any securities issued under this section such sums as may be agreed upon between the Treasury and those banks respectively.

(5) The definition of “government stock” in section fifty-one of the Finance Act, 1921, shall be amended so as to include securities issued under this section.

War savings  
certificates.

10.—(1) War savings certificates held immediately before the date of the passing of this Act may continue to be held thereafter on the conditions applicable thereto immediately before that date.

(2) The principal of, and interest on, war savings certificates, and any expenses incurred in connection with the redemption thereof, shall be charged on the Consolidated Fund.

Provisions  
supplementary  
to sections 7  
to 10.

11.—(1) For the purposes of this Part of this Act, national savings certificates issued under section fifty-nine of the Finance Act, 1920, shall be deemed to have been issued under this Part of this Act, and any reference therein to money borrowed by the issue of national savings certificates shall, accordingly, be construed as including a reference to money borrowed by the issue of such certificates under that section.

(2) In this Part of this Act “war savings certificates” means the certificates issued by that name under the War Loan Act, 1915, or section fifty-eight of the Finance Act, 1916.

### PART III

#### GENERAL PROVISIONS RELATING TO MONEY RAISED THROUGH THE POST OFFICE

Power of  
Treasury to  
make  
regulations as  
to raising of  
money through  
Post Office.

12.—(1) The Treasury may, by statutory instrument, make regulations with respect to the manner in which and the conditions under which—

(a) money authorised to be raised under the National Loans Act, 1939, may be raised through the Post Office;

(b) money may be raised by the issue of national savings certificates under Part II of this Act.

(2) Regulations under this section may—

- (a) apply any provision of any Act (including this Act) relating to the Post Office, to savings banks, to the Post Office register or to any other matter under the administration of the Postmaster General, or of any regulations made under any such Act, with such modifications as appear necessary or expedient;
- (b) direct that all or any of the provisions of the regulations shall, with such modifications as appear necessary or expedient, apply and be deemed always to have applied, to money raised before the date on which the regulations come into force as they apply to money raised after that date.

PART III  
—cont.

(3) For the purposes of this section, money raised by the issue of war savings certificates (as defined in Part II of this Act) and money raised by the issue of national savings certificates under section fifty-nine of the Finance Act, 1920, shall be treated as having been raised by the issue of national savings certificates under Part II of this Act, and money raised by the issue by the Government of Palestine of such securities as are referred to in section eighty-one of the Finance Act, 1948, shall be treated as having been raised under the National Loans Act, 1939, through the Post Office in, and in the currency of, the United Kingdom.

(4) A statutory instrument containing regulations under this section shall be laid before Parliament.

13. Where the Postmaster General is satisfied that a bond to bearer issued by him on behalf of the Treasury, or a coupon of any such bond, has been lost or destroyed, he may if he thinks fit, and on such conditions as he thinks fit, but subject to any general directions of the Treasury, issue a new bond or coupon on receiving indemnity to his satisfaction against the claims of all persons deriving title under the bond or coupon lost or destroyed.

Power to replace lost or destroyed bonds issued through Post Office or Post Office coupons thereof.

## PART IV

### MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

14.—(1) The principal of, and interest on,  $3\frac{1}{2}\%$  War Loan stock, and any expenses incurred in connection with the redemption thereof, shall be charged on the Consolidated Fund.

Provisions as to  $3\frac{1}{2}\%$  War Loan stock.

(2) There shall be paid to the Banks of England and Ireland, respectively, out of the Consolidated Fund, for the management in every financial year of  $3\frac{1}{2}\%$  War Loan stock, such sums as may be agreed upon between the Treasury and those banks respectively.

**PART IV**  
—*cont.*

Definition of  
“ government  
stock ” and  
consequential  
amendment  
of enactments  
defining it by  
reference to  
Savings Bank  
Act, 1893.

**15.—(1)** In this Act “ government stock ” means securities of the following descriptions:—

2½% Consolidated Stock,  
2¾% Annuities,  
2½% Annuities,  
Guaranteed Land Stock,  
Guaranteed 2¾% Stock,  
Guaranteed 3% Stock,  
3½% War Loan Stock,  
Guaranteed 4½% Bonds,

Any securities issued under the War Loan Act, 1919, the National Loans Act, 1939, section twenty-eight or twenty-nine of the Finance Act, 1935, section twenty-four of the Tithe Act, 1936, section one of the Bank of England Act, 1946, section twenty-one or thirty-two of the Coal Industry Nationalisation Act, 1946, section one of the Cable and Wireless Act, 1946, or section nine of this Act.

(2) For the avoidance of doubt it is hereby declared that the reference in the foregoing subsection to securities issued under the War Loan Act, 1919, or the National Loans Act, 1939, includes a reference to securities which, by virtue of any enactment, are deemed to have been issued, or are required to be treated as having been issued, under either of those Acts.

(3) Without prejudice to subsection (1) of section thirty-eight of the Interpretation Act, 1889 (which relates to the construction of references to enactments which have been repealed and re-enacted), the definition of “ government stock ” provided by the foregoing provisions of this section shall apply for the purposes of the following enactments, that is to say—

subsection (2) of section sixteen of the Building Societies Act, 1894,

section forty-eight of the Finance (No. 2) Act, 1915,

section sixty-six of the Finance Act, 1916,

paragraph (b) of sub-paragraph (1) of paragraph 8 of the

Second Schedule to the National Assistance Act, 1948,  
the National Assistance Act (Northern Ireland), 1948,

section forty-eight of the Finance Act, 1949,

section five of the Miscellaneous Financial Provisions Act, 1955,

and any other enactments (including enactments of the Parliament of Northern Ireland) defining “ government stock ” by reference to the Savings Bank Act, 1893.

Provisions as  
to previous  
effect of s. 8  
of Savings  
Banks Act,  
1920.

**16.** Section eight of the Savings Banks Act, 1920, shall be deemed always to have had effect as if the expression “ savings bank authority ”, in relation to stock registered in a part of the Post Office register kept by the trustees of a trustee savings bank, had included the trustees of that bank.



17.—(1) The enactments mentioned in the first and second columns of the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, and in paragraph (b) of Article 14 of the Government of Ireland (Adaptation of the Taxing Acts) Order, 1922, the words “and section eight of the Savings Banks Act, 1920” are hereby revoked.

PART IV  
—cont.

Repeal and savings.

(2) In so far as any regulation made, or other thing done, under an enactment repealed by this Act (other than a thing expressly dealt with in the foregoing provisions of this Act) could have been made or done under a corresponding provision of this Act, it shall not be invalidated by the repeal effected by the foregoing subsection, but shall have effect as if it had been made or done under that corresponding provision.

(3) Without prejudice to the generality of the last foregoing subsection, the repeal effected by subsection (1) of this section shall not affect any prolongation of the currency of any national savings certificates in pursuance of a direction given by the Treasury before the passing of this Act.

(4) Certificates of investments in government stock issued to savings banks depositors in pursuance of the Savings Banks Act, 1880, shall be deemed, until exchanged for new certificates in pursuance of regulations under Part I of this Act, certificates of stock registered in the Post Office register.

(5) Any document referring to an Act or enactment repealed by this Act shall, so far as is necessary to preserve the effect thereof, be construed as referring (or including a reference) to this Act or the corresponding enactment therein.

(6) 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.

18. Section fifteen of this Act, in so far as it relates to enactments relating to matters with respect to which the Parliament of Northern Ireland has power to make laws shall, for the purposes of section six of the Government of Ireland Act, 1920, be deemed to be provisions of an Act passed before the appointed day within the meaning of the said section six.

Saving for powers of Parliament of Northern Ireland.

19. The provisions of this Act relating to the Post Office register, and section twelve thereof, shall extend to the Isle of Man and the Channel Islands, and the Royal Courts of the Channel Islands shall register the said provisions and section.

Application of certain provisions of Act to Isle of Man and Channel Islands.

20. This Act may be cited as the National Debt Act, 1958.

Short title.

## Section 17.

## SCHEDULE

## ENACTMENTS REPEALED

| Session and Chapter       | Short Title                                               | Extent of Repeal                                                                                                                          |
|---------------------------|-----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| 56 & 57 Vict.<br>c. 69.   | The Savings Bank Act,<br>1893.                            | Section five.<br>The First Schedule.                                                                                                      |
| 9 Edw. 7. c. 42.          | The Irish Land Act,<br>1909.                              | In section two, subsection (3).                                                                                                           |
| 4 & 5 Geo. 5.<br>c. 60.   | The War Loan Act,<br>1914.                                | The whole Act.                                                                                                                            |
| 5 & 6 Geo. 5.<br>c. 7.    | The Finance Act, 1914<br>(Session 2).                     | The whole Act.                                                                                                                            |
| 5 & 6 Geo. 5.<br>c. 55.   | The War Loan Act,<br>1915.                                | The whole Act.                                                                                                                            |
| 5 & 6 Geo. 5.<br>c. 93.   | The War Loan (Supple-<br>mental Provisions)<br>Act, 1915. | Sections one to six.<br>In section eleven, the words from<br>"and so far" onwards.                                                        |
| 6 & 7 Geo. 5.<br>c. 24.   | The Finance Act, 1916.                                    | Section fifty-eight.<br>In section sixty-five, the words<br>"In the application of this<br>section" onwards.                              |
| 6 & 7 Geo. 5.<br>c. 67.   | The War Loan Act,<br>1916.                                | The whole Act.                                                                                                                            |
| 7 & 8 Geo. 5.<br>c. 31.   | The Finance Act, 1917.                                    | Section thirty-three.                                                                                                                     |
| 7 & 8 Geo. 5.<br>c. 41.   | The War Loan Act,<br>1917.                                | The whole Act.                                                                                                                            |
| 8 & 9 Geo. 5.<br>c. 15.   | The Finance Act, 1918.                                    | In section thirty-eight, subsection<br>(1) and, in subsection (5), the<br>definition of "war stock".<br>Section forty-one.                |
| 8 & 9 Geo. 5.<br>c. 25.   | The War Loan Act,<br>1918.                                | The whole Act.                                                                                                                            |
| 9 & 10 Geo. 5.<br>c. 37.  | The War Loan Act,<br>1919.                                | In section one, subsection (4).<br>Section four.<br>In section seven, the words from<br>"and the War Loan Acts, 1914<br>to 1918" onwards. |
| 10 & 11 Geo. 5.<br>c. 12. | The Savings Banks Act,<br>1920.                           | The whole Act.                                                                                                                            |
| 10 & 11 Geo. 5.<br>c. 18. | The Finance Act, 1920.                                    | Section fifty-nine.                                                                                                                       |
| 13 & 14 Geo. 5.<br>c. 14. | The Finance Act, 1923.                                    | Section thirty-three.                                                                                                                     |
| 15 & 16 Geo. 5.<br>c. 34. | The Northern Ireland<br>Land Act, 1925.                   | In section two, subsection (4).                                                                                                           |
| 16 & 17 Geo. 5.<br>c. 22. | The Finance Act, 1926.                                    | Section forty-six.                                                                                                                        |
| 18 & 19 Geo. 5.<br>c. 17. | The Finance Act, 1928.                                    | Section twenty-nine.                                                                                                                      |
| 19 & 20 Geo. 5.<br>c. 27. | The Savings Banks Act,<br>1929.                           | Section twelve.                                                                                                                           |

| Session and Chapter              | Short Title                                       | Extent of Repeal                                                                                                                                                                                     |
|----------------------------------|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 20 & 21 Geo. 5.<br>c. 28.        | The Finance Act, 1930.                            | Section fifty-two.                                                                                                                                                                                   |
| 21 & 22 Geo. 5.<br>c. 28.        | The Finance Act, 1931.                            | Section forty-three.                                                                                                                                                                                 |
| 22 & 23 Geo. 5.<br>c. 25.        | The Finance Act, 1932.                            | Section twenty-three.                                                                                                                                                                                |
| 25 & 26 Geo. 5.<br>c. 24.        | The Finance Act, 1935.                            | In section thirty, in subsection (6), the words "and the First Schedule to the Savings Bank Act, 1893".                                                                                              |
| 26 Geo. 5. & 1<br>Edw. 8. c. 43. | The Tithe Act, 1936.                              | In section twenty-four, subsection (8).                                                                                                                                                              |
| 2 & 3 Geo. 6.<br>c. 41.          | The Finance Act, 1939.                            | In section thirty-five, subsection (3).                                                                                                                                                              |
| 2 & 3 Geo. 6.<br>c. 117.         | The National Loans Act, 1939.                     | In section one, in subsection (4), the words from "and notwithstanding" onwards, and subsection (5).                                                                                                 |
| 5 & 6 Geo. 6.<br>c. 21.          | The Finance Act, 1942.                            | In the Second Schedule, in paragraph (5), sub-paragraph (a).                                                                                                                                         |
| 11 & 12 Geo. 6.<br>c. 49.        | The Finance Act, 1948.                            | In section forty-seven, in subsection (4), in paragraph (c), the words "inscribed or".                                                                                                               |
| 4 & 5 Eliz. 2.<br>c. 6.          | The Miscellaneous Financial Provisions Act, 1955. | In section eighty-one, the words "as if the money raised thereby had been raised under that Act through the Post Office in, and in the currency of, the United Kingdom," and the word "accordingly". |
| 6 & 7 Eliz. 2.<br>c. 8.          | The Trustee Savings Banks Act, 1958.              | In section five, subsection (12), and, in subsection (15), the words "and (12)".                                                                                                                     |
| 6 & 7 Eliz. 2.<br>c. 8.          | The Trustee Savings Banks Act, 1958.              | In section five, subsection (8).                                                                                                                                                                     |



Table of Statutes referred to in this Act

| Short Title                                         | Session and Chapter              |
|-----------------------------------------------------|----------------------------------|
| National Debt Act, 1870 ... ..                      | 33 & 34 Vict. c. 71.             |
| Savings Banks Act, 1880 ... ..                      | 43 & 44 Vict. c. 36.             |
| National Debt (Conversion) Act, 1888 ... ..         | 51 & 52 Vict. c. 2.              |
| Interpretation Act, 1889 ... ..                     | 52 & 53 Vict. c. 63.             |
| Savings Bank Act, 1893 ... ..                       | 56 & 57 Vict. c. 69.             |
| Building Societies Act, 1894 ... ..                 | 57 & 58 Vict. c. 47.             |
| War Loan Act, 1915 ... ..                           | 5 & 6 Geo. 5. c. 55.             |
| Finance (No. 2) Act, 1915 ... ..                    | 5 & 6 Geo. 5. c. 89.             |
| War Loan (Supplemental Provisions) Act, 1915 ... .. | 5 & 6 Geo. 5. c. 93.             |
| Finance Act, 1916 ... ..                            | 6 & 7 Geo. 5. c. 24.             |
| War Loan Act, 1918 ... ..                           | 8 & 9 Geo. 5. c. 25.             |
| War Loan Act, 1919 ... ..                           | 9 & 10 Geo. 5. c. 37.            |
| Savings Banks Act, 1920 ... ..                      | 10 & 11 Geo. 5. c. 12.           |
| Finance Act, 1920 ... ..                            | 10 & 11 Geo. 5. c. 18.           |
| Government of Ireland Act, 1920 ... ..              | 10 & 11 Geo. 5. c. 67.           |
| Finance Act, 1921 ... ..                            | 11 & 12 Geo. 5. c. 32.           |
| Savings Banks Act, 1929 ... ..                      | 19 & 20 Geo. 5. c. 27.           |
| Finance Act, 1935 ... ..                            | 25 & 26 Geo. 5. c. 24.           |
| Tithe Act, 1936 ... ..                              | 26 Geo. 5. & 1 Edw. 8.<br>c. 43. |
| National Loans Act, 1939 ... ..                     | 2 & 3 Geo. 6. c. 117.            |
| Bank of England Act, 1946 ... ..                    | 9 & 10 Geo. 6. c. 27.            |
| Coal Industry Nationalisation Act, 1946 ... ..      | 9 & 10 Geo. 6. c. 59.            |
| Cable and Wireless Act, 1946 ... ..                 | 9 & 10 Geo. 6. c. 82.            |
| National Assistance Act, 1948 ... ..                | 11 & 12 Geo. 6. c. 29.           |
| Finance Act, 1948 ... ..                            | 11 & 12 Geo. 6. c. 49.           |
| Finance Act, 1949 ... ..                            | 12, 13 & 14 Geo. 6.<br>c. 47.    |
| Miscellaneous Financial Provisions Act, 1955 ... .. | 4 & 5 Eliz. 2. c. 6.             |

## CHAPTER 7

### *Manœuvres Act, 1958*

#### ARRANGEMENT OF SECTIONS

##### Section

1. Power to authorise execution of manœuvres.
2. Powers exercisable for purposes of manœuvres.
3. Powers to close highways.
4. Manœuvres commissions.
5. Powers of manœuvres commission to give directions.
6. Supplementary provisions as to issue of directions.
7. Compensation.
8. Offences.
9. Interpretation.
10. Short title, repeals and extent.

An Act to consolidate certain enactments relating to defence manœuvres. [18th December, 1958]

**B**E it enacted by the Queen'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, Her Majesty may from time to time by Order in Council authorise the execution of defence manœuvres within such area (in this Act referred to as "the manœuvres area") and during such period (in this Act referred to as "the manœuvres period"), being a period not exceeding three months and beginning not less than nine months after the date on which the Order is made, as may be specified in the Order; and any such Order (in this Act referred to as a "manœuvres Order")—

Power to authorise execution of manœuvres.

(a) shall define the manœuvres area both by description and by reference to a map, the latter definition prevailing in the case of any discrepancy; and

(b) without prejudice to the power of Her Majesty to authorise any persons to take part in the manœuvres, shall indicate the description of military, naval or air force formations, and the number of such formations of each description, which, at the time when notice of the intention to make the Order was first published in accordance with subsection (3) of this section, were intended so to take part.

(2) No land shall be included in a manœuvres area more than once in any period of five years except—

(a) in the case of land in England or Wales, with the consent of the council of the county or county borough in which the land is situated and, if the land is situated in the New Forest, with the consent of the Verderers of the New Forest;

(b) in the case of land in Scotland, with the consent of the county or town council within whose area the land is situated:

Provided that for the purposes of this subsection a manœuvres Order under which no manœuvres are executed shall be disregarded.

(3) No recommendation shall be made to Her Majesty in Council to make a manœuvres Order unless—

(a) not less than two months before the date on which the Order is to be made, a draft of the Order has been sent—

(i) to each of the following authorities any part of whose area is included in the manœuvres area,

that is to say, any local authority, any river board, the Conservators of the River Thames, the Lee Conservancy Catchment Board, any parish council in England or Wales, and any district council in Scotland ; and

(ii) if any part of the New Forest is so included, to the Verderers of the New Forest ; and

(iii) except when the whole of the manœuvres area is in Scotland, to the National Parks Commission, and notice of the intention to make the Order has been published in local newspapers which between them circulate in all local authority areas which are wholly or partly so included ; and

(b) a draft of the Order has been laid before, and approved by a resolution of, each House of Parliament.

Powers  
exercisable  
for purposes  
of manœuvres.

2.—(1) Subject to the provisions of this Act, any persons taking part with the authority of Her Majesty in the manœuvres authorised by a manœuvres Order (in this Act referred to as “ authorised forces ”) may, under the direction of the Secretary of State, within the manœuvres area and during the manœuvres period—

(a) pass over, and encamp, construct works not of a permanent character and execute defence manœuvres on, any land ; and

(b) supply themselves with water from any source of water and, for that purpose, dam up any running water :

Provided that water shall not by virtue of this subsection be dammed up in such manner as to interfere with the carrying on of any trade or industry, or be taken from any source of supply belonging to a private owner or public authority in such quantities as to reduce the water available for use by the persons entitled to use that source of supply below what is shown to be required by those persons.

(2) The foregoing subsection shall not authorise entry on or interference with—

(a) any dwelling-house, or any premises enclosed within the curtilage of or attached to any dwelling-house ;

(b) any place of worship or ground attached thereto, or any burial ground ;

(c) any school or ground attached thereto ;

(d) any factory, workshop, store or premises used for the carrying on of any trade, business or manufacture ; or

(e) any farmyard, garden, orchard, pleasure ground or nursery ground :

Provided that nothing in this subsection shall restrict the use by the authorised forces of any highway or park.

(3) The officer directing the manœuvres shall take care that there is no interference with earthworks, ruins or other remains of antiquarian or historical interest, or with any picturesque or valuable timber or other natural features of exceptional interest or beauty, and shall be empowered to prevent trespass or damage to property by persons not belonging to those forces, and shall as soon and as far as practicable cause all lands used under the powers conferred by this section to be restored to their previous condition.

(4) Subject to section three and to subsection (1) of section eight of this Act, nothing in this Act shall prejudicially affect any public right or any right of common.

(5) In subsection (4) of section six of the Land Powers (Defence) Act, 1958, for the reference to paragraph (1) of the proviso to section two of the Military Manœuvres Act, 1897, there shall be substituted a reference to subsection (2) of this section.

3.—(1) Where, in the case of, or of any part of, any highway which is a trunk road or a special road within the meaning of the Special Roads Act, 1949, or which is repairable by the inhabitants at large, being a highway or part situated within the manœuvres area, an application for the purpose is made by a person authorised in that behalf by the Secretary of State, and not less than seven days' notice of the intention to make the application has been published in one or more newspapers circulating generally in the district in question, two or more justices of the peace sitting in petty sessions in the petty sessions area within which that highway or part of a highway is situated may, if they think fit, by order—

Powers to close highways.

- (a) subject to such terms and conditions as may be required by the justices for the protection of individuals or of the public or of public bodies, suspend for any part of the manœuvres period not exceeding twelve hours, or
- (b) authorise any officer in command of the authorised forces or any part thereof, being a general or field officer or an officer of corresponding naval or air force rank, to make an order suspending for a time not exceeding six hours in any one day of the said period,

any right of way over that highway or that part of a highway.

(2) In the case of any other highway or part of a highway, being a highway or part situated within the manœuvres area, two justices of the peace may, if they think fit, on the application of a person authorised in that behalf by the Secretary of State, by order—

- (a) suspend for any part of the manœuvres period not exceeding forty-eight hours, or

- (b) authorise any such officer as aforesaid to make an order suspending for a time not exceeding six hours in any one day of the said period,

any right of way over that highway or part of a highway, being a highway or part within the jurisdiction of those justices.

(3) The officer directing the manœuvres shall cause such public notice of any order made under paragraph (a) of either of the two foregoing subsections as the justices may require to be given not less than twelve hours before the order comes into force, and provide for the giving of all reasonable facilities for traffic whilst the order is in force; and any officer making an order by virtue of paragraph (b) of either of the two foregoing subsections shall take such steps as in the circumstances he may consider practicable for giving publicity to his intention to make that order and shall give all reasonable facilities for traffic whilst that order is in force.

(4) The justices acting for the purposes of this section shall not be persons belonging to the authorised forces.

(5) In the application of this section to Scotland—

- (a) the expression “highway” shall be deemed to include any public right of way;
- (b) for the words “repairable by the inhabitants at large” there shall be substituted the words “maintained and managed by a county or town council”; and
- (c) for the words “petty sessions in the petty sessions area” there shall be substituted the words “justice of peace court for the area”.

Manœuvres  
commissions.

4.—(1) Whenever a manœuvres Order is made, a commission (in this Act referred to as a “manœuvres commission”) shall be formed consisting, subject to the next following subsection, of—

- (a) a chairman appointed by the Lord Chancellor;
- (b) four members appointed by the Minister of Agriculture, Fisheries and Food as follows, namely—
- (i) one from amongst persons appearing to that Minister to have had wide experience of, and shown capacity in, matters relating to agriculture;
- (ii) one from amongst persons appearing to that Minister to have had wide experience of, and shown capacity in, matters relating to forestry;
- (iii) one on the nomination of such organisation as may appear to that Minister to represent the interests of farmers; and
- (iv) one on the nomination of such organisation as may appear to that Minister to represent the interests of owners of agricultural land;



- (c) three members appointed by the Minister of Housing and Local Government after consultation with such organisations of local authorities as that Minister considers appropriate and including at least one person appearing to that Minister to be specially qualified to watch over the amenities of the manœuvres area ;
- (d) one member appointed by the Minister of Housing and Local Government on the nomination of the National Parks Commission ; and
- (e) three members appointed by the Secretary of State for War.

(2) Where the whole of the manœuvres area is in Scotland, the provisions of the foregoing subsection shall apply with the following modifications, that is to say—

- (a) in paragraphs (a), (b) and (c) of that subsection, for any reference to any Minister therein mentioned, there shall be substituted a reference to the Secretary of State for Scotland ; and
- (b) paragraph (d) of that subsection shall be omitted.

(3) Where part but not the whole of the manœuvres area is in Scotland, two separate commissions shall be formed, of which—

- (a) one shall be formed in accordance with subsection (1) of this section for so much of the area as is not in Scotland ; and
- (b) the other shall be formed in accordance with that subsection modified in the manner provided by paragraphs (a) and (b) of the last foregoing subsection for so much of the area as is in Scotland ;

and where two commissions are formed in accordance with this subsection, the functions of a manœuvres commission shall be exercisable by each of them in relation to their respective parts of the area :

Provided that each commission shall consult the other in matters appearing to them to be of common concern to them both.

(4) A manœuvres commission may act by three of the members thereof, and notwithstanding any vacancy in the membership thereof.

(5) Any question arising at any meeting of a manœuvres commission shall be decided by the majority of those voting on the question, and if the votes are equal the chairman of the meeting shall have a second or casting vote.

(6) The Secretary of State may make to all or any of the chairman and the other members of any manœuvres commission such payments by way of remuneration or allowances as the

Treasury may approve, and any expenses incurred by a manœuvres commission in the exercise of their functions shall be paid by the Secretary of State.

Powers of manœuvres commissions to give directions.

5.—(1) Subject to section six of this Act, a manœuvres commission formed in connection with a manœuvres Order may issue such directions as the commission may consider necessary or expedient for the purpose of avoiding damage or disturbance in consequence of the execution of the manœuvres authorised by the Order beyond what is necessary for the effective carrying out of those manœuvres.

(2) Any such directions shall be so framed as to impose requirements either on the authorised forces or on, or on any class of, occupiers of land, being land comprised within the manœuvres area or land in the vicinity of land so comprised.

(3) Requirements imposed by the directions on the authorised forces may, where the Commission consider it necessary or expedient for avoiding damage or disturbance, include provisions precluding those forces from entering upon land specified in the directions or from using a source of water so specified, or restricting entry upon such land or the use of such land or such a source of water by those forces, notwithstanding that the land or source of water is within the manœuvres area; and it shall be the duty of the officer directing the manœuvres to issue such instructions to the authorised forces as, in the opinion of that officer, will secure compliance with any such requirements.

(4) If, where a requirement has been imposed by any such directions on the occupier of any land, that occupier without reasonable cause refuses or fails to comply with that requirement and in consequence thereof any livestock of his is injured, or any other property of his is damaged, he shall not be entitled to compensation in respect of that injury or damage under section seven of this Act.

(5) Where, by virtue of subsection (3) of section four of this Act, two manœuvres commissions have been formed in connection with any manœuvres Order, the power to issue directions conferred by this section may be exercised by those commissions either separately in relation to their respective parts of the manœuvres area or jointly in relation to the whole of that area.

Supplementary provisions as to issue of directions

6.—(1) Where a manœuvres commission formed in connection with a manœuvres Order propose to issue any directions under the last foregoing section, the commission shall consult the Secretary of State for War and such other authorities or organisations as they consider appropriate, and shall send to every

local authority any part of whose area is comprised within the manœuvres area the following documents, that is to say—

- (a) a draft of the directions ; and
- (b) a copy of the Order,

together with a notice specifying the time (not being less than twenty-one days) within which, and the manner in which, representations may be made to the commission with respect to the draft directions.

(2) A local authority, upon receiving the documents and notice aforesaid, shall make the documents available for a period of not less than two weeks for inspection by the public during reasonable hours at the offices of the authority or at such other place, being a place within their area, as they may consider appropriate, and shall cause to be published in each week of that period in one or more local newspapers circulating in their area notice of the receipt of those documents stating—

- (a) the place at which and the hours during which the documents may be inspected ; and
- (b) in accordance with the notice sent to the local authority, the time within which, and the manner in which, representations may be made to the commission with respect to the draft directions.

(3) Where any such representations are duly made, the commission shall, after giving not less than fourteen days' notice by advertisement in such local newspapers as appear to them to be appropriate, hold a public inquiry (or, if they think fit, two or more public inquiries) into those representations, and shall make such alterations, if any, in the draft directions as they may think fit having regard to those representations and to the results of any such inquiry.

(4) Not later than four months before the beginning of the manœuvres period, the commission shall transmit the draft directions with any alterations made under the last foregoing subsection to the Secretary of State for War.

(5) Where any draft directions transmitted to the Secretary of State under this section include any such provisions as are mentioned in subsection (3) of section five of this Act, and the Secretary of State is satisfied that any of those provisions would be likely to have the effect of frustrating all or some of the purposes of the manœuvres Order, the Secretary of State may not later than three months before the beginning of the manœuvres period by notice in writing to the commission (a copy of which he shall cause to be laid before each House of Parliament) require the draft directions to be varied by deleting those provisions or by modifying them in such manner as may be specified in the notice :

Provided that any variation required by the Secretary of State by virtue of this subsection shall be the minimum which in his opinion is necessary to prevent any of the purposes of the Order from being frustrated.

(6) Where the Secretary of State determines that no variation of the draft directions is required, he shall as soon as may be give notice to the commission of that determination.

(7) As soon as may be after receipt of a notice under either of the two last foregoing subsections or, if by the date falling three months before the beginning of the manœuvres period no such notice has been received, as soon as may be after that date, the commission shall issue the directions in the form of the draft transmitted to the Secretary of State with any variations required by the Secretary of State under subsection (5) of this section; and where any directions are issued with any such variation the directions shall indicate the nature and extent of the variation.

(8) On the issue of the directions the commission shall publish them in such manner as they may consider most suitable for giving notice of the directions to all persons likely to be affected by them.

(9) Where, in a case to which subsection (5) of section five of this Act applies, directions fall to be issued separately for different parts of the manœuvres area, the reference to that area in subsection (1) of this section shall be construed as a reference to the part of that area in relation to which the functions of the commission in question fall to be exercised.

**Compensation.** 7.—(1) Where a manœuvres Order has been made, full compensation shall be paid out of moneys provided by Parliament for any damage to person or property or any interference with rights or privileges arising from any of the provisions of this Act, whether or not occasioned by the acts or defaults of the authorised forces, including compensation in respect of any expenses reasonably incurred in protecting person, property, rights and privileges and in respect of any damage by reason of excessive weight or extraordinary traffic caused to any highway for the repair of which any public body or any individual is responsible.

(2) The manœuvres commission or commissions formed in connection with the Order shall, with the concurrence of the Treasury, appoint one or more compensation officers to determine as speedily as possible any claim for compensation under this section and settle the amount payable.

(3) The said commission or commissions may make regulations with respect to the procedure for making and determining claims for compensation, for limiting the time within which claims must be made, and for regulating the mode in which compensation is to be paid.

(4) If any claim for compensation under this section is not settled by agreement between a compensation officer appointed under this section and the claimant, the difference between them shall be referred to arbitration; and, in the application of this subsection to Scotland, any question falling to be determined by arbitration shall be determined by a single arbiter appointed, in default of agreement, by the sheriff on the application of any party to the question.

8.—(1) If, within a manœuvres area and during a manœuvres period, any person— Offences.

(a) wilfully and unlawfully obstructs or interferes with the execution of the manœuvres; or

(b) without due authority enters or remains in any camp,

he shall be liable on summary conviction to a fine not exceeding forty shillings, and he and any animal, vehicle or other property under his charge may be removed by any constable, or by, or by order of, any commissioned officer of the authorised forces.

(2) If within the area and during the period aforesaid any person—

(a) without due authority moves any flag or other mark distinguishing for the purpose of the manœuvres any lands; or

(b) maliciously cuts or damages any telegraph wire laid down by or for the use of the authorised forces; or

(c) erects or displays any notice or mark on or relating to any land or source of water within the manœuvres area representing or implying that the use of that land or source is not authorised, other than a notice or mark indicating a restriction imposed by or under this Act,

he shall be liable on summary conviction to a fine not exceeding five pounds.

9. In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say:— Interpretation.

“authorised forces” has the meaning assigned by subsection (1) of section two of this Act;

“local authority” means the council of a county, county borough or county district, or, in relation to Scotland, a county or town council;

“manœuvres area”, “manœuvres Order” and “manœuvres period” have the meanings respectively assigned by subsection (1) of section one of this Act;

“manœuvres commission” has the meaning assigned by subsection (1) of section four of this Act;

“petty sessions area” has the meaning assigned by the Magistrates’ Courts Act, 1952.

Short title,  
repeals and  
extent.

10.—(1) This Act may be cited as the Manœuvres Act, 1958.

(2) The following enactments are hereby repealed, that is to say—

(a) the Military Manœuvres Act, 1897 ;

(b) the Military Manœuvres Act, 1911 ; and

(c) in the Land Powers (Defence) Act, 1958, sections two to five, in subsection (2) of section twenty-seven the words “ two to ” and the words “ except subsection (5) of the said section two ”, and the First Schedule.

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

*Table of Statutes referred to in this Act*

| Short Title                            | Session and Chapter                    |
|----------------------------------------|----------------------------------------|
| Military Manœuvres Act, 1897 ... ..    | 60 & 61 Vict. c. 43.                   |
| Military Manœuvres Act, 1911 ... ..    | 1 & 2 Geo. 5. c. 44.                   |
| Special Roads Act, 1949 ... ..         | 12, 13 & 14 Geo. 6.<br>c. 32.          |
| Magistrates' Courts Act, 1952 ... ..   | 15 & 16 Geo. 6. &<br>1 Eliz. 2. c. 55. |
| Land Powers (Defence) Act, 1958 ... .. | 6 & 7 Eliz. 2. c. 30.                  |

## CHAPTER 8

### *Slaughter of Animals Act, 1958*

#### ARRANGEMENT OF SECTIONS

##### Section

1. Provisions as to slaughter of animals in slaughterhouses and knackers' yards.
2. Provisions as to slaughter of certain swine elsewhere than in slaughterhouses or knackers' yards.
3. Licensing of slaughtermen.
4. Regulations for securing humane conditions of slaughter in slaughterhouses, &c.
5. Penalties.
6. Powers of certain local authorities to employ slaughtermen.
7. Duty of local authorities to execute and enforce this Act.
8. Powers of certain officers to enter slaughterhouses and knackers' yards.
9. Parliamentary control of regulations.
10. Interpretation.
11. Provisions relating to London.
12. Repeals and savings.
13. Short title, extent and commencement.

##### SCHEDULES:

First Schedule—Provisions relating to the Rabbinical Commission for the Licensing of Shochetim.

Second Schedule—Particular matters to be dealt with by regulations under s. 4 relating to horses.

Third Schedule—Enactments repealed.

**An Act to consolidate certain enactments relating to the slaughter of animals.** [18th December, 1958]

**B**E it enacted by the Queen'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, no animal to which this section applies shall, in a slaughterhouse or knacker's yard, be slaughtered otherwise than instantaneously by means of a mechanically-operated instrument in proper repair unless—

Provisions as to slaughter of animals in slaughterhouses and knackers' yards.

- (a) by stunning, effected by means of a mechanically-operated instrument or an instrument for stunning by means of electricity, being in either case an instrument in proper repair, it is instantaneously rendered insensible to pain until death supervenes; or
- (b) by such other means as may, by regulations made by the Minister after consultation with such organisations as appear to him to represent the interests concerned, be authorised for use in the case of all animals to which this section applies, or a class of such animals to which the animal slaughtered belongs, and in all slaughterhouses or knackers' yards or slaughterhouses or knackers' yards of a class to which belongs the slaughterhouse or knacker's yard in which the animal is slaughtered, it is rendered insensible to pain until death supervenes, and there are complied with such conditions (if any) as may, by regulations so made, be expressed to be applicable to the use of those means in the case of all animals to which this section applies or such a class of animals as aforesaid and in all slaughterhouses or knackers' yards or such a class of slaughterhouses or knackers' yards as aforesaid.

(2) Regulations under this section may make such incidental or consequential provision as may appear to the Minister to be necessary or expedient for the purposes of the regulations, including, in particular, in a case where a condition expressed to be applicable to the use of any means of rendering an animal insensible to pain consists in the giving of approval to any matter by a local authority, provision for securing a right of appeal to a magistrates' court against a withholding or withdrawal of approval.

(3) Subsection (1) of this section shall not apply to the slaughter, without the infliction of unnecessary suffering, of an animal—

- (a) by the Jewish method for the food of Jews and by a Jew duly licensed for the purpose by the Rabbinical Commission referred to in the First Schedule to this Act; or

(b) by the Mohammedan method for the food of Mohammedans and by a Mohammedan.

(4) This section applies to horses, cattle, sheep, swine and goats.

Provisions as to slaughter of certain swine elsewhere than in slaughterhouses or knackers' yards.

2.—(1) Subject to the provisions of this section, no swine exceeding twelve weeks in age shall, elsewhere than in a slaughterhouse or knacker's yard, be slaughtered otherwise than instantaneously by means of a mechanically-operated instrument in proper repair unless by stunning, effected by means of a mechanically-operated instrument or an instrument for stunning by means of electricity, being in either case an instrument in proper repair, it is instantaneously rendered insensible to pain until death supervenes.

(2) The foregoing subsection shall not apply to the slaughter of swine at a laboratory, research station or similar institution if the slaughtering is done for the purposes of the diagnosis of disease or for the purposes of research in connection with the arts of veterinary surgery or medicine.

Licensing of slaughtermen.

3.—(1) No animal to which section one of this Act applies shall be slaughtered or stunned in a slaughterhouse or knacker's yard by any person except in accordance with a licence granted by a local authority and in force under this section:

Provided that this subsection shall not apply with respect to the slaughter, under the Diseases of Animals Act, 1950, of an animal by an officer of, or person employed by, the Minister.

(2) Any licence under this section—

(a) shall specify—

(i) the kinds of animals which may be slaughtered or stunned by the holder of the licence ; and

(ii) the types of instruments which may be used by him for slaughtering or stunning any such animal ; and

(b) may, in such cases as may be prescribed by regulations under this section, be granted or renewed subject to a condition prohibiting the slaughter of any animal in pursuance of the licence except under the supervision of the holder of a licence in force under this section which is not subject to a like condition :

Provided that paragraph (a) of this subsection shall not apply to a licence granted for the purposes of the slaughter of animals by the Jewish method for the food of Jews or the Mohammedan method for the food of Mohammedans.



**(3) A licence under this section—**

- (a) shall be in force for such period not exceeding one year as may be specified therein and may be renewed from time to time for a like period at the discretion of the authority by whom it was granted ; and
- (b) except where it authorises the holder to slaughter or stun horses (whether or not it also authorises him to slaughter or stun other animals), shall be in force not only in the district of the authority by whom it was granted but also in the district of any other local authority.

(4) The Minister may make regulations for prescribing qualifications for holding licences, or licences of any class, under this section, and for prohibiting the grant or renewal of such licences to persons not having the prescribed qualifications ; and a licence under this section shall not be granted by a local authority except to a person who has attained the age of eighteen years and is, in their opinion, a fit and proper person to hold such a licence.

(5) A local authority may refuse an application for the grant or renewal of a licence under this section if the applicant has failed to comply with any condition of such a licence previously granted to him by that or any other local authority or has been convicted of an offence under—

- (a) this Act or any of the enactments repealed thereby ;
- (b) the Slaughter of Animals (Scotland) Acts, 1928 to 1954 ;
- (c) the Protection of Animals Act, 1911, or the Protection of Animals (Scotland) Act, 1912 ; or
- (d) any regulations made under this Act, or any order made under section twenty of the Diseases of Animals Act, 1950, regulating the transport of animals.

(6) The local authority by whom a licence under this section was granted may revoke it—

- (a) if they are satisfied that the holder is no longer a fit and proper person to hold it ; or
- (b) if by virtue of the last foregoing subsection they could refuse an application for its renewal.

(7) A local authority may at any time suspend for such period as they may determine the operation within their district of any licence under this section in force therein, and in particular of any such licence held by a person to whom by virtue of subsection (5) of this section they could refuse the grant or renewal of such a licence.

(8) Any person aggrieved by the refusal of a local authority to grant or renew a licence under this section, or by the revocation, or the suspension of the operation, of such a licence, may,

within one month of intimation of the refusal, revocation or suspension, appeal against it to a magistrates' court.

(9) Any person applying to a local authority for a licence under this section shall in his application state—

- (a) whether he holds such a licence granted by any other (and, if so, which) local authority ;
- (b) whether he has been refused such a licence or had such a licence revoked or the operation thereof suspended by any other (and, if so, which) local authority ; and
- (c) whether he has any similar application pending before any other (and, if so, which) local authority.

(10) A local authority may charge a fee not exceeding two shillings for the grant of a licence under this section and a fee not exceeding one shilling for the renewal of such a licence.

(11) A licence granted by any local authority under this section shall be produced on demand for inspection by any other local authority within whose district the licence is in force.

Regulations  
for securing  
humane  
conditions of  
slaughter in  
slaughter-  
houses, &c.

4.—(1) The Minister may, after consultation with such organisations as appear to him to represent the interests concerned, make such regulations as appear to him to be expedient for securing humane conditions and practices in connection with the slaughter, in slaughterhouses and knackers' yards, of animals to which section one of this Act applies ; and such regulations may in particular—

- (a) prescribe requirements as to the construction, lay-out and equipment of premises used as slaughterhouses or knackers' yards ;
- (b) prescribe conditions to be observed in connection with the confinement and treatment of such animals as aforesaid while awaiting slaughter in such premises, and in connection with the slaughter therein of such animals as aforesaid.

(2) Regulations under this section may make different provision in relation to different kinds of animals and in relation to premises used for different purposes in connection with the slaughter of animals and may—

- (a) so far as they are made for the purposes mentioned in paragraph (a) of the foregoing subsection, be made to apply subject to exceptions or modifications in relation to premises constructed or adapted for use before the date on which the regulations come into force ;
- (b) in any case be made without applying, or applying subject to exceptions or modifications, in relation to slaughterhouses forming part of an imported animals' wharf or approved landing place for the purposes of the Diseases of Animals Act, 1950, or applying (with or without exceptions or modifications) only in relation

to any such slaughterhouse of that description as may be specified in the regulations ;

- (c) provide, subject to such limitations and safeguards, if any, as may be specified in the regulations, for the appropriate authority to grant in relation to particular premises, either unconditionally or subject to conditions, exemption from the operation of specific provisions of those regulations where it appears to the authority that compliance with those provisions cannot for the time being reasonably be required with respect to the premises or any activities carried on thereat ;
- (d) provide for the regulations to come into force on different days fixed by, or by an order to be made by statutory instrument under, the regulations in respect of different classes or descriptions of premises and different areas, and for different provisions to come into force on different days ;

and in paragraph (c) of this subsection the expression " appropriate authority ", except in relation to a slaughterhouse provided by a local authority, means a local authority, and in relation to a slaughterhouse so provided means the Minister.

(3) Regulations under this section may make provision corresponding (with or without modifications) with any of the provisions in force immediately before the commencement of the Slaughter of Animals (Amendment) Act, 1954, under subsection (1) of section five of the Protection of Animals Act, 1911, section four of the Slaughter of Animals Act, 1933, or section one of the Slaughter of Animals (Amendment) Act, 1951 ; and, without prejudice to the foregoing provision, regulations so made in relation to horses shall in particular make provision with respect to the matters specified in the Second Schedule to this Act.

(4) Regulations under this section may prescribe penalties for offences against the regulations, not exceeding those specified in section five of this Act, and may impose on the occupiers of premises to which the regulations apply responsibility for compliance with any of the provisions of the regulations ; and subsection (3) of the said section five shall apply in relation to any contravention of the regulations as it applies in relation to a contravention of section one, two or three of this Act.

5.—(1) Subject to the provisions of this section, any person who slaughters or stuns, or attempts to slaughter or stun, any animal in contravention of section one, two or three of this Act, or knowingly makes a false statement for the purpose of obtaining a licence under the said section three, shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds, or to imprisonment for a term not exceeding three months, or to both. Penalties.

(2) A person shall not be guilty of an offence in respect of any such contravention as aforesaid if he proves that by reason of an accident or other emergency the contravention was necessary for preventing physical injury or suffering to any person or animal.

(3) Where a person convicted of an offence in respect of any such contravention as aforesaid (including a person so convicted by virtue of section thirty-five of the Magistrates' Courts Act, 1952) is the holder of a licence granted under Part IV of the Food and Drugs Act, 1955, in respect of the premises where the offence was committed, the court may, in addition to any other penalty, cancel the licence.

Powers of certain local authorities to employ slaughtermen.

6. A local authority who have provided or established a slaughterhouse may, if they think fit, employ persons to slaughter or stun, in accordance with the provisions of this Act, animals to which section one of this Act applies.

Duty of local authorities to execute and enforce this Act.

7. It shall be the duty of every local authority to execute and enforce within their district the provisions of this Act and of any regulations made thereunder.

Powers of certain officers to enter slaughter-houses and knackers' yards.

8.—(1) Subject to the provisions of this section, at any time when business is, or appears to be, in progress, or is usually carried on, in a slaughterhouse or knacker's yard, any officer of the Minister, or any such person as the following appointed by the local authority within whose district the slaughterhouse or knacker's yard is situate, namely, a medical officer of health, a public health inspector or a veterinary surgeon, may enter it for the purpose of ascertaining whether there is or has been any contravention of this Act or any enactment repealed thereby or of any regulations under this Act or any such enactment.

(2) A person who obstructs a person in the exercise of his powers under the foregoing subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding five pounds.

(3) Subsection (1) of this section shall not authorise entry into a slaughterhouse 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 Act, 1950.

Parliamentary control of regulations.

9. Any power to make regulations under this Act shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Interpretation.

10. In this Act the following expressions have the meanings hereby assigned to them respectively, that is to say:—

“contravention”, in relation to a provision of this Act or of any regulations thereunder, includes a failure to comply with that provision;

“horse” includes ass and mule;

“knacker’s yard” means any building, premises or place used in connection with the business of killing animals whose flesh is not intended for sale for human consumption ;

“local authority” means—

(a) for the purposes of the application of this Act elsewhere than to the administrative county of London, the council of a county borough, non-county borough, urban district or rural district ;

(b) for the purposes of the application of this Act to the administrative county of London, the council of a metropolitan borough or the Common Council of the City of London ;

“the Minister” means the Minister of Agriculture, Fisheries and Food ;

“slaughterhouse” means any building, premises or place used in connection with the business of killing animals whose flesh is intended for sale for human consumption.

11.—(1) In its application to the administrative county of London, subsection (3) of section five of this Act shall have effect as if for the reference to Part IV of the Food and Drugs Act, 1955, there were substituted a reference to sections one hundred and forty-four and one hundred and forty-five of the Public Health (London) Act, 1936. Provisions relating to London.

(2) For the purposes of this Act the Metropolitan Cattle Market shall be deemed to be within the City of London and not to be within the metropolitan borough of Islington.

(3) The council of a metropolitan borough and the Common Council of the City of London may make such charges as they consider reasonable for the services of persons employed by them by virtue of section six of this Act.

12.—(1) The enactments mentioned in the first and second columns of the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule. Repeals and savings.

(2) In so far as any regulation made, licence granted or other thing done under any enactment repealed by this Act could have been made, granted or done under a corresponding provision of this Act, it shall not be invalidated by the repeal effected by the foregoing subsection but shall have effect as if it had been made, granted or done under that corresponding provision.

(3) Any document referring to any Act or enactment repealed by this Act shall, unless the context otherwise requires, be construed as referring to this Act or the corresponding enactment therein.

(4) The mention of particular matters in this section shall be without prejudice to the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

Short title,  
extent and  
commence-  
ment.

**13.—(1)** This Act may be cited as the Slaughter of Animals Act, 1958.

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

**(3)** This Act shall come into operation at the expiration of the period of one month beginning with the date of its passing.

## SCHEDULES

### FIRST SCHEDULE

#### PROVISIONS RELATING TO THE RABBINICAL COMMISSION FOR THE LICENSING OF SHOCHETIM

##### *Membership*

1. The Rabbinical Commission for the licensing of Shochetim shall consist of a permanent chairman and nine other members.

2. The Chief Rabbi of the United Hebrew Congregations of the British Empire shall, by virtue of his office, be the permanent chairman of the said Commission.

3. Of the members of the said Commission other than the permanent chairman—

- (a) one, who shall be a vice-chairman, shall be appointed by the Spanish and Portuguese Synagogue (London);
- (b) three shall be appointed by the Beth Din appointed by the United Synagogue (London);
- (c) two shall be appointed by the Federation of Synagogues (London);
- (d) one shall be appointed by the Union of Orthodox Hebrew Congregations (London); and
- (e) two shall be appointed by the president for the time being of the London committee of deputies of British Jews to represent provincial congregations.

##### *Supplementary provisions*

4. The functions of the said Commission shall be exercisable notwithstanding any vacancy amongst the members thereof.

5. The quorum of the said Commission shall be four.

Section 4.

### SECOND SCHEDULE

#### PARTICULAR MATTERS TO BE DEALT WITH BY REGULATIONS UNDER S. 4 RELATING TO HORSES

1. Construction, equipment and lay-out of lairages, including provision of racks for fodder and supply of water.

2. Feeding and watering of horses pending slaughter.

3. Construction, equipment and lay-out of premises, rooms or compartments in which the slaughter takes place, and conditions to be observed therein at the time of slaughter.

4. Disposal of blood, offal and refuse.

5. Notices to be given and returns to be made to local authorities by persons carrying on business as slaughterers of horses, and records to be kept by such persons.

**THIRD SCHEDULE**  
**ENACTMENTS REPEALED**

Section 12.

| Session and Chapter       | Short Title                                     | Extent of Repeal                                                                                                                                                                                                                                              |
|---------------------------|-------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 23 & 24 Geo. 5.<br>c. 39. | The Slaughter of Animals Act, 1933.             | The whole Act.                                                                                                                                                                                                                                                |
| 1 & 2 Eliz. 2.<br>c. 27.  | The Slaughter of Animals (Pigs) Act, 1953.      | The whole Act.                                                                                                                                                                                                                                                |
| 2 & 3 Eliz. 2.<br>c. 59.  | The Slaughter of Animals (Amendment) Act, 1954. | Sections two to nine.<br>In section ten, subsection (2).<br>In section eleven, subsection (2).<br>In section twelve, subsection (2).<br>The First Schedule.<br>In the Second Schedule, in Part I, the entries relating to the Slaughter of Animals Act, 1933. |
| 6 & 7 Eliz. 2.<br>c. 70.  | The Slaughterhouses Act, 1958.                  | Section eight.<br>In section nine, in subsection (1), the words " or by virtue of ".<br>In section thirteen, the proviso to subsection (1).<br>The Second Schedule.                                                                                           |

*Table of Statutes referred to in this Act*

| Short Title                                       | Session and Chapter                    |
|---------------------------------------------------|----------------------------------------|
| Interpretation Act, 1889 ... ..                   | 52 & 53 Vict. c. 63.                   |
| Protection of Animals Act, 1911 ... ..            | 1 & 2 Geo. 5. c. 27.                   |
| Protection of Animals (Scotland) Act, 1912 ... .. | 2 & 3 Geo. 5. c. 14.                   |
| Slaughter of Animals Act, 1933 ... ..             | 23 & 24 Geo. 5. c. 39.                 |
| Public Health (London) Act, 1936 ... ..           | 26 Geo. 5. & 1 Edw. 8.<br>c. 50.       |
| Diseases of Animals Act, 1950 ... ..              | 14 Geo. 6. c. 36.                      |
| Slaughter of Animals (Amendment) Act, 1951 ... .. | 14 & 15 Geo. 6. c. 49.                 |
| Magistrates' Courts Act, 1952 ... ..              | 15 & 16 Geo. 6. &<br>1 Eliz. 2. c. 55. |
| Slaughter of Animals (Amendment) Act, 1954 ... .. | 2 & 3 Eliz. 2. c. 59.                  |
| Food and Drugs Act, 1955 ... ..                   | 4 & 5 Eliz. 2. c. 16.                  |

## CHAPTER 9

An Act to repeal section eighty-eight of the Representation of the People Act, 1949. [18th December, 1958]

**B**E it enacted by the Queen'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:—

Withdrawal of restriction on use of motor-cars at parliamentary elections.  
12, 13 & 14 Geo. 6. c. 68.  
2 & 3 Eliz. 2. c. 8.

1. Section eighty-eight of the Representation of the People Act, 1949 (which makes it an illegal practice for more than a limited number of motor vehicles to be used at a parliamentary election on behalf of a candidate), and in paragraph 3 of the Schedule to the Electoral Registers Act, 1953, the words from "or in subsection (6) of section eighty-eight" to "parliamentary elections)," are hereby repealed.

Short title and extent.

2.—(1) This Act may be cited as the Representation of the People (Amendment) Act, 1958, and shall be included among the Acts which may be cited as the Representation of the People Acts.

(2) Nothing in this Act affects the law relating to the Parliament of Northern Ireland.





## TABLE III

### Chronological List of the Church Assembly Measures, 1958

Measures passed by the National Assembly of the Church of England  
which received the Royal Assent during the year 1958

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6 & 7 Eliz. 2

No. 1. Church Funds Investment Measure, 1958, p. ii.

No. 2. Church Schools (Assistance by Church Commissioners)  
Measure, 1958, p. xiv.

6 &amp; 7 ELIZ. 2

No. 1

A MEASURE passed by the National Assembly of the Church of England.

To make better provision for the investment of certain funds of or connected with the Church of England.  
[20th February, 1958]

The Scheduled Scheme to have effect.

1. The Scheduled Scheme shall have effect for the purpose of enabling the funds to which this Measure applies to be invested as provided by the said Scheme.

Funds to which the Measure applies.

2. The funds to which this Measure applies are:—

- (a) The corporate funds of the Central Board ;
- (b) The corporate funds of any Diocesan Authority ;
- (c) The funds of any Church Educational Endowment ; and
- (d) Any funds held for the time being by the Central Board or a Diocesan Authority or any other person or body upon any trust for objects which are connected with the work of the Church of England and which are exclusively charitable objects, other than a trust coming into operation after the date of this Measure which by its terms expressly provides that this Measure shall not apply to it.

Contributions to Investment Funds and deposits in Deposit Funds to be authorised investments.

3.—(1) Notwithstanding anything contained in any trust instrument the trustees or other persons or bodies responsible for the investment of a fund to which this Measure applies may from time to time invest such fund or part thereof by contributing the same to an Investment Fund, or by depositing moneys belonging to such fund in a Deposit Fund. Such contribution and deposit shall for all purposes be an authorised investment of the moneys of such fund.

(2) In the administration of any trust, assets of which have been contributed to an Investment Fund, all sums distributed from that Investment Fund as income shall be treated as income of the trust, and all sums distributed on withdrawal from or on the winding up of that Investment Fund shall, unless specifically designated by the Central Board as income, be treated as capital of the trust.

4. Notwithstanding that the assets comprised in an Investment Fund may include land, an interest in an Investment Fund shall not, for the purpose of any enactment or rule of law concerning charities or of any trust instrument, be deemed to be an interest in land or in moneys to be laid out in the purchase of land.

Interests in Investment Funds not interests in land.

5.—(1) In the administration of an Investment Fund or of a Deposit Fund the Central Board shall enjoy the same exemption from the powers and jurisdiction of the Minister of Education or the Board of Charity Commissioners for England and Wales as it would enjoy if it had been one of the bodies exempted by section sixty-two of the Charitable Trusts Act, 1853, from the operation of that Act.

Jurisdiction of Minister of Education and Charity Commissioners.  
16 & 17 Vict. c. 137.

(2) A contribution to or a withdrawal from an Investment Fund (whether or not involving a transfer of land or any interest therein) or a deposit in or withdrawal from a Deposit Fund, being a contribution deposit or withdrawal made in respect of a fund to which this Measure applies, shall not require the consent or direction of the Minister of Education or the Board of Charity Commissioners for England and Wales except as regards a fund or any land or other property comprised therein which is or is to be vested in the Official Trustee of Charity Lands or the Official Trustees of Charitable Funds.

(3) Save as aforesaid nothing in this Measure or in the Scheduled Scheme shall affect any power or jurisdiction of the said Minister or Board of Charity Commissioners.

6. The Prevention of Fraud (Investments) Act, 1939, shall not apply to any dealings undertaken by or on behalf of the Central Board, or to any documents issued by or on behalf of the Central Board or a Diocesan Authority, in connection with the constitution or operation of an Investment Fund or a Deposit Fund.

Exclusion of Prevention of Fraud (Investments) Act, 1939.  
2 & 3 Geo. 6. c. 16.

7. Nothing in this Measure or the Scheduled Scheme shall authorise the Central Board to exercise the power to borrow contained in the Scheduled Scheme otherwise than in accordance with any Order made under Section One of the Borrowing (Control and Guarantees) Act, 1946, and for the time being in force.

Saving for the Borrowing (Control and Guarantees) Act, 1946.  
9 & 10 Geo. 6. c. 58.

8. In this Measure—

Definitions.

“The Central Board” means the Central Board of Finance of the Church of England, but includes in sections three, five, six and seven any body substituted for that Board pursuant to paragraph 17 of the Scheduled Scheme;

“Church Educational Endowment” means an educational endowment which includes among the purposes for

which it has been made applicable or is applied instruction in religious knowledge according to the faith and practice of the Church of England ; and for this purpose the expression “ educational endowment ” means an endowment or any part of an endowment which, or the income whereof, has been made applicable or is applied for the purposes of education, whether the same has been made so applicable by the original instrument of foundation or by any subsequent Act of Parliament, Measure, letters patent, decree, scheme, order, instrument, or other authority ;

“ Deposit Fund ” means any Deposit Fund constituted by or pursuant to the Scheduled Scheme ;

“ Diocesan Authority ” means a Diocesan Board of Finance, including any existing or future body exercising the functions of a Diocesan Board of Finance for the purposes of the Diocesan Boards of Finance Measure, 1925, and any body appointed by a Diocesan Conference to act as Trustees of any Diocesan trust property ;

“ Investment Fund ” means any Investment Fund constituted by or pursuant to the Scheduled Scheme ;

“ The Scheduled Scheme ” means the Scheme contained in the Schedule to this Measure ;

“ Trust instrument ” means any Act of Parliament, Measure, trust deed, letters patent, decree, scheme, order or other instrument or authority affecting the administration of a fund to which this Measure applies.

15 & 16 Geo. 5.  
No. 3.

Short title  
and extent.

9.—(1) This Measure may be cited as the “ Church Funds Investment Measure, 1958.”

(2) This Measure shall extend to the whole of the Provinces of Canterbury and York except the Channel Islands and the Isle of Man :

21 & 22 Geo. 5.  
No. 4.

Provided that this Measure may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measure, 1931, or either of them in accordance with the provisions of that Measure :

Provided also that, if an Act of Tynwald so provides, this Measure shall extend to the Isle of Man subject to such modifications, if any, as may be specified in such Act of Tynwald.

## SCHEDULE

Sections 1, 8

## SCHEME

## 1. In this Scheme—

Definitions.

“The Auditors” means, in relation to a particular Investment Fund or Deposit Fund, the persons appointed by the Central Board to audit the accounts of that Fund, or if no persons have been specially so appointed, the auditors of the Central Board ;

“The Central Board” means the Central Board of Finance of the Church of England and includes, unless the context otherwise requires, any body substituted for the Central Board pursuant to paragraph 17 hereof ;

“The commencement date” means, as regards any particular Investment Fund or Deposit Fund, the date fixed by the Central Board as the date on which such Investment Fund or Deposit Fund is to commence operating ;

“Contributing Fund” means, in relation to a particular Investment Fund, a fund assets of which have been contributed to and have not subsequently been wholly withdrawn from that Investment Fund ;

“Diocesan Authority” has the meaning ascribed thereto in the Measure ;

“The Holder of a fund” means the following persons and bodies, namely :—

(a) In relation to the corporate funds of the Central Board or a Diocesan Authority, the Central Board or the Diocesan Authority as the case may be ;

(b) In relation to any other fund to which the Measure applies, the trustee or trustees in whom that fund is vested, and so that a custodian trustee or like person in whom a fund is vested shall be deemed to be the Holder to the exclusion of any managing trustees on whose directions the custodian trustee or like person is required to act ;

“The Holder of a Share” means, in relation to any Share in an Investment Fund, the person or body in whose name such Share is recorded in the books of the Central Board ;

“Investment Fund” means the Investment Fund constituted by this Scheme or any Investment Fund which may hereafter be constituted under the powers contained in this Scheme, and “Deposit Fund” means the Deposit Fund constituted by this Scheme or any Deposit Fund which may hereafter be constituted under the powers contained in this Scheme ;

“The Measure” means the Church Funds Investment Measure, 1957, to which this Scheme is Scheduled ;

“Trust instrument” has the meaning ascribed thereto in the Measure ;

“Valuation date” means, as regards any Investment Fund, a date on which a valuation of that Investment Fund is made in accordance with this Scheme.

### *Investment Funds*

Constitution of  
Investment  
Funds.

2.—(1) There is hereby constituted an Investment Fund to be held by the Central Board, consisting of such contributions as may from time to time be made thereto in accordance with the provisions of this Scheme and the property for the time being representing the same. Such Investment Fund shall commence operations on such date as the Central Board may fix.

(2) The Central Board may at any time or times constitute one or more additional Investment Funds and may fix the date or dates on which they shall commence operating.

(3) The Central Board may on the constitution of an Investment Fund by instrument in writing declare that the class of funds from which contributions may be made to that Investment Fund shall be restricted in manner declared in the instrument; but subject as aforesaid, and save as provided in paragraph 5 hereof, all the provisions of this Scheme shall apply equally to the original and any additional Investment Fund.

Contributions.

3.—(1) Subject to the requisite consents or directions mentioned in sub-paragraphs (2) and (3) being obtained, and subject also to compliance with the provisions of this Scheme and with such conditions as the Central Board may from time to time prescribe with regard to the length of notice to be given and the procedure to be followed by the Holder, the Holder of any fund to which the Measure applies may contribute in respect of that fund to an Investment Fund, by paying or transferring to the Central Board for the purpose of that Investment Fund cash or other assets of the fund, or, in a case where the fund is already vested in the Central Board, by appropriating cash or other assets of the fund to that Investment Fund.

(2) The consent of the Central Board shall be requisite to any contribution to an Investment Fund, and nothing in this Scheme shall limit the discretion of the Central Board to refuse to accept any contribution or to refuse to accept any particular asset by way of contribution.

(3) In a case where the Holder of a fund is, under the provisions of a trust instrument relating to that fund, required in investing that fund to obtain the consent of some other person or body, or to act on the directions of some other person or body, the consent or direction of such other person or body shall also be requisite for a contribution in respect of that fund to an Investment Fund; but this provision shall not apply to any consent or direction which by virtue of the provisions of subsection (2) of section five of the Measure is not required for such contribution; and in any event the Central Board shall not be concerned to see that any such consent or direction has been obtained.

Administration  
as common  
fund.

4. An Investment Fund shall be held and administered as a common fund for the benefit of the Contributing Funds.

5.—(1) Subject as hereinafter provided any moneys comprised in an Investment Fund shall from time to time be invested at the discretion of the Central Board in the purchase of any investments or property of any sort either real or personal and whether or not being investments or property authorised by the general law for the investment of trust funds, or upon loan upon the security of any property of any description or without security: Provided that if, on the constitution of an Investment Fund, the Central Board shall by instrument in writing declare that the power of investment of moneys comprised in that Investment Fund shall be restricted in manner declared in the instrument, the provisions of this paragraph shall have effect as regards that Investment Fund subject to the terms of such instrument.

(2) Moneys which the Central Board does not think fit immediately to invest may be deposited in a Deposit Fund or at any bank.

(3) The Central Board may from time to time at its discretion transpose or vary the investments comprised in an Investment Fund for or into any others authorised by this paragraph.

(4) In relation to land, whether freehold or leasehold, the Central Board may exercise all the powers of management or improvement which could be exercised by an absolute owner holding the land beneficially.

6.—(1) For convenience in recording the respective interests of the Holders of the Contributing Funds in an Investment Fund each Investment Fund shall be regarded as being divided into Shares each of which shall represent an equal undivided part or share in that Investment Fund. Such Shares shall be recorded in the names of the Holders for the time being of the Contributing Funds in books to be kept for that purpose by the Central Board. No fraction of any Share shall in any event be recorded by the Central Board.

(2) Such Shares and the interests represented thereby shall not be capable of being transferred or assigned; but on any change occurring in the Holder of a Contributing Fund the Central Board shall (subject to the provisions of paragraph 15 hereof) record the Shares affected in the name of the new Holder.

(3) The Central Board shall not be concerned with any trusts or equities affecting any Share in an Investment Fund notwithstanding that it may have notice of such trusts or equities nor shall the Central Board recognise (even when having notice thereof) any rights in respect of a Share except an absolute right to the entirety thereof in the Holder thereof. Payment or transfer to the Holder of a Share shall discharge the Central Board in respect of any sum paid or assets transferred in respect of that Share.

(4) No documents of title shall be issued by the Central Board in respect of Shares in any Investment Fund but the Central Board shall at any time upon request certify to the Holder of any Contributing Fund the number of Shares recorded in the name of such Holder.

7. On the commencement date of each Investment Fund the initial contributions received or to be received by the Central Board for the purposes of that Investment Fund shall be valued and the

Investment.

Shares in  
Investment  
Funds.Initial  
contributions:  
division into  
Shares.

Central Board shall determine the number of Shares into which the Fund shall be divided. Such Shares shall be recorded in the names of the respective Holders of Contributing Funds in proportion to the values as at the said date of their contributions.

Subsequent  
contributions  
and  
withdrawals.

8.—(1) Every contribution to an Investment Fund which is made after its commencement date shall be made at or to take effect from a valuation date and shall consist of cash equal to the basic value at that date of one or more complete Shares in that Investment Fund arrived at in accordance with sub-paragraph (3) of paragraph 9 hereof or (with the consent of the Central Board) assets other than cash equal in value thereto; and as from that date the number of Shares into which that Investment Fund is divided shall be increased accordingly and the additional Share or Shares shall be recorded in the name of the Holder of the Contributing Fund.

(2) With every such contribution as is mentioned in sub-paragraph (1) of this paragraph there shall be paid to the Central Board in addition to the basic value of the Shares such surcharge (if any) as the Central Board may assess as the appropriate surcharge for the purposes of sub-paragraph (5) of this paragraph: Provided that in the event of the Central Board accepting a contribution in the form of assets other than cash no such surcharge shall be payable but the Holder of the Contributing Fund shall bear the costs of transferring to and vesting in the Central Board for the purposes of the Investment Fund the assets in question.

(3) Subject to compliance with such conditions as the Central Board may from time to time prescribe regarding the notice to be given on withdrawal any Holder of Shares in an Investment Fund may at any valuation date withdraw all or any of those Shares in which event there shall be paid or transferred to such Holder as soon as practicable after the valuation date in question cash or assets other than cash as may be agreed between the Holder and the Central Board of an amount or value equal at that valuation date to the basic value of the Share or Shares withdrawn arrived at in accordance with sub-paragraph (3) of paragraph 9 hereof less such deduction (if any) as the Central Board may assess as the appropriate deduction for the purposes of sub-paragraph (5) of this paragraph. Provided that if assets other than cash are transferred to the Holder in satisfaction of the basic value of a Share no such deduction shall be made but the Holder shall bear the costs of transferring the assets in question. On any such withdrawal from an Investment Fund the number of Shares into which that Investment Fund is divided and the number of Shares recorded in the name of the Holder concerned shall as from the relevant valuation date be reduced by the number of Shares withdrawn.

(4) Any notice of withdrawal shall be given by the Holder of the Share in respect of which the withdrawal is to be made. Before giving such notice the Holder shall obtain the consent or direction of any other person whose consent or direction would be necessary on a sale by the Holder of investments comprised in the Contributing Fund; but this provision shall not apply to any consent or direction which by virtue of the provisions of subsection (2) of section five of the Measure is not required for such withdrawal; and in any event the Central Board shall not be concerned to see that any such consent or direction has been obtained.



(5) In order to ensure that the basic value of the Shares in an Investment Fund shall not be affected to a material extent by the effects of contributions or withdrawals the Central Board shall assess and impose such surcharge (if any) in respect of any contributions in cash made to an Investment Fund subsequent to the commencement date and shall assess and impose such deduction (if any) in respect of any withdrawals in cash from an Investment Fund as it shall consider appropriate: Provided always that in respect of all contributions in cash made as on the same valuation date the surcharge shall be of the same amount per Share, and that in respect of all withdrawals in cash made as on the same valuation date the deduction shall be of the same amount per Share.

(6) When notice of withdrawal has been given in respect of any Share in an Investment Fund the Central Board may pending the payment out of the proceeds of withdrawal advance to the Holder of the Share such sum as it may think fit, not exceeding the sum which it estimates to be the net amount which will be payable to such Holder by virtue of the withdrawal of the Share. Any sum so advanced shall be repayable with interest at such rate as may have been agreed at the time of the advance on the date of the payment out of the proceeds of withdrawal of the Share concerned; and the Central Board shall be entitled to a lien on the proceeds of withdrawal of any Share for any amount advanced to the Holder of such Share pursuant to this sub-paragraph and for interest thereon.

9.—(1) The Central Board shall value each Investment Fund on such dates, approximately half-yearly, as it may determine and may value an Investment Fund on any other dates if it shall think fit to do so. The Central Board shall notify in advance each valuation date to the Holders of Shares in the Investment Fund to be valued on that date. Valuations.

(2) The following provisions shall apply to any valuation made for the purposes of this Schedule of an Investment Fund or of any assets contributed to or withdrawn from an Investment Fund:—

- (a) Investments quoted on a Stock Exchange shall be taken at the mid-market price on the valuation date as published in relation to the relevant Stock Exchange, or, if there is no published price on that date, the mid-market price on the last day preceding that date for which there is a published price. In the case of investments quoted on more than one Stock Exchange the expression "the relevant Stock Exchange" means for this purpose such Stock Exchange as the Central Board may consider to be the most appropriate;
- (b) All assets other than investments quoted on a Stock Exchange shall be taken at such value as may be determined on each occasion by the Central Board; and for this purpose the Central Board shall be entitled at its discretion to obtain and to accept a valuation of any asset made by a professional valuer accountant stockbroker or other person considered by the Central Board to be qualified to make such valuation or to treat the cost of acquisition of any asset as the value thereof or to make such estimates of value as they may consider appropriate;

(c) Fractions of one pound may be disregarded or rounded off to the nearest one penny.

(3) The basic value of a Share shall be arrived at by (i) deducting from the value of an Investment Fund as valued in accordance with sub-paragraphs (1) and (2) of this paragraph any amount which the Central Board may have determined to distribute as income but which has not yet been withdrawn from the Investment Fund; (ii) dividing the balance by the number of Shares into which the Fund is divided; and (iii) rounding off the resulting figure to the nearest one-tenth of one penny.

Certificates  
as to value.

10. A certificate of the Central Board as to the value of an Investment Fund or of any asset contributed to or withdrawn from an Investment Fund or as to the basic value of a Share in an Investment Fund or as to the amount of any surcharge to be paid under sub-paragraph (2) of paragraph 8 hereof or of any deduction to be made under sub-paragraph (3) of paragraph 8 hereof shall be binding upon all concerned.

Income.

11.—(1) The Central Board may decide at its discretion (and without regard to any rule of law usually applicable to trust funds) whether any special dividend, bonus issue of shares or other cash or property received by it in respect of property comprised in an Investment Fund shall be treated as income or capital or shall be apportioned. The Central Board may in like manner decide any question of apportionment between income and capital which may arise on a contribution or a withdrawal or on the acquisition or disposal of any asset.

(2) Notwithstanding any rule of law concerning accumulations any part of the net income of an Investment Fund may at the discretion of the Central Board be at any time transferred to the capital of that Investment Fund and unless and until so transferred shall be available for distribution as income.

(3) The Central Board shall as on each valuation date determine the amount (if any) to be distributed as income in respect of an Investment Fund. Each such distribution of income shall be made on or as soon as practicable after the valuation date in question to the Holders of the Shares in that Investment Fund in proportion to the numbers of Shares recorded in their names on the day preceding that valuation date and the amount determined to be distributed shall be deducted in arriving at the basic value of the Shares in that Investment Fund as at that valuation date. The Central Board may at any time at its discretion make interim distributions of income.

Costs and  
expenses.

12. The Central Board shall be entitled to retain out of the income or capital of an Investment Fund any costs or expenses incurred by it in constituting or administering or winding up that Investment Fund, or otherwise incurred in connection with the Fund or in connection with any assets comprised therein, including a due proportion of any overhead expenses of the Central Board. The certificate of the Central Board as to the amount of any such costs or expenses shall be conclusive. The Central Board may decide at

its discretion (and without regard to any rule of law usually applicable to trust funds) whether any costs or expenses shall be charged to income or capital or shall be apportioned and may at its discretion recoup out of subsequent income costs or expenses initially charged to capital.

13. Any moneys required to be raised for the purpose of making any payment to be made under this Scheme out of an Investment Fund, or for the purpose of the management or improvement of any assets comprised in that Investment Fund, or for the purpose of discharging any liability properly payable out of such assets, or for payment of any such costs or expenses as are mentioned in paragraph 12 hereof, may be raised by the Central Board either by selling or by borrowing on the security of any asset of that Investment Fund. Borrowing.

14. The Central Board shall keep accounts of the assets and liabilities of each Investment Fund and of its income and expenditure and shall cause such accounts to be audited by the Auditors. The Central Board shall circulate half-yearly to the Holders of the Shares of each Investment Fund a report on the operation of that Investment Fund, and within eighteen months from the commencement date of that Investment Fund and thereafter not less frequently than once in every subsequent calendar year an audited balance sheet, capital account and statement of income and expenditure made up to the last half-yearly valuation date. There shall be shown in each such balance sheet, or in a statement annexed thereto, the basic value of a Share in the Investment Fund at the date as at which the balance sheet is made up and the amount per Share which the Central Board had as on that date determined to distribute as income; and there shall be shown in each such statement of income and expenditure, or in a statement annexed thereto, the amount (if any) which the Central Board had determined to distribute as income and the amount of income (if any) which the Central Board had determined to transfer to capital pursuant to paragraph 11 hereof. Accounts and information.

15.—(1) The Central Board may accept, as conclusive of the matters stated therein, a certificate by a Diocesan Authority certifying as regards any fund (whether or not being a fund vested in the Diocesan Authority) any or all of the following matters, namely:— Certificate of Diocesan Authority.

- (a) that the fund is a fund to which the Measure applies;
- (b) that, in relation to any Investment Fund to which restrictions have been applied pursuant to sub-paragraph (3) of paragraph 2 hereof, the fund falls within the class of funds from which contributions may be made to that Investment Fund;
- (c) that the Holder of the fund is the person or persons or body named in the certificate.

(2) The Central Board may assume, until otherwise expressly notified, that the person or persons or body previously so certified to be the Holder, or otherwise ascertained to be the Holder, continues to be the Holder of a fund.

16. Any property comprised in an Investment Fund may be held in the name of or under the control of the Central Board, or at the discretion of the Central Board in the name of or under the Holding of investments.

control of any trust corporation as nominee for the Central Board ; and in the latter case the Central Board may out of the income of the Investment Fund remunerate any such nominee.

Replacement  
of Central  
Board.

17. The Central Board may by instrument in writing, confirmed by resolution of the National Assembly of the Church of England, appoint some other body corporate having objects concerned with the work of the Church of England to hold and administer all or any of the Investment Funds for the time being constituted hereunder in place of the Central Board and generally to exercise in relation to such Investment Fund or Investment Funds all functions vested in the Central Board by this Scheme ; and as from the execution and confirmation of such an instrument this Scheme (including this present paragraph) shall, in relation to such Investment Fund or Investment Funds, operate as if for any reference in this Scheme to the Central Board were substituted a reference to such other body, save only where the reference relates to the Central Board as holder of its own corporate funds.

Winding up of  
an Investment  
Fund.

18. The Central Board may by instrument in writing declare that an Investment Fund shall be wound up as from a date specified in the instrument. On such declaration, the Central Board shall, as from the specified date, distribute the net assets of that Investment Fund (after discharging the costs of winding up and all other liabilities properly payable out of such assets) among the Holders of the Shares in that Investment Fund in proportion to their holdings of such Shares. For the purpose of such winding up the Central Board may at its discretion—

- (a) Appropriate any assets in specie to any Share of the Investment Fund and so that different assets may be appropriated to different Shares ;
- (b) Sell any asset or otherwise convert the same into money ;
- (c) Make or cause to be made any necessary valuations, make payments to secure equality, and generally settle any questions requiring to be settled for the purpose of the distribution.

#### *Deposit Funds*

Constitution  
of Deposit  
Funds.

19.—(1) There shall be a Deposit Fund held and administered by the Central Board for the purpose of receiving deposits of money from the Holders of any of the funds to which the Measure applies.

(2) The Central Board may at any time or times constitute one or more additional Deposit Funds and may fix the date or dates on which they shall commence operating.

(3) All the provisions of this Scheme relating to Deposit Funds shall apply equally to the original and to any additional Deposit Fund.

Terms of  
deposit.

20.—(1) The terms upon which money may be deposited in a Deposit Fund, including the rate of interest to be paid by the Central Board thereon and the length of notice required for withdrawal and the minimum or maximum size of any deposit, shall be in the discretion of the Central Board.

(2) The right of the depositors in a Deposit Fund shall be a right to be repaid by the Central Board their deposits on due notice of withdrawal or on the winding up of such Deposit Fund and meanwhile to be paid interest in accordance with the terms on which the deposits were made.

(3) In the administration of a Deposit Fund the Central Board shall not be concerned with any trusts or equities to which any deposited funds may be subject notwithstanding that it may have notice of such trusts or equities. Payment to a depositor of any sum due to such depositor shall discharge the Central Board in respect of the sum so paid.

(4) The rights of a depositor in a Deposit Fund shall not be assignable.

21.—(1) The Central Board shall invest the sums received by it as deposits in a Deposit Fund at its discretion in any of the following manners, namely:—

- (a) In the securities of or upon loan to or in the purchase of bills issued by the Government of the United Kingdom or any local or municipal authority in the United Kingdom ;
- (b) In the shares or securities of or upon loan to or deposit with any building society registered in the United Kingdom ;
- (c) In any investments for the time being authorised by law for the investment of trust funds ;
- (d) Upon deposit with any bank ;
- (e) Upon loan to any Investment Fund constituted under this Scheme ;
- (f) Upon loan to any Diocesan Authority.

(2) The Central Board may from time to time at its discretion transpose or vary the investments comprised in a Deposit Fund for or into any others authorised by this paragraph.

22. Out of the income of the investments and any capital gains of a Deposit Fund the Central Board shall pay the expenses of management of that Deposit Fund and the interest payable to depositors.

23. The Central Board may at any time wind up any Deposit Fund, repaying to the depositors the amount of their deposits and interest. Any surplus on such winding up shall be applied for such objects connected with the work of the Church of England, being charitable objects, as the Central Board shall think fit.

24. The Central Board shall keep accounts of the assets and liabilities of each Deposit Fund and shall cause such accounts to be audited by the Auditors. The Central Board shall circulate half-yearly to the depositors in each Deposit Fund a report on the operation of that Deposit Fund and within eighteen months from the commencement date of that Deposit Fund and thereafter not less frequently than once in every subsequent calendar year an audited statement of account made up to a date not earlier than three months prior to the date of circulation thereof.

Central Board  
may refuse  
or return  
deposits.

25.—(1) Nothing in this Scheme shall limit the discretion of the Central Board to refuse to accept any deposit.

(2) Subject to any agreement with a depositor the Central Board may at any time pay off any deposit with interest accrued to the date of payment.

Earlier  
provisions  
of Scheme  
applicable.

26. Sub-paragraph (3) of paragraph 3 and paragraphs 15, 16 and 17 of this Scheme shall apply to Deposit Funds in like manner as they apply to Investment Funds, as if references therein to a contribution referred to a deposit.

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## No 2.

A MEASURE passed by the National Assembly of the Church of England.

To enable the Church Commissioners to make payments for the provision of financial assistance for certain church schools; and for purposes connected therewith.  
[20th February, 1958]

Financial  
assistance for  
certain church  
schools.

1.—(1) The Church Commissioners shall have power to make payments out of their general fund to the Central Board of Finance of the Church of England for the provision of financial assistance for Church of England aided schools and Church of England special agreement schools in accordance with the provision of this section.

(2) The aggregate amount of any payments made under the foregoing subsection shall not exceed one million pounds, and no such payment shall be made after the expiration of the period of twenty-five years beginning with the date of the passing of this Measure.

(3) The Central Board of Finance of the Church of England shall out of moneys paid to them under subsection (1) of this section make to such diocesan bodies as they may think fit:—

- (a) payments by way of grant or by way of loan, or partly by way of grant and partly by way of loan, for the improvement or extension of the buildings of secondary schools which are Church of England aided schools or Church of England special agreement schools or for the provision of sites or buildings for such schools.
- (b) payments by way of loan for the improvement or extension of the buildings of primary schools which are Church of England aided schools or for the provision of sites or buildings for such schools.

2.—(1) In this Measure:—

Interpretation.

the expressions “ aided school ”, “ primary school ”, “ secondary school ” and “ special agreement school ” have the same meanings as in the Education Acts, 1944 to 1953; and

the expression “ Church of England aided school ” means an aided school which is a church school as defined by the Diocesan Education Committees Measure, 1955, 4 Eliz. 2. No. 1. and the expression “ Church of England special agreement school ” means a special agreement school which is a Church school as defined by the said measure.

(2) Reference in this Measure to any Act or Measure shall be construed as references to that Act or Measure as amended by any subsequent Act or Measure.

3. This Measure shall extend to the whole of the Provinces of Extent. Canterbury and York, except the Channel Islands and the Isle of Man.

4. This Measure may be cited as the Church Schools (Assistance Short title. by Church Commissioners) Measure, 1958.





# TABLE IV

## Effect of Legislation

Acts and Measures (in chronological order)  
repealed, amended or otherwise affected  
by those Acts, Measures and Statutory Instruments  
which received the Royal Assent or were made during 1958

[Note: Statute references in the fourth column are to chapters of 6 & 7 Eliz. 2 unless otherwise stated.]

| Session and Chap. or No. of Measure | Short title or Subject                                                                                  | How affected            | Chapter of 1958 Act or number of Measure or Statutory Instrument |
|-------------------------------------|---------------------------------------------------------------------------------------------------------|-------------------------|------------------------------------------------------------------|
| —                                   | Ne Rector prosternat Arbores in Cemiterio.                                                              |                         |                                                                  |
| 5 Edw. 3:<br>c. 5 ...               | Penalty for selling ware after close of fair.                                                           |                         |                                                                  |
| 4 Hen. 7:<br>c. 20 ...              | Collusive Actions Act, 1488.                                                                            |                         |                                                                  |
| 34 & 35 Hen. 8:<br>c. 2 ...         | An Acte concerning Collectoures and Receyvoours.                                                        |                         |                                                                  |
| c. 8 ...                            | Herbalists Act, 1542 ...                                                                                | } Rep. ... ..           | 46, S.L.R.                                                       |
| c. 9 ...                            | An Acte for the Preservacōn of the Ryver of Severne.                                                    |                         |                                                                  |
| 1 Jac. 1:<br>c. 5 ...               | An Act to prevent the overcharge of the People by Stewards of Courte Leetes and Courte Barons.          |                         |                                                                  |
| 21 Jac. 1:<br>c. 14 ...             | Intrusions Act, 1623 ...                                                                                |                         |                                                                  |
| 1 Car. 1:<br>c. 1 ...               | Sunday Observance Act, 1625.                                                                            | Rep. in pt. ... ..      | 46, S.L.R.                                                       |
| 3 Car. 1:<br>c. 2 ...               | An Act for the further reformation of sondry abuses committed on the Lord's Day comunlie called Sondag. | Second proviso rep. ... | 46, S.L.R.                                                       |
| 29 Car. 2:<br>c. 7 ...              | Sunday Observance Act, 1677.                                                                            | S. 6 excl.... ... ..    | { 65, s. 7 (2).<br>5 (7 Eliz. 2)<br>s. 43 (2).<br>2 Q            |

| Session and Chap. or No. of Measure | Short title or Subject                                                                                                                                                                                                       | How affected          | Chapter of 1958 Act or number of Measure or Statutory Instrument |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------------------------------------------------------|
| 5 Geo. 1:<br>c. 11 ...              | Adulteration of Coffee Act, 1718.                                                                                                                                                                                            | Rep. ...              | }                                                                |
| 11 Geo. 1:<br>c. 30 ...             | Adulteration of Tea and Coffee Act, 1724.                                                                                                                                                                                    | Rep. ...              |                                                                  |
| 4 Geo. 2:<br>c. 14 ...              | Adulteration of Tea Act, 1730.                                                                                                                                                                                               | Rep. ...              |                                                                  |
| 11 Geo. 2:<br>c. 19 ...             | Distress for Rent Act, 1737.                                                                                                                                                                                                 | S. 21 rep. ...        | } 46, S.L.R.                                                     |
| 25 Geo. 2:<br>c. 8 ...              | Apprentices Act (Ireland), 1751.                                                                                                                                                                                             | S. 8 rep. ...         |                                                                  |
| 12 Geo. 3:<br>c. 45 ...             | Traffic Regulation (Scotland) Act, 1772.                                                                                                                                                                                     | Rep. ...              |                                                                  |
| 13 Geo. 3:<br>c. 78 ...             | An Act to explain, amend and reduce into one Act of Parliament the Statutes now in being for the Amendment and Preservation of the Public Highways within that part of Great Britain called England; and for other purposes. | S. 81 rep. in pt. ... |                                                                  |
| 14 Geo. 3:<br>c. 48 ...             | Life Assurance Act, 1774                                                                                                                                                                                                     | Expld. (E.) (S.) ...  | } 65, s. 9.<br>5 (7 Eliz. 2),<br>s. 46.                          |
| c. 78 ...                           | Fires Prevention (Metropolis) Act, 1774.                                                                                                                                                                                     | S. 86 rep. in pt. ... |                                                                  |
| 17 Geo. 3:<br>c. 29 ...             | Adulteration of Tea Act, 1776.                                                                                                                                                                                               | Rep. ...              |                                                                  |
| 42 Geo. 3:<br>c. 119 ...            | Gaming Act, 1802                                                                                                                                                                                                             | S. 7 rep. ...         |                                                                  |
| 49 Geo. 3:<br>c. 32 ...             | Pension Duties Act, 1809                                                                                                                                                                                                     | } Rep.                | } 46, S.L.R.                                                     |
| c. 110 ...                          | Pension Duties Act (No. 2) Act, 1809.                                                                                                                                                                                        |                       |                                                                  |
| 50 Geo. 3:<br>c. 56 ...             | Pension Duties Act, 1810                                                                                                                                                                                                     |                       |                                                                  |
| 52 Geo. 3:<br>c. 56 ...             | Pension Duties Act, 1812                                                                                                                                                                                                     | } Ss. 3, 4 mod. ...   | } 5 (7 Eliz. 2), s. 25.                                          |
| c. 144 ...                          | Members of Parliament (Bankruptcy) Act, 1812.                                                                                                                                                                                |                       |                                                                  |
| c. 146... ...                       | Parochial Registers Act, 1812.                                                                                                                                                                                               |                       |                                                                  |

| Session and Chap. or No. of Measure | Short title or Subject                    | How affected                                                         | Chapter of 1958 Act or number of Measure or Statutory Instrument |
|-------------------------------------|-------------------------------------------|----------------------------------------------------------------------|------------------------------------------------------------------|
| 59 Geo. 3:<br>c. 12 ...             | Poor Relief Act, 1819 ...                 | } Rep. ... ..                                                        | 46, S.L.R.                                                       |
| 1 Geo. 4:<br>c. 4 ...               | Stage Coaches (Scotland) Act, 1820.       |                                                                      |                                                                  |
| 6 Geo. 4:<br>c. 9 ...               | Duties on Offices Act, 1825.              |                                                                      |                                                                  |
| c. 69 ...                           | Transportation Act, 1825                  |                                                                      |                                                                  |
| 7 Geo. 4:<br>c. 46 ...              | Country Bankers Act, 1826.                |                                                                      |                                                                  |
| 10 Geo. 4:<br>c. 50 ...             | Crown Lands Act, 1829                     | Ss. 5, 39, 53-56, 90, 106, 128, 129 rep.<br>Appl. (mod.) (Park Lane) | 46, S.L.R.<br>63, s. 16 (4).                                     |
| 1 & 2 Will. 4:<br>c. 32 ...         | Game Act, 1831 ...                        | S. 46 rep. in pt. ...                                                | 46, S.L.R.                                                       |
| 2 & 3 Will. 4:<br>c. 1 ...          | Crown Lands Act, 1832                     | Ss. 1, 9 rep. ...                                                    | 46, S.L.R.                                                       |
| 3 & 4 Will. 4:<br>c. 41 ...         | Judicial Committee Act, 1833.             | Appl. ... ..                                                         | 32, s. 14 (1).                                                   |
| 6 & 7 Will. 4:<br>c. 97 ...         | Duties on Offices and Pensions Act, 1836. | Rep. ... ..                                                          | 46, S.L.R.                                                       |
| 7 Will. 4 &<br>1 Vict.:             |                                           |                                                                      |                                                                  |
| c. 26 ...                           | Wills Act, 1837 ...                       | S. 33 excl. ...                                                      | 56, ss. 29 (2)<br>40 (4).                                        |
| c. 41 ...                           | Small Debt (Scotland) Act, 1837.          | Appl. ... ..                                                         | 68, s. 4 (5).                                                    |
| 1 & 2 Vict.:                        |                                           |                                                                      |                                                                  |
| c. 94 ...                           | Public Record Office Act, 1838.           | Rep. ... ..                                                          | 51, s. 13 (2),<br>sch. 4.                                        |
| 2 & 3 Vict.:                        |                                           |                                                                      |                                                                  |
| c. 47 ...                           | Metropolitan Police Act, 1839.            | S. 54 para. 13 am. ...                                               | 48, s. 1.                                                        |
| 3 & 4 Vict.:                        |                                           |                                                                      |                                                                  |
| c. 9 ...                            | Parliamentary Papers Act, 1840.           | S. 3 rep. in pt. ...                                                 | 46, S.L.R.                                                       |
| 5 Vict.:                            |                                           |                                                                      |                                                                  |
| c. 5 ...                            | Court of Chancery Act, 1841.              | S. 17 rep. ...                                                       | 51, s. 13 (2),<br>sch. 4.                                        |
| 5 & 6 Vict.:                        |                                           |                                                                      |                                                                  |
| c. 94 ...                           | Defence Act, 1842 ...                     | Appl. in pt. (mod.) ...<br>S. 16 excl. ...                           | 30, s. 13, sch. 2<br>para. 13.<br>30, s. 13, sch. 2<br>para. 14. |

| Session and Chap. or No. of Measure | Short title or Subject                               | How affected                                                                                                                                                                                                               | Chapter of 1958 Act or number of Measure or Statutory Instrument                                                                            |
|-------------------------------------|------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| 6 & 7 Vict.:<br>c. 40 ... ..        | Hosiery Act, 1843 ...                                | S. 31 rep. in pt. ... ..                                                                                                                                                                                                   | 46, S.L.R.                                                                                                                                  |
| 7 & 8 Vict.:<br>c. 22 ... ..        | Gold and Silver Wares Act, 1844.                     | S. 13 rep. in pt. ... ..                                                                                                                                                                                                   | 46, S.L.R.                                                                                                                                  |
| 8 & 9 Vict.:<br>c. 16 ... ..        | Companies Clauses Consolidation Act, 1845.           | S. 136 appl. (E.) ... ..                                                                                                                                                                                                   | 72, s. 11 (2) (b).                                                                                                                          |
| c. 18 ... ..                        | Lands Clauses Consolidation Act, 1845.               | Incorp. (mod.) (Milford Haven).<br>Incorp. (mod.) exc. ss. 92, 127-133, 150-151 (Park Lane).<br>Excl. (E.) ... ..<br>S. 19 appl. (Park Lane)...<br>S. 68 saved (Park Lane)<br>Ss. 84-90 excl. (Park Lane).<br>Excl. ... .. | 23, s. 3 (3).<br>63, s. 5.<br>69, s. 4 (7).<br>63, s. 3 (5), sch. para. 1.<br>63, s. 3 (5), sch. para. 6.<br>63, s. 7 (2).<br>69, s. 4 (7). |
| c. 19 ... ..                        | Lands Clauses Consolidation (Scotland) Act, 1845.    | Excl. ... ..                                                                                                                                                                                                               | 69, s. 4 (7).                                                                                                                               |
| c. 20 ... ..                        | Railways Clauses Consolidation Act, 1845.            | Ss. 78-85, as originally enacted, appl. (mod.).                                                                                                                                                                            | 30, s. 15 (2).                                                                                                                              |
| c. 33 ... ..                        | Railways Clauses Consolidation (Scotland) Act, 1845. | Ss. 71-78, as originally enacted, appl. (mod.).                                                                                                                                                                            | 30, s. 15 (4).                                                                                                                              |
| c. 99 ... ..                        | Crown Lands Act, 1845                                | Ss. 9, 11, 12, 13 rep. ...                                                                                                                                                                                                 | 46, S.L.R.                                                                                                                                  |
| 9 & 10 Vict.:<br>c. 101 ... ..      | Public Money Drainage Act, 1846.                     | Rep. ... ..                                                                                                                                                                                                                | 46, S.L.R.                                                                                                                                  |
| 10 & 11 Vict.:<br>c. 11 ... ..      | Public Money Drainage Act, 1847.                     | Rep. ... ..                                                                                                                                                                                                                | 46, S.L.R.                                                                                                                                  |
| 11 & 12 Vict.:<br>c. 101 ... ..     | Lock-up Houses Act, 1848.                            | Rep. ... ..                                                                                                                                                                                                                | 46, S.L.R.                                                                                                                                  |
| c. 102 ... ..                       | Crown Lands Act, 1848                                | Ss. 6, 7 rep. ... ..                                                                                                                                                                                                       | 46, S.L.R.                                                                                                                                  |
| c. 119 ... ..                       | Public Money Drainage Act, 1848.                     | Rep. ... ..                                                                                                                                                                                                                | 46, S.L.R.                                                                                                                                  |
| 12 & 13 Vict.:<br>c. 8 ... ..       | Poor Law (Overseers) Act, 1849.                      | Rep. ... ..                                                                                                                                                                                                                | 46, S.L.R.                                                                                                                                  |
| c. 27 ... ..                        | Harbours, Docks and Piers Clauses Act, 1847.         | S. 28 incorp. (mod.) (Milford Haven).<br>S. 78 incorp. (mod.) (Milford Haven).                                                                                                                                             | 23, s. 23 (3).<br>23, s. 8 (2).                                                                                                             |
| c. 96 ... ..                        | Admiralty Offences (Colonial) Act, 1849.             | Appl. (mod.) (Kenya) ...                                                                                                                                                                                                   | S.I. No. 600, art. 70, sch. 3.                                                                                                              |
| 13 & 14 Vict.:<br>c. 31 ... ..      | Public Money Drainage Act, 1850.                     | Rep. ... ..                                                                                                                                                                                                                | 46, S.L.R.                                                                                                                                  |

| Session and Chap. or No. of Measure | Short title or Subject                                              | How affected                                                                            | Chapter of 1958 Act or number of Measure or Statutory Instrument |
|-------------------------------------|---------------------------------------------------------------------|-----------------------------------------------------------------------------------------|------------------------------------------------------------------|
| 14 & 15 Vict.:                      |                                                                     |                                                                                         |                                                                  |
| c. 42 ... ..                        | Crown Lands Act, 1851                                               | Ss. 1, 2 rep. ... ..                                                                    | 46, S.L.R.                                                       |
| c. 81 ... ..                        | Lunatics Removal (India) Act, 1851.                                 | Rep. ... ..                                                                             | 46, S.L.R.                                                       |
| c. 99 ... ..                        | Evidence Act, 1851 ...                                              | Ss. 7, 11 appl. (mod.) (Kenya).                                                         | S.I. No. 600, art. 70, sch. 3.                                   |
| 16 & 17 Vict.:                      |                                                                     |                                                                                         |                                                                  |
| c. 137 ... ..                       | Charitable Trusts Act, 1853.                                        | S. 62 ext. ... ..                                                                       | C.A.M. No. 1, s. 5 (1).                                          |
| 17 & 18 Vict.:                      |                                                                     |                                                                                         |                                                                  |
| c. 67 ... ..                        | Defence Act, 1854 ...                                               | Appl. (mod.) ... ..                                                                     | 30, s. 13, sch. 2 para. 13.                                      |
| c. 80 ... ..                        | Registration of Births, Deaths and Marriages (Scotland) Act, 1854.  | S. 6 ext. ... ..                                                                        | 5 (7 Eliz. 2), s. 22 (5).                                        |
|                                     |                                                                     | Ss. 32, 33. Power to am.<br>Ss. 56, 57. Power to am.<br>S. 74 ext. ... ..               | 64, s. 17 (a).<br>64, s. 17 (b).<br>5 (7 Eliz. 2), s. 22 (5).    |
| c. 91 ... ..                        | Lands Valuation (Scotland) Act, 1854.                               | S. 5 am. ... ..                                                                         | S.I. No. 1009.                                                   |
| 19 & 20 Vict.:                      |                                                                     |                                                                                         |                                                                  |
| c. 9 ... ..                         | Public Money Drainage Act, 1856.                                    | Rep. ... ..                                                                             | 46, S.L.R.                                                       |
| c. 113 ... ..                       | Foreign Tribunals Evidence Act, 1856.                               | Appl. (mod.) (Kenya) ...                                                                | S.I. No. 600, art. 70, sch. 3.                                   |
| 21 & 22 Vict.:                      |                                                                     |                                                                                         |                                                                  |
| c. 52 ... ..                        | Inferior Courts Officers (Ireland) Act, 1858.                       | Rep. ... ..                                                                             | 46, S.L.R.                                                       |
| 22 Vict.:                           |                                                                     |                                                                                         |                                                                  |
| c. 12 ... ..                        | Defence Act, 1859 ...                                               | Appl. (mod.) ... ..                                                                     | 30, s. 13, sch. 2, para. 13.                                     |
| c. 20 ... ..                        | Evidence by Commission Act, 1859.                                   | Appl. (mod.) (Kenya) ...                                                                | S.I. No. 600, art. 70, sch. 3.                                   |
| c. 26 ... ..                        | Superannuation Act, 1859                                            | S. 17 ext. ... ..                                                                       | 14, s. 3 (1).                                                    |
| 22 & 23 Vict.:                      |                                                                     |                                                                                         |                                                                  |
| c. 63 ... ..                        | British Law Ascertainment Act, 1859.                                | Appl. (mod.) (Kenya) ...                                                                | S.I. No. 600, art. 70, sch. 3.                                   |
| 23 & 24 Vict.:                      |                                                                     |                                                                                         |                                                                  |
| c. 85 ... ..                        | Registration of Births, Deaths, and Marriages (Scotland) Act, 1860. | S. 19 ext. ... ..                                                                       | 5 (7 Eliz. 2), s. 22 (5).                                        |
| c. 106 ... ..                       | Lands Clauses Consolidation Acts Amendment Act, 1860.               | Incorp. (mod.) (Milford Haven).<br>Incorp. (mod.) (Park Lane).<br>S. 7 appl. (mod.) ... | 23, s. 3 (3).<br>63, s. 5.<br>30, s. 13, sch. 2, para. 13.       |
| c. 112 ... ..                       | Defence Act, 1860 ...                                               | S. 46 appl. (mod.) ...                                                                  | 30, s. 13, sch. 2 para. 13.                                      |
| c. 122 ... ..                       | Admiralty Offences (Colonial) Act, 1860.                            | Appl. (mod.) (Kenya) ...                                                                | S.I. No. 600, art. 70, sch. 3.                                   |
| 24 & 25 Vict.:                      |                                                                     |                                                                                         |                                                                  |
| c. 11 ... ..                        | Foreign Law Ascertainment Act, 1861.                                | Appl. (mod.) (Kenya) ...                                                                | S.I. No. 600, art. 70, sch. 3.                                   |
| c. 31 ... ..                        | Sierra Leone Offences Act, 1861.                                    | Rep. ... ..                                                                             | 46, S.L.R.                                                       |
| c. 86 ... ..                        | Conjugal Rights (Scotland) Amendment Act, 1861.                     | S. 9 ext. ... ..                                                                        | 40, s. 14 (1).                                                   |

| Session and Chap. or No. of Measure | Short title or Subject                                        | How affected                                                                                                                                   | Chapter of 1958 Act or number of Measure or Statutory Instrument |                                      |             |
|-------------------------------------|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|--------------------------------------|-------------|
| 25 & 26 Vict.                       | Lunacy (Scotland) Act, 1862.                                  | Ss. 19, 22. Apptd. day fixed (3.2.58) for repeal. Ss. 20, 23 am. (references to State Mental Hospital substd. for references to Perth prison). | } S.I. No. 198.                                                  |                                      |             |
| c. 54 ... ..                        |                                                               |                                                                                                                                                |                                                                  | Rep. ... ..                          | 46, S.L.R.  |
| c. 65 ... ..                        |                                                               |                                                                                                                                                |                                                                  | Jurisdiction in Homicides Act, 1862. | Rep. ... .. | 46, S.L.R. |
| c. 67 ... ..                        | Declaration of Title Act, 1862.                               | Rep. ... ..                                                                                                                                    | 46, S.L.R.                                                       |                                      |             |
| 26 & 27 Vict.:                      | Cayman Islands Act, 1863                                      | Rep. ( <i>prosp.</i> ) ... ..                                                                                                                  | 13, s. 2 (1).                                                    |                                      |             |
| c. 31 ... ..                        |                                                               | Telegraph Act, 1863 ...                                                                                                                        | Excl. (Park Lane) ...                                            | 63, s. 22 (2) (d).                   |             |
| c. 112 ... ..                       |                                                               | Exhibition Medals Act, 1863.                                                                                                                   | Rep. ... ..                                                      | 46, S.L.R.                           |             |
| c. 119 ... ..                       | Mortgage Debenture Act, 1865.                                 | Rep. ... ..                                                                                                                                    | 46, S.L.R.                                                       |                                      |             |
| 28 & 29 Vict.:                      |                                                               | Colonial Docks Loans Act, 1865.                                                                                                                | Rep. ... ..                                                      | 46, S.L.R.                           |             |
| c. 78 ... ..                        |                                                               |                                                                                                                                                | Rep. ... ..                                                      | 46, S.L.R.                           |             |
| c. 106 ... ..                       | Isle of Man Customs, Harbours, and Public Purposes Act, 1866. | Rep. ... ..                                                                                                                                    | 11, s. 1 (1), sch.                                               |                                      |             |
| 29 & 30 Vict.:                      |                                                               | Crown Lands Act, 1866                                                                                                                          | S. 29 rep. ... ..                                                | 46, S.L.R.                           |             |
| c. 23 ... ..                        |                                                               |                                                                                                                                                | Courts of Justice Act, 1866.                                     | Rep. ... ..                          | 46, S.L.R.  |
| c. 62 ... ..                        | Valuation of Lands (Scotland) Amendment Act, 1867.            | S. 7 am. ... ..                                                                                                                                |                                                                  | S.I. No. 1009.                       |             |
| c. 63 ... ..                        |                                                               | Telegraph Act, 1868 ...                                                                                                                        | Excl. (Park Lane) ...                                            | 63, s. 22 (2) (d).                   |             |
| 30 & 31 Vict.:                      | Debtors Act, 1869 ...                                         |                                                                                                                                                | S. 5 ext. in pt. ... ..                                          | 39, s. 7.                            |             |
| c. 80 ... ..                        |                                                               | Mortgage Debenture (Amendment) Act, 1870.                                                                                                      | Rep. ... ..                                                      | 46, S.L.R.                           |             |
| 31 & 32 Vict.:                      | National Debt Act, 1870                                       |                                                                                                                                                | Power to apply ... ..                                            | 6 (7 Eliz. 2), s. 2 (2) (c).         |             |
| c. 110 ... ..                       |                                                               | West African Offences Act, 1871.                                                                                                               | Rep. ... ..                                                      | 46, S.L.R.                           |             |
| 32 & 33 Vict.:                      | Parks Regulation Act, 1872.                                   |                                                                                                                                                | Saved (Park Lane) ...                                            | 63, s. 4 (3).                        |             |
| c. 62 ... ..                        |                                                               | Isle of Man Harbours Act, 1872.                                                                                                                | Power to amend or repeal by Act of Tynwald.                      | 11, s. 1 (3).                        |             |
| 33 & 34 Vict.:                      | Metalliferous Mines Regulation Act, 1872.                     |                                                                                                                                                | Rep. (Isle of Man) ...                                           | 11, s. 1 (1), sch.                   |             |
| c. 20 ... ..                        |                                                               | West African Offences Act, 1871.                                                                                                               | Rep. ... ..                                                      | 46, S.L.R.                           |             |
| c. 71 ... ..                        | Parks Regulation Act, 1872.                                   |                                                                                                                                                | Saved (Park Lane) ...                                            | 63, s. 4 (3).                        |             |
| 34 & 35 Vict.:                      |                                                               | Isle of Man Harbours Act, 1872.                                                                                                                | Power to amend or repeal by Act of Tynwald.                      | 11, s. 1 (3).                        |             |
| c. 8 ... ..                         | Metalliferous Mines Regulation Act, 1872.                     |                                                                                                                                                | Rep. (Isle of Man) ...                                           | 11, s. 1 (1), sch.                   |             |
| c. 8 ... ..                         |                                                               | Parks Regulation Act, 1872.                                                                                                                    | Saved (Park Lane) ...                                            | 63, s. 4 (3).                        |             |
| 35 & 36 Vict.:                      | Isle of Man Harbours Act, 1872.                               |                                                                                                                                                | Power to amend or repeal by Act of Tynwald.                      | 11, s. 1 (3).                        |             |
| c. 15 ... ..                        |                                                               | Metalliferous Mines Regulation Act, 1872.                                                                                                      | Rep. (Isle of Man) ...                                           | 11, s. 1 (1), sch.                   |             |
| c. 23 ... ..                        | Metalliferous Mines Regulation Act, 1872.                     |                                                                                                                                                | Rep. (Isle of Man) ...                                           | 11, s. 1 (1), sch.                   |             |
| c. 77 ... ..                        |                                                               | Metalliferous Mines Regulation Act, 1872.                                                                                                      | Rep. (Isle of Man) ...                                           | 11, s. 1 (1), sch.                   |             |

| Session and Chap. or No. of Measure | Short title or Subject                                      | How affected                                         | Chapter of 1958 Act or number of Measure or Statutory Instrument |
|-------------------------------------|-------------------------------------------------------------|------------------------------------------------------|------------------------------------------------------------------|
| 36 & 37 Vict.:                      |                                                             |                                                      |                                                                  |
| c. 68 ... ..                        | Militia (Lands and Buildings) Act, 1873.                    | S. 7 appl. (mod.) ...                                | 30, s. 13, sch. 2 para. 13.                                      |
| c. 72 ... ..                        | Defence Acts Amendment Act, 1873.                           | Appl. (mod.) ... ..                                  | 30, s. 13, sch. 2 para. 13.                                      |
| 37 & 38 Vict.:                      |                                                             |                                                      |                                                                  |
| c. 8 ... ..                         | Isle of Man Harbours Act, 1874.                             | Power to amend or repeal by Act of Tynwald.          | 11, s. 1 (3).                                                    |
| c. 94 ... ..                        | Conveyancing (Scotland) Act, 1874.                          | S. 51 appl. (mod.) (Kenya)                           | S.I. No. 600, art. 70, sch. 3.                                   |
| 38 & 39 Vict.:                      |                                                             |                                                      |                                                                  |
| c. 39 ... ..                        | Metalliferous Mines Regulation Act, 1875.                   | Rep. (Isle of Man) ...                               | 11, s. 1 (1), sch.                                               |
| 39 & 40 Vict.:                      |                                                             |                                                      |                                                                  |
| c. 10 ... ..                        | Royal Titles Act, 1876...                                   | Rep. ... ..                                          | 46, S.L.R.                                                       |
| c. 35 ... ..                        | Customs Tariff Act, 1876                                    | Sch. rep. in pt. ... ..                              | 6, ss. 3 (1), 16 (4), schs. 2, 7.                                |
| c. 43 ... ..                        | Isle of Man (Officers) Act, 1876.                           | Rep. ... ..                                          | 11, s. 1 (2), sch.                                               |
| 40 & 41 Vict.:                      |                                                             |                                                      |                                                                  |
| c. 2 ... ..                         | Treasury Bills Act, 1877                                    | S. 6 excl.... ... ..                                 | { 7, s. 2 (2).<br>18, s. 3 (2).<br>57, s. 2 (2).<br>46, S.L.R.   |
| c. 10 ... ..                        | Customs and Inland Revenue Amendment Act, 1877.             | Rep. ... ..                                          |                                                                  |
| c. 45 ... ..                        | Treasury Chest Fund Act, 1877.                              | Rep. (saving) ... ..                                 | 56, s. 40 (5), sch. 9 Pt. IV.                                    |
| c. 55 ... ..                        | Public Record Office Act, 1877.                             | Rep. ... ..                                          | 51, s. 13 (2), sch. 4.                                           |
| c. 56 ... ..                        | County Officers and Courts (Ireland) Act, 1877.             | Ss. 35, 37 saved ...                                 | 47, s. 53 (9).                                                   |
| c. 57 ... ..                        | Supreme Court of Judicature Act (Ireland), 1877.            | S. 24 ext. ... ..                                    | 66, s. 9 (7) (a).                                                |
| 41 & 42 Vict.:                      |                                                             |                                                      |                                                                  |
| c. 31 ... ..                        | Bills of Sale Act, 1878 ...                                 | Excl. ... ..                                         | 47, s. 15 (5).                                                   |
| c. 43 ... ..                        | Marriage Notice (Scotland) Act, 1878.                       | Ss. 8, 9. Power to am. ...                           | 64, s. 17 (c).                                                   |
| c. 76 ... ..                        | Telegraph Act, 1878 ...                                     | S. 7 ext. (S.) ... ..<br>S. 7 (1)-(8) ext. (E.) (S.) | 24, s. 17.<br>69, s. 45 (2).                                     |
| 42 & 43 Vict.:                      |                                                             |                                                      |                                                                  |
| c. 49 ... ..                        | Summary Jurisdiction Act, 1879.                             | S. 31 appl. (mod.) ...                               | 5 (7 Eliz. 2), s. 31 (5).                                        |
| c. 59 ... ..                        | Civil Procedure Acts Repeal Act, 1879.                      | Rep. ... ..                                          | 46, S.L.R.                                                       |
| 43 & 44 Vict.:                      |                                                             |                                                      |                                                                  |
| c. 8 ... ..                         | Isle of Man Loans Act, 1880.                                | Rep., exc. ss. 6, 7 ...<br>Ss. 6, 7 rep. in pt. ...  | 11, s. 1 (1), sch. Pt. I.<br>11, s. 1 (1), sch. Pt. II.          |
| c. 26 ... ..                        | Married Women's Policies of Assurance (Scotland) Act, 1880. | S. 2 ext. (retrosp.) ...                             | 5 (7 Eliz. 2), s. 14 (3).                                        |

| Session and Chap. or No. of Measure                           | Short title or Subject                                                                                | How affected                                                                                                                                                                                                                                                                                                                                            | Chapter of 1958 Act or number of Measure or Statutory Instrument                                                                                   |
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| 44 & 45 Vict.:<br>c. 69 ... ..                                | Fugitive Offenders Act, 1881.                                                                         | Appl. (mod.) (Kenya) ...                                                                                                                                                                                                                                                                                                                                | S.I. No. 600, art. 70, sch. 3.                                                                                                                     |
| 45 & 46 Vict.:<br>c. 43 ... ..<br>c. 46 ... ..                | Bills of Sale Act, 1882 ...<br>Isle of Man (Officers) Act, 1882.                                      | Excl. ... ..<br>Rep. ... ..                                                                                                                                                                                                                                                                                                                             | 47, s. 15 (5).<br>11, s. 1 (2), sch.                                                                                                               |
| c. 50 ... ..                                                  | Municipal Corporations Act, 1882.                                                                     | Excl. ... ..<br>Appl. ... ..<br>Ss. 134, 135 ext. ... ..<br>S. 171 excl. ... ..<br>Sch. 5 rep. in pt. ...                                                                                                                                                                                                                                               | 55, s. 28 (5), sch. 7 para. 1.<br>55, s. 38 (4).<br>55, s. 28 (5), sch. 7 para. 14.<br>55, s. 28 (5), sch. 7 para. 12.<br>55, s. 67, sch. 9 Pt. V. |
| c. 75 ... ..                                                  | Married Women's Property Act, 1882.                                                                   | S. 11 ext. (E.) ( <i>retrosp.</i> )<br>S. 17 ext. and expld. ...                                                                                                                                                                                                                                                                                        | 5 (7 Eliz. 2), s. 14 (3).<br>35, s. 7.                                                                                                             |
| 46 & 47 Vict.:<br>c. 9 ... ..                                 | Isle of Man Harbours Act, 1883.                                                                       | Power to amend or repeal by Act of Tynwald.                                                                                                                                                                                                                                                                                                             | 11, s. 1 (3).                                                                                                                                      |
| 47 & 48 Vict.:<br>c. 7 ... ..                                 | Isle of Man Harbours Act, 1884.                                                                       | Power to amend or repeal by Act of Tynwald.                                                                                                                                                                                                                                                                                                             | 11, s. 1 (3).                                                                                                                                      |
| 48 & 49 Vict.:<br>c. 58 ... ..<br>c. 74 ... ..                | Telegraph Act, 1885 ...<br>Evidence by Commission Act, 1885.                                          | Excl. (Park Lane) ...<br>Appl. (mod.) (Kenya) ...                                                                                                                                                                                                                                                                                                       | 63, s. 22 (2) ( <i>d</i> ).<br>S.I. No. 600, art. 70, sch. 3.                                                                                      |
| 49 & 50 Vict.:<br>c. 29 ... ..                                | Crofters Holdings (Scotland) Act, 1886.                                                               | Appl. in pt. (mod.) ...<br>S. 6 expld. ... ..                                                                                                                                                                                                                                                                                                           | { 24, s. 14.<br>69, s. 52 (5) ( <i>b</i> ).<br>47, s. 33.                                                                                          |
| 50 & 51 Vict.:<br>c. 5 ... ..<br>c. 24 ... ..                 | Isle of Man (Customs) Act, 1887.<br>Crofters Holdings (Scotland) Act, 1887.                           | Rep. ... ..<br>Appl. in pt. (mod.) ...                                                                                                                                                                                                                                                                                                                  | 11, s. 1 (1), sch.<br>24, s. 14.                                                                                                                   |
| 51 & 52 Vict.:<br>c. 2 ... ..<br>c. 39 ... ..<br>c. 41 ... .. | National Debt (Conversion) Act, 1888.<br>Public Works Loans Act, 1888.<br>Local Government Act, 1888. | Pt. IV. Power to apply (mod.)<br>S. 8 rep. ... ..<br>Ss. 5 (6) rep., 8 (1) rep. in pt., 29, 32 (3) ( <i>d</i> ), 33 rep., 34 (3) ( <i>f</i> ) rep. in pt., 39 (1), 40 paras. (7) (8), 46 para. (1) rep., 46 para. (6), 64 (1) rep. in pt., 64 (2) rep., 64 (5), 67 rep. in pt., 72, 86, 90 rep., 93 (1) rep. in pt., 96 rep., 100 rep. in pt., 117 rep. | 6 (7 Eliz. 2), s. 9 (2).<br>11, s. 1 (1), sch.<br>55, s. 67, sch. 9 Pt. V.                                                                         |



| Session and Chap. or No. of Measure | Short title or Subject                     | How affected                                                           | Chapter of 1958 Act or number of Measure or Statutory Instrument |
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| 52 & 53 Vict.:                      | Small Debt Amendment (Scotland) Act, 1889. | Appl. ... ..                                                           | 68, s. 4 (5).                                                    |
| c. 26 ... ..                        |                                            |                                                                        |                                                                  |
| c. 55 ... ..                        | Universities (Scotland) Act, 1889.         | S. 5 (1) (i) (k), as amd. Period extd. until 30.9.1960.                | S.I. No. 1267.                                                   |
| c. 63 ... ..                        | Interpretation Act, 1889                   | S. 26 expld. ... ..                                                    | { 30, s. 23 (3).<br>S.I. Nos. 956, 957.                          |
|                                     |                                            | expld. (S.)... ..                                                      | 24, s. 12 (3).<br>47, s. 54 (7).                                 |
|                                     |                                            | S. 38 saved ... ..                                                     | 5 (7 Eliz. 2),<br>s. 59 (3).                                     |
|                                     |                                            | saved (E.) (S.) ... ..                                                 | 6 (7 Eliz. 2),<br>s. 17 (6).                                     |
|                                     |                                            | appl. ... ..                                                           | 9, s. 10 (4).<br>72, s. 36 (7).                                  |
|                                     |                                            | appl. (E.) (S.) ... ..                                                 | S.I. Nos. 223, 225.                                              |
|                                     |                                            | S. 38 (1) saved ... ..                                                 | 72, s. 36 (7).<br>6 (7 Eliz. 2), s. 15 (3).                      |
|                                     |                                            | S. 38 (2) appl. ... ..                                                 | 47, s. 4 (3), sch. 1 para. 6.                                    |
|                                     |                                            | appl. (E.) (S.)... ..                                                  | 68, s. 5 (5).                                                    |
|                                     |                                            | saved (E.) (S.)                                                        | { 43, s. 17 (8).<br>45, s. 28 (8).                               |
| 53 & 54 Vict.:                      | Lunacy and Mental Treatment Act, 1890.     | Certain functions of county councils delegated.                        | 55, s. 46 (1) (d).                                               |
| c. 5 ... ..                         |                                            |                                                                        |                                                                  |
| c. 8 ... ..                         | Customs and Inland Revenue Act, 1890.      | S. 3 rep. ... ..                                                       | 6, ss. 3 (1), 16 (4), schs. 2, 7.                                |
| c. 27 ... ..                        | Colonial Courts of Admiralty Act, 1890.    | Ss. 2 (2)-(4), 5, 6, 16 (3) appl. (mod.) (Kenya).                      | S.I. No. 600, art. 69.                                           |
| 54 & 55 Vict.:                      | Public Accounts and Charges Act, 1891.     | S. 2 ext. ... ..                                                       | 57, s. 3.                                                        |
| c. 24 ... ..                        |                                            |                                                                        |                                                                  |
| c. 38 ... ..                        | Stamp Duties Management Act, 1891.         | Appl. (E.) (S.) ... ..<br>Ss. 10 appl. (mod.), 11 appl.                | 9, s. 3 (5).<br>17, s. 3 (5).                                    |
| c. 39 ... ..                        | Stamp Act, 1891 ...                        | S. 12 excl. ... ..<br>appl. ... ..                                     | 17, s. 3 (5).<br>56, s. 34 (6).                                  |
|                                     |                                            | Sch. 1:                                                                |                                                                  |
|                                     |                                            | heading " Agreement or any Memorandum of an Agreement " expld. and am. | 56, s. 35 (1).                                                   |
|                                     |                                            | heading " Bond, Covenant or Instrument " restr.                        | 56, s. 35 (1) (a).                                               |
|                                     |                                            | heading " Conveyance or Transfer on sale " rep. in pt. and superseded. | 56, ss. 34, 40 (5), sch. 9 Pt. III.                              |
|                                     |                                            | heading " Conveyance or Transfer on sale " excl.                       | 56, s. 35 (5).                                                   |

| Session and Chap. or No. of Measure            | Short title or Subject                                       | How affected                                                                                                                                                                                                                       | Chapter of 1958 Act or number of Measure or Statutory Instrument                                                                                                        |
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| 54 & 55 Vict.:<br>c. 39— <i>cont.</i>          | Stamp Act, 1891— <i>cont.</i>                                | Sch. 1— <i>cont.</i><br>heading "Deed of any kind" expld.<br>heading "Lease or Tack" mod.<br>heading "Mortgage, Bond, Debenture, Covenant" restr.<br>heading "Mortgage, Bond, Debenture, Covenant" saved.<br>heading "Receipt" am. | 56, s. 35 (1) (a).<br>56, s. 34 (5) (10).<br>56, s. 35 (1) (a).<br>56, s. 35 (1).<br>56, s. 34 (8).                                                                     |
| c. 41 ... ..                                   | Crofters Common Grazings Regulation Act, 1891.               | Appl. in pt. (mod.) ...                                                                                                                                                                                                            | 24, s. 14.                                                                                                                                                              |
| c. 47 ... ..                                   | Metalliferous Mines (Isle of Man) Act, 1891.                 | Rep. ... ..                                                                                                                                                                                                                        | 11, s. 1 (1), sch.                                                                                                                                                      |
| 55 & 56 Vict.:<br>c. 40 ... ..<br>c. 54 ... .. | Superannuation Act, 1892<br>Allotments (Scotland) Act, 1892. | S. 4 (1) ext. ... ..<br>Excl. in pt. (compensation provisions).                                                                                                                                                                    | 14, s. 3 (2).<br>69, s. 41, sch. 8 paras. 3 (1), 10 (b).                                                                                                                |
| 56 & 57 Vict.:<br>c. 18 ... ..                 | Treasury Chest Fund Act, 1893.                               | Rep. ... ..                                                                                                                                                                                                                        | 56, s. 40 (5), sch. 9 Pt. IV.                                                                                                                                           |
| c. 39 ... ..                                   | Industrial and Provident Societies Act, 1893.                | S. 4 am. (E.) (S.) ... ..<br>S. 7 excl. (E.) (S.) ... ..<br>S. 9 (1) ext. (E.) (S.) ... ..<br>S. 9 (4) excl. (E.) (S.) ... ..<br>S. 1 ext. (N.I.) ... ..<br>S. 2 (1) expld. (N.I.) ... ..<br>S. 5 (4) rep. in pt. ... ..           | 45, s. 10 (1).<br>45, s. 10 (4).<br>45, s. 10 (2).<br>45, s. 10 (4).<br>55, s. 54 (1) (5).<br>55, s. 54 (2) (5).<br>11, s. 1 (1), sch. 6 (7 Eliz. 2), s. 17 (1), sch. 9 |
| c. 53 ... ..                                   | Trustee Act, 1893 ...                                        | S. 5 (4) rep. in pt. ...                                                                                                                                                                                                           | 6 (7 Eliz. 2), s. 17 (1), sch. 9                                                                                                                                        |
| c. 69 ... ..                                   | Savings Bank Act, 1893                                       | S. 5, sch. 1 rep. ...                                                                                                                                                                                                              | 6 (7 Eliz. 2), s. 17 (1), sch. 9                                                                                                                                        |
| c. 73 ... ..                                   | Local Government Act, 1894.                                  | Ss. 7 (7) rep. in pt., 62 (2), 63 (2), 70 rep., 75 (2) rep. in pt., 81 rep.                                                                                                                                                        | 55, s. 67, sch. 9 Pt. V.                                                                                                                                                |
| 57 & 58 Vict.:<br>c. 42 ... ..                 | Quarries Act, 1894 ...                                       | Rep. (Isle of Man) ...                                                                                                                                                                                                             | 11, s. 1 (1), sch. 6 (7 Eliz. 2), s. 15 (3).                                                                                                                            |
| c. 47 ... ..                                   | Building Societies Act, 1894.                                | S. 16 (2) am. ...                                                                                                                                                                                                                  | 6 (7 Eliz. 2), s. 15 (3).                                                                                                                                               |
| c. 60 ... ..                                   | Merchant Shipping Act, 1894.                                 | S. 149 (2) saved ... ..<br>S. 238 appl. (mod.) (Federal Republic of Germany).<br>S. 238 appl. (mod.) (Italian Republic).<br>S. 256 (2) rep. ... ..                                                                                 | 8, s. 1 (5).<br>S.I. No. 142.<br>S.I. No. 143.<br>51, s. 13 (2), sch. 4.                                                                                                |
|                                                |                                                              | Pt. VIII (ss. 502-509)—<br>expld. (meaning of "ship").<br>expld. (meaning of "owner").<br>ext. in pt. ... ..                                                                                                                       | 62, s. 4 (1) (2).<br>62, s. 8 (4).<br>62, s. 3 (1).                                                                                                                     |

| Session and Chap. or No. of Measure                                | Short title or Subject                                                                                                                        | How affected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Chapter of 1958 Act or number of Measure or Statutory Instrument                                                                                                                                                                                                                                                                                                                                 |
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| 57 & 58 Vict.:<br>c. 60— <i>cont.</i>                              | Merchant Shipping Act, 1894— <i>cont.</i>                                                                                                     | Pt. VIII (ss. 502–509).<br>Power to ext. (mod.)<br>S. 502 rep. in pt. ...<br>S. 503 expld. ...<br>S. 503 (1) expld. ...<br>S. 503 (1) (c) (d) subst....<br>S. 503 (1) (i) am. ...<br>S. 503 (1) (ii) am. ...<br>S. 503 (2) appl. ...<br>S. 503 (3) subst....<br>S. 504 am. and saved ...<br>am. ...<br>S. 508 rep. ...<br>S. 530 mod. (Milford Haven).<br>excl. (Milford Haven).<br>saved (Milford Haven).<br>S. 531 excl. (Milford Haven).<br>S. 532 mod. (Milford Haven).<br>excl. (Milford Haven).<br>Pt. XIII (ss. 680–712) appl. (Kenya).<br>S. 741 saved (Milford Haven). | 62, s. 11.<br>62, s. 8 (1) (6), sch.<br>62, s. 2 (3) (4).<br>62, s. 2 (2).<br>62, s. 2 (1).<br>62, ss. 1 (1), 2 (1).<br>62, ss. 1 (1) (b), 2 (1).<br>62, s. 4 (3).<br>62, s. 8 (2).<br>62, s. 7.<br>62, s. 8 (3).<br>62, s. 8 (6), sch.<br>23, s. 6 (1).<br>23, s. 7 (1).<br>23, s. 7 (4).<br>23, s. 7 (5).<br>23, s. 6 (1).<br>23, s. 7 (1).<br>S.I. No. 600, art. 70, sch. 3.<br>23, s. 7 (1). |
| 60 & 61 Vict.:<br>c. 27 ...<br>c. 30 ...<br>c. 43 ...<br>c. 51 ... | Public Offices (Whitehall Site) Act, 1897.<br>Police (Property) Act, 1897.<br>Military Manoeuvres Act, 1897.<br>Public Works Loans Act, 1897. | S. 4 rep. ...<br>Appl. ...<br>Rep. (E.) (S.) ...<br>Rep. (N.I.) ...<br>S. 10 rep. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 46, S.L.R.<br>45, s. 14 (11).<br>7 (7 Eliz. 2), s. 10 (2).<br>30, s. 2 (5).<br>11, s. 1 (1), sch.                                                                                                                                                                                                                                                                                                |
| 61 & 62 Vict.:<br>c. 5 ...<br>c. 12 ...<br>c. 14 ...               | Public Buildings Expenses Act, 1898.<br>Public Record Office Act, 1898.<br>Merchant Shipping (Liability of Shipowners) Act, 1898.             | Rep. ...<br>Rep. ...<br>Rep. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 46, S.L.R.<br>51, s. 13 (2), sch. 4.<br>62, s. 8 (6), sch.                                                                                                                                                                                                                                                                                                                                       |
| 62 & 63 Vict.:<br>c. 19 ...                                        | Electric Lighting (Clauses) Act, 1899.                                                                                                        | Sch., s. 10 (b) ext. (S.) ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | S.I. No. 131, reg. 4.                                                                                                                                                                                                                                                                                                                                                                            |
| 63 & 64 Vict.:<br>c. 14 ...<br>c. 32 ...<br>c. 56 ...              | Colonial Solicitors Act, 1900.<br>Merchant Shipping (Liability of Shipowners and Others) Act, 1900.<br>Military Lands Act, 1900               | Saved ...<br>S. 1 rep. ...<br>S. 2 am. ...<br>S. 2. Power to ext. (mod.)<br>S. 2 (2) ext. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 28, s. 1 (3).<br>62, s. 8 (6), sch.<br>62, s. 1.<br>62, s. 11.<br>30, S. 7.                                                                                                                                                                                                                                                                                                                      |

| Session and Chap. or No. of Measure     | Short title or Subject                                 | How affected                                                 | Chapter of 1958 Act or number of Measure or Statutory Instrument |
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| 1 Edw. 7:<br>c. 7 ... ..                | Finance Act, 1901 ...                                  | S. 2 (2) rep. ... ..<br>S. 10 (1) appl. ... ..               | 6, s. 16 (4), sch. 7.<br>S.I. Nos. 223,<br>225.                  |
| c. 15 ... ..                            | Royal Titles Act, 1901...                              | Rep. ... ..                                                  | 46, S.L.R.                                                       |
| 6 Edw. 7:<br>c. 14 ... ..               | Alkali, &c. Works Regu-<br>lation Act, 1906.           | S. 27, sch. 1 am. (E.) ...<br>ext. and am.<br>(S.) ...       | S.I. No. 497.<br>S.I. No. 1932.                                  |
| c. 28 ... ..                            | Crown Lands Act, 1906                                  | Appl. (mod.) (Park Lane)                                     | 28, s. 16 (4).                                                   |
| c. 48 ... ..                            | Merchant Shipping Act,<br>1906.                        | Ss. 70, 71 rep. ... ..                                       | 62, s. 8 (6), sch.                                               |
| c. 55 ... ..                            | Public Trustee Act, 1906                               | Excl. ... ..                                                 | 60, s. 3 (6).                                                    |
| 7 Edw. 7:<br>c. 29 ... ..               | Patents and Designs Act,<br>1907.                      | S. 91A (2) ext. (Rhodesia<br>and Nyasaland Federa-<br>tion). | S.I. No. 263.                                                    |
| c. 51 ... ..                            | Sheriff Courts (Scotland)<br>Act, 1907.                | Ss. 5, 30 expld. (legal aid)<br><br>S. 31 am. ... ..         | S.I. No. 1872,<br>s. 2 (2).<br>61, s. 2.                         |
| 8 Edw. 7:<br>c. 16 ... ..               | Finance Act, 1908 ...                                  | S. 6 (4) proviso restr. ...                                  | 56, s. 11.                                                       |
| c. 36 ... ..                            | Small Holdings and<br>Allotments Act, 1908.            | Excl. in pt. ... ..                                          | 69, s. 41, sch. 8<br>para. 3 (1).                                |
| c. 50 ... ..                            | Crofters Common Graz-<br>ings Regulation Act,<br>1908. | S. 47 appl. ... ..                                           | 69, s. 41, sch. 8<br>para. 3 (3).                                |
| c. 67 ... ..                            | Children Act, 1908 ...                                 | Appl. in pt. (mod.) ...                                      | 24, s. 14.                                                       |
| 9 Edw. 7:<br>c. 34 ... ..               | Electric Lighting Act,<br>1909.                        | Rep. (E.) (S.) ... ..                                        | 65, ss. 38 (1), 40<br>(2), sch. 3.                               |
| c. 42 ... ..                            | Irish Land Act, 1909 ...                               | S. 2 ext. (S.) ... ..                                        | S.I. No. 131,<br>regs. 3, 5.                                     |
| c. 49 ... ..                            | Assurance Companies<br>Act, 1909.                      | S. 2 (3) rep. ... ..                                         | 6 (7 Eliz. 2) s. 17<br>(1), sch.                                 |
| 10 Edw. 7 & 1<br>Geo. 5:<br>c. 8 ... .. | Finance (1909-10) Act,<br>1910.                        | Rep. (E.) (S.) ... ..                                        | 72, s. 36 (2), sch.<br>5 Pt. II.                                 |
|                                         |                                                        | S. 57 mod. ... ..                                            | 56, ss. 28 (8), 40<br>(4).                                       |
|                                         |                                                        | Ss. 73 rep., 75 rep. in pt.                                  | 56, ss. 34 (10),<br>40 (4) (5) sch. 9<br>Pt. III.                |
|                                         |                                                        | S. 81 (2) rep. ... ..                                        | 6, ss. 3 (1), 16 (4),<br>schs. 2, 7.                             |
|                                         |                                                        | S. 96 (2) rep. in pt., 96 (6),<br>sch. 3 Pt. II rep.         | 6, s. 16 (4), sch. 7.                                            |

| Session and Chap. or No. of Measure | Short title or Subject                        | How affected                                         | Chapter of 1958 Act or number of Measure or Statutory Instrument     |
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| 1 & 2 Geo. 5:<br>c. 33 ... ..       | Isle of Man Harbours Act, 1911.               | Power to amend or repeal by Act of Tynwald.          | 11, s. 1 (3).                                                        |
| c. 44 ... ..                        | Military Manoeuvres Act, 1911.                | Rep. (E.) (S.) ... ..                                | 7 (7 Eliz. 2), s. 10 (2).                                            |
| c. 49 ... ..                        | Small Landholders (Scotland) Act, 1911.       | Rep. (N.I.) ... ..<br>Appl. in pt. (mod.) ... ..     | 30, s. 2 (5).<br>24, s. 14.<br>69, s. 52 (5) (b).                    |
| 3 & 4 Geo. 5:<br>c. 14 ... ..       | Public Buildings Expenses Act, 1913.          | Rep. ... ..                                          | 46, S.L.R.                                                           |
| c. 27 ... ..                        | Forgery Act, 1913 ... ..                      | S. 3 (2) (d) am. ... ..                              | 51 s. 11, sch. 3.                                                    |
| c. 28 ... ..                        | Mental Deficiency Act, 1913.                  | Certain functions of county councils delegated.      | 55, s. 46 (1) (d).                                                   |
| 4 & 5 Geo. 5:<br>c. 10 ... ..       | Finance Act, 1914 ... ..                      | S. 15 rep. ... ..                                    | 56, s. 40 (4) (5), sch. 9 Pt. IV.                                    |
| c. 38 ... ..                        | East African Protectorates (Loans) Act, 1914. | Rep. ... ..                                          | 46, S.L.R.                                                           |
| c. 60 ... ..                        | War Loan Act, 1914 ... ..                     | Rep. ... ..                                          | 6 (7 Eliz. 2), s. 17 (1), sch.                                       |
| 5 & 6 Geo. 5:<br>c. 7 ... ..        | Finance Act, 1914 (Session 2).                | Rep. ... ..                                          | 6 (7 Eliz. 2), s. 17 (1), sch.                                       |
| c. 11 ... ..                        | Government War Obligations Act, 1914.         | Rep. ... ..                                          | 46, S.L.R.                                                           |
| c. 55 ... ..                        | War Loan Act, 1915 ... ..                     | Rep. ... ..                                          | 6 (7 Eliz. 2), s. 17 (1), sch.                                       |
| c. 89 ... ..                        | Finance (No. 2) Act, 1915                     | S. 48 am. ... ..                                     | 6 (7 Eliz. 2), s. 15 (3).                                            |
| c. 93 ... ..                        | War Loan (Supplemental Provisions) Act, 1915. | Ss. 1-6 rep., 11 rep. in pt.                         | 6 (7 Eliz. 2), s. 17 (1), sch.                                       |
| c. 96 ... ..                        | Government War Obligations Act, 1915.         | Rep. ... ..                                          | 46, S.L.R.                                                           |
| 6 & 7 Geo. 5:<br>c. 11 ... ..       | Finance (New Duties) Act, 1916.               | Rep. (E.) (S.) ... ..                                | 9, s. 10 (2), sch. 2.                                                |
| c. 24 ... ..                        | Finance Act, 1916 ... ..                      | Ss. 58 rep., 65 rep. in pt.<br>S. 66 am. ... ..      | 6 (7 Eliz. 2), s. 17 (1), sch.<br>6 (7 Eliz. 2), s. 15 (3).          |
| c. 67 ... ..                        | War Loan Act, 1916 ... ..                     | Rep. ... ..                                          | 6 (7 Eliz. 2), s. 17 (1), sch.                                       |
| c. 70 ... ..                        | Government War Obligations Act, 1916.         | Rep. ... ..                                          | 46, S.L.R.                                                           |
| 7 & 8 Geo. 5:<br>c. 31 ... ..       | Finance Act, 1917 ... ..                      | S. 33 rep. ... ..                                    | } 6 (7 Eliz. 2), s. 17 (1), sch.                                     |
| c. 41 ... ..                        | War Loan Act, 1917 ... ..                     | Rep. ... ..                                          |                                                                      |
| c. 55 ... ..                        | Chequers Estate Act, 1917.                    | Expld. ... ..                                        |                                                                      |
|                                     |                                               | S. 2 rep. ... ..<br>Sch., clause 1 (c) subst. ... .. | 60, s. 1, sch. para. 18.<br>60, s. 3 (7).<br>60, s. 1, sch. para. 1. |

| Session and Chap. or No. of Measure                               | Short title or Subject                                                                                               | How affected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Chapter of 1958 Act or number of Measure or Statutory Instrument                                                                                                                                                                                                                                                                                                                                                                                     |
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| 7 & 8 Geo. 5:<br>c. 55— <i>cont.</i>                              | Chequers Estate Act, 1917— <i>cont.</i>                                                                              | Sch., clause 1 (e) (f) subst. (replacing clause 1 (e) (f) (g) subst. by para. 2).<br>Sch., clause 1 (g) (h) rep.<br>Sch., clause 1 (i) am., clause 1A added.<br>Sch., clause 5 (a) rep. in pt.<br>Sch. (title of Pt. VI) am.<br>Sch., clauses 6A, 6B added.<br>Sch., clause 8 (c) (d) rep.<br>Sch., clause 8 (e) (iii) (iv) subst. by clause 8 (e) (iii), clause 8 (e) (v) rep. in pt., 8 (e) proviso rep., 8 (f) added.<br>Sch., clauses 8A, 8B, 8C, 8D, 8E added.<br>Sch., clause 9 subst. ...<br>Sch., clauses 10–13 subst. by clauses 10–12.<br>Sch., clause 15 (b) subst., clause 15 (c)–(f) rep.<br>Sch., clause 15A added...<br>Sch., clauses 17, 18 rep.<br>Sch., clause 19 rep. ...<br>Sch., clause 21 rep. ... | 60, s. 1, sch. para. 2.<br>60, s. 1, sch. para. 3.<br>60, s. 1, sch. para. 4.<br>60, s. 1, sch. para. 5.<br>60, s. 1, sch. para. 6.<br>60, s. 1, sch. para. 7.<br>60, s. 1, sch. para. 8.<br>60, s. 1, sch. para. 9.<br>60, s. 1, sch. para. 10.<br>60, s. 1, sch. para. 11.<br>60, s. 1, sch. para. 12.<br>60, s. 1, sch. para. 13.<br>60, s. 1, sch. para. 14.<br>60, s. 1, sch. para. 15.<br>60, s. 1, sch. para. 16.<br>60, s. 1, sch. para. 17. |
| 8 & 9 Geo. 5:<br>c. 13 ...<br>c. 15 ...<br>c. 25 ...<br>c. 28 ... | Horse Breeding Act, 1918<br>Finance Act, 1918 ...<br>War Loan Act, 1918 ...<br>Government War Obligations Act, 1918. | Rep. (E.) (S.) ...<br>Ss. 38 (1) rep., 38 (5) rep. in pt., 41 rep.<br>Rep. ...<br>Rep. ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 43, s. 17.<br>6 (7Eliz. 2), s. 17 (1), sch.<br>46, S.L.R.                                                                                                                                                                                                                                                                                                                                                                                            |
| 9 & 10 Geo. 5:<br>c. 32 ...                                       | Finance Act, 1919 ...                                                                                                | S. 8 mod. (coffee) ...<br>S. 8 (1) am. ...<br>rep. in pt. ...<br>S. 8 (4) rep. ...<br>Sch. 2 rep. except so far as relating to cocoa and coffee.<br>Sch. 2 mod. (coffee) ...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 6, s. 2 (10), sch. 1 para. 3 (1).<br>6, s. 2 (10), sch. 1 para. 1 (1) (3).<br>6, ss. 2 (10), 16 (4), schs. 1 para. 1 (2), 7.<br>6, s. 16 (4), sch. 7.<br>6, s. 16 (4), sch. 7.<br>6, s. 2 (10), sch. 1 para. 3 (1).                                                                                                                                                                                                                                  |

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| 9 & 10 Geo. 5:                      |                                                                  |                                                             |                                                                  |
| c. 35 ... ..                        | Housing, Town Planning, etc. Act, 1919.                          | S. 49 (d) proviso (b) rep. in pt.                           | 56, s. 40 (4) (5), sch. 9 Pt. III.                               |
| c. 37 ... ..                        | War Loan Act, 1919 ...                                           | Ss. 1 (4), 4 rep., 7 rep. in pt.                            | 6 (7 Eliz. 2), s. 17 (1), sch.                                   |
| c. 43 ... ..                        | Government of the Soudan Loan Act, 1919.                         | Rep. ... ..                                                 | 46, S.L.R.                                                       |
| c. 44 ... ..                        | Government War Obligations Act, 1919.                            | Rep. ... ..                                                 | 46, S.L.R.                                                       |
| c. 50 ... ..                        | Ministry of Transport Act, 1919.                                 | S. 17 (2) am. (E.) ...                                      | 55, ss. 4 (2), 67, sch. 9 Pt. II.                                |
|                                     |                                                                  | am. (S.) ...                                                | 64, ss. 4 (2), 6 (1), 22, schs. 4 Pt. I, 6 Pt. III.              |
| c. 57 ... ..                        | Acquisition of Land (Assessment of Compensation) Act, 1919.      | Appl. (Park Lane) ...                                       | 63, ss. 7 (3) 10 (2).                                            |
|                                     |                                                                  | Ss. 3, 5, 6 appld. (mod.) (S.) (temp.).                     | 67, s. 1 (7), sch. 2 para. 4                                     |
| c. 92 ... ..                        | Aliens Restriction (Amendment) Act, 1919.                        | S. 1 cont. until 31.12.59...                                | 4 (7 Eliz. 2), s. 1 (1).                                         |
| c. 97 ... ..                        | Land Settlement (Scotland) Act, 1919.                            | Appl. in pt. (mod.) ...                                     | 24, s. 14.                                                       |
|                                     |                                                                  | Pt. III (ss. 18-25) excl. in pt. (compensation provisions). | 69, s. 41, sch. 8 paras. 3 (1), 10 (b).                          |
| 10 & 11 Geo. 5:                     |                                                                  |                                                             |                                                                  |
| c. 12 ... ..                        | Savings Banks Act, 1920                                          | Rep. ... ..                                                 | 6 (7 Eliz. 2), s. 17 (1), sch.                                   |
| c. 17 ... ..                        | Increase of Rent and Mortgage Interest (Restrictions) Act, 1920. | S. 8 expld. (retrosp.) ...                                  | 6 (7 Eliz. 2), s. 16.                                            |
|                                     |                                                                  | Ext. (mortgages) (E.) (S.)                                  | 68, s. 4 (4).                                                    |
|                                     |                                                                  | S. 17 appl. (mod.) and expld. (E.) (S.).                    | 68, s. 4 (1).                                                    |
| c. 18 ... ..                        | Finance Act, 1920 ...                                            | S. 36 (1) rep. ... ..                                       | 56, s. 40 (4) (5), sch. 9 Pt. III.                               |
|                                     |                                                                  | S. 59 rep. ... ..                                           | 6 (7 Eliz. 2), s. 17 (1), sch.                                   |
| c. 33 ... ..                        | Maintenance Orders (Facilities for Enforcement) Act, 1920.       | S. 12 ext. ... ..                                           | 39, ss. 19, 23 (2).                                              |
| c. 67 ... ..                        | Government of Ireland Act, 1920.                                 | Legislative powers of N.I. ext.                             | 17, s. 4.                                                        |
|                                     |                                                                  | (recreational charities)                                    | 39, s. 22.                                                       |
|                                     |                                                                  | (maintenance orders)                                        | 51, s. 12 (2).                                                   |
|                                     |                                                                  | (public records) ...                                        | 53, s. 2 (2).                                                    |
|                                     |                                                                  | (variation of trusts) ...                                   | 47, s. 53 (2).                                                   |
|                                     |                                                                  | S. 4 mod. ... ..                                            | 32, s. 31 (2).                                                   |
|                                     |                                                                  | S. 6 mod. ... ..                                            | 46, S.L.R.                                                       |
|                                     |                                                                  |                                                             | 55, s. 54 (6).                                                   |
|                                     |                                                                  |                                                             | 62, s. 10 (3).                                                   |
|                                     |                                                                  |                                                             | 6 (7 Eliz. 2), s. 18.                                            |
| c. 76 ... ..                        | Agriculture Act, 1920 ...                                        | Rep. ... ..                                                 | 46, S.L.R.                                                       |
| c. 77 ... ..                        | Dyestuffs (Import Regulation) Act, 1920.                         | S. 3 rep. ... ..                                            | 6, s. 16 (4), sch. 7.                                            |
| 11 & 12 Geo. 5:                     |                                                                  |                                                             |                                                                  |
| c. 7 ... ..                         | Tribunals of Inquiry (Evidence) Act, 1921.                       | Power to apply ... ..                                       | 47, s. 26 (6) (7).                                               |

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| 11 & 12 Geo. 5:                     |                                                         |                                                |                                                                  |
| c. 28 ... ..                        | Merchant Shipping Act, 1921.                            | S. 1 (2) rep. ... ..                           | 62, s. 8 (6), sch.                                               |
| c. 32 ... ..                        | Finance Act, 1921 ...                                   | S. 44 am. ... ..<br>S. 51 am. ... ..           | 56, s. 31.<br>6 (7 Eliz. 2), s. 9 (5).                           |
| c. 47 ... ..                        | Safeguarding of Industries Act, 1921.                   | Rep. ... ..                                    | 6, ss. 3 (1), 16 (4), schs. 2, 7.                                |
| c. 48 ... ..                        | Corn Production Acts (Repeal) Act, 1921.                | S. 1 proviso paras. (a) (b) (d) rep.           | 71, s. 10 (6), sch. 3.                                           |
|                                     |                                                         | Sch. para. (1) am. ...                         | 71, s. 7 (1).                                                    |
|                                     |                                                         | Sch. para. (3) subst., paras. (3A)–(3F) added. | 71, s. 7 (2).                                                    |
|                                     |                                                         | Sch. para. (4) am. ...                         | 71, s. 7 (3).                                                    |
|                                     |                                                         | Sch. para. (5) rep. ...                        | 71, ss. 7 (4), 10 (1), sch. 2 Pt. I.                             |
|                                     |                                                         | Sch. para. (6) excl. (S.) ...                  | 71, s. 7 (5).                                                    |
|                                     |                                                         | Sch. para. (10) (ii) rep. ...                  | 71, s. 10 (6), sch. 3.                                           |
| c. 58 ... ..                        | Trusts (Scotland) Act, 1921.                            | S. 10 (1) (a) (6) am. and ext.                 | 64, s. 16.                                                       |
|                                     |                                                         | S. 10 (1) (a) (7) ext. ...                     | 64, s. 16.                                                       |
|                                     |                                                         | S. 10 (1) (a) (8) rep. ...                     | 64, s. 22, sch. 6 Pt. I.                                         |
|                                     |                                                         | S. 10 (1) (a) (14) am. and ext., (15) ext.     | 64, s. 16.                                                       |
|                                     |                                                         | S. 12 (3) rep. in pt. ...                      | 11, s. 1 (1), sch.                                               |
| 12 & 13 Geo. 5:                     |                                                         |                                                |                                                                  |
| c. 15 ... ..                        | Government of the Soudan Loan (Amendment) Act, 1922.    | Rep. ... ..                                    | 46, S.L.R.                                                       |
| c. 17 ... ..                        | Finance Act, 1922 ...                                   | S. 10 rep. ... ..                              | 6, s. 16 (4), sch. 7.                                            |
|                                     |                                                         | Ss. 11, 49 (1) rep. ...                        | 9, s. 10 (2), sch. 2.                                            |
| c. 26 ... ..                        | Anglo-Persian Oil Company (Payment of Calls) Act, 1922. | Rep. ... ..                                    | 46, S.L.R.                                                       |
| c. 51 ... ..                        | Allotments Act, 1922 ...                                | Excl. in pt. (compensation provisions).        | 69, s. 41, sch. 8 para. 3 (1).                                   |
|                                     |                                                         | Ss. 2, 3, 5 appl. ... ..                       | 69, s. 41, sch. 8 para. 3 (2) (3).                               |
|                                     |                                                         | S. 6 (2) appl. ... ..                          | 69, s. 41, sch. 8 para. 8.                                       |
|                                     |                                                         | S. 22 (4) appl. ... ..                         | 69, s. 41, sch. 8 para. 1 (2).                                   |
| c. 52 ... ..                        | Allotments (Scotland) Act, 1922.                        | Excl. in pt. (compensation provisions).        | 69, s. 41, sch. 8 paras. 3 (1), 10 (b).                          |
|                                     |                                                         | S. 2 (9) (c) appl. ...                         | 69, s. 41, sch. 8 para. 10 (h).                                  |
|                                     |                                                         | S. 9 rep. ... ..                               | 64, ss. 13, 22, schs. 5, 6 Pt. III.                              |
|                                     |                                                         | S. 19 (3) appl. ... ..                         | 69, s. 41, sch. 8 paras. 1 (2), 10 (a).                          |
| 13 & 14 Geo. 5:                     |                                                         |                                                |                                                                  |
| c. 8 ... ..                         | Industrial Assurance Act, 1923.                         | Ss. 1 (1), 7 (1) am. ...                       | 72, s. 36 (1), sch. 5 Pt. I.                                     |
|                                     |                                                         | S. 12 rep. ... ..                              | 72, s. 36 (2), sch. 5 Pt. II.                                    |



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| 13 & 14 Geo. 5:<br>c. 8— <i>cont.</i> | Industrial Assurance Act,<br>1923— <i>cont.</i>    | S. 18 (1) (a) subst. ...                                                                                                                                   | 72, s. 36 (1), sch. 5 Pt. I.                                     |
|                                       |                                                    | S. 42 rep. ...                                                                                                                                             | 72, s. 36 (2), sch. 5 Pt. II.                                    |
|                                       |                                                    | S. 44 mod. ...                                                                                                                                             | 72, s. 21, sch. 2 para. 8.                                       |
| c. 13 ...                             | Rent Restrictions (Notices of Increase) Act, 1923. | Ext. (mortgages) ...                                                                                                                                       | 68, s. 4 (4).                                                    |
| c. 14 ...                             | Finance Act, 1923 ...                              | S. 33 rep. ...                                                                                                                                             | 6 (7 Eliz. 2), s. 17 (1), sch.                                   |
| c. 21 ...                             | Forestry (Transfer of Woods) Act, 1923.            | S. 4 rep. ...                                                                                                                                              | 46, S.L.R.                                                       |
| c. 24 ...                             | Housing, &c. Act, 1923                             | S. 1 rep. (saving) (E.) ...                                                                                                                                | 42, s. 59 (1) (4), sch. 6.                                       |
|                                       |                                                    | S. 2 mod. (E.) ...                                                                                                                                         | 42, s. 48 (1).                                                   |
|                                       |                                                    | S. 3 rep. (saving) (E.) ...                                                                                                                                | 42, s. 48 (2).                                                   |
|                                       |                                                    | S. 4 rep. (E.) ...                                                                                                                                         | 42, s. 59 (1) (4), sch. 6.                                       |
| c. 32 ...                             | Rent and Mortgage Interest Restrictions Act, 1923. | Ext. (mortgages) ...                                                                                                                                       | 68, s. 4 (4).                                                    |
| 14 & 15 Geo. 5:<br>c. 21 ...          | Finance Act, 1924 ...                              | S. 3 (4) mod. ...                                                                                                                                          | 6, s. 2 (10), sch. 1 para. 3 (1).                                |
| c. 35 ...                             | Housing (Financial Provisions) Act, 1924.          | S. 6 rep. ...                                                                                                                                              | 9, s. 10 (2), sch. 2.                                            |
|                                       |                                                    | S. 1 rep. (E.) ...                                                                                                                                         | 42, s. 59 (1), sch. 6.                                           |
|                                       |                                                    | S. 2 (1)–(4) rep. (E.) ...                                                                                                                                 | 42, s. 59 (1), sch. 6.                                           |
|                                       |                                                    | S. 2 (5) rep. (saving) ...                                                                                                                                 | 42, s. 59 (1) (4), sch. 6.                                       |
| 15 & 16 Geo. 5:<br>c. 18 ...          | Settled Land Act, 1925                             | Ss. 3–11 rep. (E.), 14 rep., 15 rep. in pt., sch. 1 rep. (E.), sch. 2 rep. (E.) so far as relating to the amendment of s. 1 of the Housing, &c. Act, 1923. | 42, s. 59 (1), sch. 6.                                           |
|                                       |                                                    | S. 29 (1) appl. (mod.) ...                                                                                                                                 | 60, s. 1, sch. paras. 10, 14.                                    |
|                                       |                                                    | S. 64 saved ...                                                                                                                                            | 53, s. 1 (6).                                                    |
|                                       |                                                    | S. 71 mod. ...                                                                                                                                             | 60, s. 1, sch. para. 10.                                         |
| c. 19 ...                             | Trustee Act, 1925 ...                              | Pt. III (ss. 73–82) appl. (mod.) ...                                                                                                                       | 60, s. 1, sch. para. 7.                                          |
|                                       |                                                    | S. 73 ext. ...                                                                                                                                             | 42, s. 35 (3).                                                   |
|                                       |                                                    | Ss. 106 (1), 108 (2) excl. ...                                                                                                                             | 60, s. 3 (5).                                                    |
|                                       |                                                    | S. 1 ext. ...                                                                                                                                              | 55, s. 54 (1).                                                   |
|                                       |                                                    | S. 1 (1) (f) rep. in pt., 1 (1) (m) (p) rep. ...                                                                                                           | 55, s. 67, sch. 9 Pt. I.                                         |
|                                       |                                                    | S. 2 (1) expld. ...                                                                                                                                        | 55, s. 54 (2).                                                   |
| S. 2 (1) rep. in pt. ...              | 55, s. 67, sch. 9 Pt. I.                           |                                                                                                                                                            |                                                                  |
| S. 5 (5) rep. in pt. ...              | 11, s. 1 (1), sch.                                 |                                                                                                                                                            |                                                                  |
| S. 57 saved ...                       | 53, s. 1 (6).                                      |                                                                                                                                                            |                                                                  |
| S. 63 appl. ...                       | S.I. No. 261.                                      |                                                                                                                                                            |                                                                  |

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| 15 & 16 Geo. 5:<br>c. 20 ... ..     | Law of Property Act, 1925.                                        | S. 28 ext. ... ..<br>Pt. III (ss. 85-129) appl. in pt.                                                                                                                                                                                                           | 42, s. 35 (3).<br>71, s. 7 (2).                                                                                                          |
| c. 21 ... ..                        | Land Registration Act, 1925.                                      | S. 171 saved ... ..<br>S. 112 saved ... ..                                                                                                                                                                                                                       | 53, s. 1 (6).<br>51, s. 5 (3), sch. 2.                                                                                                   |
| c. 22 ... ..                        | Land Charges Act, 1925                                            | S. 15 ext. ... ..                                                                                                                                                                                                                                                | 30, s. 17 (3).<br>42, s. 34 (9).<br>69, s. 11 (2).<br>71, s. 7 (2).                                                                      |
| c. 23 ... ..                        | Administration of Estates Act, 1925.                              | S. 46 expld. ... ..                                                                                                                                                                                                                                              | 5 (7 Eliz. 2), s. 17 (1).                                                                                                                |
| c. 24 ... ..                        | Universities and College Estates Act, 1925.                       | S. 26 ext. ... ..                                                                                                                                                                                                                                                | 42, s. 35 (3).                                                                                                                           |
| c. 32 ... ..                        | Rent and Mortgage Interest (Restrictions Continuation) Act, 1925. | Ext. (mortgages) ... ..                                                                                                                                                                                                                                          | 68, s. 4 (4).                                                                                                                            |
| c. 34 ... ..                        | Northern Ireland Land Act, 1925.                                  | S. 2 (4) rep. ... ..                                                                                                                                                                                                                                             | 6 (7 Eliz. 2), s. 17 (1), sch.                                                                                                           |
| c. 36 ... ..                        | Finance Act, 1925 ...                                             | S. 4 rep. ... ..                                                                                                                                                                                                                                                 | 6, ss. 3 (1), 16 (4), schs. 2, 7.                                                                                                        |
| c. 43 ... ..                        | Former Enemy Aliens (Disabilities Removal) Act, 1925.             | Ss. 9, 28 (1), schs. 2, 3 rep. Rep. ... ..                                                                                                                                                                                                                       | 6, s. 16 (4), sch. 7.<br>46, S.L.R.                                                                                                      |
| c. 45 ... ..                        | Guardianship of Infants Act, 1925.                                | S. 8 (2) rep. (E.) ... ..                                                                                                                                                                                                                                        | 39, s. 23 (4).                                                                                                                           |
| c. 46 ... ..                        | Dramatic and Musical Performers' Protection Act, 1925.            | Rep. ... ..                                                                                                                                                                                                                                                      | 44, s. 9 (3).                                                                                                                            |
| c. 49 ... ..                        | Supreme Court of Judicature (Consolidation) Act, 1925.            | S. 19 para. (6) rep. ... ..<br>S. 27 ext. ... ..<br>S. 49 appl. ( <i>prosp.</i> ) ... ..                                                                                                                                                                         | 51, s. 13 (2), sch. 4.<br>66, s. 9 (2).<br>32, s. 15 (1).                                                                                |
| c. 59 ... ..                        | Teachers (Superannuation) Act, 1925.                              | S. 63 (1) restr. ... ..<br>S. 63 (1): power to restr. S. 156 (3): power to restr. S. 162 (1) ext. ... .. S. 170 am. ... .. Ss. 173, 199 rep. ... ..                                                                                                              | 39, s. 4 (7).<br>5 (7 Eliz. 2), s. 10 (2).<br>66, s. 9 (4).<br>51, s. 8 (3).<br>35, s. 6 (3).<br>51, s. 8 (2).<br>51, s. 13 (2), sch. 4. |
| c. 59 ... ..                        | Teachers (Superannuation) Act, 1925.                              | S. 6 (2) am. ... ..<br>S. 13. Power to ext. (mod.).<br>S. 21 (1) (b) am. ... ..                                                                                                                                                                                  | 55, s. 62, sch. 8 para. 1.<br>14, s. 3 (4).                                                                                              |
| c. 90 ... ..                        | Rating and Valuation Act, 1925.                                   | Ss. 1 (1), 1 (2), 2 (1)-(3), (8), 4 (1) (2), 9 (2), 10 (1) (2), 11 (10), 13 (1), 22 (1) (2), 48 (1) (2) (4) (5) (8) rep. in pt., 50 rep., 52, 59 (3) rep. in pt., 62 (1) (2), 65, 67, 69 (1) rep., 69 (2) rep. in pt., 69 (3) rep., sch. 7, except para. 7, rep. | 55, s. 62, sch. 8 para. 1.<br>55, s. 67, sch. 9 Pt. V.                                                                                   |

| Session and Chap. or No. of Measure | Short title or Subject                          | How affected                                                                                                                                                                                  | Chapter of 1958 Act or number of Measure or Statutory Instrument              |
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| 16 & 17 Geo. 5:                     |                                                 |                                                                                                                                                                                               |                                                                               |
| c. 9 ... ..                         | Economy (Miscellaneous Provisions) Act, 1926.   | S. 13 (3) saved ... ..                                                                                                                                                                        | 72, s. 32 (1).                                                                |
| c. 22 ... ..                        | Finance Act, 1926 ...                           | ext. ... ..<br>Ss. 5, 10, 12 rep. ... ..<br>S. 46 rep. ... ..                                                                                                                                 | 72, s. 32 (2).<br>6, s. 16 (4), sch. 7.<br>6 (7 Eliz. 2), s. 17 (1), sch.     |
| c. 29 ... ..                        | Adoption of Children Act, 1926.                 | S. 47 (1) rep. ... ..<br>S. 10 rep. ... ..                                                                                                                                                    | 6, s. 16 (4), sch. 7.<br>65, ss. 38 (2), 40 (2), sch. 3.                      |
| c. 36 ... ..                        | Parks Regulation (Amendment) Act, 1926.         | Saved (Park Lane) ...                                                                                                                                                                         | 63, s. 4 (3).                                                                 |
| c. 56 ... ..                        | Housing (Rural Workers) Act, 1926.              | S. 3 (1) mod. (E.) ...                                                                                                                                                                        | 42, s. 39 (2), sch. 4.                                                        |
| 17 & 18 Geo. 5:                     |                                                 |                                                                                                                                                                                               |                                                                               |
| c. 10 ... ..                        | Finance Act, 1927 ...                           | S. 6 rep. ... ..                                                                                                                                                                              | 56, s. 40 (5), sch. 9 Pt. I.                                                  |
| c. 23 ... ..                        | Crown Lands Act, 1927                           | superseded ... ..<br>Appl. (mod.) (Park Lane)                                                                                                                                                 | 56, s. 5 (1), sch. 4.<br>63, s. 16 (4).                                       |
| c. 36 ... ..                        | Landlord and Tenant Act, 1927.                  | Pt. I (ss. 1-17) appl. (mod.).<br><br>expld.                                                                                                                                                  | 69, ss. 30 (2) (3) (5) (7), 37, sch. 7 Pt. II.<br>69, s. 37, sch. 7 para. 11. |
|                                     |                                                 | S. 10 saved ... ..                                                                                                                                                                            | 69, s. 37, sch. 7 para. 11 (2).                                               |
| 18 & 19 Geo. 5:                     |                                                 |                                                                                                                                                                                               |                                                                               |
| c. 8 ... ..                         | Rating and Valuation Act, 1928.                 | S. 1 (2) rep. ... ..                                                                                                                                                                          | 55, s. 67, sch. 9 Pt. V.                                                      |
| c. 17 ... ..                        | Finance Act, 1928 ...                           | S. 29 rep. ... ..                                                                                                                                                                             | 6 (7 Eliz. 2), s. 17 (1), sch.                                                |
| c. 32 ... ..                        | Petroleum (Consolidation) Act, 1928.            | Ss. 5 appl. (mod.), 6 appl.<br>S. 23 ext. (definition of "harbour authority").                                                                                                                | S.I. No. 257<br>23, s. 1 (6).                                                 |
| c. 37 ... ..                        | Post Office and Telegraph (Money) Act, 1928.    | Rep. ... ..                                                                                                                                                                                   | 46, S.L.R.                                                                    |
| c. 43 ... ..                        | Agricultural Credits Act, 1928.                 | S. 9 appl. ... ..                                                                                                                                                                             | 47, s. 15 (5).                                                                |
| c. 44 ... ..                        | Rating and Valuation (Apportionment) Act, 1928. | S. 1 (3), sch. 1 rep. ...                                                                                                                                                                     | 55, s. 67, sch. 9 Pt. V.                                                      |
| 19 & 20 Geo. 5:                     |                                                 |                                                                                                                                                                                               |                                                                               |
| c. 13 ... ..                        | Agricultural Credits (Scotland) Act, 1929.      | Pt. II (ss. 5-10) appl. ...                                                                                                                                                                   | 47, s. 15 (6).                                                                |
| c. 17 ... ..                        | Local Government Act, 1929.                     | Ss. 57 (3) rep. in pt., 59 (1), 65, 66 rep., 67 (1) (2) rep. in pt.<br>S. 68 (1) am. (E.) ... ..<br>rep. in pt. (E.)                                                                          | 55, s. 67, sch. 9 Pt. V.<br>55, s. 9 (1) (3).<br>55, s. 67, sch. 9 Pt. V.     |
|                                     |                                                 | S. 68 (2) (3) rep. (E.) ...                                                                                                                                                                   | 55, s. 67, sch. 9 Pt. V.                                                      |
|                                     |                                                 | Ss. 71, 72, 73 (1) rep. in pt., 74 (1) rep., 75 (1) rep. in pt., 76 rep., 77-79 rep. in pt., 82 (2) rep., 83 (1) (2) rep. in pt., 85 (1)-(3), 113, 114 (1) (b) rep., 114 (1) (c) rep. in pt., | 55, s. 67, sch. 9 Pt. V.                                                      |

| Session and Chap. or No. of Measure    | Short title or Subject                         | How affected                                                                                                                                                                                                                                                                                             | Chapter of 1958 Act or number of Measure or Statutory Instrument                                                                                                                                                   |
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| 19 & 20 Geo. 5:<br>c. 17— <i>cont.</i> | Local Government Act 1929— <i>cont.</i>        | Ss. 114 (1) (d) (e) rep., 115 (1) rep., 115 (2) rep. in pt., 115 (5), 116, 117 (1) (2) (4) rep., 117 (5) rep. in pt., 117 (6), 118 (3), 119, 120, 124 (5) (a), 127 (1), 129 (3), 133 rep., 134 rep. in pt., schs. 2, 6, 9 Pt. I paras. 2-4, 7 (1) (2), 8 rep., schs. 9 Pt. II, 10 paras. 12, 13, 20 rep. | 55, s. 67, sch. 9 Pt. V.                                                                                                                                                                                           |
| c. 25 ... ..                           | Local Government (Scotland) Act, 1929.         | S. 45 (1) (b) am. ...<br>S. 46 (2) (a) rep. ...                                                                                                                                                                                                                                                          | 64, s. 7 (1).<br>64, s. 22, sch. 6 Pt. III.                                                                                                                                                                        |
| c. 26 ... ..                           | Agricultural Rates Act, 1929.                  | Rep. ... ..                                                                                                                                                                                                                                                                                              | 55, s. 67, sch. 9 Pt. V.                                                                                                                                                                                           |
| c. 27 ... ..                           | Savings Banks Act, 1929                        | S. 12 rep. ... ..                                                                                                                                                                                                                                                                                        | 6 (7 Eliz. 2), s. 17 (1), sch.                                                                                                                                                                                     |
| 20 & 21 Geo. 5:<br>c. 6 ... ..         | Housing (Revision of Contributions) Act, 1929. | Rep. (E.) ... ..                                                                                                                                                                                                                                                                                         | 42, s. 59 (1), sch. 6.                                                                                                                                                                                             |
| c. 23 ... ..                           | Mental Treatment Act, 1930.                    | Certain functions of county councils delegated.                                                                                                                                                                                                                                                          | 55, s. 46 (1) (d).                                                                                                                                                                                                 |
| c. 28 ... ..                           | Finance Act, 1930 ...                          | S. 40 (2) am. ... ..<br>S. 52 rep. ... ..                                                                                                                                                                                                                                                                | 56, s. 31.<br>6 (7 Eliz. 2), s. 17 (1), sch.                                                                                                                                                                       |
| c. 37 ... ..                           | Adoption of Children (Scotland) Act, 1930.     | S. 10 rep. ... ..                                                                                                                                                                                                                                                                                        | 65, ss. 38 (2), 40 (2), sch. 3.                                                                                                                                                                                    |
| c. 39 ... ..                           | Housing Act, 1930 ...                          | Ss. 27, 43-46 rep. (E.) ...                                                                                                                                                                                                                                                                              | 42, s. 59 (1), sch. 6.                                                                                                                                                                                             |
| c. 43 ... ..                           | Road Traffic Act, 1930                         | S. 42 rep. ... ..<br>S. 57 (3) rep. (E.) ...<br>rep. (S.) ... ..<br>S. 57 (4) rep. (E.) ...<br>rep. (S.) ... ..<br>S. 102: power to apply (E.)<br>S. 102 (6) rep. in pt. ( <i>prosp.</i> )                                                                                                               | 72, s. 36 (2), sch. 5 Pt. II.<br>55, ss. 4 (2), 67, sch. 9 Pt. II.<br>64, ss. 4 (2), 22, sch. 6 Pt. III.<br>55, s. 67, sch. 9 Pt. II.<br>64, s. 22, sch. 6 Pt. III.<br>55, s. 38 (6).<br>66, s. 15, sch. 2 Pt. II. |
| c. 44 ... ..                           | Land Drainage Act, 1930                        | Sch. 1 am. ... ..<br>S. 28 ext. ... ..<br>S. 29 (1) (2) rep. in pt. ...<br>S. 29 (4) am. ... ..                                                                                                                                                                                                          | S.I. No. 1281.<br>37, s. 1 (4).<br>37, s. 1 (7).<br>37, s. 1 (6).                                                                                                                                                  |
| 21 & 22 Geo. 5:<br>c. 20 ... ..        | Post Office and Telegraph (Money) Act, 1931.   | Rep. ... ..                                                                                                                                                                                                                                                                                              | 46, S.L.R.                                                                                                                                                                                                         |
| c. 28 ... ..                           | Finance Act, 1931 ...                          | S. 43 rep. ... ..                                                                                                                                                                                                                                                                                        | 6 (7 Eliz. 2), s. 17 (1), sch.                                                                                                                                                                                     |
| c. 38 ... ..                           | Isle of Man Loans Act, 1931.                   | Rep. ... ..                                                                                                                                                                                                                                                                                              | 11, s. 1 (1), sch.                                                                                                                                                                                                 |

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| 21 & 22 Geo. 5:<br>c. 39 ... ..     | Housing (Rural Authorities) Act, 1931.                            | S. 1 rep. (saving) (E.) ...                                                                                     | 42, s. 59 (1) (4), sch. 6.                                                                                 |
| c. 42 ... ..                        | Agricultural Marketing Act, 1931.                                 | S. 5 rep. in pt. ... ..                                                                                         | 42, s. 59 (1), sch. 6.                                                                                     |
| c. 44 ... ..                        | Small Landholders and Agricultural Holdings (Scotland) Act, 1931. | Rep. ... ..                                                                                                     | 47, s. 54 (1), sch. 4.                                                                                     |
|                                     |                                                                   | Pt. I (ss. 1-26) appl. in pt. (mod.).                                                                           | 24, s. 14.                                                                                                 |
| 22 & 23 Geo. 5:<br>c. 8 ... ..      | Import Duties Act, 1932                                           | Rep. ... ..                                                                                                     | 6, ss. 1 (1), 16 (4), sch. 7.                                                                              |
| c. 9 ... ..                         | Merchant Shipping (Safety and Load Line Conventions) Act, 1932    | S. 10 saved ... ..<br>Pt. I (ss. 1-39) appl. (mod.) (Kenya).<br>Pt. II (ss. 40-67) appl. (mod.) (Kenya) ... ..  | 51, s. 5 (3), sch. 2.<br>S.I. No. 600, art. 70, sch. 3.<br>S.I. No. 600, art. 70, sch. 3.<br>S.I. No. 100. |
| c. 24 ... ..                        | Wheat Act, 1932 ...                                               | Apptd. day for dissolution of Wheat Commission (31.1.58).                                                       | S.I. No. 125.                                                                                              |
| c. 25 ... ..                        | Finance Act, 1932 ...                                             | S. 5 rep. ... ..                                                                                                | 6, ss. 3 (1), 16 (4), schs. 2, 7.                                                                          |
|                                     |                                                                   | Ss. 7-10 rep. ... ..                                                                                            | 6, s. 16 (4), sch. 7.                                                                                      |
|                                     |                                                                   | S. 23 rep. ... ..                                                                                               | 6 (7 Eliz. 2), s. 17 (1), sch.                                                                             |
| c. 53 ... ..                        | Ottawa Agreements Act, 1932.                                      | S. 31 (1) (4) rep. ... ..<br>Rep. except ss. 7, 10 (1) in pt., 10 (3) in pt., 10 (4), 12, 13 (2), sch. 1 in pt. | 6, s. 16 (4), sch. 7.<br>6, ss. 2 (10), 3 (1), 16 (4), schs. 1 para. 3 (3), 2, 7.                          |
| 23 & 24 Geo. 5:<br>c. 9 ... ..      | Assurance Companies (Winding up) Act, 1933.                       | Rep. ... ..                                                                                                     | 72, s. 36 (2), sch. 5 Pt. II.                                                                              |
| c. 12 ... ..                        | Children and Young Persons Act, 1933.                             | S. 40 expld. ... ..                                                                                             | { 65, s. 8.<br>5 (7 Eliz. 2), s. 45.<br>65, s. 10.                                                         |
|                                     |                                                                   | S. 47 (2) excl. ... ..                                                                                          | { 5 (7 Eliz. 2), s. 47.<br>3 (7 Eliz. 2), s. 36 (2).                                                       |
|                                     |                                                                   | S. 86 mod. ... ..                                                                                               | 55, s. 62, sch. 8 para. 2.                                                                                 |
|                                     |                                                                   | Ss. 86, 86 (3) am., 87 (2) (b), 88 (1) expld., 89 (1) am.                                                       |                                                                                                            |
|                                     |                                                                   | S. 104 (1) (b) rep. ...                                                                                         | 55, s. 67, sch. 9 Pt. II.                                                                                  |
| c. 13 ... ..                        | Foreign Judgments (Reciprocal Enforcement) Act, 1933.             | Pt. I (ss. 1-7) ext. (Pakistan).<br>ext. (India)                                                                | S.I. No. 141.                                                                                              |
| c. 14 ... ..                        | London Passenger Transport Act, 1933.                             | S. 61 (3) (5) rep. in pt. (prcsp.)                                                                              | S.I. No. 425.                                                                                              |
| c. 19 ... ..                        | Finance Act, 1933 ...                                             | S. 9 rep. ... ..                                                                                                | 66, s. 15, sch. 2 Pt. II.                                                                                  |
|                                     |                                                                   | Ss. 13-20, schs. 5, 6 Pt. II rep.                                                                               | 6, ss. 3 (1), 16 (4), schs. 2, 7.<br>6, s. 16 (4), sch. 7.                                                 |

| Session and Chap. or No. of Measure | Short title or Subject                                         | How affected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Chapter of 1958 Act or number of Measure or Statutory Instrument                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| 23 & 24 Geo. 5:<br>c. 21 ... ..     | Solicitors (Scotland) Act, 1933.                               | S. 7 am. ... ..<br>Ss. 9, 10 rep. ( <i>prosp.</i> ) ... ..<br>S. 11 am. ... ..<br>Ss. 12, 13 rep. ( <i>prosp.</i> ) ... ..<br>S. 14 saved ... ..<br>am. ... ..<br>S. 15 saved ... ..<br>am. ... ..<br>S. 18 (1) ext. ... ..<br>rep. in pt. ... ..<br>S. 18 (3) ext. ... ..<br>S. 19 ext. ... ..<br>S. 20 subst. ... ..<br>S. 21, 22 rep., 25 rep. in pt., 26-28 rep.<br>S. 29 am. and rep. in pt.<br>Ss. 30-32 rep. ... ..<br>S. 33 saved ... ..<br>ext. ... ..<br>S. 39 rep. in pt. and am.<br>S. 40 (1) am. ... ..<br>S. 45 am. ... ..<br>S. 46 am. ... .. | 28, s. 14 (1), sch. 2 Pt. I para. 1.<br>28, s. 18, sch. 3.<br>28, s. 14 (1), sch. 2 Pt. I para. 2.<br>28, s. 18, sch. 3.<br>28, s. 1 (3).<br>28, s. 14 (1), sch. 2 Pt. I para. 3.<br>28, s. 1 (3).<br>28, s. 14 (1), sch. 2 Pt. I para. 4.<br>28, s. 17 (1).<br>28, s. 18, sch. 3.<br>28, s. 17 (4).<br>28, ss. 6 (1), 11.<br>28, s. 14 (1), sch. 2 Pt. I para. 5.<br>28, s. 18, sch. 3.<br>28, s. 14 (1), sch. 2 Pt. I.<br>28, s. 18, sch. 3.<br>28, ss. 5, 8, sch. 1 para. 1.<br>28, s. 6 (2).<br>28, s. 14 (1), sch. 2 Pt. I para. 7.<br>28, s. 14 (1), sch. 2 Pt. I para. 8.<br>28, s. 14 (1), sch. 2 Pt. I para. 9.<br>28, s. 14 (1), sch. 2 Pt. I para. 10. |
| c. 31 ... ..                        | Agricultural Marketing Act, 1933.                              | Rep., except s. 20 ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 47, s. 54 (1), sch. 4.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| c. 32 ... ..                        | Rent and Mortgage Interest Restrictions (Amendment) Act, 1933. | Ext. (mortgages) ... ..<br>S. 3 saved (E.) ... ..<br>S. 10 am. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 68, s. 4 (4).<br>42, s. 40.<br>68, s. 4 (3).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| c. 39 ... ..                        | Slaughter of Animals Act, 1933.                                | Rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 8 (7 Eliz. 2), s. 12 (1), sch. 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| c. 51 ... ..                        | Local Government Act, 1933.                                    | Excl. (boroughs included in rural districts).<br>Appl. (boroughs) ... ..<br>Ss. 6 (2) proviso rep., 11 (3) (b) rep. in pt.<br>S. 11 (7) added ... ..<br>S. 33 (5) rep. in pt. ... ..<br>S. 38 (2) ext. ... ..<br>Ss. 41, 42 (2) rep. ... ..<br>Ss. 43 (5), 45 (2) (3) am.<br>S. 46 rep. in pt. ... ..                                                                                                                                                                                                                                                        | 55, s. 28 (5), sch. 7 para. 1.<br>55, s. 38 (4).<br>55, s. 67, sch. 9 Pt. V.<br>55, s. 62, sch. 8 para. 3.<br>55, s. 67, sch. 9 Pt. V.<br>55, s. 62, sch. 8 para. 4.<br>55, s. 67, sch. 9 Pt. V.<br>55, s. 62, sch. 8 para. 5.<br>55, s. 67, sch. 9 Pt. I.                                                                                                                                                                                                                                                                                                                                                                                                        |

| Session and Chap. or No. of Measure    | Short title or Subject                      | How affected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Chapter of 1958 Act or number of Measure or Statutory Instrument                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| 23 & 24 Geo. 5:<br>c. 51— <i>cont.</i> | Local Government Act,<br>1933— <i>cont.</i> | <p>S. 52 appl. ... ..</p> <p>S. 52 (3) am. ... ..</p> <p>S. 55 appl. ... ..</p> <p>S. 61 (1) (4) rep. in pt.,<br/>63 (1) proviso para. (c)<br/>rep.</p> <p>S. 85 ext. ... ..</p> <p>S. 86 (2) rep. ... ..</p> <p>S. 108 (2) rep. ... ..</p> <p>S. 109 rep. ... ..</p> <p>S. 110 (2) am. ... ..</p> <p>S. 111 (1) (5) rep. in pt....</p> <p>S. 114, as appl., ext. ...</p> <p>S. 117 rep. ... ..</p> <p>S. 119 (2) ext. ... ..</p> <p>S. 124 (3) rep. ... ..</p> <p>S. 139 rep. ... ..</p> <p>Ss. 140–145 saved ...</p> <p>Ss. 140 ext., 140 (1) am.</p> <p>Ss. 140 (1) (a) (i) rep. in<br/>pt., 140 (1) (d) rep.</p> <p>Ss. 140 (1) (iii) rep. in pt.,<br/>140 (2)–(5) rep.</p> <p>Ss. 141, 141 (5) (7) am....</p> <p>S. 141 (8) rep. ... ..</p> <p>S. 143 (1) rep. ... ..</p> <p>S. 143 (2) am. ... ..</p> <p>rep. in pt. ... ..</p> <p>S. 145 (1) am. ... ..</p> <p>S. 145 (2) rep. ... ..</p> <p>S. 146 rep. ... ..</p> <p>S. 147 (2) am. ... ..</p> | <p>55, s. 28 (5),<br/>sch. 7.</p> <p>55, s. 62, sch. 8<br/>para. 5 (4).</p> <p>55, s. 28 (5),<br/>sch. 7 para. 6.</p> <p>55, s. 67, sch. 9<br/>Pt. V.</p> <p>55, s. 46 (4).</p> <p>55, ss. 58 (2), 67,<br/>sch. 9 Pt. II.</p> <p>55, ss. 62, 67,<br/>schs. 8 para.<br/>6 (1), 9 Pt. IV.</p> <p>55, s. 67, sch. 9<br/>Pt. IV.</p> <p>55, s. 62, sch. 8<br/>para. 6 (2).</p> <p>55, s. 67, sch. 9<br/>Pt. V.</p> <p>55, s. 28 (5), sch. 7<br/>para. 9 (1) (2).</p> <p>55, s. 67, sch. 9<br/>Pt. IV.</p> <p>55, s. 28 (5),<br/>sch. 7 para. 10.</p> <p>55, s. 67, sch. 9<br/>Pt. II.</p> <p>55, s. 67, sch. 9<br/>Pt. I.</p> <p>55, s. 67.</p> <p>55, s. 62, sch. 8<br/>para. 7.</p> <p>55, s. 67, sch. 9<br/>Pt. V.</p> <p>55, ss. 62, 67,<br/>schs. 8 para. 7,<br/>9 Pt. I.</p> <p>55, s. 62, sch. 8<br/>para. 8.</p> <p>55, s. 67, sch. 9<br/>Pt. V.</p> <p>55, ss. 62, 67,<br/>schs. 8 para. 9,<br/>9 Pt. I.</p> <p>55, s. 62, sch. 8<br/>para. 9.</p> <p>55, s. 67, sch. 9<br/>Pt. V.</p> <p>55, s. 62, sch. 8<br/>para. 10 (1).</p> <p>55, ss. 62, 67,<br/>schs. 8 para.<br/>10 (2), 9 Pt. I.</p> <p>55, ss. 62, 67,<br/>schs. 8 para.<br/>11, 9 Pt. I.</p> <p>55, s. 62, sch. 8<br/>para. 12.</p> |

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| 23 & 24 Geo. 5:<br>c. 51— <i>cont.</i> | Local Government Act,<br>1933— <i>cont.</i> | S. 147 (3) rep. in pt. ...                 | 55, ss. 62, 67,<br>schs. 8 para.<br>12, 9 Pt. I.                 |
|                                        |                                             | S. 148 ext. ...                            | 55, s. 38 (2).                                                   |
|                                        |                                             | S. 148 (1) am. ...                         | 55, s. 62, sch. 8<br>para. 13.                                   |
|                                        |                                             | S. 148 (1) (c) rep. in pt.                 | 55, s. 67, sch. 9<br>Pt. V.                                      |
|                                        |                                             | S. 149 ext. ...                            | 55, s. 62, sch. 8<br>para. 4.                                    |
|                                        |                                             | S. 150 restr. ...                          | 55, s. 60 (2).                                                   |
|                                        |                                             | S. 151 appl. ...                           | 55, s. 39 (1).                                                   |
|                                        |                                             | S. 152 appl. ...                           | 55, s. 39 (1).                                                   |
|                                        |                                             | Ss. 152 (1) (a) rep. in pt.,<br>153 rep.   | 55, s. 67, sch. 9<br>Pt. V.                                      |
|                                        |                                             | Pt. VII (ss. 156–179) ext.                 | 55, s. 28 (5), sch.<br>7 para. 13 (3).                           |
|                                        |                                             | S. 163 ext. ...                            | 55, s. 28 (5), sch.<br>7 para. 13 (4).                           |
|                                        |                                             | S. 163 (1) proviso rep. in<br>pt.          | 55, s. 67, sch. 9<br>Pt. V.                                      |
|                                        |                                             | S. 172 ext. ...                            | 55, s. 28 (5), sch.<br>7 para. 13 (4).                           |
|                                        |                                             | S. 179 para. (h) rep. ...                  | 55, s. 67, sch. 9<br>Pt. V.                                      |
|                                        |                                             | Ss. 184, 187 rep. ...                      | 55, ss. 58 (2), 67,<br>sch. 9 Pt. II.                            |
|                                        |                                             | S. 190 (3)–(5) rep. in pt.                 | 55, s. 67, sch. 9<br>Pt. V.                                      |
|                                        |                                             | S. 193 (3). Power to<br>mod.               | 55, s. 28 (5),<br>sch. 7 para. 11.                               |
|                                        |                                             | S. 197 (4) rep. ...                        | 55, s. 67, sch. 9<br>Pt. V.                                      |
|                                        |                                             | S. 217 para. (a) ext. ...                  | 55, s. 28 (5), sch.<br>7 para. 13 (4).                           |
|                                        |                                             | S. 242 (1) rep. in pt. ...                 | 55, s. 67, sch. 9<br>Pt. V.                                      |
|                                        |                                             | S. 250 (2)–(7) appl. (Mil-<br>ford Haven). | 23, s. 9 (5).                                                    |
|                                        |                                             | S. 250 (9) rep. in pt. ...                 | 55, s. 67, sch. 9<br>Pt. V.                                      |
|                                        |                                             | S. 250 (10) appl. (Milford<br>Haven).      | 23, s. 9 (5).                                                    |
|                                        |                                             | S. 252 appl. (Milford<br>Haven).           | 23, s. 9 (5).                                                    |
|                                        |                                             | Pt. XIV (ss. 259–265)<br>ext.              | 55, s. 28 (5),<br>sch. 7 para. 14.                               |
|                                        |                                             | S. 274 (1) rep. in pt. ...                 | 55, s. 67, sch. 9<br>Pt. V.                                      |
|                                        |                                             | S. 275 (1) para. (b) am.                   | 55, s. 62, sch. 8<br>para. 14.                                   |
|                                        |                                             | Ss. 279 (2), 283 (5) ext....               | 55, s. 28 (5),<br>sch. 7 para. 14.                               |
|                                        |                                             | S. 290 appl. (mod.) ...                    | 67, s. 1 (7), sch. 1<br>para. 3 (4).                             |
|                                        |                                             | S. 290 (1)–(5) appl. ...                   | 70, s. 11.                                                       |
|                                        |                                             | S. 290 (2)–(5) appl. (mod.)                | 23, s. 20.<br>69, s. 47 (2).                                     |
|                                        |                                             | S. 293 appl. ...                           | 55, s. 42, sch. 6<br>para. 3.                                    |



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| 23 & 24 Geo. 5:<br>c. 51— <i>cont.</i> | Local Government Act, 1933— <i>cont.</i>                                                                                                                               | S. 300 rep. ... ..<br>S. 305 ext. (meaning of "local authority")<br>S. 307 (1) proviso paras. (iii), (vi), rep.<br>Sch. 3 Pt. I para. 2 (4) rep.<br>Sch. 7 rep. in pt. ...                                 | 55, s. 67, sch. 9 Pt. V.<br>55, s. 28 (5), sch. 7 para. 4.<br>55, s. 67, sch. 9 Pt. V.<br>55, s. 67, sch. 9 Pt. II.<br>55, s. 67, sch. 9 Pt. V.                                   |
| 24 & 25 Geo. 5:                        | Agricultural Marketing (No. 2) Act, 1933<br>Dyestuffs (Import Regulation) Act, 1934.<br>Registration of Births, Deaths and Marriages (Scotland) (Amendment) Act, 1934. | Rep. ... ..<br>S. 4 rep. ... ..<br>S. 2 mod. ... ..<br>S. 3 ext. ... ..<br>S. 4. Power to am. ...<br>S. 4 ext. ... ..<br>S. 6 ext. ... ..                                                                  | 47, s. 54 (1), sch. 4.<br>6, s. 16 (4), sch. 7.<br>5 (7 Eliz. 2), s. 27.<br>5 (7 Eliz. 2), s. 22 (5).<br>64, s. 17 (d).<br>5 (7 Eliz. 2), s. 22 (5).<br>5 (7 Eliz. 2), s. 22 (5). |
| c. 1 ... ..                            | Finance Act, 1934 ...                                                                                                                                                  | Ss. 4, 5 rep. ... ..<br>S. 6 rep. ... ..<br>Ss. 7-11, 30 (2) (5), sch. 2 rep.                                                                                                                              | 6, s. 16 (4), sch. 7.<br>6, ss. 3 (1), 16 (4), schs. 2, 7.<br>6, s. 16 (4), sch. 7.                                                                                               |
| c. 6 ... ..                            | Whaling Industry (Regulation) Act, 1934.                                                                                                                               | Appl. (mod.) (Kenya) ...                                                                                                                                                                                   | S.I. No. 600, art. 70, sch. 3.                                                                                                                                                    |
| c. 19 ... ..                           | Road Traffic Act, 1934 ...                                                                                                                                             | Sch. 3 rep. in pt. (E.) so far as relating to s. 57 (3) of the Road Traffic Act, 1930.<br>Sch. 3 rep. in pt. (S.) so far as relating to s. 57 (3) of the Road Traffic Act, 1930.<br>Rep., except s. 10 ... | 55, s. 67, sch. 9 Pt. II.<br>64, s. 22, sch. 6 Pt. III.<br>47, s. 54 (1), sch. 4.                                                                                                 |
| c. 32 ... ..                           | Milk Act, 1934 ...                                                                                                                                                     | Rep., except s. 10 ...                                                                                                                                                                                     | 47, s. 54 (1), sch. 4.                                                                                                                                                            |
| c. 49 ... ..                           | County Courts Act, 1934                                                                                                                                                | S. 52 (1) (b) am. ...<br>S. 53 excl. ... ..<br>S. 111 saved ... ..                                                                                                                                         | 53, s. 1 (4).<br>53, s. 1 (4).<br>47, s. 18 (5).                                                                                                                                  |
| c. 50 ... ..                           | Increase of Rent and Mortgage Interest (Restrictions) Act, 1935.                                                                                                       | Ext. (mortgages) (E.) (S.)                                                                                                                                                                                 | 68, s. 4 (4).                                                                                                                                                                     |
| c. 51 ... ..                           | Finance Act, 1935 ...                                                                                                                                                  | S. 7 rep. ... ..<br>S. 8 rep. ... ..<br>Ss. 9, 11 rep. ... ..<br>S. 30 (6) rep. in pt. ...                                                                                                                 | 6, s. 16 (4), sch. 7.<br>6, ss. 3 (1), 16 (4), schs. 2, 7.<br>6, s. 16 (4), sch. 7.<br>6 (7 Eliz. 2), s. 17 (1), sch.                                                             |
| c. 45 ... ..                           | Assurance Companies (Winding up) Act, 1935.                                                                                                                            | S. 35 (2) (5) rep. ...<br>Rep. ... ..                                                                                                                                                                      | 6, s. 16 (4), sch. 7.<br>72, s. 36 (2), sch. 5 Pt. II.                                                                                                                            |

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| 25 & 26 Geo. 5:<br>c. 47 ... ..       | Restriction of Ribbon Development Act, 1935.     | S. 19 (5) rep. in pt. ...                                                                                      | 55, s. 67, sch. 9 Pt. I.                                                                       |
| 26 Geo. 5 & 1 Edw. 8:<br>c. 34 ... .. | Finance Act, 1936 ...                            | Ss. 5-8 rep. ... ..<br>S. 26 am. ... ..                                                                        | 6, s. 16 (4), sch. 7.<br>56, s. 31.                                                            |
| c. 43 ... ..                          | Tithe Act, 1936 ...                              | S. 35 (2) (5), sch. 1 rep....<br>Am. ("payment date")<br>S. 11 (1) (a) am. ... ..<br>S. 13 (1) (2) rep. ... .. | 6, s. 16 (4), sch. 7.<br>56, s. 38 (2) (a).<br>56, s. 38 (3).<br>56, s. 40 (5), sch. 9 Pt. IV. |
|                                       |                                                  | S. 14 (1) rep. in pt. ...                                                                                      | 56, ss. 38 (2) (b), 40 (5), sch. 9 Pt. IV.                                                     |
|                                       |                                                  | S. 24 (8) rep. ... ..                                                                                          | 6 (7 Eliz. 2), s. 17 (1), sch.                                                                 |
|                                       |                                                  | S. 25 (3) am. ... ..                                                                                           | 55, s. 62, sch. 8 para. 15.                                                                    |
|                                       |                                                  | S. 25 (4) (e) rep. ... ..                                                                                      | 55, ss. 4 (2), 67, sch. 9 Pt. II.                                                              |
|                                       |                                                  | S. 47 (1) rep. in pt. ...                                                                                      | 55, s. 67, sch. 9 Pt. II.                                                                      |
|                                       |                                                  | S. 47 (4) rep. in pt. ...                                                                                      | 56, s. 40 (5), sch. 9 Pt. IV.                                                                  |
|                                       |                                                  | Sch. 5 rep. ... ..                                                                                             | 55, s. 67, sch. 9 Pt. II.                                                                      |
| c. 47 ... ..                          | Crown Lands Act, 1936                            | Appl. (mod.) (Park Lane)                                                                                       | 63, s. 16 (4).                                                                                 |
| c. 49 ... ..                          | Public Health Act, 1936                          | S. 1 (2) proviso rep. ...                                                                                      | 55, s. 67, sch. 9 Pt. V.                                                                       |
|                                       |                                                  | Ss. 206-220 rep....                                                                                            | 65, s. 40 (2), sch. 3.                                                                         |
|                                       |                                                  | S. 285 appl. ... ..                                                                                            | 23, s. 22 (3).                                                                                 |
|                                       |                                                  | S. 307 rep. ... ..                                                                                             | 70, s. 13 (3).                                                                                 |
|                                       |                                                  | S. 309 appl. ... ..                                                                                            | 55, ss. 56 (1), 67, sch. 9 Pt. I.                                                              |
|                                       |                                                  |                                                                                                                | 55, s. 42, sch. 6 para. 4.                                                                     |
| c. 50 ... ..                          | Public Health (London) Act, 1936.                | S. 86 appl. (Park Lane)...<br>Pt. XIII (ss. 256-272) rep.                                                      | 63, s. 15 (4).<br>65, s. 40 (2), sch. 3.                                                       |
| c. 51 ... ..                          | Housing Act, 1936 ...                            | Rep. with saving for ss. 91, 94, 105-108, 110, 115.                                                            | 42, s. 59 (1) (4)-(6), sch. 6.                                                                 |
| 1 Edw. 8 & 1 Geo. 6:                  |                                                  |                                                                                                                |                                                                                                |
| c. 5 ... ..                           | Trunk Roads Act, 1936...                         | S. 9 (2) (3) rep. ... ..                                                                                       | 55, s. 67, sch. 9 Pt. II.                                                                      |
| c. 8 ... ..                           | Beef and Veal Customs Duties Act, 1937.          | Rep. ... ..                                                                                                    | 6, ss. 3 (1), 16 (4), schs. 2, 7.                                                              |
| c. 37 ... ..                          | Children and Young Persons (Scotland) Act, 1937. | Pt. I (ss. 1-11) rep. ...                                                                                      | 65, s. 40 (2), sch. 3.                                                                         |
|                                       |                                                  | S. 47 expld. ... ..                                                                                            | 65, s. 8.<br>5 (7 Eliz. 2), s. 45.                                                             |
|                                       |                                                  | S. 90 mod. ... ..                                                                                              | 5 (7 Eliz. 2), s. 36 (2).                                                                      |

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| 1 Edw. 8 & 1 Geo. 6: c. 37— <i>cont.</i> | Children and Young Persons (Scotland) Act, 1937— <i>cont.</i>    | Ss. 90 (3) am., 91 (2) (b), 92 (1) expld., 93 (1) am.<br>S. 101 (8) rep. ... ..                                                                                                                                                               | 64, s. 6 (1), sch. 4 Pt. I.<br>64, s. 22, sch. 6 Pt. III.                                                                                                                                                                                                    |
| c. 43 ... ..                             | Public Records (Scotland) Act, 1937.                             | S. 5 (1) proviso rep. ... ..<br>S. 6 rep. ... ..                                                                                                                                                                                              | 51, ss. 11, 13 (2), schs. 3, 4.<br>51, s. 13 (2), sch. 4.                                                                                                                                                                                                    |
| c. 46 ... ..                             | Physical Training and Recreation Act, 1937.                      | S. 3 (1) (a) (b) rep. in pt. (E.)<br>S. 3 (1) (a) (b) rep. in pt. (S.)<br>S. 4 (4) ext. ... ..<br>S. 5 (2) rep. ... ..                                                                                                                        | 55, s. 67, sch. 9 Pt. II.<br>64, s. 6 (1), sch. 4 Pt. I.<br>36, s. 1 (1).<br>55, s. 67, sch. 9 Pt. V.                                                                                                                                                        |
| c. 54 ... ..                             | Finance Act, 1937 ... ..                                         | S. 10 (9) expld. ... ..<br>Ss. 3, 4 rep. ... ..<br>S. 19 (1) rep. ... ..<br>superseded ... ..<br>S. 19 (5) rep. ... ..<br>S. 34 (2), sch. 1 rep. ... ..<br>Sch. 4 para. 7 (1) proviso rep.<br>Sch. 5 Pt. I para. 5 rep. in pt.<br>Rep. ... .. | 36, s. 1 (3).<br>6, s. 16 (4), sch. 7.<br>56, s. 40 (5), sch. 9 Pt. II.<br>56, s. 25 (1).<br>56, s. 40 (5), sch. 9 Pt. II.<br>6, s. 16 (4), sch. 7.<br>56, ss. 26 (1) (a), 40 (5), sch. 9 Pt. II.<br>56, s. 40 (5), sch. 9 Pt. II.<br>47, s. 54 (1), sch. 4. |
| c. 66 ... ..                             | Milk (Amendment) Act, 1937.                                      | Rep. ... ..                                                                                                                                                                                                                                   | 47, s. 54 (1), sch. 4.                                                                                                                                                                                                                                       |
| c. 67 ... ..                             | Factories Act, 1937 ... ..                                       | Pt. VI saved ... ..<br>S. 1 (c) (iii) excl. ... ..<br>S. 151 (1) (d) (e) added... ..                                                                                                                                                          | S.I. No. 1819.<br>S.I. No. 752.<br>70, s. 7.                                                                                                                                                                                                                 |
| c. 68 ... ..                             | Local Government Superannuation Act, 1937.                       | Ss. 6, 31 excl. ... ..<br>S. 35 appl. (mod.) ... ..                                                                                                                                                                                           | S.I. No. 1416, r. 5.<br>S.I. No. 1416, r. 11.                                                                                                                                                                                                                |
| c. 69 ... ..                             | Local Government Superannuation (Scotland) Act, 1937.            | Ss. 6, 26 excl. ... ..<br>S. 30 appl. (mod.) ... ..                                                                                                                                                                                           | S.I. No. 1402, r. 6.<br>S.I. No. 1402, r. 12.                                                                                                                                                                                                                |
| 1 & 2 Geo. 6: c. 12 ... ..               | Population (Statistics) Act, 1938.                               | Cont. as amd. until 31.12.59.                                                                                                                                                                                                                 | 4 (7 Eliz. 2), s. 1 (1).                                                                                                                                                                                                                                     |
| c. 16 ... ..                             | Housing (Financial Provisions) Act, 1938.                        | Rep. with saving for ss. 1, 2, 7, 9.                                                                                                                                                                                                          | 42, s. 59 (1) (4) (6), sch. 6.                                                                                                                                                                                                                               |
| c. 25 ... ..                             | Eire (Confirmation of Agreements) Act, 1938.                     | S. 2 (4) rep. ... ..<br>S. 3 (4) rep. in pt. ... ..                                                                                                                                                                                           | 6, s. 16 (4), sch. 7.<br>6, ss. 3 (1), 16 (4), schs. 2, 7.                                                                                                                                                                                                   |
| c. 26 ... ..                             | Increase of Rent and Mortgage Interest (Restrictions) Act, 1938. | Ext. (mortgages) (E.) (S.)                                                                                                                                                                                                                    | 68, s. 4 (4).                                                                                                                                                                                                                                                |
| c. 35 ... ..                             | Housing (Rural Workers) Amendment Act, 1938.                     | S. 5 mod. (E.) ... ..                                                                                                                                                                                                                         | 42, s. 39 (2), sch. 4.                                                                                                                                                                                                                                       |
| c. 45 ... ..                             | Inheritance (Family Provision) Act, 1938.                        | S. 3 appl. ... ..                                                                                                                                                                                                                             | 35, s. 6 (4).                                                                                                                                                                                                                                                |

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| 1 & 2 Geo. 6:                       |                                                    |                                                                              |                                                                           |
| c. 46 ... ..                        | Finance Act, 1938 ...                              | Ss. 6, 7, 9 rep., 55 (2) rep. in pt.                                         | 6, s. 16 (4), sch. 7.                                                     |
| c. 50 ... ..                        | Divorce (Scotland) Act, 1938.                      | S. 6 (2) expld. ... ..<br>S. 6 (3) am. ... ..<br>rep. in pt. ... ..          | 54, s. 1 (3).<br>54, s. 1 (1).<br>54, s. 4 (3).                           |
| 2 & 3 Geo. 6:                       |                                                    |                                                                              |                                                                           |
| c. 6 ... ..                         | Czechoslovakia (Financial Assistance) Act, 1939.   | Rep. ... ..                                                                  | 46, S.L.R.                                                                |
| c. 16 ... ..                        | Prevention of Fraud (Investments) Act, 1939.       | Rep. ... ..                                                                  | 45, s. 28 (1), sch. 2.                                                    |
| c. 31 ... ..                        | Civil Defence Act, 1939                            | S. 34 rep. (E.) ... ..                                                       | 42, s. 59 (1), sch. 6.                                                    |
| c. 34 ... ..                        | Marriage (Scotland) Act, 1939.                     | S. 1 (3). Power to am.                                                       | 64, s. 17 (e).                                                            |
| c. 38 ... ..                        | Ministry of Supply Act, 1939.                      | S. 17 saved ... ..                                                           | 51, s. 5 (3), sch. 2.                                                     |
| c. 40 ... ..                        | London Government Act, 1939.                       | S. 60 (3) rep. ... ..                                                        | 55, ss. 58 (2), 67, sch. 9 Pt. II.                                        |
|                                     |                                                    | Ss. 80, 84, 96 proviso para. (ii) rep.                                       | 55, s. 67, sch. 9 Pt. IV.                                                 |
|                                     |                                                    | Ss. 119, 122 rep. ... ..                                                     | 55, ss. 58 (2), 67, sch. 9 Pt. II.                                        |
|                                     |                                                    | S. 126 (6) rep. in pt. ... ..                                                | 42, s. 59 (1), sch. 6.                                                    |
|                                     |                                                    | S. 134 (1) proviso am. ... ..                                                | 42, s. 54 (3).                                                            |
|                                     |                                                    | S. 207 (1) proviso para. (iii) rep., sch. 5 rep. in pt.                      | 55, s. 67, sch. 9 Pt. V.                                                  |
| c. 41 ... ..                        | Finance Act, 1939 ...                              | Ss. 3, 4, 7, 8 rep. ... ..<br>S. 31 expld. ... ..<br>S. 35 (3) rep. ... ..   | 6, s. 16 (4), sch. 7.<br>56, s. 28 (8).<br>6 (7 Eliz. 2), s. 17 (1), sch. |
| c. 46 ... ..                        | Milk Industry Act, 1939                            | S. 38 (2), schs. 3, 6, 7 rep.<br>Rep. ... ..                                 | 6, s. 16 (4), sch. 7.<br>47, s. 54 (1), sch. 4.                           |
| c. 48 ... ..                        | Agricultural Development Act, 1939.                | S. 32 am. ... ..                                                             | 2 (7 Eliz. 2), s. 1 para. (b).                                            |
| c. 71 ... ..                        | Rent and Mortgage Interest Restrictions Act, 1939. | Ext. (mortgages) ... ..                                                      | 68, s. 4 (4).                                                             |
| c. 75 ... ..                        | Compensation (Defence) Act, 1939.                  | S. 8 (3) (4) rep. ... ..                                                     | 30, s. 22.                                                                |
| c. 97 ... ..                        | Import Duties (Emergency Provisions) Act, 1939.    | Rep. ... ..                                                                  | 6, s. 16 (4), sch. 7.                                                     |
| c. 117... ..                        | National Loans Act, 1939                           | Appl. ... ..<br>Appl. (E.) ... ..<br>S. 1 (4) rep. in pt., 1 (5) rep.        | 5, s. 1 (2) (3).<br>42, s. 17 (6).<br>6 (7 Eliz. 2), s. 17 (1), sch.      |
| 3 & 4 Geo. 6:                       |                                                    |                                                                              |                                                                           |
| c. 14 ... ..                        | Agriculture (Miscellaneous Provisions) Act, 1940.  | Pt. III. "War period" expired so far as Pt. III relates to dams and sluices. |                                                                           |
|                                     |                                                    | S. 29 rep. ... ..                                                            | 24, s. 19 (2).                                                            |

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| 3 & 4 Geo. 6:<br>c. 24 ... ..       | National Service (Channel Islands) Act, 1940.          | Rep. ... ..                                   | 46, S.L.R.                                                       |
| c. 29 ... ..                        | Finance Act, 1940 ...                                  | Ss. 7, 65 (2) rep. ...                        | 6, s. 16 (4), sch. 7.                                            |
| 4 & 5 Geo. 6:<br>c. 30 ... ..       | Finance Act, 1941 ...                                  | Ss. 2, 52 (2) rep. ...                        | 6, s. 16 (4), sch. 7.                                            |
| 5 & 6 Geo. 6:<br>c. 21 ... ..       | Finance Act, 1942 ...                                  | S. 36 (1) (2) rep. in pt....                  | 56, s. 40 (5), sch. 9 Pt. II.                                    |
|                                     |                                                        | S. 47 (4) (c) rep. in pt. ...                 | 6 (7 Eliz. 2), s. 17 (1), sch.                                   |
|                                     |                                                        | Sch. 9 rep. in pt. ...                        | 56, s. 40 (5), sch. 9 Pt. II.                                    |
| 6 & 7 Geo. 6:<br>c. 21 ... ..       | War Damage Act, 1943...                                | S. 118 saved ... ..                           | 51, s. 5 (3), sch. 2.                                            |
| c. 44 ... ..                        | Rent of Furnished Houses Control (Scotland) Act, 1943. | Cont. as amd. until 31.3.60.                  | 4 (7 Eliz. 2), s. 1 (2).                                         |
| 7 & 8 Geo. 6:<br>c. 10 ... ..       | Disabled Persons (Employment) Act, 1944.               | Ss. 2 (1), 3 (1) am. ...                      | 33, s. 1.                                                        |
|                                     |                                                        | S. 7 (2) am. ... ..                           | 33, s. 2 (1).                                                    |
|                                     |                                                        | S. 8 am. ... ..                               | 33, s. 2 (2).                                                    |
|                                     |                                                        | S. 15 ext. ... ..                             | 33, s. 3 (1).                                                    |
| c. 21 ... ..                        | Pensions (Increase) Act, 1944.                         | S. 9 para. (d) subst. ...                     | 64, s. 6 (1), sch. 4 Pt. I.                                      |
| c. 23 ... ..                        | Finance Act, 1944 ...                                  | S. 11 expld. ... ..                           | 6, s. 15 (3).                                                    |
| c. 28 ... ..                        | Agriculture (Miscellaneous Provisions) Act, 1944.      | S. 2 (2) superseded ...                       | 2 (7 Eliz. 2), s. 1.                                             |
| c. 31 ... ..                        | Education Act, 1944 ...                                | S. 99 (1) appl. ... ..                        | 55, s. 62, sch. 8 para. 16 (1).                                  |
|                                     |                                                        | S. 100 (1) (a) am. ...                        | 55, s. 62, sch. 8 para. 16 (2).                                  |
|                                     |                                                        | S. 100 (2) rep., 100 (3) rep. in pt.          | 55, s. 67, sch. 9 Pt. II.                                        |
|                                     |                                                        | S. 101 rep. ... ..                            | 55, ss. 4 (2), 67, sch. 9 Pt. II.                                |
|                                     |                                                        | Sch. 1 Pt. III ext. ...                       | 55, s. 52 (1).                                                   |
| c. 33 ... ..                        | Housing (Temporary Provisions) Act, 1944.              | Rep. ... ..                                   | 42, s. 59 (1), sch. 6.                                           |
| c. 47 ... ..                        | Town and Country Planning Act, 1944.                   | S. 25 apply (mod.) ...                        | 69, s. 13 (1)-(4).                                               |
|                                     |                                                        | Ss. 26, 27, schs. 1, 4 appl. (mod.).          | 69, s. 13 (3).                                                   |
| 8 & 9 Geo. 6:<br>c. 14 ... ..       | Teachers Superannuation Act, 1945.                     | S. 1 (1) (a) (b) rep. in pt.                  | 55, ss. 62, 67, schs. 8 para. 17 (1), 9 Pt. II.                  |
|                                     |                                                        | S. 1 (1) (f) am. ... ..                       | 55, s. 62, sch. 8 para. 17 (2).                                  |
|                                     |                                                        | S. 2 (2) am. ... ..                           | 55, s. 62, sch. 8 para. 17 (2).                                  |
|                                     |                                                        | S. 13 (2) rep. ... ..                         | 55, ss. 62, 67, schs. 8 para. 17 (2), 9 Pt. II.                  |
| c. 18 ... ..                        | Local Authorities Loans Act, 1945.                     | S. 8 (1) (a)-(c). Power to apply (mod.) (E.). | 55, s. 55 (2) (c).                                               |

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| 8 & 9 Geo. 6:                       |                                                        |                                                                                               |                                                                                                               |
| c. 33 ... ..                        | Town and Country Planning (Scotland) Act, 1945.        | S. 15 (3), as appl., rep....<br>S. 24 appl. (mod.) ...                                        | 66, s. 13.<br>69, s. 13 (1)-(4)<br>(6).                                                                       |
| c. 36 ... ..                        | Distribution of Industry Act, 1945.                    | Ss. 25, 26, schs. 1, 4 appl. (mod.).<br>S. 4 ext. ... ..                                      | 69, s. 13 (3) (6).<br>41, s. 1.                                                                               |
| c. 41 ... ..                        | Family Allowances Act, 1945.                           | Appl. (mod.) (Belgium)...<br>S. 11 (2) (3) mod. ...                                           | S.I. No. 771.<br>5 (7 Eliz. 2), s. 36<br>(2).                                                                 |
| c. 42 ... ..                        | Water Act, 1945 ...                                    | S. 59 appl. ... ..<br>Sch. 3. Power to apply in pt. (mod.).                                   | 67, s. 4 (1).<br>67, ss. 1 (3) (c),<br>2 (1) (c).                                                             |
| c. 43 ... ..                        | Requisitioned Land and War Works Act, 1945.            | S. 15 ext. ... ..                                                                             | 30, s. 9 (1) (a),<br>(3) (4).                                                                                 |
| c. 43 ... ..                        |                                                        | S. 15 (2) (a) expld. ...<br>S. 16 ext. ... ..                                                 | 30, s. 9 (2).<br>30, s. 9 (1) (b),<br>(4).                                                                    |
| c. 43 ... ..                        |                                                        | S. 20 (1) excl. ... ..<br>Pt. IV mod. ... ..<br>Pt. VII appl. (mod.) ...                      | 30, s. 9 (1).<br>30, s. 20.<br>30, s. 13, sch. 2<br>para. 13.                                                 |
| c. 43 ... ..                        |                                                        | S. 59 (1) am. (E.) (S.) (retrosp.).<br>S. 59 (1). Period ended 31.12.58.                      | 30, s. 12 (1).<br>30, s. 1 (2).                                                                               |
| 9 & 10 Geo. 6:                      |                                                        |                                                                                               |                                                                                                               |
| c. 10 ... ..                        | Supplies and Services (Transitional Powers) Act, 1945. | Cont. until 10.12.59 ...                                                                      | S.I. No. 1962.                                                                                                |
| c. 13 ... ..                        | Finance (No. 2) Act, 1945                              | S. 35 (1) rep. in pt. ...<br>S. 35 (2) am. ... ..<br>Sch. 5 para. 4 am. ...                   | 56, s. 40 (5),<br>sch. 9 Pt. II.<br>56, s. 27 (2).<br>56, s. 27 (2).                                          |
| c. 17 ... ..                        | Police (Overseas Service) Act, 1945.                   | S. 2. Power to apply (mod.).                                                                  | 14, s. 5 (2).                                                                                                 |
| c. 20 ... ..                        | Building Materials and Housing Act, 1945.              | S. 1 (1) ext. (E.)... ..                                                                      | 42, s. 17 (4).                                                                                                |
| c. 26 ... ..                        | Emergency Laws (Transitional Provisions) Act, 1946.    | S. 3 (1) expired.                                                                             |                                                                                                               |
| c. 28 ... ..                        | Assurance Companies Act, 1946.                         | Rep., exc. s. 5 ... ..                                                                        | 72, s. 36 (2),<br>sch. 5 Pt. II.                                                                              |
| c. 29 ... ..                        | Agriculture (Artificial Insemination) Act, 1946.       | S. 5 rep. ... ..                                                                              | 47, s. 54 (1),<br>sch. 4.                                                                                     |
| c. 30 ... ..                        | Trunk Roads Act, 1946...                               | Sch. 4 rep. in pt. ...                                                                        | 55, s. 67, sch. 9<br>Pt. II.                                                                                  |
| c. 34 ... ..                        | Furnished Houses (Rent Control) Act, 1946.             | Cont. as amd. until 31.3.60.                                                                  | 4 (7 Eliz. 2), s. 1<br>(2).                                                                                   |
| c. 36 ... ..                        | Statutory Instruments Act, 1946.                       | Appl. ... ..                                                                                  | 5 (7 Eliz. 2), s. 56<br>(2).                                                                                  |
| c. 37 ... ..                        | Straits Settlements (Repeal) Act, 1946.                | S. 2 excl., sch. rep. in pt.                                                                  | 25, s. 1 (2).                                                                                                 |
| c. 42 ... ..                        | Water (Scotland) Act, 1946.                            | Ss. 26, 27. Power to apply (mod.).<br>S. 55 (2), (4)-(10) appl. (mod.).<br>S. 73 appl. ... .. | 67, ss. 1 (3) (10),<br>2 (1) (c), (5).<br>S.I. No. 1872,<br>r. 6 (5).<br>67, s. 1 (7), sch. 1<br>para. 3 (5). |

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| 9 & 10 Geo. 6:<br>c. 42— <i>cont.</i> | Water (Scotland) Act, 1946— <i>cont.</i>                    | S. 84 appl. ... ..                                                                                                                                            | 67, s. 4 (1).                                                                                                                                 |
| c. 46 ... ..                          | Police Act, 1946 ...                                        | Schs. 3, 4. Power to apply in pt. (mod.).<br>S. 7 am ... ..                                                                                                   | 67, ss. 1 (3) (10), 2 (1) (c), (5).<br>55, s. 62, sch. 8 para 18.                                                                             |
| c. 48 ... ..                          | Housing (Financial and Miscellaneous Provisions) Act, 1946. | S. 14 (2)–(5). Power to apply (mod.).<br>Sch. 2 para. 11 rep. ...                                                                                             | 14, s. 5 (2).<br>55, s. 67, sch. 9 Pt. II.                                                                                                    |
| c. 48 ... ..                          | Housing (Financial and Miscellaneous Provisions) Act, 1946. | Ss. 1–13, 15–24 rep. (saving).<br>S. 26 (1) rep. in pt. ...                                                                                                   | 42, s. 59 (1) (4), sch. 6.                                                                                                                    |
| c. 48 ... ..                          | Housing (Financial and Miscellaneous Provisions) Act, 1946. | Sch. 1 rep. (saving) ...                                                                                                                                      | 42, s. 59 (1) (4), sch. 6.                                                                                                                    |
| c. 48 ... ..                          | Housing (Financial and Miscellaneous Provisions) Act, 1946. | Sch. 2 rep. in pt. ...                                                                                                                                        | 42, s. 59 (1), sch. 6.                                                                                                                        |
| c. 48 ... ..                          | Housing (Financial and Miscellaneous Provisions) Act, 1946. | Sch. 3 rep. (saving) ...                                                                                                                                      | 42, s. 59 (1) (4), sch. 6.                                                                                                                    |
| c. 49 ... ..                          | Acquisition of Land (Authorisation Procedure) Act, 1946.    | Appl. (mod.) ... ..<br>Power to appl. ... ..                                                                                                                  | 69, s. 16 (5).<br>55, s. 42, sch. 6 para. 2 (e).                                                                                              |
| c. 49 ... ..                          | Acquisition of Land (Authorisation Procedure) Act, 1946.    | S. 3 appl. (mod.) ... ..<br>Sch. 1 Pts. I, III appl. (mod.).<br>Sch. 1 Pt. IV appl. (mod.)                                                                    | 69, s. 15.<br>69, ss. 4, 39, sch. 2 Pt. I.<br>69, ss. 4, 39, sch. 2 Pt. I.                                                                    |
| c. 49 ... ..                          | Acquisition of Land (Authorisation Procedure) Act, 1946.    | Sch. 1 Pt. IV paras. 15, 16 appl. (mod.).                                                                                                                     | 69, s. 1 (2), sch. 1 paras. 9, 10.                                                                                                            |
| c. 58 ... ..                          | Borrowing (Control and Guarantees) Act, 1946.               | S. 1 saved (Milford Haven).                                                                                                                                   | 23, s. 13 (1).                                                                                                                                |
| c. 59 ... ..                          | Coal Industry Nationalisation Act, 1946.                    | S. 36 (2) (c) added ... ..<br>S. 51 rep. ... ..                                                                                                               | 69, s. 46 (1).<br>51, s. 13 (2), sch. 4.                                                                                                      |
| c. 62 ... ..                          | National Insurance (Industrial Injuries) Act, 1946.         | S. 56 saved ... ..<br>Appl. (mod.) (France) ... ..<br>Appl. (mod.) (Belgium) ... ..<br>Appl. (mod.) (Malta) ... ..                                            | 51, s. 5 (3), sch. 2.<br>S.I. No. 597.<br>S.I. No. 771.<br>S.I. No. 772.                                                                      |
| c. 64 ... ..                          | Finance Act, 1946 ...                                       | S. 18 ext. ... ..                                                                                                                                             | 56, s. 2 (1).                                                                                                                                 |
| c. 67 ... ..                          | National Insurance Act, 1946.                               | Appl. (mod.) (France) ... ..<br>Appl. (mod.) (Belgium) ... ..<br>Appl. (mod.) (Malta) ... ..                                                                  | S.I. No. 597.<br>S.I. No. 771.<br>S.I. No. 772.                                                                                               |
| c. 68 ... ..                          | New Towns Act, 1946...                                      | S. 8 rep. (with saving for s. 8 (2)).<br>S. 12 (1) proviso am. ... ..<br>S. 13 (5) rep. in pt. ... ..<br>S. 13 (6) ext. ... ..<br>S. 24 para. (b) rep. ... .. | 42, s. 59 (1) (4), sch. 6.<br>12, s. 1 (1).<br>12, s. 2 (2).<br>12, s. 2 (1).<br>42, s. 59 (1), sch. 6.                                       |
| c. 72 ... ..                          | Education (Scotland) Act, 1946.                             | S. 1 (8) added ... ..<br>S. 3 (1) rep. in pt. ... ..<br>S. 7 (1) (a) am. ... ..<br>S. 25 (6) rep. in pt. ... ..<br>am. ... ..                                 | 64, s. 6 (1), sch. 4 Pt. I.<br>64, ss. 13, 22, schs. 5, 6 Pt. III.<br>64, s. 14.<br>64, ss. 13, 22, schs. 5, 6 Pt. III.<br>64, s. 13, sch. 5. |

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| 9 & 10 Geo. 6:<br>c. 72— <i>cont.</i> | Education (Scotland) Act,<br>1946— <i>cont.</i> | S. 27 rep. in pt. ... ..<br>S. 34 (5) rep. ... ..<br>S. 45 (1) rep. in pt. ... ..<br>S. 69 rep. ... ..<br>S. 70 am. ... ..<br>S. 70 para. (1) rep. in pt.,<br>para. (4) rep., para. (7)<br>rep. in pt., para. (12)<br>rep. in pt. and am.<br>S. 71 (1) rep. in pt. ... ..<br>S. 74 (2) (3) rep. ... ..<br>S. 76 (1) rep. in pt. ... ..<br>Ss. 103 (4) (6) am., 143<br>(1) am. (definition of<br>"code"), schs. 3 Pt. I<br>para. 3 am., 4 para.<br>2 (b) am.       | 64, ss. 13, 22,<br>schs. 5, 6 Pt.<br>III.<br>64, ss. 13, 22,<br>schs. 5, 6 Pt.<br>III.<br>64, ss. 13, 22,<br>schs. 5, 6 Pt.<br>III.<br>64, ss. 5 (1), 6 (1),<br>22, schs. 4 Pt. I,<br>6 Pt. II.<br>64, s. 6 (1), sch. 4<br>Pt. I.<br>64, ss. 6 (1), 22,<br>schs. 4 Pt. I,<br>6 Pt. II.<br>64, ss. 6 (1), 22,<br>schs. 4 Pt. I,<br>6 Pt. III.<br>64, ss. 13, 22,<br>schs. 5, 6 Pt.<br>III.<br>64, ss. 6 (1), 22,<br>schs. 4 Pt. I,<br>6 Pt. II.<br>64, s. 6 (1), sch. 4<br>Pt. I. |
| c. 73 ... ..                          | Hill Farming Act, 1946...                       | S. 21 (1) subst. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                           | 71, s. 8 (1), sch. 1<br>Pt. I para. 1.                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| c. 81 ... ..                          | National Health Service<br>Act, 1946.           | Pt. III. Certain functions<br>of county councils<br>delegated.<br>S. 22 (5) am. ... ..<br>S. 28. Certain functions<br>of county councils<br>delegated.<br>S. 28 superseded in pt.<br>S. 28 (3) am. ... ..<br>S. 51 (2). Certain func-<br>tions of county councils<br>delegated.<br>S. 51 (2) am. ... ..<br>S. 53 rep. ... ..<br>S. 57 ext. ... ..<br>Sch. 3 Pt. I appl. ... ..<br>Sch. 10 rep. so far as<br>amending s. 307 of the<br>Public Health Act,<br>1936. | 55, s. 46 (1) (a).<br>55, ss. 62, 67,<br>schs. 8 para.<br>19, 9 Pt. II.<br>55, s. 46 (1) (g),<br>(2).<br>33, s. 3 (2).<br>55, ss. 62, 67,<br>schs. 8 para.<br>19, 9 Pt. II.<br>55, s. 46 (1) (e).<br>55, ss. 62, 67,<br>schs. 8 para.<br>19, 9 Pt. II.<br>55, s. 67, sch. 9<br>Pt. II.<br>55, s. 49 (4).<br>S.I. No. 2135.<br>55, s. 67, sch. 9<br>Pt. V.                                                                                                                        |



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| 10 & 11 Geo. 6:<br>c. 14 ... ..     | Exchange Control Act, 1947.                        | Ss. 21 (1), 22 (1), excl. ...                                                   | S.I. No. 299.                                                    |
| c. 26 ... ..                        | Cotton (Centralised Buying) Act, 1947.             | S. 23 saved ... ..                                                              | 51, s. 5 (3), sch. 2.                                            |
| c. 27 ... ..                        | National Health Service (Scotland) Act, 1947.      | S. 22 (3) rep. in pt. ...                                                       | 64, ss. 13, 22, schs. 5, 6 Pt. III.                              |
|                                     |                                                    | S. 27 superseded in pt. ...                                                     | 33, s. 3 (2).                                                    |
|                                     |                                                    | S. 27 (3) rep. in pt. ...                                                       | 64, ss. 13, 22, schs. 5, 6 Pt. III.                              |
|                                     |                                                    | S. 51 (3) rep. in pt. ...                                                       | 64, ss. 13, 22, schs. 5, 6 Pt. III.                              |
|                                     |                                                    | S. 53 (1)-(3) rep. ...                                                          | 64, ss. 6 (1), 22, schs. 4 Pt. I, 6 Pt. III.                     |
|                                     |                                                    | Sch. 5 rep. ... ..                                                              | 64, ss. 13, 22, schs. 5, 6 Pt. III.                              |
| c. 28 ... ..                        | Isle of Man Harbours Act, 1947.                    | Power to amend or repeal by Act of Tynwald.                                     | 11, s. 1 (3).                                                    |
| c. 35 ... ..                        | Finance Act, 1947 ...                              | Ss. 5, 7 rep. ... ..                                                            | 6, s. 16 (4), sch. 7.                                            |
|                                     |                                                    | S. 30 rep. ... ..                                                               | 56, s. 40 (5), sch. 9 Pt. II.                                    |
|                                     |                                                    | S. 32 (1) rep. in pt. ...                                                       | 56, ss. 26 (1) (a), 40 (5), sch. 9 Pt. II.                       |
|                                     |                                                    | S. 33 appl. ... ..                                                              | 56, s. 25 (1).                                                   |
|                                     |                                                    | Ss. 34, 35 (1)-(4), 36, 37 rep., 38 (1) (a) (b) rep. in pt., 38 (2), 39 rep.    | 56, s. 40 (5), sch. 9 Pt. II.                                    |
|                                     |                                                    | S. 40 (1) (2) rep. ...                                                          | 56, s. 40 (5), sch. 9 Pt. II.                                    |
|                                     |                                                    | S. 40 (3) rep. ... ..                                                           | 56, ss. 26 (1) (b), 40 (5), sch. 9 Pt. II.                       |
|                                     |                                                    | S. 41 rep. ... ..                                                               | 56, s. 40 (5), sch. 9 Pt. II.                                    |
|                                     |                                                    | S. 42 rep. ... ..                                                               | 56, ss. 26 (1) (c), 40 (5), sch. 9 Pt. II.                       |
|                                     |                                                    | S. 47 (2)-(5) rep. ...                                                          | 56, s. 40 (5), sch. 9 Pt. II.                                    |
|                                     |                                                    | S. 52 (2) (a) (iii) rep., (iv) rep. in pt., (viii) rep., 52 (2) (c) rep. in pt. | 56, s. 40 (5), sch. 9 Pt. III.                                   |
|                                     |                                                    | S. 54 (1) rep. in pt. expld. ...                                                | 17, s. 3 (5).                                                    |
|                                     |                                                    | Sch. 8 Pt. I para. 6 (2) (d) rep.                                               | 56, s. 40 (5), sch. 9 Pt. II.                                    |
| c. 36 ... ..                        | Education (Exemptions) (Scotland) Act, 1947.       | Cont. until 31.12.59 ...                                                        | 4 (7 Eliz. 2), s. 1 (1).                                         |
| c. 39 ... ..                        | Statistics of Trade Act, 1947.                     | S. 9 saved ... ..                                                               | 51, s. 5 (3), sch. 2.                                            |
| c. 40 ... ..                        | Industrial Organisation and Development Act, 1947. | S. 9 (1) (a) rep. in pt. ...                                                    | 6, s. 16 (4), sch. 7.                                            |
|                                     |                                                    | S. 5 saved ... ..                                                               | 51, s. 5 (3), sch. 2.                                            |
| c. 41 ... ..                        | Fire Services Act, 1947...                         | S. 10 am. ... ..                                                                | 55, s. 62, sch. para. 20.                                        |

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| 10 & 11 Geo. 6: c. 41— <i>cont.</i> | Fire Services Act, 1947— <i>cont.</i>                               | S. 25 rep. (E.) ... ..                                          | 55, s. 67, sch. 9 Pt. II.                                                    |
|                                     |                                                                     | rep. (S.) ... ..                                                | 64, ss. 6 (1), 22, schs. 4 Pt. I, 6 Pt. III.                                 |
|                                     |                                                                     | S. 26 (2) ext. ... ..                                           | 14, s. 3 (7).                                                                |
|                                     |                                                                     | S. 26 (3) excl. in pt. ... ..                                   | 14, s. 3 (7).                                                                |
|                                     |                                                                     | S. 36 (17) rep. ... ..                                          | 64, ss. 6 (1), 22, schs. 4 Pt. I, 6 Pt. III.                                 |
| c. 42 ... ..                        | Acquisition of Land (Authorisation Procedure) (Scotland) Act, 1947. | Appl. (mod.) ... ..                                             | 69, s. 16 (5) (9).                                                           |
|                                     |                                                                     | S. 3 appl. (mod.) ... ..                                        | 69, s. 15.                                                                   |
|                                     |                                                                     | Sch. 1 Pts. I, III appl. (mod.) ... ..                          | 69, ss. 4, 39, sch. 2 Pt. I.                                                 |
|                                     |                                                                     | Sch. 1 Pt. IV appl. ... ..                                      | 69, ss. 4, 39, sch. 2 Pt. I.                                                 |
|                                     |                                                                     | Sch. 1 Pt. IV paras. 15 (1), appl. (mod.) ... ..                | 69, s. 1 (2), sch. 1 paras. 9–11.                                            |
|                                     |                                                                     | Sch. 1 Pt. IV para. 15 (2) rep. ... ..                          | 66, ss. 13, 15, sch. 2 Pt. I.                                                |
|                                     |                                                                     | Sch. 1 Pt. IV para. 16 appl. (mod.) ... ..                      | 69, s. 1 (2), sch. 1 para. 9–11.                                             |
| c. 43 ... ..                        | Local Government (Scotland) Act, 1947.                              | S. 104 (2) rep. ... ..                                          | 64, ss. 6 (1), 22, schs. 4 Pt. I, 6 Pt. III.                                 |
|                                     |                                                                     | S. 105 (2)–(4) rep. ... ..                                      | 64, ss. 13, 22, schs. 5, 6 Pt. III.                                          |
|                                     |                                                                     | S. 105 (5) (6) expld. ... ..                                    | 64, s. 13, sch. 5.                                                           |
|                                     |                                                                     | Ss. 107, 110–112 rep. ... ..                                    | 64, ss. 13, 22, schs. 5, 6 Pt. III.                                          |
|                                     |                                                                     | Ss. 114 (1) subst., 115 (3) added. ... ..                       | 64, s. 13, sch. 5.                                                           |
|                                     |                                                                     | S. 157 rep. in pt. ... ..                                       | 64, ss. 13, 22, schs. 5, 6 Pt. III.                                          |
|                                     |                                                                     | S. 191 (3) ( <i>d</i> ) rep. ... ..                             | 64, ss. 10, 22, sch. 6 Pt. I.                                                |
|                                     |                                                                     | Ss. 203 (3), 208 (1) rep....                                    | 64, s. 22, sch. 6 Pt. III.                                                   |
|                                     |                                                                     | Ss. 214 am. ( <i>temp.</i> ), 218 excl. ( <i>temp.</i> ) ... .. | 64, s. 7 (7).                                                                |
|                                     |                                                                     | S. 262 mod. ... ..                                              | 64, s. 12 (2).                                                               |
|                                     |                                                                     | S. 355 (2)–(9) appl. ... ..                                     | 64, s. 12 (2).<br>{ 24, ss. 1 (4), 13 (1), sch. 1 Pt. III.<br>69, s. 47 (3). |
| c. 44 ... ..                        | Crown Proceedings Act, 1947.                                        | Sch. 6 am. ... ..                                               | 64, s. 12 (1).                                                               |
|                                     |                                                                     | S. 5 (6) ( <i>a</i> ) subst., 5 (8) am. ... ..                  | 62, ss. 8 (5), 10 (2).                                                       |
| c. 46 ... ..                        | Wellington Museum Act, 1947.                                        | Excl. and saved ... ..                                          | 63, s. 14 (4).                                                               |
| c. 47 ... ..                        | Companies Act, 1947 ...                                             | S. 117 rep. ... ..                                              | 45, s. 28 (1), sch. 2.                                                       |
| c. 48 ... ..                        | Agriculture Act, 1947 ...                                           | S. 9 rep. ... ..                                                | 71, s. 10 (1), sch. 2 Pt. I.                                                 |
|                                     |                                                                     | Ss. 10, 11 appl. ... ..                                         | { 69, s. 22 (3), sch. 3 para. 7 (4).<br>71, s. 4 (8).                        |

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| 10 & 11 Geo. 6:<br>c. 48— <i>cont.</i> | Agriculture Act, 1947<br>— <i>cont.</i> | Ss. 12–20 rep. (saving) ...                  | 71, ss. 1 (1), 10 (1) (2), sch. 2 Pt. I.                         |
|                                        |                                         | S. 21 rep. (saving) ...                      | 71, s. 10 (1)–(3), sch. 2 Pt. I.                                 |
|                                        |                                         | S. 53 rep. ...                               | 71, ss. 8 (1), 10 (1), schs. 1 Pt. I para. 2, 2 Pt. I.           |
|                                        |                                         | Ss. 61 (8), 63 (3) rep. ...                  | 71, s. 10 (6), sch. 3.                                           |
|                                        |                                         | S. 71 (7) rep. ...                           | 71, s. 10 (6), sch. 3.                                           |
|                                        |                                         | S. 73 (1) am. ...                            | 71, ss. 5, 8 (1), sch. 1 Pt. I para. 3.                          |
|                                        |                                         | S. 73 (3) am. ...                            | 71, ss. 5, 8 (1), sch. 1 Pt. I para. 3.                          |
|                                        |                                         | S. 73 (3) (c) rep. ...                       | 71, ss. 8 (1), 10 (1), schs. 1 Pt. I para. 3, 2 Pt. I.           |
|                                        |                                         | S. 73 (4) am., 73 (5) added                  | 71, s. 8 (1), sch. 1 Pt. I para. 3.                              |
|                                        |                                         | S. 75 mod. ...                               | 71, s. 8 (1), sch. 1 Pt. I para. 4.                              |
|                                        |                                         | S. 76 (1) (3) rep. ...                       | 71, s. 10 (6), sch. 3.                                           |
|                                        |                                         | S. 80 saved ...                              | 47, s. 5 (4).<br>51, s. 5 (3), sch. 2.                           |
|                                        |                                         | Ss. 91 rep., 95 (1) rep. in pt., 98 (6) rep. | 71, s. 10 (6), sch. 3.                                           |
|                                        |                                         | S. 106 (4) rep. in pt. ...                   | 71, s. 10 (1), sch. 2 Pt. I.                                     |
|                                        |                                         | S. 107 appl. ...                             | 71, s. 7 (4).                                                    |
|                                        |                                         | Ss. 110, 111 (2) rep. ...                    | 71, s. 10 (6), sch. 3.                                           |
|                                        |                                         | Sch. 2 paras. 1, 5 rep. in pt.               | 71, s. 10 (1), sch. 2 Pt. I.                                     |
|                                        |                                         | Sch. 9 paras. 13–16 subst., para. 16A added. | 71, s. 8 (1), sch. 1 Pt. I para. 5 (2).                          |
|                                        |                                         | Sch. 9 para. 17 am. ...                      | 71, s. 8 (1), sch. 1 Pt. I para. 5 (3).                          |
|                                        |                                         | Sch. 9 para. 18 rep. ...                     | 71, ss. 8 (1), 10 (1), schs. 1 Pt. I para. 5 (4), 2 Pt. I.       |
|                                        |                                         | Sch. 13 rep. ...                             | 71, s. 10 (6), sch. 3.                                           |
| c. 49 ...                              | Transport Act, 1947 ...                 | Ss. 99 (2), 101 (3) rep. in pt.              | 66, s. 15, sch. 2 Pt. II.                                        |
| c. 51 ...                              | Town and Country Planning Act, 1947.    | Pt. III (ss. 12–36). Power to apply (mod.).  | 69, s. 2 (1).                                                    |
|                                        |                                         | S. 15 appl. ...                              | 69, s. 2 (3).                                                    |
|                                        |                                         | S. 49 ext. ...                               | 30, s. 8.                                                        |
|                                        |                                         | S. 57 (2) appl. ...                          | 30, s. 13, sch. 2 para. 15.                                      |
|                                        |                                         | S. 93 (1) am. ...                            | 55, s. 62, sch. 8 para. 21.                                      |

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| 10 & 11 Geo. 6: c. 51— <i>cont.</i> | Town and Country Planning Act, 1947— <i>cont.</i> | S. 93 (1) (c), (4) proviso rep.                                          | 55, ss. 62, 67, schs. 8 para. 21, 9 Pt. II.                      |
|                                     |                                                   | S. 96 rep. ... ..                                                        | 55, s. 67, sch. 9 Pt. V.                                         |
|                                     |                                                   | S. 118 (1) ext. (Milford Haven).                                         | 23, s. 23 (5).                                                   |
|                                     |                                                   | S. 119 (1) ext. (definition of "statutory undertakers") (Milford Haven). | 23, s. 1 (6).                                                    |
| c. 53 ... ..                        | Town and Country Planning (Scotland) Act, 1947.   | Sch. 6 mod. ... ..                                                       | 30, s. 8 (4).                                                    |
|                                     |                                                   | S. 2 (5) rep. in pt. ...                                                 | 64, s. 22, sch. 6 Pt. III.                                       |
|                                     |                                                   | Pt. II (ss. 3-33). Power to apply (mod.).                                | 69, s. 2 (1) (7).                                                |
|                                     |                                                   | S. 9 (4) rep. ... ..                                                     | 66, ss. 13, 15, sch. 2 Pt. I.                                    |
|                                     |                                                   | S. 13 appl. ... ..                                                       | 69, s. 2 (3) (7).                                                |
|                                     |                                                   | S. 46 ext. ... ..                                                        | 30, ss. 8, 9 (4).                                                |
|                                     |                                                   | S. 54 (2) appl. ... ..                                                   | 30, s. 13, sch. 2 para. 15.                                      |
|                                     |                                                   | S. 89 am. ... ..                                                         | 64, s. 6 (1), sch. 4 Pt. I.                                      |
|                                     |                                                   | S. 89 (1) (c), (4) proviso rep.                                          | 64, ss. 6 (1), 22, schs. 4 Pt. I, 6 Pt. III.                     |
|                                     |                                                   | S. 92 rep. ... ..                                                        | 64, s. 22, sch. 6 Pt. III.                                       |
|                                     |                                                   | Sch. 1 Pt. IV rep. ...                                                   | 64, ss. 13, 22, schs. 5, 6 Pt. III.                              |
|                                     |                                                   | Sch. 1 Pt. V paras. 1, 3 am.                                             | 64, s. 13, sch. 5.                                               |
| c. 54 ... ..                        | Electricity Act, 1947 ...                         | Sch. 6 mod. ... ..                                                       | 30, s. 8.                                                        |
|                                     |                                                   | Ss. 54 (3) (5), 55 (5) rep. in pt.                                       | 66, s. 15, sch. 2 Pt. II.                                        |
| 11 & 12 Geo. 6:                     |                                                   |                                                                          |                                                                  |
| c. 3 ... ..                         | Burma Independence Act, 1947.                     | S. 3 rep. in pt. ... ..                                                  | 6, s. 16 (4), sch. 7.                                            |
| c. 7 ... ..                         | Ceylon Independence Act, 1947.                    | Sch. 2 para. 2 rep. in pt.                                               | 6, s. 16 (4), sch. 7.                                            |
| c. 9 ... ..                         | Finance (No. 2) Act, 1947                         | S. 7 rep. ... ..                                                         | 56, s. 40 (5), sch. 9 Pt. II.                                    |
| c. 15 ... ..                        | Overseas Resources Development Act, 1948.         | S. 7 excl. ... ..                                                        | 15, s. 1 (5).                                                    |
|                                     |                                                   | S. 11 (3) (b) am. ... ..                                                 | 15, s. 2 (1).                                                    |
|                                     |                                                   | S. 12 (1) am. ... ..                                                     | 15, s. 2 (2).                                                    |
|                                     |                                                   | S. 19 (a) restr. ... ..                                                  | 15, s. 1 (1).                                                    |
| c. 17 ... ..                        | Requisitioned Land and War Works Act, 1948.       | S. 12 (3) expld. ... ..                                                  | 30, s. 12 (1).                                                   |
|                                     |                                                   | S. 12 (6) excl. ... ..                                                   | 30, s. 16 (6).                                                   |
|                                     |                                                   | S. 13 mod. and expld. ...                                                | 30, s. 12 (3).                                                   |
|                                     |                                                   | S. 13 (2) excl. ... ..                                                   | 30, s. 12 (4).                                                   |
|                                     |                                                   | S. 14 (1) am. ... ..                                                     | 30, s. 12 (2).                                                   |
| c. 24 ... ..                        | Police Pensions Act, 1948                         | Appl. (mod.) ... ..                                                      | 14, s. 5 (3), sch. 2.                                            |
| c. 26 ... ..                        | Local Government Act, 1948.                       | S. 1 rep. ... ..                                                         | 55, s. 67, sch. 9 Pt. V.                                         |
|                                     |                                                   | S. 2 am. ... ..                                                          | 55, s. 5 (2) (9).                                                |
|                                     |                                                   | S. 2 (2) rep. ... ..                                                     | 55, ss. 5 (9), 67, sch. 9 Pt. II.                                |

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| 11 & 12 Geo. 6: c. 26— <i>cont.</i> | Local Government Act, 1948— <i>cont.</i> | Ss. 3, 4 rep. ... ..                                             | 55, ss. 5 (9), 67, sch. 9 Pt. II.                                |
|                                     |                                          | S. 5 rep. ... ..                                                 | 55, s. 67, sch. 9 Pt. V.                                         |
|                                     |                                          | S. 6 am. ... ..                                                  | 55, s. 5 (2) (9).                                                |
|                                     |                                          | S. 6 (1) rep. in pt. ... ..                                      | 55, s. 67, sch. 9 Pts. II, V.                                    |
|                                     |                                          | S. 7 rep. ... ..                                                 | 55, s. 67, sch. 9 Pt. II.                                        |
|                                     |                                          | S. 8 am. ... ..                                                  | 55, s. 5 (2) (9).                                                |
|                                     |                                          | rep. in pt. ... ..                                               | 55, s. 67, sch. 9 Pt. V.                                         |
|                                     |                                          | S. 9 rep. ... ..                                                 | 55, ss. 5 (2), 67, sch. 9 Pt. II.                                |
|                                     |                                          | S. 10 (1) am. ... ..                                             | 55, s. 8.                                                        |
|                                     |                                          | S. 10 (2) rep. ... ..                                            | 55, s. 67, sch. 9 Pt. II.                                        |
|                                     |                                          | S. 10 (5) rep. ... ..                                            | 55, s. 67, sch. 9 Pt. V.                                         |
|                                     |                                          | Ss. 11–13 rep. ... ..                                            | 55, s. 67, sch. 9 Pt. V.                                         |
|                                     |                                          | S. 15 (1) am. ... ..                                             | 55, s. 5 (9).                                                    |
|                                     |                                          | rep. in pt. ... ..                                               | 55, s. 67, sch. 9 Pt. V.                                         |
|                                     |                                          | S. 23 rep. ... ..                                                | 64, ss. 6 (1), 22, schs. 4 Pt. I, 6, Pt. III.                    |
|                                     |                                          | S. 24 (1) am. ... ..                                             | 64, s. 6 (1), sch. 4 Pt. I.                                      |
|                                     |                                          | S. 33 (1) (a) rep. ... ..                                        | 55, s. 67, sch. 9 Pt. V.                                         |
|                                     |                                          | S. 34 (1) rep. ... ..                                            | 55, s. 67, sch. 9 Pt. V.                                         |
|                                     |                                          | S. 34 (2) am. ... ..                                             | 55, s. 62, sch. 8 para. 22                                       |
|                                     |                                          | rep. in pt. ... ..                                               | 55, s. 67, sch. 9 Pt. V.                                         |
|                                     |                                          | S. 34 (3) rep. ... ..                                            | 55, s. 67, sch. 9 Pt. V.                                         |
|                                     |                                          | Ss. 40–43 appl. ... ..                                           | 55, s. 14 (3).                                                   |
|                                     |                                          | Ss. 54 (1) rep. in pt., 57 (2), 71 paras. (d) (e), 72 rep.       | 55, s. 67, sch. 9 Pt. V.                                         |
|                                     |                                          | Pt. V (ss. 85–110) mod. (E.) excl. (E.)                          | 55, s. 10.                                                       |
|                                     |                                          | S. 85 (1) rep. in pt. ... ..                                     | 55, ss. 12 (1), 13, Pts. II, V.                                  |
|                                     |                                          | S. 87 (1) am. (E.) ... ..                                        | 55, s. 62, sch. 8 para. 23 (1).                                  |
|                                     |                                          | Ss. 88 (1) rep. (E.), 88 (2) rep. in pt. (E.), 89, 90 rep. (E.). | 55, s. 67, sch. 9 Pt. V.                                         |
|                                     |                                          | S. 91 rep. in pt. ... ..                                         | 55, s. 67, sch. 9 Pts. II, V.                                    |
|                                     |                                          | Ss. 92 rep. (E.), 93 (2) (a) (b) rep., 93 (2) (c) rep. in pt.    | 55, s. 67, sch. 9 Pt. V.                                         |
|                                     |                                          | S. 94 am. (E.) ... ..                                            | 55, s. 62, sch. 8 para. 24.                                      |

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| 11 & 12 Geo. 6:<br>c. 26— <i>cont.</i> | Local Government Act,<br>1948— <i>cont.</i> | S. 96 (1) rep. (E.) ...                                         | 55, s. 67, sch. 9 Pt. V.                                         |
|                                        |                                             | S. 96 (1A) (a) rep. ...                                         | 55, s. 67, sch. 9 Pt. II.                                        |
|                                        |                                             | S. 96 (2) (a) rep. (E.) ...                                     | 55, s. 67, sch. 9 Pt. V.                                         |
|                                        |                                             | S. 96 (2) (b) rep. in pt....                                    | 55, s. 67, sch. 9 Pts. II, V.                                    |
|                                        |                                             | S. 96 (3) rep. in pt. ...                                       | 55, s. 67, sch. 9 Pt. II.                                        |
|                                        |                                             | S. 97 (1) rep., 98 (2) (3) rep. in pt., 98 (5) rep.             | 55, s. 67, sch. 9 Pt. II.                                        |
|                                        |                                             | S. 100 (2) am. ...                                              | 55, s. 62, sch. 8 para. 25.                                      |
|                                        |                                             | rep. in pt. ...                                                 | 55, s. 67, sch. 9 Pt. V.                                         |
|                                        |                                             | S. 102 (1) rep. in pt. (E.)                                     | 55, ss. 62, 67, sch. 8 para. 26, sch. 9 Pt. II.                  |
|                                        |                                             | Ss. 105 rep. (E.), 106, 111 (1) (e), 113 (2) rep.               | 55, s. 67, sch. 9 Pt. V.                                         |
|                                        |                                             | S. 114 (2) proviso rep. in pt.                                  | 64, ss. 6 (1), 22, schs. 4 Pt. I, 6 Pt. II.                      |
|                                        |                                             | rep.(E.)                                                        | 55, ss. 62, 67, schs. 8, 9 Pt. II.                               |
|                                        |                                             | S. 114 (4) rep. in pt. (E.)                                     | 55, ss. 62, 67, schs. 8, 9 Pt. II.                               |
|                                        |                                             | am. ...                                                         | 55, s. 62, sch. 8 para. 27.                                      |
|                                        |                                             | Ss. 120 (3) rep. in pt., 121 (1) rep. in pt.                    | 64, s. 6 (1), sch. 4 Pt. I.                                      |
|                                        |                                             | S. 121 (8) rep. ...                                             | 55, s. 67, sch. 9 Pt. V.                                         |
|                                        |                                             | S. 122 rep. in pt. ...                                          | 55, s. 67, sch. 9 Pt. V.                                         |
|                                        |                                             | S. 126 rep. ...                                                 | 55, ss. 56 (1), 67, sch. 9 Pt. I.                                |
|                                        |                                             | S. 128 rep. ...                                                 | 55, s. 67, sch. 9 Pt. II.                                        |
|                                        |                                             | S. 130. Power to apply                                          | 55, s. 42, sch. 6 para. 2 (f).                                   |
|                                        |                                             | S. 135 (1) rep. in pt. (S.)                                     | 64, ss. 13, 22, schs. 5, 6 Pt. III.                              |
|                                        |                                             | S. 135 (2) rep. ...                                             | 64, ss. 13, 22, schs. 5, 6 Pt. III.                              |
|                                        |                                             | S. 140 (1) (3) (f) rep. in pt.                                  | 55, s. 67, sch. 9 Pt. V.                                         |
|                                        |                                             | S. 142 excl. ...                                                | 55, s. 16 (1).                                                   |
|                                        |                                             | Ss. 143 (2) rep., 144 (1) rep. in pt. (definition of "garden"). | 55, s. 67, sch. 9 Pt. V.                                         |
|                                        |                                             | S. 144 (2) (2A) rep. ...                                        | 55, s. 67, sch. 9 Pt. II.                                        |
| S. 144 (4) am. ...                     | 55, s. 5 (9).                               |                                                                 |                                                                  |

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| 11 & 12 Geo. 6:<br>c. 26— <i>cont.</i> | Local Government Act,<br>1948— <i>cont.</i>                  | S. 144 (4) proviso (a) rep.                                                                           | 55, s. 67, sch. 9<br>Pt. V.                                                        |
|                                        |                                                              | S. 146 am. ... ..                                                                                     | 55, s. 62, sch. 8<br>para. 28.                                                     |
|                                        |                                                              | S. 147, sch. 1 para. (2),<br>sch. 2 rep.                                                              | 55, s. 67, sch. 9<br>Pt. V.                                                        |
| c. 29 ... ..                           | National Assistance Act,<br>1948.                            | Pt. III (ss. 21–36). Cer-<br>tain functions of county<br>councils delegated (E.).                     | 55, ss. 46 (1) (f)<br>(2), 50 (1).                                                 |
|                                        |                                                              | S. 28 rep. (E.) ... ..<br>(S.) ... ..                                                                 | 55, s. 67, sch. 9<br>Pt. II.<br>64, ss. 6 (1), 22,<br>schs. 4 Pt. I,<br>6 Pt. III. |
|                                        |                                                              | S. 29. Certain functions<br>of county councils dele-<br>gated (E.).                                   | 55, s. 46 (1) (b).                                                                 |
|                                        |                                                              | S. 29 superseded in pt....                                                                            | 33, s. 3 (2).                                                                      |
|                                        |                                                              | S. 29: power to ext. (mod.)                                                                           | 33, s. 3 (4), sch.<br>para. 2 (3).                                                 |
|                                        |                                                              | S. 29 (3) excl. (E.) ...                                                                              | 55, s. 50 (1).                                                                     |
|                                        |                                                              | Ss. 29 (4) (c), (6) (7), 30,<br>32 am.                                                                | 33, s. 3 (4), sch.<br>para. 1 (1).                                                 |
|                                        |                                                              | S. 33 (2) rep. in pt. (S.)                                                                            | 64, s. 22, sch. 6<br>Pt. III.                                                      |
|                                        |                                                              | Ss. 34–36 am. ... ..                                                                                  | 33, s. 3 (4), sch.<br>para. 1 (1) (2).                                             |
|                                        |                                                              | Ss. 58, 59 am. ... ..                                                                                 | 33, s. 3 (4), sch.<br>para. 1 (1).                                                 |
|                                        |                                                              | S. 66 am. ... ..                                                                                      | 33, s. 3 (4), sch.<br>para. 1 (1) (3).                                             |
|                                        |                                                              | Sch. 2 para. 8 (1) (b) am.                                                                            | 6 (7 Eliz. 2), s. 15<br>(3).                                                       |
|                                        |                                                              | Sch. 3 Pt. I ext. ... ..                                                                              | 33, s. 3 (4), sch.<br>para. 2 (1).                                                 |
|                                        |                                                              | rep. (S.) ... ..                                                                                      | 64, ss. 13, 22,<br>schs. 5, 6<br>Pt. III.                                          |
|                                        |                                                              | Sch. 3 Pt. II ext. ...                                                                                | 33, s. 3 (4), sch.<br>para. 2 (2).                                                 |
|                                        |                                                              | Sch. 3 Pts. II paras. 9 (3),<br>11 (f) rep. (S.), III<br>para. 12 (a) rep. in pt.,<br>12 (b)–(d) rep. | 64, s. 22, sch. 6<br>Pt. III.                                                      |
| c. 31 ... ..                           | Cotton Spinning (Re-<br>equipment Subsidy)<br>Act, 1948.     | S. 4 saved ... ..                                                                                     | 51, s. 5 (3), sch. 2.                                                              |
| c. 32 ... ..                           | River Boards Act, 1948                                       | S. 29 (6) rep. in pt. ...                                                                             | 66, s. 15, sch. 2<br>Pt. II.                                                       |
| c. 33 ... ..                           | Superannuation (Miscel-<br>laneous Provisions)<br>Act, 1948. | S. 1 (3) rep. in pt. ...                                                                              | 64, ss. 6 (1), 22,<br>schs. 4 Pt. I,<br>6 Pt. II.                                  |
|                                        |                                                              | S. 2 (2) (f) (3) (vi) added                                                                           | 14, s. 3 (3), sch. 1.                                                              |
|                                        |                                                              | S. 2 (4) rep. in pt. ...                                                                              | 64, ss. 6 (1), 22,<br>schs. 4 Pt. I,<br>6 Pt. II.                                  |
|                                        |                                                              | S. 2 (4) (b) am. ... ..                                                                               | 14, s. 3 (3), sch. 1.                                                              |
|                                        |                                                              | S. 2 (8) rep. ... ..                                                                                  | 64, ss. 6 (1), 22,<br>schs. 4 Pt. I,<br>6 Pt. II.                                  |

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| 11 & 12 Geo. 6: c. 33— <i>cont.</i> | Superannuation (Miscellaneous Provisions) Act, 1948— <i>cont.</i> | S. 2 (9) added ... ..<br>S. 11 saved ... ..<br>S. 15 ext.... ... ..<br>S. 17 (1) am. (definition of "pension fund").                                                                                                                                                                                                                                                                                                                                                                                                                                             | 14, s. 3 (3), sch. 1.<br>14, s. 3 (4).<br>14, s. 3 (5).<br>64, s. 6 (1), sch. 4 Pt. I.                                                                                                                                                                                                                                                                                                                                              |
| c. 35 ... ..                        | Animals Act, 1948 ...                                             | Rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 43, s. 17.                                                                                                                                                                                                                                                                                                                                                                                                                          |
| c. 38 ... ..                        | Companies Act, 1948 ...                                           | S. 109 mod. ... ..<br><br>Ss. 119–121 appl. (mod.) (Kenya).<br>S. 127 mod. ... ..<br>Ss. 147–163. Power to apply (mod.).<br>S. 166 appl. ... ..<br>S. 167 appl. ... ..<br>appl. (mod.) ... ..<br>Ss. 168 (1), 168 (2) (a) appl. (mod.).<br>Pt. V (ss. 221–365) appl. (mod.).<br>S. 222 expld. ... ..<br>S. 362 (4) am. ... ..<br>S. 365 ext. ... ..<br>Pt. IX (ss. 398–405). Power to apply (mod.).<br>Ss. 407, 409–415, 425 appl.<br>Ss. 442, 444 appl. ... ..<br><br>S. 456 rep. in pt. }<br><br>Sch. 16 para. 1 rep. ... }<br><br>Sch. 16 paras. 2, 3, 6 rep. | 72, ss. 2 (3), 21, sch. 2 para. 4.<br>S.I. No. 600, art. 70, sch. 3.<br>72, s. 8 (4).<br>72, s. 9.<br>72, s. 14 (4).<br>72, s. 14 (4).<br>45, s. 12 (2).<br>45, s. 12 (2).<br>72, s. 15.<br>72, s. 13 (1).<br>S.I. No. 932.<br>72, s. 17 (3).<br>47, s. 3 (3), sch. 2 para. 4 (1)<br>72, s. 23.<br>72, s. 28.<br>45, s. 28 (1), sch. 2.<br>72, s. 36 (2), sch. 5 Pt. II.<br>72, s. 36 (2), sch. 5 Pt. II.<br>45, s. 28 (1), sch. 2. |
| c. 39 ... ..                        | Industrial Assurance and Friendly Societies Act, 1948.            | S. 2 (2), sch. 1 am. ...<br>Sch. 2 am. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 27, s. 1 (1).<br>27, s. 1 (2).                                                                                                                                                                                                                                                                                                                                                                                                      |
| c. 43 ... ..                        | Children Act, 1948 ...                                            | S. 1 ext. ... ..<br><br>Pt. II (ss. 11–22) appl. (mod.) (E.).<br>appl. (mod.) (S.)<br>Pt. V (ss. 35–37) rep. ...<br><br>S. 38 (1) rep. in pt. and am.<br>S. 39 (1) am. (E.) ...<br>am. (S.) ... ..<br>S. 39 (1) (b) (c) subst. ...<br><br>S. 42 (2) rep. ... ..<br><br>S. 43 (1) am. ... ..<br><br>S. 44 (1) rep. in pt. and am.                                                                                                                                                                                                                                 | { 65, s. 7 (4).<br>5 (7 Eliz. 2), s. 43 (3).<br>40, s. 5 (1) (5).<br>40, s. 10 (4).<br>65, s. 40 (2), sch. 3.<br>65, s. 40 (1), sch. 2.<br>40, s. 6 (3).<br>40, s. 12 (3).<br>5 (7 Eliz. 2), s. 58 (1), sch. 4.<br>65, s. 40 (2), sch. 3.<br>5 (7 Eliz. 2), s. 58 (1), sch. 4.<br>5 (7 Eliz. 2), s. 58 (1), sch. 4.                                                                                                                 |



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| 11 & 12 Geo. 6: c. 43— <i>cont.</i> | Children Act, 1948— <i>cont.</i>  | <p>S. 46 (2) rep. in pt. (E.)</p> <p>rep. in pt. (S.)</p> <p>S. 47 rep. (E.) ...</p> <p>rep. (S.) ...</p> <p>S. 51 (1) am. ...</p> <p>S. 54 (1) am. ...</p> <p>S. 54 (2) (c) subst., 54 (2) (d) (e) rep.</p> <p>S. 55 (1) rep. in pt., sch. 2 para. 10 rep., sch. 3 rep. so far as relating to the Public Health Act, 1936, and to the Public Health (London) Act, 1936, and so far as relating to part of the Children and Young Persons (Scotland) Act, 1937.</p> | <p>55, ss. 62, 67, schs. 8 para. 29, 9 Pt. II.</p> <p>64, ss. 6 (1), 22, schs. 4 Pt. I, 6 Pt. III.</p> <p>55, s. 67, sch. 9 Pt. II.</p> <p>64, ss. 6 (1), 22, schs. 4 Pt. I, 6 Pt. III.</p> <p>5 (7 Eliz. 2), s. 58 (1), sch. 4.</p> <p>65, s. 40 (1), sch. 2.</p> <p>5 (7 Eliz. 2), s. 58 (1), sch. 4.</p> <p>65, s. 40 (2), sch. 3.</p>                                                                                                                                                                                |
| c. 44 ...                           | Merchant Shipping Act, 1948.      | Appl. (mod.) (Kenya) ...                                                                                                                                                                                                                                                                                                                                                                                                                                            | S.I. No. 600, art. 70, sch. 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| c. 45 ...                           | Agriculture (Scotland) Act, 1948. | <p>S. 26 (1) rep. ...</p> <p>Ss. 27–34 rep. ...</p> <p>S. 35 (1) rep. in pt. (saving).</p> <p>S. 36 rep. ...</p> <p>Ss. 37–38 rep. ...</p> <p>S. 48 (5) rep. ...</p> <p>S. 63 (2) rep. ...</p> <p>S. 68 (5) rep. ...</p> <p>S. 71 rep. (saving) ...</p> <p>S. 82 (4) rep. in pt. ...</p> <p>S. 83 appl. ...</p> <p>Ss. 87, 88 (2) rep. ...</p> <p>Sch. 3 paras. 1 rep. in pt., 5 rep. in pt. ...</p>                                                                | <p>71, s. 10 (1), sch. 2 Pt. I.</p> <p>71, ss. 1 (2), 10 (1), sch. 2 Pt. I.</p> <p>71, s. 10 (4) (b), sch. 3.</p> <p>71, ss. 8 (1), 10 (1), schs. 1 Pt. II para. 30, 2 Pt. I.</p> <p>71, s. 10 (1), sch. 2 Pt. I.</p> <p>71, s. 10 (6), sch. 3.</p> <p>71, s. 10 (1), sch. 2 Pt. I.</p> <p>71, s. 10 (6), sch. 3.</p> <p>71, s. 10 (1) (5), sch. 2 Pt. I.</p> <p>71, s. 10 (1), sch. 2 Pt. I.</p> <p>71, s. 7 (4) (5)</p> <p>71, s. 10 (6), sch. 3.</p> <p>71, ss. 8 (1), 10 (1), schs. 1 Pt. II, para. 31, 2 Pt. I.</p> |

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| 11 & 12 Geo. 6: c. 45— <i>cont.</i> | Agriculture (Scotland) Act, 1948— <i>cont.</i>    | Schs. 5, 6 appl. ... ..<br>Sch. 10 rep. ... ..                                                                                                                                                                                                                                                                                                                                                              | 69, s. 22 (3), sch. 3 para. 7 (4) (5).<br>71, s. 10 (6), sch. 3.                                                                                                                                                                                                                                       |
| c. 49 ... ..                        | Finance Act, 1948 ... ..                          | Ss. 8–11 rep. ... ..<br>S. 20 rep. ... ..<br>S. 21 (1) (b) am. ... ..<br>S. 69 rep. ... ..<br>Ss. 70 rep., 71 (2) rep. in pt.<br>S. 81 rep. in pt. ... ..<br>Sch. 3 rep. in pt. ... ..<br>Sch. 8 am. ( <i>retrosp.</i> ) ... ..<br>Sch. 8 Pt. I rep. ... ..                                                                                                                                                 | 6, s. 16 (4), sch. 7.<br>56, s. 40 (5), sch. 9 Pt. I.<br>56, s. 1 (2), sch. 2 Pt. II para. 2.<br>56, ss. 25 (2), 40 (5) sch. 9 Pt. II.<br>56, s. 40 (5), sch. 9 Pt. II.<br>6 (7 Eliz. 2), s. 17 (1), sch. (1), sch. 56, s. 40 (5), sch. 9 Pt. I.<br>56, s. 1, sch. 1.<br>56, s. 40 (5), sch. 9 Pt. I.  |
| c. 53 ... ..                        | Nurseries and Child-Minders Regulation Act, 1948. | Certain functions of county councils delegated (E.).<br>S. 8 (1) am. ... ..<br>S. 8 (3) am. (E.) ... ..<br>S. 9 (2) rep. in pt. ... ..<br>S. 13 (2) am. ... ..                                                                                                                                                                                                                                              | 55, s. 46 (1) (c).<br>65, s. 40 (1), sch. 2.<br>55, s. 62, sch. 8 para. 30.<br>65, s. 40 (2), sch. 3.<br>65, s. 40 (1), sch. 2.                                                                                                                                                                        |
| c. 56 ... ..                        | British Nationality Act, 1948.                    | Am. ("High Commissioner" to include acting High Commissioner).<br>S. 1 (3) am. ... ..<br>S. 6 (1) ext. and mod. ... ..<br>S. 6 (2) excl. ... ..<br>S. 12 (6) rep. in pt. and restr. ext. ... ..<br>Pt. III (ss. 23–34) am. ... ..<br>S. 26 saved ... ..<br>S. 29 (1) (f), (2) ext. ... ..<br>S. 30 excl. ... ..<br>S. 30 (1) saved ... ..<br>S. 32 (1) excl. in pt. expld. ... ..<br>S. 32 (1) saved ... .. | 10, s. 4 (3).<br>10, s. 1 (1).<br>59, s. 1 (1).<br>10, s. 3 (2).<br>10, s. 2 (5).<br>10, s. 3 (1) (a).<br>10, s. 3 (1) (b) (c).<br>10, s. 5 (2).<br>66, s. 11 (3).<br>10, s. 4.<br>10, s. 1 (1).<br>10, s. 1 (3).<br>10, s. 1 (1).<br>10, s. 1 (2).<br>10, s. 1 (3).<br>31, s. 1 (3).<br>31, s. 1 (1). |
| c. 58 ... ..                        | Criminal Justice Act, 1948.                       | S. 12 excl. (E.) ... ..<br>S. 17 (2) appl. ... ..                                                                                                                                                                                                                                                                                                                                                           | 31, s. 1 (3).<br>31, s. 1 (1).                                                                                                                                                                                                                                                                         |
| c. 60 ... ..                        | Development of Inventions Act, 1948.              | S. 7 am. ... ..                                                                                                                                                                                                                                                                                                                                                                                             | 3 (7 Eliz. 2), s. 1.                                                                                                                                                                                                                                                                                   |
| c. 63 ... ..                        | Agricultural Holdings Act, 1948.                  | Expld. ... ..<br>S. 8 saved ... ..<br>S. 8 (1) am. ... ..<br>S. 9 saved ... ..<br>ext. and appl. (mod.)                                                                                                                                                                                                                                                                                                     | 69, s. 14.<br>69, s. 37, sch. 7 para. 4 (5) (6).<br>71, s. 2.<br>69, s. 37, sch. 7 para. 4 (5) (6).<br>71, s. 4 (5).                                                                                                                                                                                   |

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| 11 & 12 Geo. 6:<br>c. 63— <i>cont.</i> | Agricultural Holdings Act, 1948— <i>cont.</i> | S. 10 subst. ... ..                      | 71, s. 8 (1), sch. 1 Pt. I para. 6.                              |
|                                        |                                               | S. 11 (3) am. ... ..                     | 71, s. 8 (1), sch. 1 Pt. I para. 7.                              |
|                                        |                                               | S. 13 appl. (mod.) ... ..                | 69, s. 37, sch. 7 para. 5.                                       |
|                                        |                                               | S. 17 saved ... ..                       | 69, s. 37, sch. 7 para. 6 (2).                                   |
|                                        |                                               | S. 24 (1) (2) am. ... ..                 | 71, ss. 3 (1), 8 (1), sch. 1 Pt. I para. 8.                      |
|                                        |                                               | S. 24 (3) rep. ... ..                    | 71, s. 10 (6), sch. 3.                                           |
|                                        |                                               | S. 25 (1) subst. ... ..                  | 71, s. 3 (2).                                                    |
|                                        |                                               | S. 25 (2)–(4) rep. ... ..                | 71, ss. 8 (1), 10 (1), schs. 1 Pt. I para. 9, 2 Pt. II.          |
|                                        |                                               | S. 25 (5) am. ... ..                     | 71, ss. 3 (1), 8 (1), 10 (1), schs. 1 Pt. I para. 9, 2 Pt. II.   |
|                                        |                                               | S. 25 (6) am. ... ..                     | 71, ss. 3 (1), 8 (1), sch. 1 Pt. I para. 9.                      |
|                                        |                                               | S. 26 subst. ... ..                      | 71, s. 8 (1), sch. 1 Pt. I para. 10.                             |
|                                        |                                               | S. 27 subst. ... ..                      | 71, s. 8 (1), sch. 1 Pt. I para. 11.                             |
|                                        |                                               | S. 28 rep. ... ..                        | 71, ss. 8 (1), 10 (1), schs. 1 Pt. I para. 12, 2 Pt. I.          |
|                                        |                                               | S. 29 subst. ... ..                      | 71, s. 8 (1), sch. 1 Pt. I para. 13.                             |
|                                        |                                               | S. 34 (1) rep. in pt. ... ..             | 71, s. 10 (6), sch. 3.                                           |
|                                        |                                               | Ss. 46–56 appl. (mod.) ... ..            | 69, ss. 24 (2) (3), 37, sch. 7 Pt. I paras. 1–3.                 |
|                                        |                                               | S. 47 appl. (mod.) ... ..                | 71, s. 4 (6) (b).                                                |
|                                        |                                               | S. 47 (1) (c) excl. ... ..               | 69, s. 25 (2).                                                   |
|                                        |                                               | S. 47 (2) (b) rep. ... ..                | 71, s. 10 (1), sch. 2 Pt. I.                                     |
|                                        |                                               | S. 49 excl. ... ..                       | 71, s. 4 (6) (a).                                                |
|                                        |                                               | S. 50 am. ... ..                         | 71, s. 8 (1), sch. 1 Pt. I para. 14.                             |
|                                        |                                               | S. 50 (1) (2) rep. in pt....             | 71, ss. 8 (1), 10 (1), schs. 1 Pt. I para. 14, 2 Pt. II.         |
|                                        |                                               | S. 50 (3) am. ... ..                     | 71, s. 8 (1), sch. 1 Pt. I para. 15.                             |
|                                        |                                               | S. 50 (4) (b) rep. in pt....             | 71, ss. 8 (1), 10 (1), schs. 1 Pt. I para. 14, 2 Pt. II.         |
|                                        |                                               | Ss. 56 (1) proviso (i), 58 proviso excl. | 69, s. 25 (2).                                                   |

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| 11 & 12 Geo. 6:<br>c. 63— <i>cont.</i> | Agricultural Holdings Act, 1948— <i>cont.</i>                         | S. 63 (1) am. ... ..                                              | 71, s. 8 (1), sch. 1 Pt. I para. 16.                             |
|                                        |                                                                       | S. 68 (1) am. ... ..                                              | 71, s. 8 (1), sch. 1 Pt. I para. 17.                             |
|                                        |                                                                       | rep. in pt. ... ..                                                | 71, ss. 8 (1), 10 (1), schs. 1 Pt. I para. 17, 2 Pt. II.         |
|                                        |                                                                       | S. 68 (4) am. ... ..                                              | 71, s. 8 (1), sch. 1 Pt. I para. 17.                             |
|                                        |                                                                       | S. 70 (2) excl. ... ..                                            | 69, s. 25 (2).                                                   |
|                                        |                                                                       | Ss. 75, 76 rep. ... ..                                            | 71, ss. 8 (1), 10 (1), schs. 1 Pt. I para. 18, 2 Pt. II.         |
|                                        |                                                                       | S. 77 appl. ... ..                                                | 69, s. 37, sch. 7 para. 4.                                       |
|                                        |                                                                       | S. 77 (2) mod. ... ..                                             | 71, s. 8 (1), sch. 1 Pt. I para. 19.                             |
|                                        |                                                                       | Sch. 6 appl. ... ..                                               | 69, s. 37, sch. 7 para. 4.                                       |
|                                        |                                                                       | Sch. 6 para. 1 am. ... ..                                         | 71, s. 8 (1), sch. 1 Pt. I para. 20.                             |
|                                        |                                                                       | Sch. 6 para. 5 am. ... ..                                         | 71, s. 8 (1), sch. 1 Pt. I para. 21 (2).                         |
|                                        |                                                                       | Sch. 6 paras. 21-3 am....                                         | 71, s. 8 (1), sch. 1 Pt. I para. 21 (2).                         |
|                                        |                                                                       | Sch. 6 para. 24 am. ... ..                                        | 71, s. 8 (1), sch. 1 Pt. I para. 21 (1).                         |
|                                        |                                                                       | Sch. 6 para. 26 am. ... ..                                        | 71, s. 8 (1), sch. 1 Pt. I para. 21 (2).                         |
| c. 64 ... ..                           | National Service Act, 1948.                                           | S. 41 (2) (a) rep. in pt. ...                                     | 66, s. 15, sch. 2 Pt. II.                                        |
|                                        |                                                                       | S. 41 (4) am. ... ..                                              | 66, s. 6.                                                        |
|                                        |                                                                       | Sch. 3 rep. in pt. ... ..                                         | 66, s. 15, sch. 2 Pt. II.                                        |
| c. 66 ... ..                           | Monopolies and Restrictive Practices (Inquiry and Control) Act, 1948. | Sch. 4 am. ... ..                                                 | 66, s. 6.                                                        |
|                                        |                                                                       | S. 17 saved ... ..                                                | 51, s. 5 (3), sch. 2.                                            |
| c. 67 ... ..                           | Gas Act, 1948 ... ..                                                  | Ss. 6 (6), 24 (3) ext. (S.)<br>Ss. 58 (3) (5), 60 (5) rep. in pt. | 64, s. 9 (5).<br>66, s. 15, sch. 2 Pt. II.                       |
| 12, 13 & 14<br>Geo. 6:                 | Tenancy of Shops (Scotland) Act, 1949.                                | Cont. until 31.12.59 ... ..                                       | 4 (7 Eliz. 2), s. 1 (1).                                         |
| c. 32 ... ..                           |                                                                       | Special Roads Act, 1949                                           | Sch. 2 Class I am. ... ..                                        |
|                                        |                                                                       | Sch. 2 Class II rep. in pt.                                       | S.I. No. 1280, art. 3.                                           |
| c. 37 ... ..                           | Agriculture (Miscellaneous Provisions) Act, 1949.                     | Ss. 6, 15 (2) rep. ... ..                                         | 47, s. 54 (1), sch. 4.                                           |

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| 12, 13 & 14<br>Geo. 6               |                                                       |                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                 |
| c. 38 ... ..                        | Agricultural Marketing Act, 1949.                     | Rep. ... ..                                                                                                                                                                                                                                                                                                    | 47, s. 54 (1), sch. 4.                                                                                                                                                                                                                                                                                                                                                                          |
| c. 39 ... ..                        | Commonwealth Telegraphs Act, 1949.                    | Ss. 6 (4), 7 (2) rep. in pt.                                                                                                                                                                                                                                                                                   | 66, s. 15, sch. 2 Pt. II.                                                                                                                                                                                                                                                                                                                                                                       |
| c. 42 ... ..                        | Lands Tribunal Act, 1949                              | Ss. 3 (12) (a), 10 (3) (a) proviso rep. in pt.                                                                                                                                                                                                                                                                 | 66, ss. 13, 15, sch. 2 Pt. I.                                                                                                                                                                                                                                                                                                                                                                   |
| c. 44 ... ..                        | Superannuation Act, 1949                              | S. 32 mod. (transfer from Wheat Commission).                                                                                                                                                                                                                                                                   | S.I. No. 1807.                                                                                                                                                                                                                                                                                                                                                                                  |
| c. 47 ... ..                        | Finance Act, 1949 ...                                 | Ss. 4, 5 rep. ... ..<br>S. 16 rep. ... ..<br>Ss. 48 (3) am. ... ..<br>Schs. 2, 3 rep. ... ..                                                                                                                                                                                                                   | 56, s. 40 (5), sch. 9 Pt. I.<br>6, s. 16 (4), sch. 7.<br>6 (7 Eliz. 2), s. 15 (3).<br>56, s. 40 (5), sch. 9 Pt. I.                                                                                                                                                                                                                                                                              |
| c. 51 ... ..                        | Legal Aid and Advice Act, 1949.                       | S. 14 saved ... ..                                                                                                                                                                                                                                                                                             | 51, s. 5 (3), sch. 2.                                                                                                                                                                                                                                                                                                                                                                           |
| c. 55 ... ..                        | Prevention of Damage by Pests Act, 1949.              | S. 11 rep. (E.) ... ..<br>rep. (S.) ... ..                                                                                                                                                                                                                                                                     | 55, ss. 4 (2), 67, sch. 9 Pt. II.<br>64, ss. 4 (2), 6 (1), 22, schs. 4 Pt. I, 6 Pt. III.                                                                                                                                                                                                                                                                                                        |
| c. 60 ... ..                        | Housing Act, 1949 ...                                 | Ss. 1, 4, 5 (1)-(3), (5) Pts. II, III (ss. 15-42), 47-49, 51 (3) (4), schs. 1-3 rep.                                                                                                                                                                                                                           | 42, s. 59 (1), sch. 6.                                                                                                                                                                                                                                                                                                                                                                          |
| c. 63 ... ..                        | Legal Aid and Solicitors (Scotland) Act, 1949.        | S. 15 saved ... ..<br>S. 18 (2) proviso subst., 18 (2A) added.<br>S. 19 (5) added ... ..<br>S. 20 (1) (c) rep. in pt. ...<br>S. 20 (3) saved ... ..<br>am. ... ..<br>S. 22 (2) am. ... ..<br>S. 25 (3) am. ... ..<br>Sch. 4 Pt. I para. 2 proviso subst.<br>Sch. 6 paras. 5, 6 appl.<br>Sch. 6 para. 6 am. ... | 51, s. 5 (3), sch. 2.<br>28, s. 14 (2), sch. 2 Pt. II para. 1.<br>28, s. 14 (2), sch. 2 Pt. II para. 2.<br>28, s. 14 (2), sch. 2 Pt. II para. 3.<br>28, s. 3 (1).<br>28, s. 14 (2), sch. 2 Pt. II para. 3.<br>28, s. 14 (2), sch. 2 Pt. II para. 4.<br>28, s. 14 (2), sch. 2 Pt. II para. 5.<br>28, s. 14 (2), sch. 2 Pt. II para. 6.<br>28, s. 9 (1).<br>28, s. 14 (2), sch. 2 Pt. II para. 7. |
| c. 64 ... ..                        | Profits Tax Act, 1949 ...                             | Rep. ... ..                                                                                                                                                                                                                                                                                                    | 56, s. 40 (5), sch. 9 Pt. II.                                                                                                                                                                                                                                                                                                                                                                   |
| c. 66 ... ..                        | House of Commons (Redistribution of Seats) Act, 1949. | S. 1 (3) am. ... ..<br>S. 2 (1) (a) expld. ... ..<br>S. 2 (2) rep. and superseded.<br>S. 2 (3) expld. ... ..<br>Sch. 1 Pt. I paras. 2-5 am.<br>Sch. 1 Pt. I para. 6 rep....<br>Sch. 1 Pt. III para. 3 expld.<br>Sch. 2 rule 7 subst. ...                                                                       | 26, s. 5.<br>26, s. 2 (2).<br>26, ss. 2 (1), 7 (2).<br>26, s. 2 (2).<br>26, s. 6, sch. para. 1.<br>26, s. 7 (2).<br>26, s. 4.<br>26, ss. 3, 6, sch. para. 2.                                                                                                                                                                                                                                    |



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| 12, 13 & 14 Geo. 6: c. 75— <i>cont.</i> | Agricultural Holdings (Scotland) Act, 1949— <i>cont.</i> | S. 14 appl. (mod.) ...     | 69, s. 37, sch. 7 paras. 5, 25.                                      |
|                                         |                                                          | S. 18 saved ...            | 69, s. 37, sch. 7 paras. 6 (2), 25.                                  |
|                                         |                                                          | S. 20 (1) a.m. ...         | 71, s. 6 (1) (2).                                                    |
|                                         |                                                          | S. 24 (6) (a) am. ...      | 71, s. 8 (1), sch. 1 Pt. II para. 34.                                |
|                                         |                                                          | S. 25 (1) excl. ...        | 71, s. 6 (3) (4).                                                    |
|                                         |                                                          | am. ...                    | 71, ss. 3 (1) (3), 8 (1), sch. 1 Pt. II para. 35.                    |
|                                         |                                                          | S. 25 (2) am. ...          | 71, ss. 3 (1) (3), 8 (1), sch. 1 Pt. II para. 35.                    |
|                                         |                                                          | S. 25 (2) (a) rep. ...     | 71, ss. 8 (1), 10 (1), schs. 1 Pt. II para. 35, 2 Pt. II.            |
|                                         |                                                          | S. 25 (2) (b) am. ...      | 71, s. 8 (1), sch. 1 Pt. II para. 35.                                |
|                                         |                                                          | S. 25 (3) rep. ...         | 71, s. 10 (6), sch. 3.                                               |
|                                         |                                                          | S. 26 (1) subst. ...       | 71, s. 3 (2) (3).                                                    |
|                                         |                                                          | S. 26 (2)–(4) rep. ...     | 71, ss. 8 (1), 10 (1), schs. 1 Pt. II para. 36, 2 Pt. II.            |
|                                         |                                                          | S. 26 (5) am. ...          | 71, ss. 3 (1) (3), 8 (1), 10 (1), schs. 1 Pt. II para. 36, 2 Pt. II. |
|                                         |                                                          | S. 26 (6) am. ...          | 71, ss. 3 (1) (3), 8 (1), sch. 1 Pt. II para. 36.                    |
|                                         |                                                          | S. 27 subst. ...           | 71, s. 8 (1), sch. 1 Pt. II para. 37.                                |
|                                         |                                                          | S. 28 subst. ...           | 71, s. 8 (1), sch. 1 Pt. II para. 38.                                |
|                                         |                                                          | S. 29 rep. ...             | 71, ss. 8 (1), 10 (1), schs. 1 Pt. II para. 39, 2 Pt. I.             |
|                                         |                                                          | S. 30 subst. ...           | 71, s. 8 (1), sch. 1 Pt. II para. 40.                                |
|                                         |                                                          | S. 35 (1) rep. in pt. ...  | 71, s. 10 (6), sch. 3.                                               |
|                                         |                                                          | Ss. 46–50 appl. (mod.) ... | 69, ss. 24 (2) (3) (10), 37, sch. 7 Pt. I paras. 1–3, 25.            |
|                                         |                                                          | S. 51 appl. (mod.) ...     | 69, ss. 24 (2) (3) (10), 37, sch. 7 Pt. I paras. 1–3, 25.            |
|                                         |                                                          | excl. ...                  | 71, s. 6 (5).                                                        |
|                                         |                                                          | S. 52 appl. (mod.) ...     | 69, ss. 24 (2) (3) (10), 37, sch. 7 Pt. I paras. 1–3, 25.            |
|                                         |                                                          | am. ...                    | 71, s. 8 (1), sch. 1 Pt. II para. 41.                                |

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| 12, 13 & 14<br>Geo. 6:<br>c. 75— <i>cont.</i> | Agricultural Holdings (Scotland) Act, 1949— <i>cont.</i>      | <p>S. 52 (2) (4) rep. in pt....</p> <p>Ss. 53–55 appl. (mod.)...</p> <p>S. 56 appl. (mod.) ...</p> <p>S. 56 (1) (i) excl. ...</p> <p>S. 59 (1) excl. ...</p> <p>S. 63 (1) am. ...</p> <p>S. 66 (1) am. ...</p> <p>rep. in pt. ...</p> <p>S. 66 (4) am. ...</p> <p>S. 68 (2) excl. ...</p> <p>Ss. 71, 72 rep. ...</p> <p>S. 75 appl. ...</p> | <p>71, ss. 8 (1), 10 (1), schs. 1 Pt. II para. 41, 2 Pt. II.</p> <p>69, ss. 24 (2) (3) (10), 37, sch. 7 Pt. I paras. 1–3, 25.</p> <p>69, ss. 24 (2) (3) (10), 37, sch. 7 Pt. I paras. 1–3, 25.</p> <p>69, s. 25 (2) (3).</p> <p>69, s. 25 (2) (3).</p> <p>71, s. 8 (1), sch. 1 Pt. II para. 42.</p> <p>71, s. 8 (1), sch. 1 Pt. II para. 43.</p> <p>71, ss. 8 (1), 10 (1), schs. 1 Pt. II para. 43, 2 Pt. II.</p> <p>71, s. 8 (1), sch. 1 Pt. II para. 43.</p> <p>69, s. 25 (2) (3).</p> <p>71, ss. 8 (1), 10 (1), schs. 1 Pt. II para. 44, 2 Pt. II.</p> <p>69, s. 37, sch. 7 paras. 4, 25.</p> |
| c. 76 ...                                     | Marriage Act, 1949 ...                                        | <p>S. 41 (2) (7) subst. ...</p> <p>Ss. 42 (1) rep. in pt., 42 (2) rep., 42 (3) rep. in pt., 42 (4) rep., 42 (5) rep. in pt.</p> <p>S. 43 (1) proviso added, sch. 4 Pt. III am.</p>                                                                                                                                                          | <p>29, s. 1 (1).</p> <p>29, s. 1 (1).</p> <p>29, s. 1 (2).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| c. 77 ...                                     | Armed Forces (Housing Loans) Act, 1949.                       | <p>S. 1 (1) am. ...</p> <p>S. 1 (3). Power to am. ...</p> <p>S. 1 (4) appl. ...</p>                                                                                                                                                                                                                                                         | <p>1 (7 Eliz. 2), s. 1.</p> <p>1 (7 Eliz. 2), s. 2.</p> <p>1 (7 Eliz. 2), s. 2 (2).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| c. 83 ...                                     | Local Government Boundary Commission (Dissolution) Act, 1949. | Rep. ...                                                                                                                                                                                                                                                                                                                                    | 55, s. 67, sch. 9 Pt. V.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| c. 87 ...                                     | Patents Act, 1949 ...                                         | <p>S. 46 (3) appl. (mod.) ...</p> <p>S. 46 (6) subst. ...</p> <p>S. 47 expld. ...</p> <p>S. 48 expld. ...</p> <p>S. 68 (2) ext. (Rhodesia and Nyasaland Federation).</p> <p>S. 84 (1) ext. ...</p>                                                                                                                                          | <p>38, s. 1 (2).</p> <p>38, s. 1 (1).</p> <p>38, s. 1 (3).</p> <p>38, s. 1 (2).</p> <p>S.I. No. 263.</p> <p>38, s. 4 (4).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |



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| 12, 13 & 14 Geo. 6:<br>c. 88 ... .. | Registered Designs Act,<br>1949.                           | S. 13 (2) ext. (Rhodesia<br>and Nyasaland Federa-<br>tion). | S.I. No. 263.                                                    |
|                                     |                                                            | Sch. 1 para. 1 (3) appl.<br>(mod.).                         | 38, s. 1 (2) (4).                                                |
|                                     |                                                            | Sch. 1 para. 1 (6) subst.                                   | 38, s. 1 (1) (4).                                                |
|                                     |                                                            | Sch. 1 para. 2 expld. ...                                   | 38, s. 1 (3) (4).                                                |
| c. 89 ... ..                        | Vehicles (Excise) Act,<br>1949.                            | S. 1 appl. ... ..                                           | 56, s. 7 (2).                                                    |
|                                     |                                                            | restr. ... ..                                               | 56, s. 8.                                                        |
|                                     |                                                            | S. 10 (2) restr. ... ..                                     | 56, s. 9.                                                        |
|                                     |                                                            | S. 11 (2) (4) rep. (saving)<br>superseded                   | 56, s. 40 (5),<br>sch. 9 Pt. I.                                  |
|                                     |                                                            | S. 11 (5) expld. ... ..                                     | 56, s. 7 (5).                                                    |
|                                     |                                                            | S. 11 (6) rep. (saving) ...                                 | 56, s. 40 (5),<br>sch. 9 Pt. I.                                  |
|                                     |                                                            | S. 12 (2) (a) subst. ...                                    | 56, s. 7 (4).                                                    |
|                                     |                                                            | S. 12 (3) rep. (saving) ...                                 | 56, s. 40 (5),<br>sch. 9 Pt. I.                                  |
|                                     |                                                            | S. 24 (1) (b) rep. (E.) ...                                 | 55, ss. 4 (2), 67,<br>sch. 9 Pt. II.                             |
|                                     |                                                            | rep. (S.) ... ..                                            | 64, ss. 4 (2), 6 (1),<br>22, schs. 4 Pt. I,<br>6 Pt. III.        |
| c. 92 ... ..                        | India (Consequential<br>Provision) Act, 1949.              | S. 1 (3) appl. ... ..                                       | 45, s. 28 (7).                                                   |
| c. 94 ... ..                        | Criminal Justice (Scot-<br>land) Act, 1949.                | S. 9 excl. ... ..                                           | 31, s. 1 (3).                                                    |
| c. 97 ... ..                        | National Parks and<br>Access to the Countryside Act, 1949. | Ss. 39-41 saved (Milford<br>Haven).                         | 23, s. 5 (1), pro-<br>viso.                                      |
|                                     |                                                            | S. 97 (5) rep. ... ..                                       | 55, s. 67, sch. 9<br>Pt. II.                                     |
| c. 101 ... ..                       | Justices of the Peace Act,<br>1949.                        | S. 15 ext. ... ..                                           | 5 (7 Eliz. 2), s. 9<br>(4).                                      |
| 14 Geo. 6:<br>c. 9 ... ..           | Merchant Shipping Act,<br>1950.                            | S. 1, sch. 1 appl. (mod.)<br>(Kenya).                       | S.I. No. 600, art.<br>70, sch. 3.                                |
| c. 15 ... ..                        | Finance Act, 1950 ...                                      | Ss. 9-12 rep. ... ..                                        | 6, s. 16 (4), sch. 7.                                            |
|                                     |                                                            | S. 18 (5) am. ... ..                                        | 56, s. 1, sch. 2<br>Pt. II para. 1<br>(1) (a), (3).              |
|                                     |                                                            | S. 44 appl. (mod.) ...                                      | 56, s. 28 (7).                                                   |
|                                     |                                                            | Sch. 4 rep. ... ..                                          | 9, s. 10 (2), sch. 2.                                            |
|                                     |                                                            | Sch. 5 para. 3 (2) (a) (b)<br>am.                           | 56, s. 1, sch. 2<br>Pt. II para. 1<br>(1) (b), (3).              |
| c. 25 ... ..                        | Matrimonial Causes Act,<br>1950.                           | S. 1 (1) (b) expld. ...                                     | 54, s. 3.                                                        |
|                                     |                                                            | S. 1 (1) (d) expld. ...                                     | 54, s. 1 (3).                                                    |
|                                     |                                                            | S. 1 (2) am. ... ..                                         | 54, s. 1 (1).                                                    |
|                                     |                                                            | S. 1 (2) (d) rep. in pt. ...                                | 54, s. 4 (3).                                                    |
|                                     |                                                            | S. 2 (2) expld. ... ..                                      | 40, s. 2 (3).                                                    |
|                                     |                                                            | S. 19 (2) am. ... ..                                        | 35, s. 1, sch.                                                   |
|                                     |                                                            | ext. ... ..                                                 | 35, ss. 2, 5 (1) (2).                                            |
|                                     |                                                            | S. 19 (3) am. ... ..                                        | 35, s. 1, sch.                                                   |
|                                     |                                                            | ext. ... ..                                                 | 35, ss. 2, 5 (1) (2).                                            |
|                                     |                                                            | S. 20 (2) am. ... ..                                        | 35, s. 1, sch.                                                   |
|                                     |                                                            | ext. ... ..                                                 | 35, ss. 2, 5 (1) (2).                                            |
|                                     |                                                            | S. 22 (2)-(4) ext. ...                                      | 35, s. 2.                                                        |
|                                     |                                                            | S. 23 ext. ... ..                                           | 35, s. 2.<br>40, s. 4.                                           |

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| 14 Geo. 6:<br>c. 25— <i>cont.</i>   | Matrimonial Causes Act,<br>1950— <i>cont.</i>       | S. 23 (1) expld. ...<br>ext. ...<br>S. 24 ext. ...<br>S. 26 ext. ...<br>S. 26 (1) ext. ...<br>S. 26 (2) expld. ...<br>S. 26 (3) am. ...<br>S. 29 saved ...                                            | 40, s. 1 (4).<br>40, s. 4 (1).<br>35, s. 5 (1) (2).<br>40, ss. 1 (1), 5 (1),<br>6 (1) (5).<br>40, s. 3 (1).<br>40, s. 1 (3).<br>35, s. 1, sch.<br>35, s. 1 (3). |
| c. 26 ...                           | Adoption Act, 1950 ...                              | Rep. ...                                                                                                                                                                                              | 5 (7 Eliz. 2), s. 59<br>(2), sch. 6.                                                                                                                            |
| c. 27 ...                           | Arbitration Act, 1950 ...                           | Ss. 12, 18 appl. ...<br>Ss. 21, 26 appl. ...                                                                                                                                                          | S.I. No. 1486,<br>reg. 4 (2).<br>47, s. 12 (1).                                                                                                                 |
| c. 28 ...                           | Shops Act, 1950 ...                                 | S. 72 (2) am. (London)                                                                                                                                                                                | xxi, s. 18 (1).                                                                                                                                                 |
| c. 31 ...                           | Allotments Act, 1950 ...                            | Excl. in pt. (compensation provisions).                                                                                                                                                               | 69, s. 41, sch. 8<br>para. 3 (1).                                                                                                                               |
| c. 34 ...                           | Housing (Scotland) Act,<br>1950.                    | Sch. 2 para. 4 rep. ...                                                                                                                                                                               | 66, ss. 13, 15,<br>sch. 2 Pt. I.                                                                                                                                |
| c. 36 ...                           | Diseases of Animals Act,<br>1950.                   | Saved ...<br>S. 3. Period ext. (E.)<br>(30.9.63).<br>S. 3. Period ext. (S.)<br>(30.9.63).<br>S. 59 (2) (a) (i) rep. in pt.                                                                            | S.I. No. 558, art.<br>19.<br>S.I. No. 806.<br>S.I. No. 898.                                                                                                     |
| c. 37 ...                           | Maintenance Orders Act,<br>1950.                    | S. 15 appl. ...<br>S. 16 (2) am. ...<br>S. 19 (1)–(4) appl. (mod.)<br>(E.).                                                                                                                           | 55, s. 67, sch. 9<br>Pt. V.<br>47, s. 54 (1),<br>sch. 4.<br>39, s. 20 (3).<br>40, s. 17.<br>39, ss. 2 (6), 5 (5).                                               |
| c. 38 ...                           | Allotments (Scotland)<br>Act, 1950.                 | Excl. in pt. (compensation provisions).                                                                                                                                                               | 69, s. 41, sch. 8<br>paras. 3 (1),<br>10 (b).                                                                                                                   |
| c. 39 ...                           | Public Utilities Street<br>Works Act, 1950.         | S. 4 (8) ext. ...<br>S. 21 (1) (a) appl. (Park Lane).<br>S. 22 (2) proviso (iii) appl.<br>S. 23 (3) (4) appl. (mod.)<br>(Park Lane).<br>S. 39 (1) expld. in pt.<br>(definition of "emergency works"). | 30, s. 16 (5) (a).<br>63, s. 12.<br>30, s. 16 (5) (b).<br>63, s. 24 (4).<br>67, s. 2 (2).                                                                       |
| 14 & 15 Geo. 6:<br>c. 15 ...        | Local Government (Scotland) Act, 1951.              | S. 4 (1) rep. in pt., 4 (2) rep.                                                                                                                                                                      | 64, ss. 11, 22, sch.<br>6 Pt. I.                                                                                                                                |
| c. 25 ...                           | Supplies and Services (Defence Purposes) Act, 1951. | S. 2 (4) am. ...                                                                                                                                                                                      | 30, s. 1 (3).                                                                                                                                                   |
| c. 43 ...                           | Finance Act, 1951 ...                               | Ss. 6 (5), 7–9, 11, 12 rep.<br>S. 28 rep. ...<br>S. 29 rep. (saving) ...<br>S. 31 rep. ...                                                                                                            | 6, s. 16 (4), sch. 7.<br>56, s. 40 (5),<br>sch. 9 Pt. II.<br>56, ss. 26 (1) (a),<br>40 (5), sch. 9<br>Pt. II.<br>56, s. 40 (5),<br>sch. 9 Pt. II.               |

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| 14 & 15 Geo. 6:<br>c. 43— <i>cont.</i>       | Finance Act, 1951— <i>cont.</i>                                         | Schs. 3, 4 rep. ...<br>Sch. 6 rep. ...              | 6, s. 16 (4), sch. 7.<br>56, s. 40 (5),<br>sch. 9 Pt. II.                          |
| c. 48 ...                                    | Dangerous Drugs Act, 1951.                                              | Pt. III (ss. 8–10) ext. ...                         | S.I. No. 767.                                                                      |
| c. 53 ...                                    | Midwives Act, 1951 ...                                                  | S. 11 (1) excl. ...<br>S. 27 (3) rep. ...           | S.I. No. 768.<br>55, s. 67, sch. 9<br>Pt. II.                                      |
| c. 60 ...                                    | Mineral Workings Act, 1951.                                             | S. 21 (1) am. ...                                   | 71, s. 8 (1), sch. 1<br>Pt. I para. 22.                                            |
| c. 62 ...                                    | Tithe Act, 1951 ...                                                     | S. 32 (3) excl. ...                                 | 69, s.13 (5).                                                                      |
| c. 65 ...                                    | Reserve and Auxiliary Forces (Protection of Civil Interests) Act, 1951. | Am. ("payment date")<br>S. 21 (2) (3) am. (E.) (S.) | 56, s. 38 (2) (a).<br>71, s. 8 (1), sch. 1<br>Pts. I para. 23,<br>II para. 45.     |
|                                              |                                                                         | rep. in pt....                                      | 71, s. 10 (6),<br>sch. 3.                                                          |
|                                              |                                                                         | S. 21 (4) rep. (E.) (S.) ...                        | 71, ss. 8 (1),<br>10 (1), schs. 1<br>Pts. I para. 23,<br>II para. 45,<br>2 Pt. II. |
|                                              |                                                                         | S. 21 (5) (c) subst. (E.) (S.)                      | 71, s. 8 (1), sch. 1<br>Pts. I para. 23,<br>II para. 45.                           |
|                                              |                                                                         | S. 21 (6) am. (E.) ...                              | 71, s. 8 (1), sch. 1<br>Pt. I para. 23.                                            |
|                                              |                                                                         | expld. (S.) ...                                     | 71, s. 8 (1), sch. 1<br>Pt. II para. 45.                                           |
|                                              |                                                                         | S. 21 (7) rep. (E.) (S.) ...                        | 71, ss. 8 (1),<br>10 (1), schs. 1<br>Pts. I para. 23,<br>II para. 45,<br>2 Pt. II. |
|                                              |                                                                         | S. 21 (8) rep. in pt. ...                           | 71, s. 10 (1),<br>sch. 2 Pt. II.                                                   |
|                                              |                                                                         | S. 22 (4) (5) am. ...                               | 71, 8 (1), sch. 1<br>Pt. I para. 24.                                               |
|                                              |                                                                         | S. 24 ext....                                       | 71, s. 8 (1), sch. 1<br>Pt. II para. 45.                                           |
|                                              |                                                                         | S. 24 (b) rep. in pt., 24 (c) rep.                  | 71, s. 10 (1),<br>sch. 2 Pt. II.                                                   |
|                                              |                                                                         | S. 50 (2) (a) (c) rep. ...                          | 55, s. 67, sch. 9<br>Pt. IV.                                                       |
| c. 66 ...                                    | Rivers (Prevention of Pollution) (Scotland) Act, 1951.                  | Sch. 1 para. 9 (2) rep. ...                         | 66, ss. 13, 15,<br>sch. 2 Pt. I.                                                   |
| 15 & 16 Geo. 6:<br>& 1 Eliz. 2:<br>c. 10 ... | Income Tax Act, 1952 ...                                                | Excl. ...                                           | 17, s. 3 (4).                                                                      |
|                                              |                                                                         | S. 25 (3) (a) (b) appl. ...                         | 56, s. 24 (1).                                                                     |
|                                              |                                                                         | Ss. 42 (4), 43 (1), 45 (1) (2), 51 (3) am.          | 56, s. 23, sch. 6<br>para. 5.                                                      |
|                                              |                                                                         | Ss. 62–64 appl. ...                                 | 56, s. 16 (6).                                                                     |
|                                              |                                                                         | Ss. 64 (2) (4), 66 (4) am.                          | 56, s. 23, sch. 6<br>para. 5.                                                      |
|                                              |                                                                         | S. 103 (1) (c) rep. in pt.                          | 56, ss. 17 (1) (a),<br>40 (5), sch. 9<br>Pt. IV.                                   |

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| 15 & 16 Geo. 6:<br>& 1 Eliz. 2:<br>c. 10— <i>cont.</i> | Income Tax Act, 1952—<br><i>cont.</i> | Ss. 107 (2) (4), 115 (3) am.<br>S. 125 (2) am. ... ..<br>Ss. 129 (2), 131 (1), 133<br>(1) (c) am.<br>S. 157 saved ... ..<br>S. 160 (1) proviso appl.<br>S. 170 expld. ... ..<br>S. 181 (2) am. ... ..<br>S. 190 (3) (4) ext. ... ..<br>S. 200 (4) am. ... ..<br>S. 211 (2) (3) am. ... ..<br>S. 216 am. ... ..<br>Ss. 247 (1) (2), 248 (3),<br>251 (2) (4) am.<br>Pt. X Ch. I appl. ... ..<br>S. 265 (1) am. ... ..<br>S. 265 (4) excl. ... ..<br>S. 265 (6) excl. ... ..<br>Pt. X Ch. II appl. ... ..<br>S. 277 (2) excl. ... ..<br>S. 279 (1) am. ... ..<br>S. 279 (2) excl. ... ..<br>S. 279 (5) proviso excl....<br>S. 318 (1) (2) am. ... ..<br>Ss. 324 (1) proviso, 341<br>(1) am.<br>S. 343 (1) am. ... ..<br>S. 397 (1) am. ... ..<br>S. 398 (2) (b) am. ... ..<br>expld. ... ..<br>S. 399 am. ... ..<br>Pt. XVIII Ch. III am. ... ..<br>S. 404 expld. ... ..<br>S. 404 (1) am. ... ..<br>S. 404 (2) am. ... ..<br>S. 405 expld. ... ..<br>S. 407 (1), 408 (2) am. ... ..<br>S. 425 (8) am. ... ..<br>Ss. 434 (1), 435 (1) am....<br>S. 448 (2) rep. in pt. ... ..<br>S. 450 (2) am. ... ..<br>S. 471 (4) am. ... ..<br>S. 471 (5) am. ... .. | 56, s. 23, sch. 6<br>para. 1.<br>56, s. 23, sch. 6<br>para. 2 (b).<br>56, s. 23, sch. 6<br>para. 1.<br>56, s. 14 (4).<br>56, s. 16 (7).<br>56, s. 19 (2).<br>56, s. 23, sch.6<br>para. 1.<br>56, s. 37 (2).<br>56, s. 23, sch. 6<br>para. 5.<br>56, s. 14 (2).<br>56, s. 14 (3).<br>56, s. 23, sch. 6<br>para. 5.<br>56, s. 15 (3).<br>56, s. 15 (1).<br>56, s. 15 (5) (b).<br>56, s. 15 (5) (a).<br>56, s. 15 (3).<br>56, s. 15 (5) (b).<br>56, s. 15 (2) (b).<br>56, s. 15 (5) (a).<br>56, s. 15 (6).<br>56, s. 23, sch. 6<br>para. 2 (a).<br>56, s. 23, sch. 6<br>para. 2 (a).<br>56, s. 23, sch. 6<br>para. 1 (a).<br>56, s. 20 (2).<br>56, s. 20 (2).<br>56, s. 20 (3) (6).<br>56, s. 20 (5).<br>56, s. 22 (6).<br>56, s. 21 (5).<br>56, s. 21 (1) (3)<br>(4).<br>56, s. 21 (2)-(4).<br>56, s. 21 (5).<br>56, s. 22 (6).<br>56, s. 23, sch. 6<br>para. 1 (a).<br>56, s. 23, sch. 6<br>para. 2 (c).<br>56, ss. 17 (1) (b),<br>40 (5), sch. 9<br>Pt. IV.<br>56, s. 23, sch. 6<br>para. 5.<br>56, s. 23, sch. 6<br>para. 1 (a).<br>56, s. 23, sch. 6<br>para. 5. |



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| 15 & 16 Geo. 6 & 1 Eliz. 2: c. 33— <i>cont.</i> | Finance Act, 1952— <i>cont.</i>                    | Ss. 33 (2)–(4), 35, 67 (3) rep.<br>S. 74 (1) (a) am. ...<br>S. 74 (1) (b) am. ...<br>S. 74 (2) am. ...<br>S. 74 (3) am. ...<br>Sch. 7 rep. ...                                                                                                                                                                                    | 56, s. 40 (5), sch. 9 Pt. II.<br>56, s. 35 (4).<br>56, s. 35 (4) (b).<br>56, s. 35 (4) (c).<br>56, s. 35 (4) (b).<br>56, s. 40 (5), sch. 9 Pt. II.                                                                                           |
| c. 44 ...                                       | Customs and Excise Act, 1952.                      | S. 11 (3) excl. ...<br>S. 115 (1) rep. ...<br><br>S. 115 (2) am. ...<br>S. 232 rep. ...<br>S. 257 appl. ...<br>S. 259 excl. ...<br>Ss. 260 (1) (a), 271 (3) rep. in pt.<br>Ss. 301–305 excl. ...<br>S. 308. Power to amend or repeal applied provisions.                                                                          | 11, s. 2 (1).<br>56, s. 40 (5), sch. 9 Pt. I.<br>56, s. 6 (2).<br>6, s. 16 (4), sch. 7.<br>6, s. 10 (2).<br>6, ss. 3 (4), 11 (7).<br>6, s. 16 (4), sch. 7.<br>6, s. 10 (1).<br>11, s. 1 (3).                                                 |
| c. 53 ...                                       | Housing Act, 1952 ...                              | Rep. ...                                                                                                                                                                                                                                                                                                                          | 42, s. 59 (1), sch. 6.                                                                                                                                                                                                                       |
| c. 55 ...                                       | Magistrates' Courts Act, 1952.                     | S. 43 ext. ...<br>S. 52 (3) (4) am. ...<br>S. 64 ext. in pt. ...<br>S. 65 (2) am. ...<br>S. 67 appl. ...<br>S. 74 (3)–(7) subst. ...<br>S. 74 (8) added ...<br>S. 77 (1) appl. ...<br>S. 84 appl. (mod.) ...<br><br>S. 104 excl. ...<br>S. 107 (3) appl. (mod.) ...<br>S. 122 (1) (j) rep. in pt. ...<br><br>S. 122 (2) appl. ... | 39, s. 20 (4).<br>39, s. 20 (6).<br>39, s. 7.<br>39, s. 18 (1).<br>39, s. 18 (6).<br>39, s. 16 (1).<br>39, s. 20 (5).<br>5 (7 Eliz. 2), s. 31 (5).<br>39, s. 20 (7).<br>31, s. 1 (2).<br>5 (7 Eliz. 2), s. 59 (2), sch. 6.<br>39, s. 20 (5). |
| 1 & 2 Eliz. 2: c. 4 ...                         | New Valuation Lists (Postponement) Act, 1952.      | Rep. ...                                                                                                                                                                                                                                                                                                                          | 55, ss. 62, 67, schs. 8, 9 Pt. V.                                                                                                                                                                                                            |
| c. 13 ...                                       | Transport Act, 1953 ...                            | Ss. 27 (4), 28 (3) rep. in pt.                                                                                                                                                                                                                                                                                                    | 66, s. 15, sch. 2 Pt. II.                                                                                                                                                                                                                    |
| c. 15 ...                                       | Iron and Steel Act, 1953                           | S. 24 (3) rep. in pt. ...                                                                                                                                                                                                                                                                                                         | 66, s. 15, sch. 2 Pt. II.                                                                                                                                                                                                                    |
| c. 18 ...                                       | Coastal Flooding (Emergency Provisions) Act, 1953. | S. 15 rep. ...<br>S. 16 am. ...                                                                                                                                                                                                                                                                                                   | 71, s. 10 (1), sch. 2 Pt. I.<br>71, s. 8 (1), sch. 1 Pt. I para. 25.                                                                                                                                                                         |
| c. 20 ...                                       | Births and Deaths Registration Act, 1953.          | S. 14 mod. ...<br><br>Ss. 30–32 appl. ...                                                                                                                                                                                                                                                                                         | 5 (7 Eliz. 2), s. 27.<br>5 (7 Eliz. 2), s. 20 (3).                                                                                                                                                                                           |
| c. 23 ...                                       | Accommodation Agencies Act, 1953.                  | Cont. until 31.12.59 ...                                                                                                                                                                                                                                                                                                          | 4 (7 Eliz. 2), s. 1 (1).                                                                                                                                                                                                                     |
| c. 27 ...                                       | Slaughter of Animals (Pigs) Act, 1953.             | Rep. (E.)... ...                                                                                                                                                                                                                                                                                                                  | 8 (7 Eliz. 2), s. 12 (1), sch. 3.                                                                                                                                                                                                            |

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| 1 & 2 Eliz. 2:<br>c. 33 ... ..      | Education (Miscellaneous Provisions) Act, 1953.               | Sch. 1 rep. in pt. ...                                                                                                                        | 55, s. 67, sch. 9 Pt. II.                                                                                                                                                                                                                       |
| c. 34 ... ..                        | Finance Act, 1953 ...                                         | S. 4 rep. ... ..<br>S. 9 rep. ... ..<br>S. 15 (3) expld. ... ..<br>S. 16 (2) excl. ... ..<br>S. 20 expld. ... ..<br>S. 20 (2) proviso am. ... | 6, s. 16 (4), sch. 7.<br>9, s. 10 (2), sch. 2.<br>56, s. 19 (1).<br>56, s. 15 (2) (a).<br>56, s. 19 (2).<br>56, s. 23, sch. 6 para. 2 (e).<br>56, s. 23, sch. 6 para. 1 (c).<br>56, s. 23, sch. 6 para. 2 (a).<br>56, s. 40 (5), sch. 9 Pt. II. |
| c. 36 ... ..                        | Post Office Act, 1953 ...                                     | Sch. 1 rep. ... ..                                                                                                                            | 6, s. 16 (4), sch. 7.                                                                                                                                                                                                                           |
| c. 42 ... ..                        | Valuation for Rating Act, 1953.                               | Sch. 2 appl. (E.) (S.) ...                                                                                                                    | 9, s. 3 (5).                                                                                                                                                                                                                                    |
| c. 45 ... ..                        | School Crossing Patrols Act, 1953.                            | Ss. 1, 6 (3) proviso rep. ...                                                                                                                 | 55, s. 67, sch. 9 Pt. V.                                                                                                                                                                                                                        |
| c. 46 ... ..                        | Licensing Act, 1953 ...                                       | S. 3 (1) (2) rep. (E.) ...                                                                                                                    | 55, ss. 62, 67, schs. 8 para. 32, 9 Pt. II.                                                                                                                                                                                                     |
| c. 47 ... ..                        | Emergency Laws (Miscellaneous Provisions) Act, 1953.          | rep. (S.) ...                                                                                                                                 | 64, ss. 6 (1), 22, schs. 4 Pt. I, 6 Pt. III.                                                                                                                                                                                                    |
| c. 46 ... ..                        | Licensing Act, 1953 ...                                       | Pt. II (ss. 53-67) cont. until 31.3.60.                                                                                                       | 4 (7 Eliz. 2), s. 1 (2).                                                                                                                                                                                                                        |
| c. 47 ... ..                        | Emergency Laws (Miscellaneous Provisions) Act, 1953.          | S. 13 rep. in pt., sch. 1 para. 9 rep.                                                                                                        | 51, s. 13 (2), sch. 4.                                                                                                                                                                                                                          |
| 2 & 3 Eliz. 2:<br>c. 3 ... ..       | Armed Forces (Housing Loans) Act, 1953.                       | Rep. ... ..                                                                                                                                   | 1 (7 Eliz. 2), s. 3 (2).                                                                                                                                                                                                                        |
| c. 8 ... ..                         | Electoral Registers Act, 1953.                                | Sch. para. 3 rep. in pt. (E.) (S.).                                                                                                           | 9 (7 Eliz. 2), s. 1.                                                                                                                                                                                                                            |
| c. 13 ... ..                        | Local Government (Financial Provisions) (Scotland) Act, 1954. | S. 1 (1) (b) am. ... ..<br>S. 5 expld. ... ..                                                                                                 | 64, s. 6 (2), sch. 4 Pt. II.<br>64, ss. 3 (3), 18 (7).                                                                                                                                                                                          |
| c. 18 ... ..                        | Merchant Shipping Act, 1954.                                  | Appl. (mod.) (Kenya) ...                                                                                                                      | S.I. No. 600, art. 70, sch. 3.                                                                                                                                                                                                                  |
| c. 39 ... ..                        | Agriculture (Miscellaneous Provisions) Act, 1954.             | S. 4 rep. ... ..<br>S. 5 (1) am. ... ..<br>S. 6 (3) rep. ... ..<br>S. 6 (6) am. ... ..<br>S. 7 am. ... ..<br>Sch. 1 rep. ... ..               | 71, s. 10 (1), sch. 2 Pt. I.<br>71, s. 8 (1), sch. 1 Pt. I para. 26.<br>71, ss. 8 (1), 10 (1), schs. 1 Pt. I para. 27, 2 Pt. I.<br>71, s. 8 (1), sch. 1 Pt. I para. 27.<br>71, s. 8 (1), sch. 1 Pt. I para. 28.<br>71, s. 10 (1), sch. 2 Pt. I. |

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| 2 & 3 Eliz. 2:<br>c. 44 ... ..      | Finance Act, 1954 ... ..                         | Ss. 4-6 rep. ... ..<br>S. 30 (4) rep. ... ..                                                                                                                                                                                                                                                                                                                                                                                       | 6, s. 16 (4), sch. 7.<br>56, s. 40 (5),<br>sch. 9 Pt. IV.                                                                                                                                                                                                                                                                                                                                         |
| c. 53 ... ..                        | Housing Repairs and Rents Act, 1954.             | Sch. 3 para. 3 expld. ... ..<br>Pt. I (ss. 1-22), exc. ss. 19 and 22 (1), rep.                                                                                                                                                                                                                                                                                                                                                     | 56, s. 19 (1).<br>42, s. 59 (1),<br>sch. 6.                                                                                                                                                                                                                                                                                                                                                       |
| c. 56 ... ..                        | Landlord and Tenant Act, 1954.                   | Pt. II (ss. 23-46) expld.<br><br>S. 24 expld. ... ..<br><br>S. 29 expld. ... ..<br><br>S. 30 (1) ( <i>f</i> ) ( <i>g</i> ) appl. (mod.).<br>S. 35 expld. ... ..<br><br>S. 37 appl. (mod.) ... ..<br><br>S. 43 (1) ( <i>a</i> ) am. ( <i>retrosp.</i> )<br><br>S. 63 appl. ... ..                                                                                                                                                   | 69, s. 37, sch. 7 paras. 10, 20.<br>69, s. 37, sch. 7 Pt. V para. 22<br>69, s. 37, sch. 7 para. 23 (2).<br>69, s. 37, sch. 7 para. 21.<br>69, s. 37, sch. 7 para. 22 (3).<br>69, s. 37, sch. 7 para. 24.<br>71, s. 8 (1), sch. 1 Pt. I para. 29.<br>69, s. 37, sch. 7 para. 12 (4).<br>S.I. No. 2061.                                                                                             |
| c. 57 ... ..                        | Baking Industry (Hours of Work) Act, 1954.       | Ss. 1-8 excl. ... ..                                                                                                                                                                                                                                                                                                                                                                                                               | S.I. No. 2061.                                                                                                                                                                                                                                                                                                                                                                                    |
| c. 59 ... ..                        | Slaughter of Animals (Amendment) Act, 1954.      | S. 1 (1)-(3) restored (London).<br>Ss. 2-9 rep. (E.), 10 (2), 11 (2) rep., 12 (2), sch. 1 rep. (E.), sch. 2 Pt. I rep. so far as amending the Slaughter of Animals Act, 1933.                                                                                                                                                                                                                                                      | 70, s. 14 (4).<br>8 (7 Eliz. 2),<br>s. 12 (1), sch. 3.                                                                                                                                                                                                                                                                                                                                            |
| c. 60 ... ..                        | Electricity Reorganisation (Scotland) Act, 1954. | S. 12 (1) rep. in pt., 12 (1A) rep.                                                                                                                                                                                                                                                                                                                                                                                                | 66, s. 15, sch. 2 Pt. II.                                                                                                                                                                                                                                                                                                                                                                         |
| c. 63 ... ..                        | Trustee Savings Banks Act, 1954.                 | Ext. ... ..<br>S. 9 excl.... ... ..<br>S. 10 ext. ... ..<br>S. 10 (2) am. ... ..<br>S. 10 (3) rep. ... ..<br><br>S. 10 (4) rep. ... ..<br>S. 10 (5) am. ... ..<br>S. 11 am. ... ..<br>S. 22 (3) am. ... ..<br>S. 22 (4) rep. ... ..<br>S. 25 am. ... ..<br>S. 26 am. ... ..<br>appl. ... ..<br>S. 27 appl. ... ..<br>S. 27 (2) am. ... ..<br>rep. in pt. ... ..<br><br>S. 27 (3) rep. in pt., 27 (5) rep.<br>Ss. 28-31 rep. ... .. | 8, s. 8 (3).<br>8, s. 5 (3).<br>8, s. 4 (1)-(3).<br>8, ss. 4 (3), 5 (4).<br>8, s. 3 (5) (6).<br>schs. 2 para. 1,<br>3 Pt. II.<br>8, s. 5 (5).<br>8, s. 5 (6).<br>8, s. 2.<br>8, s. 5 (7).<br>8, s. 5 (7).<br>8, s. 2 (2).<br>8, s. 2.<br>8, s. 3 (2).<br>8, s. 3 (3).<br>8, s. 1 (1) (2) (5).<br>8, s. 3 (6), sch. 3 Pt. II.<br>8, s. 3 (6), sch. 3 Pt. II.<br>8, s. 3 (1) (6),<br>sch. 3 Pt. II. |



| Session and Chap. or No. of Measure   | Short title or Subject                                              | How affected                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Chapter of 1958 Act or number of Measure or Statutory Instrument                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| 2 & 3 Eliz. 2:<br>c. 63— <i>cont.</i> | Trustee Savings Banks Act, 1954— <i>cont.</i>                       | S. 36 (2) ext. ... ..<br>S. 38 rep. ... ..<br><br>S. 40 saved ... ..<br>S. 40 (2) (a) expld. ... ..<br>S. 40 (3) rep. ... ..<br><br>S. 41 rep. ... ..<br><br>S. 42 expld. ... ..<br>S. 42 (2) (b), (3) (a) am....<br><br>S. 42 (4) rep. ... ..<br><br>S. 43 (4) am. ... ..<br><br>S. 43 (6) rep. ... ..<br><br>S. 44 proviso rep. ... ..<br><br>S. 45 mod. ... ..<br>S. 49 (8) rep. in pt. ... ..<br><br>S. 51 (1) am. ... ..<br>S. 52 expld. ... ..<br>S. 52 (2) (3) rep. ... ..<br><br>S. 53 (2) ext. ... ..<br>S. 53 (5) (6) rep. ... ..<br><br>S. 55 (3) (4) am. ... ..<br><br>S. 55 (5) am. ... ..<br><br>S. 56 (5) am. ... ..<br><br>Ss. 64–67. Power to ext.<br>(mod.).<br>S. 64 (2) rep. ... ..<br><br>S. 69 expld. ... ..<br>S. 74 am. ... ..<br>S. 75 expld. ... ..<br>S. 75 (1) am. ... ..<br><br>S. 81 rep. in pt. ... ..<br><br>ext. ... ..<br>Sch. 2 rep. ... .. | 8, s. 7.<br>8, s. 3 (1) (6),<br>sch. 3 Pt. II.<br>8, s. 2 (1).<br>8, s. 2 (5).<br>8, s. 2 (6), sch. 3<br>Pt. 1.<br>8, s. 2 (6), sch. 3<br>Pt. 1.<br>8, s. 4 (8).<br>8, s. 3 (5), sch. 2<br>para. 2.<br>8, s. 2 (6), sch. 3<br>Pt. 1.<br>8, s. 3 (5), sch. 2<br>para. 2.<br>8, s. 2 (6), sch. 3<br>Pt. 1.<br>8, s. 2 (6), sch. 3<br>Pt. 1.<br>8, s. 4 (4) (5) (9).<br>8, s. 3 (6), sch. 3<br>Pt. II.<br>8, s. 5 (3).<br>8, s. 4 (6).<br>8, s. 3 (5) (6),<br>schs. 2 para. 1<br>3 Pt. II.<br>8, s. 1 (3) (4).<br>8, s. 3 (5) (6),<br>schs. 2 para. 1,<br>3 Pt. II.<br>8, s. 3 (5), sch. 2<br>para. 2.<br>8, s. 3 (5), sch. 2<br>para. 3.<br>8, s. 3 (5), sch. 2<br>para. 2.<br>8, s. 6 (1) (2).<br>8, s. 3 (5) (6),<br>schs. 2 para. 1,<br>3 Pt. II.<br>8, s. 6 (1).<br>8, s. 3 (4).<br>8, s. 4 (6).<br>8, ss. 3 (5), 4 (7),<br>sch. 2 para. 2.<br>8, s. 3 (6), sch. 3<br>Pt. II.<br>8, s. 8 (3).<br>8, s. 3 (6), sch. 3<br>Pt. II. |
| c. 64 ... ..                          | Transport Charges &c.<br>(Miscellaneous Provi-<br>sions) Act, 1954. | S. 13 (1) ext. (definition<br>of "harbour under-<br>taking") (Milford<br>Haven).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 23, s. 1 (6).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| Session and Chap. or No. of Measure            | Short title or Subject                                                | How affected                                                                                                         | Chapter of 1958 Act or number of Measure or Statutory Instrument |
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| 2 & 3 Eliz. 2:<br>c. 70 ... ..<br>c. 72 ... .. | Mines and Quarries Act, 1954.<br>Town and Country Planning Act, 1954. | S. 170 appl. ... ..<br>Sch. 7 rep. so far as relating to the National Parks and Access to the Countryside Act, 1949. | S.I. No. 2110, reg. 14 (5).<br>55, s. 67, sch. 9 Pt. II.         |
| 3 & 4 Eliz. 2:<br>c. 4 ... ..                  | New Towns Act, 1955 ...                                               | Rep. ... ..                                                                                                          | 12, s. 1 (2).                                                    |
| c. 15 ... ..                                   | Finance Act, 1955 ...                                                 | S. 2 (6) rep. ... ..                                                                                                 | 56, s. 40 (5), sch. 9 Pt. IV.                                    |
| c. 17 ... ..                                   | Isle of Man (Customs) Act, 1955.                                      | Rep. ... ..                                                                                                          | 11, s. 1 (1), sch.                                               |
| c. 18 ... ..                                   | Army Act, 1955 ...                                                    | Cont. until 31.12.59 ...                                                                                             | S.I. No. 2189.                                                   |
| c. 19 ... ..                                   | Air Force Act, 1955 ...                                               | S. 203 (2) excl. (E.) ...                                                                                            | 39, s. 14 (4).                                                   |
| c. 21 ... ..                                   | Crofters (Scotland) Act, 1955.                                        | Cont. until 31.12.59 ...                                                                                             | S.I. No. 2188.                                                   |
| c. 22 ... ..                                   | Pensions (India, Pakistan and Burma) Act, 1955.                       | S. 203 (2) excl. (E.) ...                                                                                            | 39, s. 14 (4).                                                   |
| c. 24 ... ..                                   | Crofters (Scotland) Act, 1955.                                        | S. 5 (3) expld. ... ..                                                                                               | 47, s. 33.                                                       |
| c. 25 ... ..                                   | Pensions (India, Pakistan and Burma) Act, 1955.                       | S. 1 (1) appl. ... ..                                                                                                | S.I. Nos. 220, 1938.                                             |
| c. 26 ... ..                                   | Requisitioned Houses and Housing (Amendment) Act, 1955.               | S. 12 rep. ... ..                                                                                                    | 42, s. 59 (1), sch. 6.                                           |
| c. 25 ... ..                                   | Oil in Navigable Waters Act, 1955.                                    | Appl. mod. (Kenya) ...                                                                                               | S.I. No. 600, art. 70, sch. 3.                                   |
| c. 26 ... ..                                   | Public Service Vehicles (Travel Concessions) Act, 1955.               | Apptd. day for s. 2 (3) (4) (26.7.58).                                                                               | S.I. No. 1057.                                                   |
| c. 26 ... ..                                   | Public Service Vehicles (Travel Concessions) Act, 1955.               | Ss. 1 (1), 3 (1) excl. ...                                                                                           | S.I. No. 1060.                                                   |
| c. 26 ... ..                                   | Public Service Vehicles (Travel Concessions) Act, 1955.               | Ss. 7 (6), 11 (5) (7) appl. (mod.).                                                                                  | S.I. No. 1526.                                                   |
| c. 26 ... ..                                   | Public Service Vehicles (Travel Concessions) Act, 1955.               | S. 2 rep. (E.) ... ..                                                                                                | 55, s. 67, sch. 9 Pt. II.                                        |
| c. 26 ... ..                                   | Public Service Vehicles (Travel Concessions) Act, 1955.               | rep. (S.) ... ..                                                                                                     | 64, s. 22, sch. 6 Pt. III.                                       |
| 4 & 5 Eliz. 2:<br>c. 6 ... ..                  | Miscellaneous Financial Provisions Act, 1955.                         | S. 5 (1)-(6). Power to apply.                                                                                        | 6 (7 Eliz. 2), s. 2 (2) (c).                                     |
| c. 6 ... ..                                    | Miscellaneous Financial Provisions Act, 1955.                         | S. 5 (10) (b) am. ...                                                                                                | 6 (7 Eliz. 2), s. 15 (3).                                        |
| c. 6 ... ..                                    | Miscellaneous Financial Provisions Act, 1955.                         | S. 5 (12) rep., s. 5 (15) rep. in pt.                                                                                | 1 (7 Eliz. 2), s. 17 (1), sch.                                   |
| c. 9 ... ..                                    | Rating and Valuation (Miscellaneous Provisions) Act, 1955.            | S. 1 (1) rep. in pt. ...                                                                                             | 55, s. 67, sch. 9 Pt. V.                                         |
| c. 9 ... ..                                    | Rating and Valuation (Miscellaneous Provisions) Act, 1955.            | S. 1 (7) am. ... ..                                                                                                  | 55, s. 9 (2).                                                    |
| c. 9 ... ..                                    | Rating and Valuation (Miscellaneous Provisions) Act, 1955.            | S. 2 (1) proviso, (2) (4) rep.                                                                                       | 55, s. 67, sch. 9 Pt. V.                                         |
| c. 9 ... ..                                    | Rating and Valuation (Miscellaneous Provisions) Act, 1955.            | S. 6 (1) expld. ... ..                                                                                               | 55, s. 11 (4).                                                   |
| c. 9 ... ..                                    | Rating and Valuation (Miscellaneous Provisions) Act, 1955.            | S. 6 (2) mod. ... ..                                                                                                 | 55, s. 10.                                                       |
| c. 9 ... ..                                    | Rating and Valuation (Miscellaneous Provisions) Act, 1955.            | S. 6 (3) rep. in pt., 6 (5) rep. (E.).                                                                               | 55, s. 67, sch. 9 Pt. V.                                         |
| c. 9 ... ..                                    | Rating and Valuation (Miscellaneous Provisions) Act, 1955.            | S. 7 (1) rep. in pt., 7 (4) rep., 7 (5) rep. in pt.                                                                  | 55, s. 67, sch. 9 Pt. V.                                         |
| c. 9 ... ..                                    | Rating and Valuation (Miscellaneous Provisions) Act, 1955.            | S. 9 (2) (4) rep. in pt. ...                                                                                         | 55, s. 67, sch. 9 Pt. V.                                         |

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| 4 & 5 Eliz. 2:<br>c. 9— <i>cont.</i> | Rating and Valuation (Miscellaneous Provisions) Act, 1955— <i>cont.</i> | S. 9 (6) (a) rep. ... ..<br>S. 9 (7) rep. ... ..<br>Ss. 10 (2) rep. in pt., 14 para. (c) rep. in pt. (E.), 15 rep. in pt., 17 (2) rep.<br>Sch. 3 para. 3 rep. ... ..<br>Sch. 3 para. 4 am. ... ..<br>Sch. 3 para. 11 (c) rep....<br>Schs. 4 rep. (E.), 6 rep....<br>Sch. 7 Pt. I rep. so far as relating to s. 34 of the Local Government Act, 1948.<br>Sch. 7 Pt. I rep. so far as relating to s. 144 of the Local Government Act, 1948.<br>Sch. 7 Pt. IV rep. so far as relating to the Tithe Act, 1936.<br>Sch. 8 rep. ... ..                                                                                 | 55, s. 67, sch. 9 Pt. II.<br>55, ss. 62, 67, schs. 8, para. 33, 9 Pt. I.<br>55, s. 67, sch. 9 Pt. V.<br>55, s. 67, sch. 9 Pt. III.<br>55, s. 11.<br>55, s. 67, sch. 9 Pt. I.<br>55, s. 67, sch. 9 Pt. V.<br>55, s. 67, sch. 9 Pt. V.<br>55, s. 67, sch. 9 Pt. II.<br>55, s. 67, sch. 9 Pt. II.                                                                                                                                                             |
| c. 14 ... ..                         | Post Office and Telegraph (Money) Act, 1955.                            | S. 1 (1) excl. ... ..<br>expld. ... ..                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 5, s. 2 (1).<br>5, s. 2 (2).                                                                                                                                                                                                                                                                                                                                                                                                                               |
| c. 16 ... ..                         | Food and Drugs Act, 1955.                                               | S. 2 rep. ... ..<br>S. 9 expld. ... ..<br>S. 13 ext. ... ..<br>expld. (London) ... ..<br>S. 29 (5) rep. ... ..<br>S. 62 (3) ext. ... ..<br>S. 64 rep. ... ..<br>S. 65 excl. ... ..<br>S. 66 (3) saved ... ..<br>restr. ... ..<br>S. 66 (4) saved ... ..<br>S. 68 (3) am. ... ..<br>S. 73 (1) saved ... ..<br>S. 75 (1) am. ... ..<br>S. 75 (3) rep. in pt., 75 (4) rep.<br>S. 76 mod. ... ..<br>S. 78 (2) rep. ... ..<br>S. 78 (3) (4) appl. ... ..<br>S. 78 (5) rep. ... ..<br>S. 78 (6) appl. ... ..<br>Ss. 103, 105 (1) (3) appl. (slaughterhouses).<br>S. 109 (3) excl. ... ..<br>S. 117 appl. (exc. London) | 5, s. 2 (3).<br>S.I. No. 1454, reg. 7.<br>70, s. 9 (2).<br>70, s. 14 (3).<br>55, ss. 4 (2), 67, sch. 9 Pt. II.<br>70, s. 1 (2).<br>70, s. 1 (1).<br>70, s. 1 (2).<br>70, s. 1 (2).<br>70, s. 6 (3).<br>70, s. 1 (2).<br>70, s. 9 (5).<br>70, s. 8 (4), sch. 2 para. 2.<br>70, s. 1 (4).<br>70, s. 2 (9).<br>70, s. 1 (3).<br>70, s. 2 (9).<br>70, s. 2 (5).<br>70, s. 12 (2).<br>70, s. 2 (5).<br>70, s. 9 (3).<br>S.I. No. 1454, reg. 9.<br>70, s. 6 (2). |

| Session and Chap. or No. of Measure   | Short title or Subject                         | How affected                                                                                                                                                                                          | Chapter of 1958 Act or number of Measure or Statutory Instrument                                                                                                                 |
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| 4 & 5 Eliz. 2:<br>c. 16— <i>cont.</i> | Food & Drugs Act, 1955— <i>cont.</i>           | S. 118 appl. (exc. London) ext. ... ..<br>Ss. 119, 120 appl. (exc. London). ext. ... ..                                                                                                               | 70, ss. 5 (4), 6 (2).<br>70, s. 9 (4).<br>70, s. 5 (4).                                                                                                                          |
| c. 17 ... ..                          | Finance (No. 2) Act, 1955                      | S. 2 rep. ... ..<br><br>S. 4 ext. and expld. ... ..<br>S. 4 (3) am. ... ..<br>Sch. 2 para. 1 rep., para. 3 (3) rep. in pt., para. 4 rep.<br>Sch. 3 para. 4 (3) added<br>Sch. 3 para. 5 (3) (d) added. | 70, s. 9 (4).<br>56, s. 40 (5), sch. 9 Pt. II.<br>56, s. 18 (1).<br>56, s. 18 (2).<br>56, s. 40 (5), sch. 9 Pt. II.<br>56, s. 18 (4).<br>56, s. 18 (3).                          |
| c. 19 ... ..                          | Friendly Societies Act, 1955.                  | S. 7 rep. ... ..                                                                                                                                                                                      | 5 (7 Eliz. 2), s. 59 (2), sch. 6.                                                                                                                                                |
| c. 26 ... ..                          | Police (Scotland) Act, 1956.                   | S. 23. Power to apply (mod.).                                                                                                                                                                         | 14, s. 5 (2).                                                                                                                                                                    |
| c. 30 ... ..                          | Food and Drugs (Scotland) Act, 1956.           | Sch. 1 para. 9 (2) rep. ...                                                                                                                                                                           | 66, ss. 13, 15, sch. 2 Pt. I.                                                                                                                                                    |
| c. 31 ... ..                          | Pakistan (Consequential Provisions) Act, 1956. | S. 1 (3) appl. ... ..                                                                                                                                                                                 | 45, s. 28 (7).                                                                                                                                                                   |
| c. 33 ... ..                          | Housing Subsidies Act, 1956.                   | Ss. 1-8, 10 (1), 11 (1) rep., 11 (2) rep. in pt., 12 (2) (4), sch. 1 paras. 1-12, schs. 2, 3 rep.                                                                                                     | 42, s. 59 (1), sch. 6.                                                                                                                                                           |
| c. 38 ... ..                          | Agricultural Mortgage Corporation Act, 1956.   | S. 2 (1) am. ... ..                                                                                                                                                                                   | 2 (7 Eliz. 2), s. 1 para. (a).                                                                                                                                                   |
| c. 39 ... ..                          | Pensions (Increase) Act, 1956.                 | S. 2 (1) rep. in pt. ... ..<br><br>S. 12 (2) rep. in pt. ... ..<br><br>am. ... ..                                                                                                                     | 64, ss. 6 (1), 22, schs. 4 Pt. I, 6 Pt. II.<br>64, ss. 6 (1), 22, schs. 4 Pt. I, 6 Pt. II.<br>64, s. 6 (1), sch. 4 Pt. I.                                                        |
| c. 43 ... ..                          | Local Government Elections Act, 1956.          | S. 3 (2) added ... ..<br>S. 4 (2) (b) (i) am. ... ..<br>S. 4 (3) am. ... ..<br>S. 8 (2) (c) added ... ..<br>Sch. 2 Pt. II para. 7 rep.                                                                | 55, s. 28 (5), sch. 7 para. 8 (1).<br>55, s. 28 (5), sch. 7 para. 8 (2).<br>55, s. 28 (5), sch. 7 para. 8 (3).<br>55, s. 28 (5), sch. 7 para. 8 (4).<br>55, s. 67, sch. 9 Pt. V. |
| c. 52 ... ..                          | Clean Air Act, 1956 ...                        | Apptd. day for remainder of prospective provisions—<br>(E.) (1.6.58) ... ..<br>(S.) (31.12.58) ... ..                                                                                                 | S.I. No. 167.<br>S.I. No. 1931.                                                                                                                                                  |
| c. 53 ... ..                          | Teachers (Superannuation) Act, 1956.           | S. 23, sch. 2. Power to ext. (mod.).                                                                                                                                                                  | 14, s. 3 (4).                                                                                                                                                                    |
| c. 54 ... ..                          | Finance Act, 1956 ...                          | S. 4 rep. ... ..<br>S. 5 (4) rep. ... ..<br><br>S. 6 rep. ... ..                                                                                                                                      | 6, s. 16 (4), sch. 7.<br>56, s. 40 (5), sch. 9 Pt. I.<br>6, s. 16 (4), sch. 7.                                                                                                   |

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| 4 & 5 Eliz. 2: c.54—cont.           | Finance Act, 1956—cont.                    | S. 7 (9) am. ... ..<br>S. 9 (3) am. ... ..<br>S. 15 (3) excld. ... ..<br>S. 17 (1) (a) am. ... ..<br>Ss. 29 (1) (2) rep., 30 (3) rep. in pt., 30 (4) (5), 31 rep.<br>S. 33 appl. ... ..<br>S. 34 (2) am. ... ..<br>S. 37 rep. ... ..<br><br>S. 42 (3) am. ... ..<br>Sch. 2 para. 2 am. ... ..<br>Sch. 4 rep. except para. 1 (1). | 56, s. 1, sch. 2 Pt. II para. 1 (2) (3).<br>8, s. 3 (7).<br>56, s. 15 (3).<br>56, s. 15 (4).<br>56, s. 40 (5), sch. 9 Pt. II.<br><br>56, s. 33 (1).<br>56, s. 31.<br>56, ss. 34 (10), 40 (5), sch. 9 Pt. III.<br>{ 19, s. 1.<br>56, s. 36.<br>56, s. 16 (7).<br>56, s. 40 (5), sch. 9 Pt. II. |
| c. 60 ... ..                        | Valuation and Rating (Scotland) Act, 1956. | S. 2 rep. ... ..<br>S. 3 (4) (c) rep. ... ..<br>S. 5 (1) (j) am. ... ..<br>S. 15 (1) (2) am., 15 (4) (5) excl.<br>S. 25 expld. ... ..<br>S. 26 (2) (a) rep. ... ..<br><br>S. 39 rep. ... ..<br>Sch. 6 paras. 1 subst., 3, 4 am., 7 subst.                                                                                        | 64, ss. 13, 22, schs. 5, 6 Pt. III.<br>64, s. 22, sch. 6 Pt. III.<br>64, s. 8.<br>64, s. 7 (5).<br><br>64, s. 9 (4).<br>64, ss. 6 (2), 22, schs. 4 Pt. II, 6 Pt. III.<br>71, s. 10 (1), sch. 2 Pt. I.<br>64, s. 6 (2), sch. 4 Pt. II.                                                         |
| c. 67 ... ..                        | Road Traffic Act, 1956...                  | Apptd. day fixed for s. 18 (2) (1.3.58).<br>S. 5 (2) am. (E.) ... ..<br>am. (S.)... ..<br>S. 5 (4) rep. in pt. (E.) ... ..<br>rep. in pt. (S.) ... ..<br><br>Sch. 2 para. 2 rep. in pt. (E.) ... ..<br>rep. in pt. (S.) ... ..                                                                                                   | S.I. No. 149.<br>55, s. 62, sch. 8 para. 34.<br>64, s. 6 (1), sch. 4 Pt. I.<br>55, s. 67, sch. 9 Pt. II.<br>64, ss. 6 (1), 22, schs. 4 Pt. I, 6 Pt. III.<br>55, s. 67, sch. 9 Pt. II.<br>64, s. 22, sch. 6 Pt. III.                                                                           |
| c. 68 ... ..                        | Restrictive Trade Practices Act, 1956.     | S. 33 saved ... ..                                                                                                                                                                                                                                                                                                               | 51, s. 5 (3), sch. 2.                                                                                                                                                                                                                                                                         |
| c. 73 ... ..                        | Crown Estate Act, 1956                     | Appl. (mod.) (Park Lane)                                                                                                                                                                                                                                                                                                         | 63, s. 16 (4).                                                                                                                                                                                                                                                                                |
| c. 74 ... ..                        | Copyright Act, 1956 ...                    | Appl. (mod.) (Argentina)<br>S. 42 (1) (a) expld. ... ..<br>S. 45, sch. 6 rep. ... ..                                                                                                                                                                                                                                             | S.I. No. 135.<br>51, s. 11, sch. 3.<br>44, s. 9 (3).                                                                                                                                                                                                                                          |

| Session and Chap. or No. of Measure | Short title or Subject                            | How affected                                                                                                                                       | Chapter of 1958 Act or number of Measure or Statutory Instrument                                          |
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| 4 & 5 Eliz. 2:<br>c. 76 ... ..      | Medical Act, 1956 ... ..                          | S. 16A added ... ..<br>S. 17 (2) rep. in pt. ... ..<br><br>S. 23 (2) rep. in pt. ... ..<br><br>S. 42 (6) rep. ... ..<br>Sch. 1 para. 7 rep. in pt. | 58, s. 1.<br>58, ss. 2, 4 (2), sch.<br>58, ss. 2, 4 (2), sch.<br>58, s. 4 (2), sch.<br>58, ss. 3, 4, sch. |
| 5 & 6 Eliz. 2:                      | Ghana Independence Act, 1957.                     | S. 3 (4) rep. ... ..<br>Sch. 2 para. 3 rep. in pt.                                                                                                 | 15, s. 3 (2).<br>6, s. 16 (4), sch. 7.                                                                    |
| c. 6 ... ..                         | Public Trustee (Fees) Act, 1957.                  | Excl. ... ..                                                                                                                                       | 60, s. 3 (6).                                                                                             |
| c. 12 ... ..                        | Rating and Valuation Act, 1957.                   | S. 2 rep. in pt. ... ..                                                                                                                            | 55, s. 67, sch. 9 Pt. II.                                                                                 |
| c. 17 ... ..                        |                                                   | S. 3 rep. ... ..                                                                                                                                   | 55, s. 67, sch. 9 Pt. III.                                                                                |
| c. 18 ... ..                        |                                                   | S. 4 rep. ... ..                                                                                                                                   | 55, s. 67, sch. 9 Pt. II.                                                                                 |
| c. 18 ... ..                        |                                                   | S. 5, sch. rep. ... ..                                                                                                                             | 55, s. 67, sch. 9 Pt. V.                                                                                  |
| c. 18 ... ..                        | Customs Duties (Dumping and Subsidies) Act, 1957. | S. 2 (4) saved ... ..<br>rep. in pt. ... ..                                                                                                        | 6, s. 3 (1).<br>6, s. 16 (4), sch. 7.                                                                     |
| c. 20 ... ..                        |                                                   | S. 3 appl. ... ..                                                                                                                                  | S.I. No. 2.                                                                                               |
| c. 20 ... ..                        |                                                   | S. 4 (3) rep. ... ..                                                                                                                               | 6, ss. 7 (4), 16 (4), sch. 7.                                                                             |
| c. 20 ... ..                        | House of Commons Disqualification Act, 1957.      | S. 11 (1) am. ... ..                                                                                                                               | 6, s. 13 (6).                                                                                             |
| c. 21 ... ..                        |                                                   | Sch. 1 Pt. II am. ... ..                                                                                                                           | 66, s. 1 (8).                                                                                             |
| c. 21 ... ..                        |                                                   | Sch. 1 Pt. III am. ... ..                                                                                                                          | 16, s. 7 (2).                                                                                             |
| c. 21 ... ..                        | Cinematograph Films Act, 1957.                    | Sch. 3 am. ... ..                                                                                                                                  | 71, s. 8 (2).                                                                                             |
| c. 21 ... ..                        |                                                   | S. 5 saved ... ..                                                                                                                                  | 71, s. 8 (2).                                                                                             |
| c. 25 ... ..                        | Rent Act, 1957 ... ..                             | Ss. 3, 4 appl. ... ..                                                                                                                              | 51, s. 5 (3), sch. 2                                                                                      |
| c. 25 ... ..                        |                                                   | Sch. 2 appl. ... ..                                                                                                                                | 68, ss. 2 (2) proviso, 3 (2) proviso.                                                                     |
| c. 25 ... ..                        |                                                   | Sch. 6 paras. 11, 13, 14 rep.                                                                                                                      | 68, s. 2 (2) (b).<br>42, s. 59 (1), sch. 6.                                                               |
| c. 34 ... ..                        | National Health Service Contributions Act, 1957.  | S. 1 (2) (3) expld. ... ..                                                                                                                         | 20, s. 1 (2).                                                                                             |
| c. 34 ... ..                        |                                                   | Ss. 3 (6), 5 appl. ... ..                                                                                                                          | 20, s. 1 (3).                                                                                             |
| c. 34 ... ..                        |                                                   | Sch. 1 subst. ... ..                                                                                                                               | 20, s. 1 (1).                                                                                             |
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