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1933-34

THE
PUBLIC GENERAL ACTS

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

King George the Fifth

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

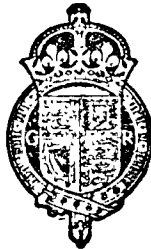
And the

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Church Assembly Measures.

Which received the Royal Assent during that Session
with

Tables of the Titles
The Effect of Legislation
and an Index



LONDON

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TABLE I.

A
TABLE
OF
THE TITLES OF THE PUBLIC GENERAL
ACTS

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

(NOVEMBER 21, 1933—NOVEMBER 16, 1934.)

24 & 25 GEORGE 5.—A.D. 1933-34.

ROYAL ASSENT, 21ST DECEMBER, 1933.

1. An Act to make further provision with respect to the financial powers of boards administering schemes under the Agricultural Marketing Act, 1931, and with respect to the contents of such schemes; to extend the power to make loans to such boards under section thirteen of the said Act; and for purposes connected with the matters aforesaid. (*Agricultural Marketing (No. 2).*)
2. An Act to empower His Majesty to issue Letters Patent making provision with respect to the administration of Newfoundland, to authorise the making out of public moneys of advances to the Government of Newfoundland and the guaranteeing by the Treasury of stock to be issued by that Government, and to amend the Colonial Development Act, 1929, in its application to Newfoundland. (*Newfoundland.*)

ROYAL ASSENT, 28TH MARCH, 1934.

3. An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and thirty-three, one thousand nine hundred and thirty-four and one thousand nine hundred and thirty-five. (*Consolidated Fund (No. 1).*)

4. An Act to provide for a preference in respect of light hydrocarbon oils manufactured in the United Kingdom from coal, shale, or peat, indigenous to the United Kingdom or from products produced from those substances; and to provide for the collection of information as to the production of such oils. (*British Hydrocarbon Oils Production.*)
5. An Act to extend the maximum period of annual training in the case of men of the air force reserve who are serving as pilots or observers, or are qualifying for service as such. (*Air Force Reserve (Pilots and Observers).*)
6. An Act to amend and make permanent the Dyestuffs (Import Regulation) Act, 1920. (*Dyestuffs (Import Regulation).*)
7. An Act to empower the Minister of Health and the Department of Health for Scotland to make contributions towards expenses to be incurred by local authorities in providing or improving supplies of water in rural localities. (*Rural Water Supplies.*)
8. An Act to extend the period in respect of which abatements from pay may be made under the Indian Pay (Temporary Abatements) Act, 1931, subject to a reduction in the percentage to which such abatements are limited. (*Indian Pay (Temporary Abatements).*)
9. An Act to amend section twenty of the Mining Industry Act, 1920, and the enactments amending that section. (*Mining Industry (Welfare Fund).*)
10. An Act to provide financial facilities in connection with the construction of large vessels for the North Atlantic shipping trade, and in connection with the merger of certain shipping companies in respect of their interests in that trade; and for purposes connected with the matters aforesaid. (*North Atlantic Shipping.*)

ROYAL ASSENT, 26TH APRIL, 1934.

11. An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and the Air Force. (*Army and Air Force (Annual).*)
12. An Act to extend the period during which guarantees may respectively be given and remain in force under the Overseas Trade Acts, 1920 to 1930. (*Overseas Trade.*)

ROYAL ASSENT, 17TH MAY, 1934.

13. An Act to allow marriages to be solemnized at any time between 8 a.m. and 6 p.m. (*Marriage (Extension of Hours).*)

14. An Act to amend the law relating to arbitrations and to make provision for other matters connected therewith. (*Arbitration.*)
15. An Act to empower statutory water undertakers to give and to take supplies of water in bulk. (*Supply of Water in Bulk.*)
16. An Act to amend the Firearms Act, 1920, as to the age of persons who may purchase firearms or to whom firearms may be sold; and to alter the definition of firearms in the said Act. (*Firearms.*)
17. An Act to amend the County Courts Acts, 1888 to 1924, and certain other enactments relating to county courts. (*County Courts (Amendment).*)
18. An Act to amend the law with regard to the enforcement of enactments prohibiting the use in Scotland of the methods of fishing known as beam and otter trawling, and to the penalties that may be imposed in Scotland for other offences in connection with sea fisheries; and for purposes connected therewith. (*Illegal Trawling (Scotland).*)
19. An Act to amend the enactments relating to the registration of births, deaths, and marriages in Scotland with respect to the matters which are required to be inserted in the register of corrected entries; to make provision for the re-registration of births in certain cases and for the issue of abbreviated certificates of birth; to repeal in part section twenty-six of the Registration of Births, Deaths, and Marriages (Scotland) Act, 1854; and for purposes connected with the matters aforesaid. (*Registration of Births, Deaths, and Marriages (Scotland) (Amendment).*)
20. An Act to authorise the Minister of Health, and the Secretary of State and the Department of Health for Scotland, to make orders, and to give directions, with a view to meeting deficiencies in water supplies due to exceptional shortage of rain, and for purposes connected with the matters aforesaid. (*Water Supplies (Exceptional Shortage Orders).*)
21. An Act to provide further protection to certain animals. (*Protection of Animals.*)

ROYAL ASSENT, 22ND JUNE, 1934.

22. An Act to amend the designation of the Assessor of Railways and Canals in Scotland and the law relating to the appointment of the said assessor and the provision of superannuation allowances for the said assessor and the clerks and other officers employed by him. (*Assessor of Public Undertakings (Scotland).*)

23. An Act to provide that the owners of coal mines in Great Britain shall insure against, or otherwise ensure the discharge of, their liabilities under the Workmen's Compensation Act, 1925; to enable certain mutual indemnity associations to make deposits with the Accountant General of the Supreme Court; and for purposes incidental to, and connected with, the matters aforesaid. (*Workmen's Compensation (Coal Mines)*.)
24. An Act to empower His Majesty to revoke the National Economy (Statutory Salaries) Order, 1931, and to provide that while the said Order remains in force the abatement to be made thereunder from any salary shall be reduced by one-half, and for purposes connected with the matters aforesaid. (*Statutory Salaries (Restoration)*.)
25. An Act to enable courts in Scotland to disqualify for keeping dogs persons convicted of cruelty to them. (*Protection of Animals (Cruelty to Dogs) (Scotland)*.)
26. An Act to make provision with regard to the power to make, and the validity of, directions under paragraph (b) (i) of the proviso to subsection (1) of section one of the Licensing Act, 1921, as respects a part of the year only, and to the power to fix, and the validity of decisions fixing, the permitted hours on week-days where such directions are so made. (*Licensing (Permitted Hours)*.)

ROYAL ASSENT, 28TH JUNE, 1934.

27. An Act to extend to certain other minerals the provisions of Part II of the Mining Industry Act, 1926, relating to the grant of facilities for searching for and working coal. (*Mines (Working Facilities)*.)
28. An Act to amend the law with respect to gas undertakings. (*Gas Undertakings*.)
29. An Act to amend the Unemployment Insurance Acts, 1920 to 1933, and to make further provision for the training and assistance of persons who are capable of, and available for, work but have no work or only part-time or intermittent work; and for purposes connected with the matters aforesaid. (*Unemployment*.)
30. An Act to make temporary provision for enabling statutory effect to be given to rates of wages agreed between representative organisations in the cotton manufacturing industry; and for purposes connected with the matter aforesaid. (*Cotton Manufacturing Industry (Temporary Provisions)*.)

31. An Act to authorise the setting up of Clearing Offices for collecting and dealing with certain debts; to authorise the imposition of restrictions on imports from certain foreign countries, and for purposes connected with the matters aforesaid. (*Debts Clearing Offices and Import Restrictions.*)

ROYAL ASSENT, 12TH JULY, 1934.

32. An Act to grant certain duties of Customs and Inland Revenue (including Excise), to alter other duties, and to amend the law relating to Customs and Inland Revenue (including Excise) and the National Debt, and to make further provision in connection with Finance. (*Finance.*)
33. An Act to authorise the Treasury to guarantee a loan to be raised by the Government of Palestine. (*Palestine Loan.*)
34. An Act to make further and better provision as to the status of adopted children and of their relatives by adoption, for the purposes of the enactments relating to workmen's compensation. (*Adoption of Children (Workmen's Compensation).*)
35. An Act to authorise during the period of three years commencing on the first day of April, nineteen hundred and thirty-four, in lieu of sums payable to the Agriculture (Scotland) Fund under section five of the Small Landholders (Scotland) Act, 1911, and the Sixth Schedule to the Local Government (Scotland) Act, 1929, the placing at the disposal of the Department of Agriculture for Scotland, of a sum not exceeding two hundred and seventy-five thousand pounds annually out of moneys voted by Parliament. (*Land Settlement (Scotland).*)
36. An Act to vest in the Crown the property in petroleum and natural gas within Great Britain and to make provision with respect to the searching and boring for and getting of petroleum and natural gas, and for purposes connected with the matters aforesaid. (*Petroleum (Production).*)

ROYAL ASSENT, 25TH JULY, 1934.

37. An Act to amend the law with respect to the investment of moneys received by the trustees of trustee savings banks in respect of special investments. (*Trustee Savings Banks (Special Investments).*)
38. An Act to amend the Architects (Registration) Act, 1931. (*Architects (Registration).*)

39. An Act to extend by eleven months the period in respect of which subsidies are payable under the British Sugar (Subsidy) Act, 1925, and to make further provision as to the rates of subsidy payable under the said Act, as so amended, and the administration thereof. (*British Sugar (Subsidy).*)
40. An Act to provide that no appeal shall lie from the Court of Appeal to the House of Lords except with the leave of that Court or the House of Lords, to make further provision as respects appeals from county courts, and for purposes connected with the matters aforesaid. (*Administration of Justice (Appeals).*)
41. An Act to amend the law as to the effect of death in relation to causes of action and as to the awarding of interest in civil proceedings. (*Law Reform (Miscellaneous Provisions).*)
42. An Act to regulate the hours of employment of persons under the age of eighteen years who are employed about the business of wholesale or retail shops or employed elsewhere in connection with wholesale or retail trade or business, and to make provision as to the arrangements in shops and warehouses for the health and comfort of workers, and for purposes connected with the matters aforesaid. (*Shops.*)
43. An Act to make provision for the establishment of a National Maritime Museum and for the addition of certain lands to Greenwich Park, and for purposes connected with the matters aforesaid. (*National Maritime Museum.*)

ROYAL ASSENT, 31ST JULY, 1934.

44. An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-five, and to appropriate the Supplies granted in this Session of Parliament. (*Appropriation.*)
45. An Act to prohibit bodies corporate from purporting to act as solicitors. (*Solicitors.*)
46. An Act to amend the law with respect to customs in the Isle of Man. (*Isle of Man (Customs).*)
47. An Act to provide as respects Dominion Stocks an alternative to the third of the conditions prescribed by the Treasury under section two of the Colonial Stock Act, 1900. (*Colonial Stock.*)

48. An Act to grant money for the purpose of certain local loans out of the Local Loans Fund, and for other purposes relating to local loans. (*Public Works Loans.*)
49. An Act to enable effect to be given to a Convention for the Regulation of Whaling, signed at Geneva on behalf of His Majesty on the twenty-fourth day of September, nineteen hundred and thirty-one; to prohibit the taking or treating of whales within the coastal waters of the United Kingdom; and for purposes connected with the matters aforesaid. (*Whaling Industry (Regulation).*)
50. An Act to amend the Road Traffic Act, 1930, and section thirty-four of the Road and Rail Traffic Act, 1933, and for purposes incidental thereto. (*Road Traffic.*)
51. An Act to provide for temporarily securing to producers of milk, by means of payments out of moneys provided by Parliament, a minimum return in respect of milk used in the manufacture of milk products; for conditionally requiring repayment to the Exchequer of the amount of such payments; for making, out of moneys so provided, payments for the purposes of improving the quality of the milk supply and increasing the demand for milk; for regulating the manner in which milk is described for the purposes of advertisement and sale; for imposing and conferring certain duties and powers on boards administering milk marketing schemes; and for purposes connected with the matters aforesaid. (*Milk.*)
52. An Act to make permanent certain temporary enactments relating to the relief of the poor in Scotland; and to make further provision with regard to such relief. (*Poor Law (Scotland).*)
53. An Act to consolidate certain enactments relating to County Courts. (*County Courts.*)
54. An Act to provide for the establishment of a Cattle Fund; for the making of payments and advances to the said fund out of moneys provided by Parliament and out of the Consolidated Fund of the United Kingdom; for the making of payments out of the Cattle Fund to producers of cattle in respect of the sale by them, during a limited period, of certain cattle or carcases of certain cattle; for the marking of imported cattle; for the appointment of a Cattle Committee; and for purposes connected with the matters aforesaid. (*Cattle Industry (Emergency Provisions).*)

ROYAL ASSENT, 16TH NOVEMBER, 1934.

55. An Act to approve an agreement made on behalf of His Majesty with the Sultan of Perak. (*Dindings Agreement (Approval).*)

56. An Act to make better provision for the prevention and punishment of endeavours to seduce members of His Majesty's forces from their duty or allegiance. (*Incitement to Disaffection.*)
57. An Act to continue certain expiring laws. (*Expiring Laws Continuance.*)
58. An Act to amend the law with respect to betting on tracks where sporting events take place, including the law with respect to totalisators on horse racecourses; to authorise, subject to restrictions, the establishment of totalisators on dog racecourses; to prohibit betting on tracks with young persons and pari mutuel betting except by authorised totalisators; to amend the law with respect to lotteries and certain prize competitions; and for purposes connected with the matters aforesaid. (*Betting and Lotteries.*)
59. An Act to amend the enactments relating to the relief of the poor in England and Wales so as to secure uniformity throughout Great Britain in the provisions relating to the disregarding of sick pay, maternity benefit, and wounds or disability pensions. (*Poor Law.*)

THE
PUBLIC GENERAL STATUTES.

[24 GEO. 5.]

CHAPTER 1.

An Act to make further provision with respect to the financial powers of boards administering schemes under the Agricultural Marketing Act, 1931, and with respect to the contents of such schemes; to extend the power to make loans to such boards under section thirteen of the said Act; and for purposes connected with the matters aforesaid. [21st December 1933.]

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

1. Subsection (1) of section sixteen of the Agricultural Marketing Act, 1933, (which authorises the payment of compensation under schemes) shall be deemed to extend so as to enable a scheme to 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 such producers by the operation of any scheme, whether administered by that board or not.

Payment of compensation to producers under marketing schemes. 23 & 24 Geo. 5. c. 31.

2. A scheme may provide for empowering the board, subject to such limitations as may be specified in the scheme,—

Power of marketing boards to make loans and grants

(a) to lend or grant money to any other board;

and to enter
into guaran-
tees.

(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;

and in that event 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.

Application
of loans and
grants made
to market-
ing boards.

3.—(1) The board administering a scheme 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.

(2) 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 is to act in applying the said money) as may be specified in the agreement.

(3) 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.

4.—(1) The Minister may by order empower any specified board to guarantee, subject to such limitations and conditions as may be imposed by the order, the payment by any other specified board of any sums which the last-mentioned board may be liable to pay on account of principal or interest in respect of any loan made to them within the period of one year from the commencement of this Act, and the order may further provide for securing that where, in pursuance of the order, a guarantee is given in respect of a loan made to a board, the money obtained by that board by means of the loan shall, notwithstanding anything in any Act or scheme, be applied by the board for such purpose, and subject to such conditions (including conditions as to the persons on whose advice the board is to act in applying the said money), as may be specified in the order.

Temporary power of Minister to authorise marketing boards to give guarantees.

(2) An order under this section may make such modifications in any scheme to which the order relates as appear to the Minister to be necessary for giving effect to the order.

5. For the purposes of section thirteen of the principal Act (which enables short term loans to be made out of the agricultural marketing funds constituted by that Act) any expenses incurred by virtue of this Act by the board administering a scheme (whether approved before or after the commencement of this Act), being expenses incurred within the period of one year from the date on which the scheme came into force, shall be deemed to be expenses incurred in connection with the initial working of the scheme.

Amendment of s. 13 of 21 & 22 Geo. 5. c. 42.

6.—(1) Section five of the principal Act shall have effect as if it were extended so as to enable a scheme to provide for empowering the board—

Extension of powers of marketing boards to purchase and deal with products.

- (a) to buy from the board administering any corresponding scheme any product the marketing of which is regulated by that scheme;
- (b) to produce from anything bought by the board under any provision contained in the scheme by virtue of paragraph (a) of this subsection any commodity which the board are authorised to produce from the regulated product;
- (c) to sell, grade, pack, store, adapt for sale, insure, advertise and transport anything so bought as

aforesaid and any commodity produced therefrom by the board;

- (d) to exercise, as agents for the board administering any corresponding scheme, any power of that board to deal in any manner mentioned in paragraph (c) of this subsection with any product the marketing of which is regulated by that scheme.

In this subsection the expression "corresponding scheme" means, in relation to a scheme under the principal Act, any other scheme under that 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.

(2) The Minister, at the request of the board administering any scheme submitted before the commencement of this Act, may, during the period of one year from the commencement of this Act, make an order conferring upon the board all or any of the powers which might, by virtue of the foregoing subsection, be conferred on them by the scheme.

Interpretation of terms, and revocation of orders.

7.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Scheme" means a scheme under the principal Act; and

"The principal Act" means the Agricultural Marketing Act, 1931;

and any expression to which a meaning is assigned by section eighteen of the principal Act has the same meaning when used in this Act.

(2) Any order made under this Act by the Minister may be revoked by a subsequent order made in like manner.

Short title and citation,

8. This Act may be cited as the Agricultural Marketing (No. 2) Act, 1933, and shall be included among the Acts which may be cited as the Agricultural Marketing Acts, 1931 to 1933.



CHAPTER 2.

An Act to empower His Majesty to issue Letters Patent making provision with respect to the administration of Newfoundland, to authorise the making out of public moneys of advances to the Government of Newfoundland and the guaranteeing by the Treasury of stock to be issued by that Government, and to amend the Colonial Development Act, 1929, in its application to Newfoundland. [21st December 1933.]

WHEREAS an Address has been presented to His Majesty by the Legislative Council and House of Assembly of Newfoundland in the terms set forth in the First Schedule to this Act :

And whereas the Governor, the Legislative Council and House of Assembly of Newfoundland have passed an Act entitled the Loan Act, 1933, which Act is in this Act referred to as "the Loan Act," and is set out in the Second Schedule to this Act :

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

1.—(1) It shall be lawful for His Majesty by any Letters Patent under the Great Seal of the Realm to make provision for the suspension of the operation of the existing Letters Patent dated the twenty-eighth day of March, eighteen hundred and seventy-six, constituting the office of Governor of Newfoundland, and of the existing Letters Patent dated the seventeenth day of July, nineteen hundred and five, regarding the absence of the Governor, and to make provision for the administration of Newfoundland during the period while the operation of the existing Letters Patent is suspended on the basis of the recommendations of the Royal Commission referred to in the said Address.

Power to issue Letters Patent providing for the administration of Newfoundland, and provision as to revocation and amendment thereof.

(2) Any Letters Patent issued under the foregoing subsection may contain a provision reserving power to

His Majesty to revoke or amend those Letters Patent, but before the passing of any further Letters Patent terminating the suspension of the operation of the existing Letters Patent or making any such altered provision for the administration of Newfoundland during the period while the operation of the existing Letters Patent is suspended as would empower the Governor to act in the administration of Newfoundland otherwise than on the advice of a Commission of Government constituted in accordance with the said recommendations, a draft of the further Letters Patent shall be laid before each House of Parliament for a period of twenty-one days during the Session of Parliament and, if an Address is presented to His Majesty by either House of Parliament against any of the provisions contained in the draft, no further proceedings shall be taken on the draft, without prejudice to the making of a new draft :

Provided that in reckoning any such period of twenty-one days as aforesaid, no account shall be taken of any time during which both Houses of Parliament are adjourned for more than four days.

Power of
Secretary of
State to
make ad-
vances to
Newfound-
land.

2.—(1) So long as the administration of Newfoundland is vested in the Governor acting on the advice of a Commission of Government constituted in accordance with the said recommendations, the Secretary of State shall have power, with the approval of the Treasury, to make, out of moneys provided by Parliament, advances to the Government of Newfoundland for any of the purposes of the administration of Newfoundland, including the defraying of the expenses of the public services and the service of the public debt.

(2) An advance under this section shall not be made except where it appears to the Treasury and the Secretary of State, as respects any financial year of Newfoundland, to be probable that the revenues of Newfoundland for that year will, after provision has been made for such working balance as the Treasury may consider adequate, fall short of the amount required to meet any liabilities incurred for the purposes aforesaid which fall to be discharged in that year, and the advance made shall not exceed the estimated amount of the deficiency.

(3) An advance made under this section within the period commencing on the date of the passing of this Act and ending on the thirty-first day of December,

nineteen hundred and thirty-six, shall be made by way of grant, and any such advance made thereafter shall be made either by way of grant or of loan, and on such terms and subject to such conditions, as the Treasury may determine.

3.—(1) The Treasury may, for the purposes of any issue of stock by the Government of Newfoundland under the provisions of section two of the Loan Act, guarantee, in such manner and on such conditions as they think fit, the payment of the principal of, and the interest on, the said stock, and the payments to be made to the sinking fund to be established under the Loan Act.

Guarantee of certain securities of Newfoundland.

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

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

4.—(1) The Treasury may issue out of the Consolidated Fund or the growing produce thereof, by way of temporary advance to the Government of Newfoundland, any sums which that Government has power to borrow temporarily under the provisions of subsection (4) of section two of the Loan Act.

Power of Treasury to make temporary advances to Newfoundland.

(2) Every such advance shall bear interest at such rate as the Treasury may fix.

5. In the application to Newfoundland of the provisions of the Colonial Development Act, 1929, that Act shall have effect as if the words "for the Colonies" in subsection (1) of section one thereof had been omitted.

Amendment of Colonial Development Act, 1929, 20 & 21 Geo. 5. c. 5.

6. This Act may be cited as the Newfoundland Act, 1933.

Short title.

SCHEDULES.

FIRST SCHEDULE.

ADDRESS PRESENTED TO HIS MAJESTY BY THE LEGISLATIVE COUNCIL AND HOUSE OF ASSEMBLY OF NEWFOUNDLAND.

TO THE KING'S MOST EXCELLENT MAJESTY :

Most Gracious Sovereign :

We, Your Majesty's most dutiful and loyal subjects, the Legislative Council and Assembly of Newfoundland, humbly approach Your Majesty praying that—

Whereas in the present emergency Your Majesty's Island of Newfoundland is unable from its own resources to defray the interest charges on the public debt :

And whereas the Royal Commission appointed by Your Majesty's Warrant bearing the date the seventeenth day of February, 1933, to examine into the future of Newfoundland has recommended that for the time being, until such time as the Island may become self-supporting again, the administration of the Island should be vested in His Excellency the Governor acting on the advice of a specially created Commission of Government and that during such period Your Majesty's Government in the United Kingdom should assume general responsibility for the finances of Newfoundland and should, in particular, make such arrangements as may be deemed just and practicable with a view to securing to Newfoundland a reduction in the present burden of public debt :

And whereas Your Majesty's Government in the United Kingdom have signified their readiness subject to the approval of Parliament to accept the recommendations of the Royal Commission and have made detailed proposals for carrying those recommendations into effect :

Now, therefore, Your Majesty may be graciously pleased to suspend the Letters Patent under the Great Seal bearing the date at Westminster the Twenty-eighth day of March, 1876, and Letters Patent under the Great Seal bearing the date at Westminster the Seventeenth day of July, 1905, and to issue new Letters Patent which would provide for the administration of the Island, until such time as it may become self-supporting again, on the basis of the recommendations which are contained in the

Report of the Royal Commission and of which a summary is set out in the Annex hereto :

1ST SCH.
--cont.

And further that Your Majesty may be graciously pleased to cause to be laid before the Parliament of the United Kingdom at its present Session such a measure as may enable them to be given immediate effect.

ANNEX.

EXTRACT FROM REPORT OF ROYAL COMMISSION APPOINTED BY HIS MAJESTY'S WARRANT BEARING DATE THE SEVENTEENTH DAY OF FEBRUARY, NINETEEN HUNDRED AND THIRTY-THREE.

We therefore recommend that the Newfoundland Government, recognising that it is impossible for the Island to surmount unaided the unprecedented difficulties that now confront it, should make an immediate appeal for the sympathetic co-operation of Your Majesty's Government in the United Kingdom in the adoption and execution of a joint plan of reconstruction, of which the following would be the main features :—

- (a) The existing form of government would be suspended until such time as the Island may become self-supporting again.
- (b) A special Commission of Government would be created which would be presided over by His Excellency the Governor, would be vested with full legislative and executive authority, and would take the place of the existing Legislature and Executive Council.
- (c) The Commission of Government would be composed of six members, exclusive of the Governor, three of whom would be drawn from Newfoundland and three from the United Kingdom.
- (d) The Government Departments in the Island would be divided into six groups. Each group would be placed in the charge of a Member of the Commission of Government, who would be responsible for the efficient working of the Departments in the group, and the Commission would be collectively responsible for the several Departments.
- (e) The proceedings of the Commission of Government would be subject to supervisory control by Your Majesty's Government in the United Kingdom, and the Governor-in-Commission would be responsible to the Secretary of State for Dominion Affairs in the United Kingdom for the good government of the Island.
- (f) Your Majesty's Government in the United Kingdom would, for their part, assume general responsibility for the finances of the Island until such time as it may

1ST SCH.
—*cont.*

become self-supporting again, and would, in particular, make such arrangements as may be deemed just and practicable with a view to securing to Newfoundland a reduction in the present burden of the public debt.

- (g) It would be understood that, as soon as the Island's difficulties are overcome and the country is again self-supporting, responsible government, on request from the people of Newfoundland, would be restored.

SECOND SCHEDULE.

ACT OF THE LEGISLATURE OF NEWFOUNDLAND ENTITLED THE LOAN ACT, 1933.

Be it enacted by the Governor, the Legislative Council and House of Assembly, in Legislative Session convened, as follows :—

Date of coming into operation of provisions of this Act.

1. The provisions of this Act shall, except as otherwise expressly provided in this Act, come into operation on the date of the commencement of any Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland authorising the Commissioners of His Majesty's Treasury in the said United Kingdom (in this Act referred to as "the Treasury") to give a guarantee in respect of the Stock the issue of which is authorised by the next succeeding section of this Act.

Power to issue Stock, and charge thereof on revenue and assets of Newfoundland. Power to borrow temporarily pending issue.

2.—(1) The Governor in Council shall have power to issue on the credit of Newfoundland at such time or times as he thinks fit, such an amount of Stock in pounds sterling (in this Act referred to as "the Stock") as is required for the purposes—

- (a) of giving to holders of any of the securities specified in the First Schedule to this Act (in this Act referred to as "the deferred securities") the option to surrender the securities held by them in exchange for a nominal amount of the Stock equivalent to the nominal amount of surrendered securities on the basis of one pound of Stock for every one pound sterling or four dollars and eighty-six and two-thirds hundredths of dollars of surrendered securities;
- (b) of giving, in the case of any of the obligations of Newfoundland (other than those represented by deferred securities) selected by the Governor in Council for the purposes of this paragraph with the concurrence of the

Treasury, the option to holders of any securities held in respect of such obligation to surrender all or any of such securities held by them in exchange for such nominal amount of Stock as he may determine;

2ND SCH.
—cont.

- (c) of raising sufficient money to discharge any of the obligations of Newfoundland (other than those represented by deferred securities) selected by the Governor in Council for the purposes of this paragraph with the concurrence of the Treasury;
- (d) of raising sufficient money to defray the expenses of and incidental to the issue of Stock and the effecting of any such exchange or repayment as aforesaid.

(2) The principal moneys and interest secured by Stock and the payments to be made to the Sinking Fund to be established under this Act, shall be chargeable upon, and payable out of, the revenue and assets of Newfoundland, with priority, except as otherwise expressly provided in this Act, over any charges thereon not existing at the date of the passing of this Act.

(3) If at any time after the thirty-first December, 1936, any sum is paid by the Treasury on account of any guarantee in respect of the Stock given by the Treasury, such sum, together with interest thereon at such rate as the Treasury may fix, shall be treated as an advance made to Newfoundland on such terms as the Treasury may determine, and shall be a charge on the revenues and assets of Newfoundland, with priority immediately after the charges created by the last preceding subsection.

(4) The Governor in Council may, in advance of the issue of the stock, borrow temporarily on the security of the revenue and assets of Newfoundland, for any of the purposes specified in paragraphs (c) and (d) of subsection (1) of this Section, any sums not exceeding in the aggregate two million five hundred thousand pounds.

Sums borrowed under this subsection shall carry interest at such rate as the Governor in Council may determine, and shall be repaid within six months after the date of the borrowing by the means of an issue of the Stock.

3.—(1) The Stock shall carry interest at a rate not exceeding three per cent. per annum, payable half-yearly.

(2) The Stock shall be redeemable in whole or in part by drawings or otherwise, at par at the option of the Governor in Council at any time on or after the first day of July, 1943, and, so far as not previously redeemed, shall be repayable at par at such date, not being later than the first day of July, 1963, as may be specified in that behalf by the Governor in Council on the first issue of any of the Stock.

Conditions
of issue of
Stock,
Sinking
Fund and
manage-
ment.

2ND SCH.
—cont.

(3) A Sinking Fund, equivalent to one per cent. per annum of the total nominal amount of Stock shall be established under the control of Trustees to be appointed by, or with the approval of, the Treasury.

The first payment to the Fund shall be made at a date to be approved by the Treasury, not being later than the first day of July, 1938, and the Sinking Fund moneys and the income arising therefrom shall, subject to payment thereof of the expenses of management of the Fund, be applied in purchase of Stock, or be invested in such other securities as may, from time to time, be approved by the Treasury.

(4) Where any Stock is the property of a person not domiciled or resident in Newfoundland, that Stock and the interest thereon shall be exempt from any present or future taxes imposed by Newfoundland, including any Newfoundland Income Tax.

(5) The Stock shall be issued by the Bank of England (hereinafter referred to as "the Bank") and the Bank shall have the management of the Stock upon such terms as to remuneration as may be approved by the Treasury.

Power of
Governor in
Council and
of Bank with
respect to
issue and
management
of Stock, to
option and
to Sinking
Fund.

4.—(1) The Governor in Council shall have power, subject to the provisions of this Act,—

- (a) to determine the conditions of the issue of Stock, including the rate of interest thereon;
- (b) to determine the conditions upon which any option of exchange is to be given under this Act, including the determination of the date as from which interest on the Stock to be taken in exchange is to accrue, not being a date earlier than the first day of July, 1933;
- (c) to regulate the commencement, management and application of the Sinking Fund to be established under this Act.

(2) The Bank shall have power, subject to the provisions of this Act and with the approval of the Governor in Council, to regulate the mode of issue and management of the Stock, with power in particular, but without prejudice to the generality of the foregoing words, to regulate the manner in which the Stock may be transferred, the issue of Stock Certificates to bearers, and the manner of payment of interest and of moneys payable on redemption or repayment, and to apply the general practice of the Bank to the matters aforesaid and to any other matters arising in giving effect to the provisions of this Act.

Postpone-
ment of
certain
securities.

5. No payment of any interest on, or of any principal of, the deferred securities shall be made, and no interest shall accrue thereon,—

- (a) during the period commencing with the first day of July, 1933, and ending on the 31st day of March, 1934; or

- (b) at any time in any financial year of the said United Kingdom, if before the first day of January in that financial year an estimate is laid before the Commons House of Parliament of the said United Kingdom providing for the making of an advance to Newfoundland, whether by way of grant or of loan; or
- (c) so long as there exists any liability of Newfoundland to the said United Kingdom arising from the making by the Treasury of any payment on account of a guarantee given by the Treasury in respect of any securities of Newfoundland or from the making by the said United Kingdom of any advance by way of loan to Newfoundland.

2ND SCH.
—*cont.*

6. The charge on the revenues and assets of Newfoundland in respect of—

Priority of
certain
securities.

- (a) any of the securities specified in the Second Schedule to this Act; or
- (b) any securities (other than Stock) issued for purpose of raising money to be applied in repayment of, or for the purpose of being offered for, any of last mentioned securities on maturity thereof;

shall, notwithstanding anything in subsection (2) or subsection (3) of Section two of this Act, have effect in priority to any charge on those revenues and assets in respect of—

- (i) the Stock; or
- (ii) any liability of Newfoundland to the said United Kingdom arising from the making by the Treasury of any payment on account of a guarantee given by the Treasury in respect of any securities of Newfoundland; or
- (iii) the Deferred Securities; or
- (iv) any other obligation of Newfoundland (not being an obligation represented by securities issued for either of the purposes mentioned in paragraph (b) of this Section) whether existing or future;

and accordingly if any payment of any sum in respect of which a charge having priority under this Section exists is not made on due date, no payment of any sum in respect of which a charge postponed under this Section exists shall be made until the first mentioned sum has been paid or tendered.

7. This Act may be cited as the Loan Act, 1933.

Short Title.

FIRST SCHEDULE.

The Deferred Securities.

- 4 per cent. Inscribed Stock (1938);
- 3½ per cent. Sterling Bond (1941);
- 3½ per cent. Sterling Bond (1947);
- 3½ per cent. Sterling Bond (1948);
- 3½ per cent. Sterling Bond (1953);
- 3½ per cent. Sterling Bond (1954);
- 4 per cent. Consolidated Stock (1936);
- 3 per cent. Sterling Bond (1947);
- 3½ per cent. Sterling Bond (1951);

and all bonds of the Newfoundland Government which confer on holders the option of payment either in sterling or in dollars at par of exchange (that is at \$4·86½ to £1) or at any rate equivalent thereto.

SECOND SCHEDULE.

The Trustee Securities.

- 3½ per cent. Inscribed Stock (1945);
- 3½ per cent. Inscribed Stock (1950);
- 3½ per cent. Inscribed Stock (1952);
- 5 per cent. Inscribed Stock (1943).

CHAPTER 3.

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

[28th March 1934.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this

session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

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

Issue of
2,320,533*l.*
15*s.* 7*d.* out of
the Consoli-
dated Fund
for the service
of the years
ending
31st March
1933 and 1934.

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

Issue of
206,609,700*l.*
out of the
Consolidated
Fund for the
service of the
year ending
31st March
1935.

3.—(1) The Treasury may borrow from any person by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole two hundred and eight million nine hundred and thirty thousand two hundred and thirty-three pounds fifteen shillings and sevenpence.

Power for
the Treasury
to borrow.

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

40 & 41 Vict.
c. 2.

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

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

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

Short title.

4. This Act may be cited as the Consolidated Fund (No. 1) Act, 1934.

CHAPTER 4.

An Act to provide for a preference in respect of light hydrocarbon oils manufactured in the United Kingdom from coal, shale, or peat, indigenous to the United Kingdom or from products produced from those substances; and to provide for the collection of information as to the production of such oils.

[28th March 1934.]

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

Preference
for home
produced
light oils.

1.—(1) While this Act is in operation the preference in respect of light hydrocarbon oils manufactured in the United Kingdom from coal, shale, or peat, indigenous to the United Kingdom or from products produced from those substances (hereinafter referred to as “home produced light oils”) shall not be less than fourpence per gallon.

(2) In this Act—

the expression “preference” means—

(a) so long as no excise duty is payable in respect of home produced light oils, the amount of the customs duty payable in the United Kingdom on light hydrocarbon oils;

(b) if while this Act is in operation any such excise duty is payable, the difference between the duty so payable and the customs duty payable as aforesaid; and

the expression "light hydrocarbon oils" means hydrocarbon oils as defined by subsection (9) of section two of the Finance Act, 1928, being light oils within the meaning of subsection (3) of that section. 18 & 19
Geo. 5. c. 17.

2.—(1) It shall be the duty of all persons engaged in the manufacture of home produced light oils to furnish to the Board of Trade, in such manner and form as the Board may direct, such particulars, statistics, and other information, with respect to the quantities of such oils produced and the types and quantities of the materials from which they are produced, as the Board may at any time require; and if any person fails to comply with any requirement of the Board made under this section, he shall be liable on summary conviction to a fine not exceeding one hundred pounds and to a further fine not exceeding twenty pounds for every day on which the failure occurs or continues. Information
to be fur-
nished to
the Board
of Trade.

(2) No information furnished to the Board under this section may be published in such a form as to disclose information in regard to a particular undertaking unless the owner of the undertaking consents to the publication thereof.

3.—(1) This Act may be cited as the British Hydrocarbon Oils Production Act, 1934. Short title
and dura-
tion.

(2) Subject as hereinafter provided, this Act shall continue in operation for a period expiring on the thirty-first day of March nineteen hundred and forty-four:

Provided that as soon as may be after the thirtieth day of September nineteen hundred and thirty-five and after the end of every subsequent half-year the Treasury shall compute in pence to three places of decimals the average rate throughout the preceding half-year of the preference extended to home produced light oils in that half-year, and if that rate has exceeded fourpence per gallon shall by order reduce the said period by forty-six

days for each penny of the excess, and at the same rate for any fraction of a penny so computed as aforesaid; so, however, that this Act shall continue in operation until it is certified by the Treasury that the preference thereby provided for has been equivalent to fourpence per gallon for nine years, and shall expire upon such a certificate being given.

CHAPTER 5.

An Act to extend the maximum period of annual training in the case of men of the air force reserve who are serving as pilots or observers, or are qualifying for service as such.

[28th March 1934.]

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

Annual
training of
airman
pilots and
airman
observers of
the air
force
reserve.
7 & 8
Geo. 5. c. 51.
45 & 46 Vict.
c. 48.

1.—(1) The power of His Majesty under section six of the Air Force (Constitution) Act, 1917, to apply by Order in Council to the air force reserve, or to the officers and men thereof, any of the enactments relating to the army reserve, or to the officers and men thereof, shall be extended so as to include power so to apply any of those enactments with such modifications as may be necessary to provide that, notwithstanding anything in subsection (1) of section eleven of the Reserve Forces Act, 1882, the period or periods for which men of the air force reserve who are serving therein as qualified pilots or qualified observers, or are under instruction with a view to qualifying for service as such, may be called out for training shall be such period or periods as may be prescribed, not exceeding in any one year—

- (i) in the case of a man who is serving as a qualified pilot or as a qualified observer, twenty-four days; and
- (ii) in the case of a man who is undergoing instruction with a view to his qualifying for service as a pilot or as an observer, six months:

Provided that nothing in this section shall affect any man who was in the air force reserve at the date of the passing of this Act or any man who was in the regular air force at that date and has subsequently been transferred to the air force reserve, unless in either case he agrees in writing to accept the obligations imposed by this section in lieu of the obligations originally undertaken by him.

(2) In this section the expression "prescribed" means prescribed by orders or regulations made under the Reserve Forces Act, 1882, as so applied as aforesaid, and the expression "qualified" means qualified in accordance with orders or regulations so made.

2. This Act may be cited as the Air Force Reserve Short title.
(Pilots and Observers) Act, 1934.

CHAPTER 6.

An Act to amend and make permanent the
Dyestuffs (Import Regulation) Act, 1920.
[28th March 1934.]

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

1. The Dyestuffs (Import Regulation) Act, 1920 (in this Act referred to as "the principal Act") shall, as amended by this Act, become a permanent Act, and accordingly subsection (1) of section five of the principal Act and the reference to the principal Act in the Expiring Laws Continuance Act, 1933, are hereby repealed.

10 & 11
Geo. 5. c. 77,
as amended,
to be a
permanent
Act.
23 & 24
Geo. 5. c. 48.

2. In subsection (1) of section one of the principal Act, for the words "all synthetic organic dyestuffs, colours and colouring matters, and all organic intermediate products used in the manufacture of any such dyestuffs, colours or colouring matters" there shall be substituted the following words :—

Amended
description
of goods
prohibited
to be
imported.

"(a) synthetic organic dyestuffs (including pigment dyestuffs), whether soluble or insoluble;

- “(b) compounds, preparations and articles manu-
 “ factured from any such dyestuffs, except any
 “ such compounds, preparations and articles as
 “ are not suitable for use in dyeing; and
- “(c) organic intermediate products used in the
 “ manufacture of any such dyestuffs.”

Constitution
 of com-
 mittees.

3. For subsection (6) of section two of the principal Act, there shall be substituted the following subsections—

“(6) For the purpose of advising the Board with respect to the efficient and economical development of the dye-making industry, there shall be constituted a committee consisting of the members for the time being of the committee constituted under subsection (3) of this section, together with persons, to be appointed by the Board, representing—

- (a) the textile industry;
- (b) the heavy chemical industry;
- (c) chemical science; and
- (d) any Government Department which appears to the Board to be specially concerned with such development.

(7) The person who is the chairman of the committee constituted under subsection (3) of this section shall be the chairman of the committee constituted under the last foregoing subsection.

(8) A person to be appointed as aforesaid as representing chemical science must be a person recommended by the Committee of the Privy Council for Scientific and Industrial Research.

(9) A person appointed a member of the committee constituted under subsection (3) or a member of the committee constituted under subsection (6) of this section shall hold office for such period, not being more than three years from the date of his appointment, as may be determined by the Board at the time of his appointment, but shall be eligible for reappointment on the expiration of that period.”

4. After section two of the principal Act, the following section shall be inserted, that is to say—

“3.—(1) Where a representation is made to the Import Duties Advisory Committee by any persons appearing to them to be, or to be representative of, consumers in substantial quantities of any of the goods specified in section one of this Act, that the interests of consumers of those goods are unduly prejudiced by the prices charged or sought to be charged therefor, it shall be the duty of the Import Duties Advisory Committee to consider the representation and to make a report thereon to the Board of Trade, and the Board shall, as soon as may be after receipt by them of a report made to them under this subsection, lay the report before both Houses of Parliament.

(2) The Import Duties Advisory Committee may for the purposes of this section exercise any powers conferred on them by the Import Duties Act, 1932, for the purposes of that Act.”

Provision
as to
representa-
tions to the
Import
Duties
Advisory
Committee.

22 & 23
Geo. 5. c. 8.

5. Where by this Act any enactments or words are directed to be added to, or to be substituted for any other enactments or words in, the principal Act, or any enactment in the principal Act is repealed, copies of the principal Act printed under the authority of His Majesty's Stationery Office after the direction takes effect may be printed with those enactments or words added or substituted as aforesaid, and with the repealed enactment omitted, as the direction requires, and with sections and subsections numbered in accordance with the direction and with any consequential renumbering of sections and subsections, and the principal Act shall be construed as if it had, at the time at which the direction takes effect, been enacted with such addition, substitution or omission.

Provision
as to
printing.

6. This Act may be cited as the Dyestuffs (Import Regulation) Act, 1934, and the principal Act and this Act may be cited together as the Dyestuffs (Import Regulation) Acts, 1920 to 1934.

Short title.



CHAPTER 7.

An Act to empower the Minister of Health and the Department of Health for Scotland to make contributions towards expenses to be incurred by local authorities in providing or improving supplies of water in rural localities.

[28th March 1934.]

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

Government
contribu-
tions
towards
expenses of
local
authorities
for rural
water
supply.

1.—(1) Subject to such conditions as the Treasury may determine, the Minister of Health (in this Act referred to as “the Minister”) may, in any case in which it appears to him to be desirable so to do, undertake to make a contribution towards the expenses to be incurred by a local authority in providing a supply, or in improving an existing supply, of water in a rural locality.

(2) Subject to the provisions of the next succeeding subsection, an undertaking under this section shall provide for the making of the contribution in the form of a lump sum, payable either as a whole on the completion of the works to be executed or of the transaction to be effected for the purposes of the supply, or, in the case of the execution of works, in instalments on the completion of parts of the works.

(3) Where the expenses to be incurred by the local authority are expenses in respect of liabilities arising from time to time under a lease or a hiring agreement or a contract for the supply of water, an undertaking under this section may provide for the making of the contribution in the form of sums payable from time to time, within any period not exceeding twenty years from the date of the undertaking.

(4) The Minister may withhold, or reduce the amount of, a contribution which he has undertaken to make towards the expenses to be incurred by a local

authority in respect of any works or transaction, if it appears to him either—

- (a) that any of the works have been executed in an unsatisfactory manner; or
- (b) that the effectiveness of any of the works is substantially less than as estimated in the proposals submitted to him by the local authority, and that the difference is due to any default, for which the local authority is responsible, in the formulation of the proposals; or
- (c) that there has been any default in the carrying out of the transaction.

(5) Any contributions made by the Minister under this section shall be defrayed out of moneys provided by Parliament, and shall not, in the aggregate, exceed one million pounds.

2. Local authorities, for the purposes of this Act, shall be—

- (a) the council of any borough or urban or rural district;
- (b) the council of a county which is for the time being exercising the functions relating to water supply of any such council as aforesaid by virtue of a resolution under section sixteen of the Local Government Act, 1894, or of an agreement made under subsection (2), or of an order made under paragraph (b) of subsection (3), of section fifty-seven of the Local Government Act, 1929;
- (c) a joint board, or joint committee, constituted under the Public Health Act, 1875, or under a local Act, for the purposes of the provision of a common water supply.

Local authorities for the purposes of this Act.

56 & 57 Vict. c. 73.

19 & 20 Geo. 5. c. 17.

38 & 39 Vict. c. 55.

3. This Act shall apply to Scotland subject to the following modifications, that is to say—

- (a) references to the Minister of Health shall be construed as references to the Department of Health for Scotland;
- (b) local authorities, for the purposes of this Act, shall be,—
 - (i) the council of any burgh or county;
 - (ii) a combination of any such councils,

Application to Scotland.

60 & 61 Vict.
c. 38.

whether constituted under the Public Health (Scotland) Act, 1897, or otherwise, for the purposes of the provision of a common water supply;

(iii) any board or any trustees or other body constituted under a local Act for the purposes of the provision of a water supply;

(c) the aggregate amount of any contributions made by the Department of Health for Scotland under section one of this Act shall not exceed one hundred and thirty-seven thousand five hundred pounds.

Short title
and extent.

4.—(1) This Act may be cited as the Rural Water Supplies Act, 1934.

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

CHAPTER 8.

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

[28th March 1934.]

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

Extension
of duration,
and reduc-
tion of
limit, of
abatements.
22 & 23
Geo. 5. c. 7.
23 & 24
Geo. 5. c. 7.

1. The period in respect of which abatements from pay may be made under the Indian Pay (Temporary Abatements) Act, 1931, shall be extended so as to expire on the thirty-first day of March, nineteen hundred and thirty-five, and accordingly proviso (a) to subsection (1) of section one of that Act, as amended by the Indian Pay (Temporary Abatements) Act, 1933, shall be further amended by substituting for the words "thirty-first day

of March, nineteen hundred and thirty-four" the words "thirty-first day of March, nineteen hundred and thirty-five":

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

2. This Act may be cited as the Indian Pay (Temporary Abatements) Act, 1934, and shall be construed as one with the Indian Pay (Temporary Abatements) Acts, 1931 and 1933, and those Acts and this Act may be cited together as the Indian Pay (Temporary Abatements) Acts, 1931 to 1934.

Short title,
construction
and citation.

CHAPTER 9.

An Act to amend section twenty of the Mining Industry Act, 1920, and the enactments amending that section. [28th March 1934.]

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

1. The period during which payments are to be made to the fund constituted under the principal section (hereafter referred to as "the fund") shall be extended by sixteen years, and accordingly that section (as amended by the Mining Industry (Welfare Fund) Act, 1931) shall have effect as if in subsection (2) thereof for the words "fifteen years" there were substituted the words "thirty-one years."

Continu-
ance of pay-
ments to
the fund.
21 & 22
Geo. 5. c. 23.

2.—(1) The sum payable into the fund under the principal section as respects the output of any coal mine during the year nineteen hundred and thirty-two and subsequent years shall be a sum equal to one halfpenny a ton (instead of one penny a ton) of the output of the mine.

Reduction
of sums
payable to
fund and
recovery
thereof.

(2) Where any person has paid into the fund as respects the output of a mine during the year nineteen hundred and thirty-two an amount in excess of the sum payable under this section, he shall be entitled to deduct the amount so paid in excess from the sum (if any) payable by him as respects the output of that or any other mine during the year nineteen hundred and thirty-three, or, if no sum is so payable or if the said amount exceeds the sum so payable, he shall be entitled to be repaid the said amount or the amount by which it exceeds the sum so payable, as the case may be, out of the fund.

(3) Proceedings by the Board of Trade for the summary recovery as a civil debt of any sum payable into the fund as respects the output of a mine during the year nineteen hundred and thirty-two may, notwithstanding any enactment to the contrary, be commenced at any time before the expiration of three months from the commencement of this Act.

(4) The sum payable into the fund under the principal section as respects the output of a coal mine during any calendar year shall be and shall be deemed always to have been, payable by the person being the owner of the mine at the end of that year :

Provided that in a case where different persons have been owners of the mine for different parts of the year, the Board of Trade shall have, and shall be deemed always to have had, power to apportion the said sum among those persons according to the output of the mine during the part of the year for which they were owners thereof, and the amount so apportioned to any person shall be payable by him accordingly.

Purposes for
which fund
to be
applied.
16 & 17
Geo. 5. c. 28.

3.—(1) The purposes for which the proceeds of the royalties welfare levy are required to be appropriated under section seventeen of the Mining Industry Act, 1926, shall include the provision of such accommodation and facilities for workers in or about coal mines as the Miners Welfare Committee think can be conveniently and properly combined with accommodation and facilities for taking baths and drying clothes.

(2) Until the Board of Trade otherwise direct, the Miners Welfare Committee shall appropriate (in priority to any other payments) out of the sums paid into the fund under subsection (2) of the principal section as respects

the output of coal mines during any calendar year, commencing with the year nineteen hundred and thirty-four—

(a) for the purposes for which the proceeds of the royalties welfare levy are required to be appropriated, such sum as will, together with the proceeds of the said levy for the financial year ending next after the end of that calendar year, amount to three hundred and seventy-five thousand pounds; and

(b) for the purpose of promoting research into methods of improving the health and safety of workers in or about coal mines, the sum of twenty thousand pounds;

and notwithstanding anything in the proviso to subsection (3) of the principal section no part of the sums appropriated by virtue of this subsection shall be required to be allocated for the benefit of any particular district.

(3) Nothing in the foregoing subsection shall affect the power of the Miners' Welfare Committee to apply for the purposes therein mentioned any other sums paid into the said fund, but, where there is established for any district a committee or body which appears to the Board of Trade to represent the interests of the owners of, and workers in and about, coal mines in that district, no sums required by the said proviso to be allocated for the benefit of that district shall be applied for those purposes, except with the approval in writing of that committee or body.

(4) For the purpose of subsection (1) of the principal section (which provides that the fund may be applied for purposes connected with the social well-being, recreation and conditions of living of workers in or about coal mines), the expression "workers in or about coal mines" shall include, and shall be deemed always to have included—

- (a) persons who have ceased to be employed as such workers by reason of age or disability; and
- (b) persons who, having ceased to be employed as aforesaid for any reason, have not subsequently changed their occupation; and
- (c) the dependants of such workers and of such persons as aforesaid,

and the purposes for which the fund may be applied shall include, and shall be deemed always to have included, the education of such workers and of such persons as are mentioned in paragraphs (b) and (c) of this subsection but shall not include the payment to any persons of pensions or other similar payments, not being payments by way of temporary assistance.

Short title,
citation, in-
terpretation
and extent.

4.—(1) This Act may be cited as the Mining Industry (Welfare Fund) Act, 1934, and this Act and the Mining Industry Acts, 1920 to 1931, may be cited together as the Mining Industry Acts, 1920 to 1934.

(2) In this Act—

(a) the expression “the principal section” means section twenty of the Mining Industry Act, 1920, as amended by any subsequent enactment including this Act;

(b) the expression “the Miners Welfare Committee” means the committee constituted under the principal section;

(c) the expressions “output” and “owner” have the same meanings as in the principal section.

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

10 & 11
Geo. 5. c. 50.

CHAPTER 10.

An Act to provide financial facilities in connection with the construction of large vessels for the North Atlantic shipping trade, and in connection with the merger of certain shipping companies in respect of their interests in that trade; and for purposes connected with the matters aforesaid. [28th March 1934.]

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

Power to
Treasury

1.—(1) The Treasury may from time to time on such terms as they think fit advance out of the Con-

solidated Fund or the growing produce thereof to the Cunard Steam Ship Company Limited, or to any company (hereinafter referred to as the "merger company") formed to take over the interests of that company in the North Atlantic shipping trade and all or any of the interests in that trade belonging or formerly belonging to the Oceanic Steam Navigation Company Limited, such sums, not exceeding in all nine million five hundred thousand pounds, as it may appear to the Treasury, after consultation with the Board of Trade, to be expedient to advance for the purposes of constructing one or more large vessels for the North Atlantic shipping trade, and of providing working capital for the merger company.

to make
advances
to certain
companies.

(2) For the purpose of providing for the issue of sums out of the Consolidated Fund under the last foregoing subsection or for the repayment to that fund of all or any part of any sum so issued, the Treasury may raise money in any manner in which they are authorised to raise money under and for the purpose of subsection (1) of section one of the War Loan Act, 1919, and any securities created and issued to raise money under this subsection shall for all purposes be deemed to have been created and issued under the said subsection (1).

9 & 10
Geo. 5. c. 37.

(3) All sums received by way of interest on advances made under subsection (1) of this section shall be paid into the Exchequer, and all sums received in repayment of such advances shall be applied, in such manner as the Treasury may direct, to the redemption of debt.

2.—(1) Stamp duty shall not be chargeable and shall be deemed not to have been chargeable on any agreement, whether made before or after the passing of this Act, as to the terms on which any such advance as is mentioned in the last foregoing section is to be made, or on any instrument executed or given for the purpose of carrying out any provision of any such agreement, nor shall any fees be payable under section three of the Merchant Shipping (Mercantile Marine Fund) Act, 1898, in respect of the mortgage of any ship or the transfer of the mortgage of any ship, being a mortgage or transfer effected for the purpose of carrying out any such agreement.

Exemption
from stamp
duty and
fees.

61 & 62 Vict.
c. 44.

(2) Stamp duty shall not be payable under section one hundred and twelve of the Stamp Act, 1891 (which

54 & 55 Vict.
c. 39.

imposes duties on the capital of limited liability companies) on the statement of the amount which is to form the nominal share capital of the merger company.

Provisions
as to Cunard
(Insurance)
Agreement
Act, 1930.

3.—(1) After the formation of the merger company the Board of Trade may, with the consent of the Treasury, enter into such agreements with the Cunard Steam Ship Company Limited and the merger company as may, in the opinion of the Board, be necessary to secure that, when the interest of the Cunard Steam Ship Company Limited in the first vessel mentioned in the Cunard (Insurance) Agreement Act, 1930, has been transferred to the merger company, the benefits and obligations conferred and imposed on the Cunard Steam Ship Company Limited by and under the said Act shall (subject to any necessary modifications) also be transferred to the merger company.

21 & 22
Geo. 5. c. 2.

(2) The provisions of section three of the said Act shall apply in relation to any such agreement as aforesaid as they apply in relation to the principal agreement as defined in that Act, and references in the other provisions of that Act to the principal agreement shall be construed as including references to the principal agreement as supplemented or modified by any such agreement as aforesaid.

Short title.

4. This Act may be cited as the North Atlantic Shipping Act, 1934.

CHAPTER 11.

An Act to provide, during Twelve Months, for the
Discipline and Regulation of the Army and the
Air Force. [26th April 1934.]

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

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of land forces should be continued for the safety of the United Kingdom

and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of one hundred and forty-nine thousand five hundred, including those to be employed at the depots in the United Kingdom for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions, other than Aden :

And whereas under the Air Force (Constitution) Act, 7 & 8 Geo. 5. 1917, His Majesty is entitled to raise and maintain the air force, and it is judged necessary that the whole number of such force should consist of thirty-one thousand, including those employed as aforesaid, but exclusive of the numbers serving as aforesaid : c. 51.

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

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

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet, nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law or to the Air Force Act, in their duty, that an exact discipline be observed and that persons belonging to the said forces who mutiny, or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military or air force discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow :

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

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

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

Short title. **1.** This Act may be cited as the Army and Air Force (Annual) Act, 1934.

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

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

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

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

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

AMENDMENTS OF THE ARMY AND AIR FORCE ACTS.

PART I.

AMENDMENTS OF THE ARMY ACT APPLICABLE ALSO (SUBJECT TO EXCEPTIONS AND MODIFICATIONS) TO THE AIR FORCE ACT.

4. At the end of section one hundred and eighty-eight of the Army Act (which relates to the application of that Act to persons on board ships) the following subsection shall be added:— Amendment of Army Act, s. 188.

“(2) Where the officer commanding the troops on board a ship holds an authority empowering him during the voyage to convene a court-martial for the trial of any person under his command who is subject to military law and to confirm the finding and sentence of a court-martial convened for the trial of any such person as aforesaid, or conferring on him either of those powers, that authority shall, in relation to any such person as aforesaid, have effect as if it had been issued at the place where that person embarked on board the said ship by an officer or person qualified under this Act to issue such an authority at that place.”

5. The amendments specified in the second column of the Second Schedule to this Act, being drafting amendments or amendments of a minor character, shall be made in the sections of the Army Act specified in the first column of the said Schedule. Minor amendments of Army Act.

6. References in the foregoing sections of this Part of this Act (including the Second Schedule to this Act) to the Army Act shall be deemed to include references to the Air Force Act, and the provisions of the said sections and Schedule shall, in their application to the Air Force Act, have effect subject to any express exception specified in the said Schedule, to any of the general modifications set out in Part I Application of Part I to Air Force Act.

PART I.
—cont.

of the Second Schedule to the Air Force (Constitution) Act, 1917, which apply, and to the following special modification, namely, that for the expression “the troops” in section four of this Act there shall be substituted the expression “the air-force personnel.”

PART II.

AMENDMENT OF THE ARMY ACT.

Relations
between
military
forces and
Indian Air
Force.

7. After section one hundred and eighty-four A of the Army Act, there shall be inserted the following section—

“184B. When a body of the regular, reserve or auxiliary forces and a body of an air force raised in India are serving together under such conditions as may be prescribed by regulations made by the Army Council and the Governor-General of India, then, if it is so provided by the regulations, but subject to any exceptions or limitations specified therein, a member of either body shall, in relation to the other body—

(a) be treated for the purposes of command and discipline, and for the purposes of the provisions of this Act relating to superior officers; and

(b) have for those purposes all such powers (other than powers of punishment),

as if he were a member of that other body holding relative rank.

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

PART III.

AMENDMENTS OF THE AIR FORCE ACT.

Minor
amend-
ments of Air
Force Act.

8. The amendments specified in the second column of the Third Schedule to this Act, being drafting amendments or amendments of a minor character, shall be made in the sections of the Air Force Act specified in the first column of the said Schedule.

SCHEDULES.

FIRST SCHEDULE.

Section 3.

PRICES IN RESPECT OF BILLETING.

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

Note.—An officer shall pay for his food.

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

Section 5.

SECOND SCHEDULE.DRAFTING AND MINOR AMENDMENTS OF THE ARMY ACT.

1	2
Section.	Amendments to be made.
S. 56	- In subsection (5), the word "other" shall be omitted.
S. 91	- In the proviso to subsection (1), for the words "the mental hospital of" in both places where those words occur, and for the words "mental hospital districts" there shall be substituted respectively the words "the public mental hospital for" and "public mental hospital districts." In subsection (3), the words "or Northern Ireland" in the last place where those words occur, shall be omitted. In subsection (4), for the words "a warrant granted by two justices under section ten of the Lunacy (Ireland) Act, 1867" there shall be substituted the words "an urgency order made under section twenty of the Mental Treatment Act (Northern Ireland), 1932".
S. 163	- In paragraph (b) of subsection (1), for the words "or the Army Council, or of the Admiralty or of the Air Council" there shall be substituted the words "or on behalf of the Army Council, the Admiralty, or the Air Council". The preceding amendment does not apply in the case of the Air Force Act. In paragraph (b) of subsection (1), after the words "the commanding officer" there shall be inserted the words "or the officer having the custody of the records."
S. 190	- In paragraph (4), the words "subject to the exceptions in this Act mentioned" shall be omitted. For paragraph (27) there shall be substituted the following paragraph :— “(27) The expression ‘governor’ in its application to a colony means the officer, however styled, who is for the time being administering the government of the colony.”

THIRD SCHEDULE.

Section 8.

DRAFTING AND MINOR AMENDMENTS OF THE
AIR FORCE ACT.

1	2
Section.	Amendments to be made.
S. 156 -	In paragraph (a) of subsection (9), for the word "military" there shall be substituted the word "air-force".
S. 163 -	In paragraph (b) of subsection (1), for the words "or the Air Council, or the Army Council, or of the Admiralty" there shall be substituted the words "or on behalf of the Air Council, the Admiralty or the Army Council".
S. 175 -	In paragraph (1), for the words "Royal Warrant for regulating the pay and promotion of the regular air force" there shall be substituted the words "order of His Majesty defining that term".

CHAPTER 12.

An Act to extend the period during which guarantees may respectively be given and remain in force under the Overseas Trade Acts, 1920 to 1930. [26th April 1934.]

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

1. The period within which new guarantees may be given under the Overseas Trade Acts, 1920 to 1930, in connection with export transactions shall be extended so as to expire on the thirty-first day of March, nineteen hundred and forty, and the period during which guarantees so given (including renewed guarantees) may remain in force shall be extended so as to expire on the thirty-first day of March, nineteen hundred and fifty.

Extension of periods during which guarantees under Overseas Trade Acts, 1920 to 1930, may be given and remain in force.

Short title.

2. This Act may be cited as the Overseas Trade Act, 1934, and the Overseas Trade Acts, 1920 to 1930, and this Act, may be cited together as the Overseas Trade Acts, 1920 to 1934.

CHAPTER 13.

An Act to allow marriages to be solemnized at any time between 8 a.m. and 6 p.m.

[17th May 1934.]

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

Hours for solemnization of marriages.

1.—(1) From or after the passing of this Act it shall be lawful to solemnize a marriage at any time between the hours of eight in the forenoon and six in the afternoon.

49 & 50 Vict. c. 14.
55 & 56 Vict. c. 23.

(2) The Marriage Act, 1886, and the Foreign Marriage Act, 1892, shall have effect as if the words “eight in the forenoon and six in the afternoon” were substituted therein for the words “eight in the forenoon and three in the afternoon” wherever the same occur.

Extent of Act.

2. This Act, except in so far as it amends the Foreign Marriage Act, 1892, shall not extend to Scotland or Northern Ireland.

Short title and citation.

3. This Act may be cited as the Marriage (Extension of Hours) Act, 1934, and this Act and the Marriage Acts, 1811 to 1932, may be cited together as the Marriage Acts, 1811 to 1934; and this Act and the Foreign Marriage Act, 1892, may be cited together as the Foreign Marriage Acts, 1892 and 1934.

CHAPTER 14.

An Act to amend the law relating to arbitrations and to make provision for other matters connected therewith. [17th May 1934.]

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

GENERAL AMENDMENTS OF THE LAW RELATING TO
ARBITRATION.

1.—(1) An arbitration agreement shall not be discharged by the death of any party thereto, either as respects the deceased or any other party, but shall in such an event be enforceable by or against the personal representative of the deceased.

Arbitration agreement not to be discharged by death of party thereto.

(2) The authority of an arbitrator shall not be revoked by the death of any party by whom he was appointed.

(3) Nothing in this section shall be taken to affect the operation of any enactment or rule of law by virtue of which any right of action is extinguished by the death of a person.

2.—(1) Where it is provided by a term in a contract to which a bankrupt is a party that any differences arising thereout or in connection therewith shall be referred to arbitration, the said term shall, if the trustee in bankruptcy adopts the contract, be enforceable by or against him so far as relates to any such differences.

Provisions in case of bankruptcy

(2) Where a person who has been adjudged bankrupt had before the commencement of the bankruptcy become a party to an arbitration agreement and any matter to which the agreement applies requires to be determined in connection with or for the purposes of the bankruptcy proceedings, then, if the case is one to which subsection (1) of this section does not apply, any other party to the agreement or, with the consent of the committee of inspection, the trustee in bankruptcy, may apply to the

Court having jurisdiction in the bankruptcy proceedings for an order directing that the matter in question shall be referred to arbitration in accordance with the agreement, and that Court may, if it is of opinion that, having regard to all the circumstances of the case, the matter ought to be determined by arbitration, make an order accordingly.

Power of Court where arbitrator is removed or appointment of arbitrator is revoked.

3.—(1) Where an arbitrator (not being a sole arbitrator), or two or more arbitrators (not being all the arbitrators) or an umpire who has not entered on the reference is or are removed by the Court, the Court may, on the application of any party to the arbitration agreement, appoint a person or persons to act as arbitrator or arbitrators or umpire in place of the person or persons so removed.

(2) Where the appointment of an arbitrator or arbitrators or umpire is revoked by leave of the Court, or a sole arbitrator or all the arbitrators or an umpire who has entered on the reference is or are removed by the Court, the Court may, on the application of any party to the arbitration agreement, either—

- (a) appoint a person to act as sole arbitrator in place of the person or persons removed; or
- (b) order that the arbitration agreement shall cease to have effect with respect to the dispute referred.

(3) A person appointed under this section by the Court as an arbitrator or umpire shall have the like power to act in the reference and to make an award as if he had been appointed in accordance with the terms of the arbitration agreement.

(4) Where it is provided (whether by means of a provision in the arbitration agreement or otherwise), that an award under an arbitration agreement shall be a condition precedent to the bringing of an action with respect to any matter to which the agreement applies, the Court, if it orders (whether under this section or under any other enactment) that the agreement shall cease to have effect as regards any particular dispute, may further order that the provision making an award a condition precedent to the bringing of an action shall also cease to have effect as regards that dispute.

Provisions on the

4.—(1) Where an arbitration agreement provides that the reference shall be to three arbitrators, one to be

appointed by each party and the third to be appointed by the two appointed by the parties, the agreement shall have effect as if it provided for the appointment of an umpire, and not for the appointment of a third arbitrator, by the two arbitrators appointed by the parties.

appoint-
ment of
three
arbitrators.

(2) Where an arbitration agreement provides that the reference shall be to three arbitrators to be appointed otherwise than as mentioned in the foregoing subsection, the award of any two of the arbitrators shall be binding.

5.—(1) The following paragraph shall be substituted for paragraph (b) of the First Schedule to the principal Act (which sets out certain provisions which are to be implied in an arbitration agreement unless the contrary intention is expressed therein):—

Provisions
relating to
umpires.

“(b) if the reference is to two arbitrators, the two arbitrators shall appoint an umpire immediately after they are themselves appointed”:

and in paragraph (c) of section five of the principal Act after the word “arbitrator” there shall be inserted the words “or where two arbitrators are required to appoint an umpire.”

(2) At any time after the appointment of an umpire, however appointed, the Court may, on the application of any party to the reference and notwithstanding anything to the contrary in the arbitration agreement, order that the umpire shall enter on the reference in lieu of the arbitrators and as if he were a sole arbitrator.

6.—(1) The Court may, on the application of any party to a reference, remove an arbitrator or umpire who fails to use all reasonable dispatch in entering on and proceeding with the reference and making an award.

Arbitrators
and umpires
to use due
dispatch.

(2) An arbitrator or umpire who is removed by the Court under this section shall not be entitled to receive any remuneration in respect of his services.

(3) Subject to the provisions of subsection (2) of section ten of the principal Act and to anything to the contrary in the arbitration agreement, an arbitrator or umpire shall have power to make an award at any time.

(4) For the purposes of this section the expression “proceeding with a reference” includes, in a case where

two arbitrators are unable to agree, giving notice of that fact to the parties and to the umpire.

Amendment
of Sch. 1 of
principal
Act.

7. The following provisions shall be added at the end of the First Schedule to the principal Act :—

“ (j) the arbitrators or umpire shall have the same power as the Court to order specific performance of any contract other than a contract relating to land or any interest in land :

“ (k) the arbitrators or umpire may, if they think fit, make an interim award.”

Additional
powers of
Court.

8.—(1) The Court shall have, for the purpose of and in relation to a reference, the same power of making orders in respect of any of the matters set out in the First Schedule to this Act as it has for the purpose of and in relation to an action or matter in the Court :

Provided that nothing in the foregoing provision shall be taken to prejudice any power which may be vested in an arbitrator or umpire of making orders with respect to any of the matters aforesaid.

(2) Where relief by way of interpleader is granted and it appears to the Court that the claims in question are matters to which an arbitration agreement, to which the claimants are parties, applies, the Court may direct the issue between the claimants to be determined in accordance with the agreement.

(3) Where an application is made to set aside an award the Court may order that any money made payable by the award shall be brought into court or otherwise secured pending the determination of the application.

Statement
of case by
arbitrator or
umpire.

9.—(1) An arbitrator or umpire may, and shall if so directed by the Court, state :—

(a) any question of law arising in the course of the reference; or

(b) an award or any part of an award,

in the form of a special case for the decision of the Court.

(2) A special case with respect to an interim award or with respect to a question of law arising in the course

of a reference may be stated, or may be directed by the Court to be stated, notwithstanding that proceedings under the reference are still pending.

(3) A decision of the Court under this section 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 Court), but no appeal shall lie from the decision of the Court on any case stated under paragraph (a) of subsection (1) of this section without the leave of the Court or of the Court of Appeal.

15 & 16
Geo. 5. c. 49.

10. Where leave is given under section twelve of the principal Act to enforce an award in the same manner as a judgment or order, judgment may be entered in terms of the award.

Entry of
judgment in
terms of
award.

11. A sum directed to be paid by an award shall, unless the award otherwise directs, carry interest as from the date of the award and at the same rate as a judgment debt.

Interest on
awards.

12.—(1) Any provision in an arbitration agreement to the effect that the parties or any party thereto shall in any event pay their or his own costs of the reference or award or any part thereof shall be void; and the principal Act shall in the case of an arbitration agreement containing any such provision have effect as if that provision were not contained therein:

Provision as
to costs.

Provided that nothing herein shall invalidate such a provision when it is part of an agreement to submit to arbitration a dispute which has arisen before the making of such agreement.

(2) If no provision is made by an award with respect to the costs of the reference, any party to the reference may within fourteen days of the publication of the award or such further time as a Court or a judge may direct apply to the arbitrator for an order directing by and to whom such costs shall be paid, and thereupon the arbitrator shall after hearing any party who may desire to be heard amend his award by adding thereto such directions as he may think proper with respect to the payment of the costs of the reference.

Taxation of
arbitrator's
or umpire's
fees.

13.—(1) If in any case an arbitrator or umpire refuses to deliver his award except on payment of the fees demanded by him, the Court may, on an application for the purpose, order that the arbitrator or umpire shall deliver the award to the applicant on payment into Court by the applicant of the fees demanded, and further that the fees demanded shall be taxed by the taxing officer and that out of the money paid into Court there shall be paid out to the arbitrator or umpire by way of fees such sum as may be found reasonable on taxation and that the balance of the money, if any, shall be paid out to the applicant.

(2) An application for the purposes of this section may be made by any party to the reference unless the fees demanded have been fixed by a written agreement between him and the arbitrator or umpire.

(3) A taxation of fees under this section may be reviewed in the same manner as a taxation of costs.

(4) The arbitrator or umpire shall be entitled to appear and be heard on any taxation or review of taxation under this section.

Power of
Court to
give relief
where
arbitrator is
not im-
partial or
dispute
referred
involves
question of
fraud.

14.—(1) Where an agreement between any parties provides that disputes which may arise in the future between them shall be referred to an arbitrator named or designated in the agreement and after a dispute has arisen any party applies, on the ground that the arbitrator so named or designated is not or may not be impartial for leave to revoke the submission or for an injunction to restrain any other party or the arbitrator from proceeding with the arbitration, it shall not be a ground for refusing the application that the said party at the time when he made the agreement knew, or ought to have known, that the arbitrator by reason of his relation towards any other party to the agreement or of his connection with the subject referred might not be capable of impartiality.

(2) Where an agreement between any parties provides that disputes which may arise in the future between them shall be referred and a dispute which so arises involves the question whether any such party has been guilty of fraud, the Court shall, so far as may be necessary to enable that question to be determined by the Court, have power to order that the agreement shall

cease to have effect and power to give leave to revoke any submission made thereunder.

(3) In any case where by virtue of this section the Court has power to order that an arbitration agreement shall cease to have effect or to give leave to revoke a submission, the Court may refuse to stay any action brought in breach of the agreement.

15. Section eleven of the principal Act (which empowers the Court to remove an arbitrator and set aside an award) shall be amended by the insertion of the words "or the proceedings" after the words "has misconducted himself" in both places where those words occur in the said section.

Amend-
ment of
s. 11 of
principal
Act.

MISCELLANEOUS.

16.—(1) The statutes of limitation shall apply to arbitrations as they apply to proceedings in the Court.

Limitation
of time for
commencing
arbitration
proceedings.

(2) Notwithstanding any term in an arbitration agreement to the effect that no cause of action shall accrue in respect of any matter required by the agreement to be referred until an award is made under the agreement, a cause of action shall, for the purpose of the statutes of limitation both as originally enacted and as applying to arbitrations, be deemed to have accrued in respect of any such matter at the time when it would have accrued but for that term in the agreement.

(3) In subsection (3) of section four hundred and ninety-six of the Merchant Shipping Act, 1894 (which requires a sum deposited with a wharfinger by an owner of goods to be repaid unless legal proceedings are instituted by the shipowner), the expression "legal proceedings" shall be deemed to include arbitration.

57 & 58 Vict.
c. 60.

(4) For the purpose of this section and for the purpose of the statutes of limitation as applying to arbitrations and of the said section four hundred and ninety-six of the Merchant Shipping Act, 1894, as amended by this section, an arbitration shall be deemed to be commenced when one party to the arbitration agreement serves on the other party or parties a notice requiring him or them to appoint an arbitrator, or,

where the arbitration agreement provides that the reference shall be to a person named or designated in the agreement, requiring him or them to submit the dispute to the person so named or designated.

(5) Any such notice as is mentioned in subsection (4) of this section may be served either :—

- (a) by delivering it to the person on whom it is to be served; or
- (b) by leaving it at the usual or last known place of abode in England of that person; or
- (c) by sending it by post in a registered letter addressed to that person at his usual or last known place of abode in England;

as well as in any other manner provided in the arbitration agreement; and where a notice is sent by post in manner prescribed by paragraph (c), service thereof shall, unless the contrary is proved, be deemed to have been effected at the time at which the letter would have been delivered in the ordinary course of post.

(6) Where the terms of an agreement to refer future disputes to arbitration provide that any claims to which the agreement applies shall be barred unless notice to appoint an arbitrator is given or an arbitrator is appointed or some other step to commence arbitration proceedings is taken within a time fixed by the agreement, and a dispute arises to which the agreement applies, the Court, if it is of opinion that in the circumstances of the case undue hardship would otherwise be caused, and notwithstanding that the time so fixed has expired, may, on such terms, if any, as the justice of the case may require, but without prejudice to the foregoing provisions of this section, extend the time for such period as it thinks proper.

(7) Where the Court orders that an award be set aside or orders, after the commencement of an arbitration, that the arbitration agreement shall cease to have effect with respect to the dispute referred, the Court may further order that the period between the commencement of the arbitration and the date of the order of the Court shall be excluded in computing the time prescribed by the statutes of limitation for the commencement of proceedings (including arbitration) with respect to the dispute referred.

(8) For the purposes of this section the expression “the statutes of limitation” includes any enactment limiting the time within which any particular proceeding may be commenced.

17. Section sixty-nine of the Solicitors Act, 1932 (which empowers a Court before which any proceeding is being heard or is pending to charge property recovered or preserved in the proceeding with the payment of solicitors’ costs), shall apply as if an arbitration were a proceeding in the Court, and the Court may make declarations and orders accordingly.

Application of s. 69 of 22 & 23 Geo. 5. c. 37 to solicitors’ costs in arbitrations.

18. The following subsections shall be inserted after subsection (5) of section sixteen of the Agricultural Holdings Act, 1923 :—

Amendment of s. 16 of Agricultural Holdings Act, 1923. 13 & 14 Geo. 5. c. 9. 51 & 52 Vict. c. 43.

“(5A) Sections one hundred and ten, one hundred and eleven and one hundred and twelve of the County Courts Act, 1888 (which provide for the issue of summonses to witnesses in County Court actions and the enforcement of such summonses and the bringing up of prisoners to give evidence in such actions) shall apply to any arbitration under this Act as if that arbitration was an action or matter in the County Court.

(5B) The High Court may order that a writ of habeas corpus ad testificandum shall issue to bring up a prisoner for examination before any arbitrator appointed under this Act, if the prisoner is confined in any prison under process in any civil action or matter.”

19. Subject as hereinafter provided, the provisions of this Act shall not affect any arbitration which has been commenced within the meaning of section sixteen of this Act before the date on which this Act comes into operation, but shall apply to any arbitration so commenced after the said date under an arbitration agreement made before the said date :

Saving for pending arbitrations.

Provided that nothing in this section shall affect the operation of the provisions of this Act amending the Agricultural Holdings Act, 1923.

20. This Act, except the provisions thereof set out in the Second Schedule to this Act, shall apply in relation to every arbitration under any other Act passed before

Application to statutory arbitrations.

or after the commencement of this Act, as if the arbitration were pursuant to an arbitration agreement and as if that other Act were an arbitration agreement, except in so far as this Act is inconsistent with that other Act or with any rules or procedure authorised or recognised thereby :

Provided that this Act shall not apply to any arbitration to which the principal Act does not apply and no provision of this Act which expressly amends a provision of the principal Act shall apply to any arbitration to which that provision of the principal Act does not apply.

Short title,
interpretation,
application,
extent,
repeal and
commence-
ment.
52 & 53 Vict.
c. 49.

21.—(1) This Act may be cited as the Arbitration Act, 1934.

(2) In this Act, unless the context otherwise requires :—

The expression “the principal Act” means the Arbitration Act, 1889 :

The expression “arbitration agreement” means a written agreement to submit present or future differences to arbitration, whether an arbitrator is named therein or not.

(3) References in this Act and in the principal Act to an award shall include references to an interim award.

14 & 15
Geo. 5. c. 39.
20 & 21
Geo. 5. c. 15.

(4) This Act shall be construed as one with the principal Act, and the principal Act, the Arbitration (Protocol) Act, 1924, and the Arbitration (Foreign Awards) Act, 1930, and this Act may be cited together as the Arbitration Acts, 1889 to 1934.

(5) This Act shall not apply to Scotland or Northern Ireland.

(6) The enactments mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(7) The Act shall come into operation on the first day of January, nineteen hundred and thirty-five.



SCHEDULES.

FIRST SCHEDULE.

MATTERS IN RESPECT OF WHICH THE COURT MAY MAKE Section 8.
ORDERS.

- (1) Security for costs :
- (2) Discovery of documents and interrogatories :
- (3) The giving of evidence by affidavit :
- (4) Examination on oath of any witness before an officer of the Court or any other person, and the issue of a commission or request for the examination of a witness out of the jurisdiction :
- (5) The preservation, interim custody or sale of any goods which are the subject matter of the reference :
- (6) Securing the amount in dispute in the reference :
- (7) The detention, preservation or inspection of any property or thing which is the subject of the reference or as to which any question may arise therein, and authorising for any of the purposes aforesaid any persons to enter upon or into any land or building in the possession of any party to the reference, or authorising any samples to be taken or any observation to be made or experiment to be tried which may be necessary or expedient for the purpose of obtaining full information or evidence :
- (8) Interim injunctions or the appointment of a receiver.

SECOND SCHEDULE.

PROVISIONS OF ACT WHICH DO NOT APPLY TO STATUTORY Section 20.
ARBITRATION.

- Subsection (1) of section one.
- Section two.
- Section three.
- Subsection (2) of section eight.
- Subsection (1) of section twelve.
- Section fourteen.
- Section sixteen.

Section 21.

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
52 & 53 Vict. c. 49.	The Arbitration Act, 1889.	Paragraph (b) of section seven; section nineteen; paragraphs (c) and (e) of the First Schedule, and in paragraph (d) of that schedule the words "have allowed their time or extended time to expire without making an award or."
10 & 11 Geo. 5. c. 81.	The Administration of Justice Act, 1920.	Section sixteen.

CHAPTER 15.

An Act to empower statutory water undertakers to give and to take supplies of water in bulk.

[17th May 1934.]

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

Supply of
water in
bulk.

1.—(1) Subject to the provisions of this Act any statutory water undertakers may enter into and carry into effect agreements with any other statutory water undertakers for the giving by the one and the taking by the other of a supply of water in bulk.

(2) An agreement under this Act—

(a) may provide for the giving and taking of the supply for any period and on any terms and conditions and either within or beyond the limits of supply of the supplying undertakers;

- (b) shall not be entered into except with the consent of the Minister of Health;
- (c) where the undertakers taking the supply are a local authority, and the area to be supplied is within the limits of supply of any other statutory water undertakers, shall not be entered into except with the consent of those other undertakers.

(3) The Minister of Health shall not give his consent to an agreement if it appears to him that the giving of the supply would be likely to interfere with the supply of water for domestic or other purposes within the limits of supply of the supplying undertakers.

(4) For the purpose of giving or taking a supply of water in pursuance of an agreement made under this Act, statutory water undertakers may exercise either within or beyond their limits of supply any of the powers which, under sections twenty-eight to thirty-four of the Waterworks Clauses Act, 1847 (which relate to the breaking up of streets for the purpose of laying pipes) are exercisable by undertakers within the limits of a special Act for the purpose of supplying water to the inhabitants of the district included within those limits :

10 & 11 Vict.
c. 17.

Provided that the consent of the persons, under whose control or management a street or bridge is, shall be required to the opening or breaking up thereof, but that consent shall not be unreasonably withheld, and any question whether or not consent is unreasonably withheld shall be decided by the Minister :

Provided also that, where the undertakers propose to open or break up any length of a street which forms a level crossing or crosses over or under a railway or works of a railway company or railway committee or crosses over or under a canal or inland navigation maintained by a navigation authority and the railway company or committee or navigation authority are not the persons having the control or management of that length of the street, the undertakers shall give the like notice to the railway company or railway committee or navigation authority as they are required by section thirty of the Waterworks Clauses Act, 1847, to give to the persons under whose control or management the street

is, and if and in so far as the proposed opening or breaking up of the street would be likely to affect the structure of any bridge or other works belonging to the company or committee or authority, the undertakers shall carry out their proposals under the superintendence and to the reasonable satisfaction of the engineer of the company or committee or authority in accordance with plans to be submitted to and approved by him, and any dispute or difference which may arise between the undertakers and the company or committee or authority shall be referred to the arbitration of an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers.

For the purposes of this proviso the expressions "railway company" and "railway committee" shall include the London Passenger Transport Board.

(5) The powers conferred by this Act on statutory water undertakers shall be deemed to be in addition to, and not in substitution for, any powers conferred upon them under any other enactment:

Provided that this Act shall not be deemed to authorise statutory water undertakers who have power under any Act of Parliament, other than this Act, or under any Order confirmed by Parliament to supply water in bulk, subject to a prohibition against supplying water outside the catchment area which includes their limits of supply, to supply water in bulk outside that catchment area.

Procedure
on applica-
tion for the
Minister's
consent.

2.—(1) Statutory water undertakers who propose to enter into an agreement under this Act shall cause a notice to be published in one or more local newspapers circulating within their respective limits of supply, stating the effect of the proposals, and that objections with respect to the proposals may be made to the Minister within twenty-one days after the publication of the notice, and shall send a notice in similar terms to the Catchment Board of any area from which water is obtained by the undertaker who proposes to give the supply.

23 & 24
Geo. 5. c. 51.

(2) The provisions of section two hundred and ninety of the Local Government Act, 1933 (which relates to the holding of local inquiries in certain cases, including where the Minister is authorised by that Act to give a consent

to any matter) shall have effect, before as well as after the coming into operation of that Act, as if the consent of the Minister to an agreement under this Act were a consent which he is authorised to give under that Act.

3. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them :— Interpre-
tation.

“ Limits of supply ” means in relation to any undertakers the limits within which they are for the time being authorised, under any Act of Parliament other than this Act, or under any order confirmed by Parliament, to supply water :

“ Statutory water undertakers ” means—

- (a) the following local authorities, that is to say, the council of any borough or urban or rural district and a joint board, or joint committee, constituted under the Public Health Act, 1875, or under a local Act for the purposes of the provision of a common water supply; and 38 & 39 Vict.
c. 55.
- (b) any company, board or persons empowered by Act of Parliament, or an order confirmed by Parliament, to supply water :

“ Navigation authority ” means any person or body of persons having powers under any Act of Parliament to work or maintain a canal or other inland navigation :

“ Supply of water in bulk ” means supply of water for distribution by the undertakers taking the supply.

4.—(1) This Act may be cited as the Supply of Water in Bulk Act, 1934. Short title
and extent.

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



CHAPTER 16.

An Act to amend the Firearms Act, 1920, as to the age of persons who may purchase firearms or to whom firearms may be sold; and to alter the definition of firearms in the said Act.

[17th May 1934.]

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

Amendment
of 10 & 11
Geo. 5. c. 43,
s. 3.

1.—(1) The following subsections shall be substituted for subsection (1) of section three of the Firearms Act, 1920, that is to say,—

“(1A) A person under the age of seventeen years shall not purchase or hire a firearm or ammunition, and a person shall not sell or let for hire a firearm or ammunition to any person whom he knows or has reasonable ground for believing to be under the age of seventeen years.

(1B) A person under the age of fourteen years shall not have in his possession, use or carry a firearm or ammunition, and a person shall not give, lend, transfer or part with the possession of a firearm or ammunition to a person whom he knows or has reasonable ground for believing to be under the age of fourteen years.”

(2) Notwithstanding anything in the proviso to the definition of the expression “firearm” contained in subsection (1) of section twelve of the said Act, a smooth bore shot gun or air gun or air rifle and ammunition therefor shall if the gun or rifle is a lethal weapon be deemed to be a firearm and ammunition for the purpose of subsection (1A) of the said section three; and accordingly the said proviso shall be amended by inserting after the words “provisions of this Act other than” the words “those of subsection (1A) of section three or”.

(3) Subsection (2) of section twelve of the said Act shall be amended by inserting after the words

“provisions of this Act” the words “(other than those of subsection (1A) of section three).”

2.—(1) This Act may be cited as the Firearms Act, 1934. Short title
and extent.

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

CHAPTER 17.

An Act to amend the County Courts Acts, 1888 to 1924, and certain other enactments relating to county courts. [17th May 1934.]

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

Courts, Judges and Registrars.

1. The following section shall be substituted for section three of the principal Act and section five of that Act shall cease to have effect :— Amendment
as to con-
stitution of
courts.

“3.—(1) For the purposes of this Act England (excluding the City of London) shall be divided into districts, and a court shall be held under this Act for each of the said districts at one or more places therein, and throughout the whole of each district the court so held for the district shall have such jurisdiction and powers as are conferred by this Act and any other enactment for the time being in force.

(2) Every court so held shall be called a county court and shall be a court of record, and there shall be at least one judge for every district.

(3) Subject to any alterations made in pursuance of this Act, county courts shall continue to be held for the districts and at the places and by the names appointed at the commencement of this Act under the enactments repealed by this Act.”

Provisions
as to
deputy
judges.

2.—(1) Where the hearing of any proceedings duly commenced before a deputy judge is adjourned, or judgment is reserved therein, the deputy judge shall, notwithstanding that before the hearing is resumed or judgment is delivered the period of his appointment expires or a successor is appointed to the judge for whom he was acting as deputy, have power to resume the hearing and determine the proceedings or, as the case may be, to deliver as the judgment of the court the judgment which he has reserved.

(2) Subject to the provisions of this Act relating to the Chancellor of the Duchy of Lancaster, the Lord Chancellor may, if he thinks fit, remove a deputy judge for inability or misbehaviour.

(3) It is hereby declared—

(a) that a deputy judge may be appointed to act for a judge in all or any of the districts for which the judge was appointed, or at all or any of the places at which the court for any such district is held;

(b) that a deputy judge appointed under section nineteen or twenty-one of the principal Act is required to have the same qualifications as a deputy judge appointed under section eighteen of that Act;

(c) that in section twenty of the principal Act (which prohibits a deputy judge from practising in any court within the district of a court in which he acts) the expression “any court” means any county court or other court.

(4) The provisions of section twenty-one of the principal Act (which deals with the appointment of deputy judges on the death or resignation of a judge) shall apply in the case of the vacation of his office by a judge from any cause whatsoever in the same manner as they apply in the case of the death or resignation of a judge, and the remuneration payable to a deputy judge under that section shall, instead of being a rateable proportion of the judge’s salary and allowances, be such remuneration as the Lord Chancellor may, with the approval of the Treasury, in any case determine.

(5) In this section the expression "deputy judge," unless the context otherwise requires, means a person appointed to act as the deputy of a judge under any of the provisions of the principal Act.

3.—(1) When the judge of a district to which this section applies ceases to be the judge thereof, whether by reason of his vacating office or by reason of any alteration in the distribution of the districts among the judges made by the Lord Chancellor under section thirteen of the principal Act, the appointment of his successor shall, unless it is made under the said section thirteen, be made by the Chancellor of the Duchy of Lancaster (in this section referred to as "the Duchy"), and not by the Lord Chancellor.

Provisions
as to
Duchy of
Lancaster.

(2) Before appointing any person to be a judge, the Chancellor of the Duchy shall take steps to satisfy himself that the health of that person is satisfactory.

(3) The power of removing a judge under section fifteen of the principal Act shall, in the case of a judge of a district to which this section applies, be exercisable by the Chancellor of the Duchy and not by the Lord Chancellor.

(4) The judge of a district to which this section applies shall not, except in the case of his illness or unavoidable absence, appoint a deputy under section eighteen of the principal Act except with the approval of the Chancellor of the Duchy, but shall not be required to obtain the approval of the Lord Chancellor before making such an appointment.

(5) The power of appointing under section twenty-one of the principal Act a deputy of a judge of a district to which this section applies shall be exercisable by the Chancellor of the Duchy instead of by the Lord Chancellor.

(6) The power of removing a deputy judge conferred by this Act and the power of ordering under section twenty-one of the principal Act that a deputy judge shall cease to act as such shall, in the case of the deputy of a judge of a district to which this section applies (other than a deputy appointed by the Lord Chancellor) be exercisable by the Chancellor of the Duchy and not by the Lord Chancellor.

(7) The Lord Chancellor shall not, except with the consent of the Chancellor of the Duchy—

- (a) make any order under section four of the principal Act with respect to a district to which this section applies; or
- (b) direct under section twelve of the principal Act that there shall be two judges of any such district; or
- (c) make any alteration under section thirteen of the principal Act in the distribution among the judges of the districts to which this section applies.

(8) This section applies to a district wholly or partly within the Duchy, being a district the judge of which is not judge of any other district wholly outside the Duchy, or, in a case where there is more than one judge of the district, being a district no judge of which is judge of any other district wholly outside the Duchy :

Provided that the Lord Chancellor may by order provide that a district adjacent to the Duchy shall be treated for the purpose of this subsection as if it were wholly or partly within the Duchy.

(9) The Lord Chancellor may, with the consent of the Chancellor of the Duchy, revoke any order made under the last foregoing subsection.

(10) The foregoing provisions of this section shall have effect in substitution for the provisions of the principal Act relating to the powers and duties of the Chancellor of the Duchy as respects judges and deputy judges.

(11) The powers conferred upon the Chancellor of the Duchy by section twenty-seven of the principal Act as respects registrars shall be transferred to the Lord Chancellor.

(12) Nothing in this section shall be taken to affect the limit on the number of judges imposed by section eight of the principal Act.

Provision
of court-
houses, &c.
33 & 34 Vict.
c. 15.

4.—(1) Nothing in section one hundred and seventy-nine of the principal Act shall be taken to affect the duty of the Commissioners of Works under section four of the County Court (Buildings) Act, 1870, to build, purchase, hire or otherwise provide a court-house, offices

or buildings in any town or place where a county court is held, if it appears to the said Commissioners, on the representation of the Lord Chancellor made with the concurrence of the Treasury, that there is no town hall, court-house or other public building in that town or place which is suitable for the purpose of holding and carrying on the business of the court.

(2) For the purpose of providing a court-house, offices and buildings for holding and carrying on the business of a county court under the said section four of the County Courts (Buildings) Act, 1870, it shall be lawful for the said Commissioners, with the approval of the Lord Chancellor, to contribute, on such terms as the Treasury may approve, to the expenses incurred by any local or other public authority in erecting or reconstructing a town hall, court-house or other public building.

Amendments as to Jurisdiction.

5.—(1) In section fifty-six of the principal Act (which deals with the ordinary jurisdiction of the court) the expression “actions founded on contract or on tort” shall be substituted for the expression “personal actions.” Amendments as to ordinary jurisdiction.

(2) In section fifty-seven of the principal Act (which provides for cases where the claim is reduced by a set off) the expression “admitted set off” shall mean a set off admitted by the plaintiff in the particulars of his claim or demand.

(3) A county court shall have jurisdiction to hear and determine any action for the recovery of any penalty, expenses, contribution or other like demand which is recoverable by virtue of any enactment for the time being in force, if it is not expressly provided by that or any other enactment that the demand shall be recoverable only in some other court and if the amount claimed in the action does not exceed one hundred pounds :

Provided that for the purposes of this subsection the expression “penalty” shall not include a fine to which any person is liable on conviction on indictment or on summary conviction.

6.—(1) Actions for the recovery of land shall be commenced in a county court only under section fifty-nine of the principal Act, and accordingly sections one hundred Actions for the recovery of land.

and thirty-eight to one hundred and forty-five of the principal Act (which provide an alternative procedure for the recovery of land in a county court in certain cases) shall cease to have effect, and throughout the principal Act references to actions for the recovery of land shall be substituted for references to actions of ejectment.

(2) References in any enactment (except in the County Courts Acts, 1888 to 1924) to section one hundred and thirty-eight or one hundred and thirty-nine of the principal Act, or to any provision which is repealed by the principal Act and re-enacted in either of those sections, shall be construed as a reference to section fifty-nine of the principal Act.

(3) In the proviso to subsection (1) of section fifty-nine of the principal Act (which provides for actions for the recovery of land commenced in a county court being tried in the High Court on the application of the defendant) the words "transferred to the High Court" shall be substituted for the words "tried in the High Court", in both places where those words occur, and the words from "and thereupon" to the end of the section shall cease to have effect.

(4) Where, in an action for the recovery of land commenced in a county court, no application is made by the defendant to the High Court in accordance with the proviso to the said section fifty-nine, or where such an application is made but no order is made for the transfer of the action, the county court shall have jurisdiction to try the action notwithstanding the provisions of the principal Act relating to actions in which the title to hereditaments comes in question.

15 & 16
Geo. 5. c. 20.

(5) Section one hundred and forty-five of the Law of Property Act, 1925 (which requires a lessee of any premises to give notice to the lessor of any writ for the recovery of the premises) shall have effect as if the expression "writ" included a summons issued from a county court.

(6) The provisions of the First Schedule to this Act shall have effect as respects actions in the county court to enforce a right of re-entry or forfeiture for non-payment of rent, and as respects relief against any such forfeiture.

(7) Nothing in this section, or in the provisions of this Act repealing sections one hundred and thirty-eight to one hundred and forty-five of the principal Act, or in the provisions of this Act repealing certain words in sections fifty-nine and one hundred and twenty of the principal Act and in section seven of the County Courts Act, 1924, shall affect any proceedings commenced in a county court before this section comes into operation. 14 & 15
Geo. 5. c. 17.

7.—(1) The following paragraph shall be substituted for paragraph 1 of section sixty-seven of the principal Act (which gives a county court jurisdiction in certain equity proceedings), that is to say,— Jurisdiction
in equity
proceedings.

“1. For the administration of the estate of a deceased person where the estate does not exceed in amount or value the sum of five hundred pounds.”

(2) Without prejudice to the generality of the provisions of the said section sixty-seven, a county court shall have jurisdiction (including power to receive payment of money or securities into court) under the enactments set out in the first column of the Second Schedule to this Act in the cases respectively mentioned in the second column of that schedule.

(3) If, as respects any proceedings in which a county court would have jurisdiction by virtue of section sixty-seven of the principal Act or subsection (3) of section one hundred and thirteen of the Settled Land Act, 1925, or the Second Schedule to this Act but for the limitation of the jurisdiction of the court provided in those enactments, the parties agree, by a memorandum signed by them or by their respective solicitors or agents, that any county court specified in the memorandum shall have jurisdiction in the proceedings, that court shall, notwithstanding anything in any enactment, have jurisdiction to hear and determine the proceedings accordingly. 15 & 16
Geo. 5. c. 18.

(4) Section seventy of the principal Act shall cease to have effect.

8.—(1) Where there is commenced in the High Court any action or matter to which this section applies, any party thereto may apply to the High Court or a judge thereof for an order that the action or matter be transferred to a county court, and thereupon the court Transfer of
equity pro-
ceedings
from High
Court to
county
court.

or judge may, if it or he thinks fit, order the action or matter to be transferred to any county court which the court or judge may deem the most convenient to the parties.

(2) This section applies to any action or matter commenced after this section comes into operation which is assigned for the time being to the Chancery Division of the High Court and is, by virtue of any enactment for the time being in force, within the jurisdiction of a county court.

(3) Section sixty-five of the principal Act shall not apply to any action to which this section applies.

Procedure where proceedings beyond jurisdiction are commenced in county court.

9. Where any proceedings are commenced in a county court in which a county court has no jurisdiction, the court shall, unless it is given jurisdiction by an agreement made under the provisions of this Act or of section sixty-four of the principal Act, transfer the proceedings to the High Court :

Provided that where, on the application of any defendant, it appears to the court that the plaintiff or one of the plaintiffs knew or ought to have known that the court had no jurisdiction in the proceedings, the court may, if it thinks fit, instead of ordering the proceedings to be transferred as aforesaid, order them to be struck out.

Transfer of proceedings from High Court to county court by agreement.

10. If, where proceedings have been commenced in the High Court, an agreement is made under the provisions of this Act or of section sixty-four of the principal Act that a county court shall have jurisdiction in those proceedings, the High Court or a judge thereof shall, on the application of any party to the proceedings, transfer the proceedings to that county court.

Jurisdiction as to counter-claims.

11.—(1) Where in any action or matter commenced in a county court, any counterclaim or set off and counterclaim of any defendant involves matter beyond the jurisdiction of a county court, any party to the action or matter may, within such time as may be prescribed by rules of the Supreme Court, apply to the High Court or a judge thereof for an order that the whole proceedings, or the proceedings on the counterclaim or set off and counterclaim, be transferred to the High Court.

(2) On any such application the High Court or judge may, as it or he thinks fit, order either—

- (a) that the whole proceedings be transferred to the High Court; or
- (b) that the whole proceedings be heard and determined in the county court; or
- (c) that the proceedings on the counterclaim or set off and counterclaim be transferred to the High Court and that the proceedings on the plaintiff's claim and the defence thereto other than the set off (if any) be heard and determined in the county court :

Provided that, where an order is made under paragraph (c) of this subsection, and judgment on the claim is given for the plaintiff, execution thereon shall, unless the High Court or a judge thereof at any time otherwise orders, be stayed until the proceedings transferred to the High Court have been concluded.

(3) If no application is made under this section within the prescribed time, or if on such an application it is ordered that the whole proceedings be heard and determined in the county court, the county court shall have jurisdiction to hear and determine the whole proceedings, notwithstanding any enactment to the contrary.

(4) Section two hundred and three of the Supreme Court of Judicature (Consolidation) Act, 1925 (which deals with the jurisdiction of inferior courts over counterclaims) shall cease to have effect as respects proceedings before a county court, and section two hundred and two of that Act shall have effect in relation to a county court as if a reference to this section were substituted for a reference to the said section two hundred and three. 15 & 16
Geo. 5. c. 49.

(5) Nothing in this section or in the provisions of this Act repealing the said section two hundred and three shall affect any proceedings commenced in a county court before this section comes into operation.

Admiralty Proceedings.

12.—(1) Section two of the Act of 1868 (which provides for the appointment of county courts for admiralty purposes) shall be amended as follows :— Amendment
of s. 2
of 31 & 32
Vict. c. 71.

- (a) the powers conferred by the section shall be exercised by the Lord Chancellor by order

instead of by His Majesty in Council on the representation of the Lord Chancellor;

- (b) where an order is made under the section for the discontinuance of the admiralty jurisdiction of any county court, whether wholly or within a part of the district assigned to it for admiralty purposes, provision may be made in the order with respect to any admiralty proceedings commenced in that court before the order comes into operation;
- (c) an order made under the section (including an Order in Council made thereunder before the commencement of this Act) may be revoked as well as varied by a subsequent order made thereunder.

(2) In this Act the expression "admiralty proceedings" means proceedings in which the claim would not be within the jurisdiction of a county court but for the provisions of the said section two of the Act of 1868 and the next following section of this Act, and the expression "admiralty cause" in the Act of 1868 shall have the same meaning.

Jurisdiction
in Admir-
alty pro-
ceedings.

13.—(1) An admiralty county court shall, in relation to admiralty matters, have jurisdiction to hear and determine any of the following claims:—

- (a) any claim for damage received by a ship;
- (b) any claim for damage done by a ship;
- (c) any claim in the nature of salvage for services rendered to a ship (including, subject to the provisions of sections five hundred and forty-four and five hundred and forty-five of the Merchant Shipping Act, 1894, services rendered in saving life from a ship);
- (d) any claim in the nature of towage;
- (e) any claim for necessaries supplied to a foreign ship, and, unless it is shown to the court that at the time of the institution of the proceedings any owner or part owner of the ship was domiciled in England, any claim for any necessaries supplied to a ship elsewhere than in the port to which the ship belongs;

57 & 58 Vict.
c. 60.

- (f) subject to the provisions of sections one hundred and sixty-five and one hundred and sixty-seven of the Merchant Shipping Act, 1894, any claim by a seaman of a ship for wages earned by him on board the ship, whether due under a special contract or otherwise, and any claim by the master of a ship for wages earned by him on board the ship and for disbursements made by him on account of the ship;
- (g) any claim—
- (i) arising out of an agreement relating to the use or hire of a ship; or
 - (ii) relating to the carriage of goods in a ship; or
 - (iii) in tort in respect of goods carried in a ship;

and the jurisdiction of the court to hear and determine any claim mentioned in this subsection shall, save as provided by paragraph (e) thereof, be exercisable wherever the owners or part owners of any ship in respect of which the claim is brought may be domiciled.

Provided that, subject to the provisions of this section, no county court shall have jurisdiction to hear and determine any claim mentioned in this subsection for an amount exceeding three hundred pounds, except in the case of a claim in the nature of salvage where the value of the property saved does not exceed one thousand pounds.

(2) If, as respects any proceedings as to any such claim as is herebefore in this section mentioned, the parties agree, by a memorandum signed by them or by their respective solicitors or agents, that any admiralty county court specified in the memorandum shall have jurisdiction in the proceedings, that court shall, notwithstanding anything in the proviso to the last foregoing subsection, have jurisdiction to hear and determine the proceedings accordingly.

(3) The provisions of this section which confer admiralty jurisdiction in respect of claims for damage shall be construed as extending to claims for loss of life or personal injuries.

(4) The jurisdiction conferred by this section may be exercised either in proceedings in rem or in proceedings in personam.

(5) Nothing in this section, or in the Act of 1868 or any order made thereunder, shall be taken to confer on a county court the jurisdiction of a prize court within the meaning of the Naval Prize Acts, 1864 to 1916.

(6) Nothing in this section shall be taken to affect the jurisdiction of any county court to hear and determine any proceedings in which it has jurisdiction by virtue of sections fifty-six, fifty-seven or eighty-one of the principal Act.

(7) In this section, unless the context otherwise requires, the expression "ship" includes any description of vessel whatsoever.

(8) The provisions of sections five hundred and forty-seven, five hundred and forty-eight and five hundred and forty-nine of the Merchant Shipping Act, 1894, shall cease to have effect as respects the summary determination in a county court of disputes as to salvage.

Assessors in
admiralty
proceedings.

14.—(1) Section one hundred and three of the principal Act (which provides for the appointment of assessors) shall apply to admiralty proceedings as it applies to other proceedings in a county court, and accordingly sections ten, eleven, fourteen, fifteen and sixteen of the Act of 1868 and section five of the Act of 1869 shall cease to have effect.

(2) Where, in any proceedings pending in a county court at the date on which this section comes into operation, any assessors have been summoned before that date under the sections aforesaid of the Acts of 1868 and 1869, they shall be deemed to have been summoned under section one hundred and three of the principal Act.

Appeals in
admiralty
proceedings.

15.—(1) If any party to any admiralty proceedings in a county court is dissatisfied with the determination of the judge on a question of fact, the party aggrieved by the judgment or order of the judge may, subject to the provisions of section one hundred and twenty-three of the principal Act (which provides that no appeal shall lie where the parties have agreed not to appeal), appeal therefrom to the High Court :

Provided that, without the leave of the judge, there shall be no appeal under this subsection unless the amount claimed in the proceedings exceeds one hundred pounds.

(2) Sections twenty-six, twenty-seven, twenty-eight, thirty and thirty-one of the Act of 1868 shall cease to have effect, but nothing in the foregoing provisions of this section shall be taken to affect the right of any party to any admiralty proceedings in a county court to appeal to the High Court under section one hundred and twenty of the principal Act and any such party may appeal under that section in like manner, and subject to the like conditions, as a party to an action of contract or tort.

(3) Nothing in the foregoing provisions of this section or in the provisions of this Act repealing the said sections of the Act of 1868 shall affect any proceedings commenced in a county court before this section comes into operation.

(4) Section thirty-two of the Act of 1868 (which provides for the transfer to the High Court of proceedings for the sale of a vessel or property on an appeal to the High Court relating thereto) shall apply to appeals under this section and to appeals in admiralty proceedings under section one hundred and twenty of the principal Act as it applied to appeals under the first-mentioned Act as originally enacted.

16.—(1) In any action commenced in the High Court to which this section applies, any party may at any time apply to the High Court or a judge thereof for an order that the claim and counterclaim (if any) or, if the only matter remaining to be tried is a counterclaim, the counterclaim, shall be transferred to an admiralty county court, and the court or judge may thereupon, if it or he thinks fit, order the claim and counterclaim (if any) or, if the only matter remaining to be tried is a counterclaim, the counterclaim, to be transferred to any admiralty county court which the court or judge may deem the most convenient to the parties.

Transfer of admiralty proceedings from High Court to county court.

(2) This section applies to any action commenced after this section comes into operation where the plaintiff's claim is any such claim as is mentioned in subparagraph (iii), (iv), (v), (vi), (vii), (viii) or (xii) of paragraph (a) of subsection (1) of section twenty-two of the Supreme Court of Judicature (Consolidation) Act, 1925, and the amount claimed or remaining in dispute in respect

thereof does not exceed the amount by which the jurisdiction of an admiralty county court in respect of the claim is limited—

- (a) whether the action could or could not have been commenced in a county court; and
- (b) whether the defendant does or does not set up or intend to rely on a counterclaim; and
- (c) whether the counterclaim (if any), if it had been a claim in an action, would or would not have been within the jurisdiction of a county court.

(3) Where an action is transferred to a county court under this section, any vessel or other property, which has been arrested in the action before the transfer, shall, notwithstanding the transfer, remain in the custody of the Admiralty Marshal who shall, subject to any directions of the High Court, comply with any orders made by the county court with respect to that vessel or property.

(4) Section sixty-five of the principal Act shall cease to apply to any action to which this section applies.

Mode of Trial.

Amendment
as to trial
by jury.

17.—(1) In all admiralty proceedings in a county court the trial shall be without a jury, and in all other proceedings in a county court the trial shall be without a jury unless the court otherwise orders on an application made in that behalf by any party to the proceedings in such manner and within such time before the trial as may be prescribed.

(2) In a case where the court is satisfied on any such application—

- (a) that a charge of fraud against the party making the application is in issue; or
- (b) that a claim in respect of libel, slander, malicious prosecution, false imprisonment, seduction or breach of promise of marriage is in issue;

the court shall order the proceedings to be tried with a jury, unless the court is of opinion that the trial requires any prolonged examination of documents or accounts or any scientific or local investigation which cannot conveniently be made with a jury.

(3) In any other case the court on any such application may, as it thinks fit, either order the proceedings to be tried with a jury or dismiss the application.

(4) Nothing in this section or in the provisions of this Act repealing section nineteen of the Administration of Justice Act, 1925, shall affect any proceedings commenced in a county court before this section comes into operation. 15 & 16
Geo. 5. c. 28.

18.—(1) On the first occasion in any year on which an order is made by a county court for the trial of any proceedings with a jury, the registrar of that court shall obtain copies of the last published registers of electors for all such registration units as are comprised in whole or in part within the district of the court. Summoning
of jurors.

(2) For the purpose of complying with the order aforesaid, and with any other order made by the court during the same year for the trial of proceedings with a jury, the registrar shall cause the prescribed number of persons, being persons who are shown by the registers aforesaid to be residing or occupying property within the district of the court and who are marked in those registers as jurors or special jurors in pursuance of section one of the Juries Act, 1922, to be summoned to attend on the jury at the time and place specified in the summons: 12 & 13
Geo. 5. c. 11.

Provided that no person shall be summoned to attend on a jury in the same county court more than twice in the same year.

(3) A summons issued in pursuance of this section may be served either by post or in such other manner as may be prescribed.

(4) If any person duly summoned to attend on a jury in a county court fails to attend at the time and place mentioned in the summons, he shall forfeit such sum not exceeding five pounds as the court may direct:

Provided that any person summoned as aforesaid to attend on a jury shall be excused from attending on that jury if he satisfies the court in the prescribed manner—

- (a) that he has within the six months next before the service of the summons attended on a jury in some other court; or
- (b) that there is any other good reason why he should be excused from attending on the jury.

(5) For the purpose of this section a notice requiring a jury to be summoned, given to the registrar by a party to any proceedings commenced in a county court before the last foregoing section of this Act comes into operation, shall be treated as if it were an order of the court for the trial of those proceedings with a jury.

Power of
registrar to
try cases by
consent.
9 & 10
Geo. 5. c. 73.

19. Subsection (1) of section five of the County Courts Act, 1919 (which provides that a registrar may, on the application of the parties and by leave of the judge, hear and determine any case in which the sum claimed or the amount involved does not exceed five pounds) shall have effect as if the words "ten pounds" were substituted for the words "five pounds."

Extension
of judge's
power to
refer.

20. Notwithstanding anything in section six of the County Courts Act, 1919, the judge shall have power, whether with or without the consent of the parties, to refer in accordance with the provisions of that section—

- (a) any action or matter which requires any prolonged examination of documents or any scientific or local investigation which cannot, in the opinion of the judge, conveniently be made before him;
- (b) any action or matter where the question in dispute consists wholly or in part of matters of account;
- (c) subject to any right to have particular cases tried with a jury, any question arising in any action or matter.

Financial Provisions.

Rules as
to funds in
court.

21.—(1) The Lord Chancellor, with the concurrence of the Treasury, may make rules (in this Act referred to as "the County Court Funds Rules") regulating the deposit, payment, delivery and transfer in, into and out of a county court of money and securities which belong to suitors, or are otherwise capable of being deposited in or paid or transferred into a county court or are under the custody of a county court, and regulating the evidence of such deposit, payment, delivery or transfer, and the

manner in which money and securities in court are to be dealt with, and in particular—

- (a) regulating the placing of money in court (with such exceptions as may be prescribed) to deposit accounts or investment accounts and prescribing the rate of interest on money placed to such accounts, so however that the rate of interest on money placed to a deposit account shall be equal to the rate of interest for the time being payable on deposits in the Post Office Savings Bank;
- (b) requiring registrars to pay from time to time to the Accountant-General of the Supreme Court (in this Act referred to as “the Accountant-General”) all money in court which is not required by them for meeting current demands, and requiring the Accountant-General to pay to the National Debt Commissioners (in this Act referred to as “the Commissioners”) all money received by him under the rules which is not required by him for meeting current demands;
- (c) requiring the annual publication of lists of accounts which have not been dealt with for such period as may be prescribed (not being less than fifteen years in the case of deposit and investment accounts or five years in the case of other accounts), and requiring the closing of any account included in any such list if the money standing to the credit of the account is not claimed within such period after the publication of the list as may be prescribed;
- (d) making provision as respects the matters specified in the Third Schedule to this Act.

(2) The County Court Funds Rules shall not apply to the Mayor’s and City of London Court, but the Lord Chancellor may make separate rules for that court (in this Act referred to as “the Mayor’s and City of London Court Funds Rules”) regulating or making provision for any matter which may be regulated, or for which provision may be made, by the County Court Funds Rules, with the substitution of the Chamberlain of the City of London for the Accountant-General and the Commissioners.

(3) Any rules made under this section shall be laid before both Houses of Parliament as soon as may be after they are made and shall cease to have effect if either House, within the next subsequent twenty-eight days on which that House has sat after the date on which the rules are laid before it, resolves that the rules shall be annulled, but without prejudice to anything previously done thereunder or to the making of new rules.

(4) The Accountant-General and the Commissioners shall keep such accounts of their transactions under the County Court Funds Rules as the Treasury may direct, and those accounts shall be examined from time to time by the Comptroller and Auditor General, and copies of the accounts certified by the Comptroller and Auditor General, together with his report thereon, shall be laid by the Lord Chancellor before both Houses of Parliament.

15 & 16
Geo. 5. c. 19.
15 & 16
Geo. 5. c. 84.

(5) The following enactments shall have effect as if references to rules of court or county court rules included references to the County Court Funds Rules or the Mayor's and City of London Court Funds Rules, as the case may be, that is to say, section sixty-three of the Trustee Act, 1925, paragraphs 1 and 3 of the Second Schedule to the Workmen's Compensation Act, 1925, and subsection (1) of section two hundred and five of the Supreme Court of Judicature (Consolidation) Act, 1925.

(6) In this section and the Third Schedule to this Act, the expression "prescribed" means prescribed by the County Court Funds Rules, and the expressions "money in court" and "securities in court" mean money or securities, as the case may be, deposited, paid, delivered or transferred in or into a county court in pursuance of the principal Act or any other Act or in pursuance of county court rules.

63 & 64
Vict. c. 47.

(7) The following enactments shall cease to have effect, that is to say, sections seventy-one and one hundred and seventy-three of the principal Act, the County Courts (Investment) Act, 1900, paragraphs 4, 5, 6 and 7 of the Second Schedule to the Workmen's Compensation Act, 1925, and subsections (3) and (5) of section two hundred and five of the Supreme Court of Judicature (Consolidation) Act, 1925:

Provided that, if this section comes into operation after the end of the month of February in any year, section one hundred and seventy-three of the principal Act shall not cease to have effect until the first day of January next following the date on which this section comes into operation.

22.—(1) If the Lord Chancellor, whether on a representation made to him by any person interested or not, certifies that the Accountant-General—

Liability of Consolidated Fund for funds in court and provision as to dormant funds.

(a) has failed to pay any money received by him under the County Court Funds Rules, or to transfer or deliver any securities vested in him under those rules whether solely or jointly with any other person, being money or securities required by any order of a county court to be paid, transferred or delivered by him; or

(b) has been guilty of any default with respect to any such money or securities;

the Treasury shall cause to be paid out of the Consolidated Fund or the growing produce thereof such sum as may be certified by the Lord Chancellor to be necessary for the purpose of paying the money so required to be paid, or of replacing the securities so required to be transferred or delivered, or of making good such default.

(2) If at any time the money in the hands of the Commissioners under the County Court Funds Rules is insufficient to pay any amount payable by them in pursuance of those rules, the Treasury shall either direct the Commissioners to realise a sufficient portion of the securities purchased by them under the rules and to apply the proceeds of such realisation in paying the amount so payable by them, or cause the required sum to be issued to the Commissioners out of the Consolidated Fund or the growing produce thereof.

(3) If in any year the aggregate sum received by the Commissioners by way of interest on the money invested by them under the County Court Funds Rules exceeds the aggregate amount of the interest due to be paid or credited in respect of that year on money placed to deposit

and investment accounts, the surplus, or such part thereof as the Treasury may direct, shall either be paid into the Exchequer or be applied as an appropriation in aid of the moneys provided by Parliament for the salaries and expenses connected with the county courts, and if in any year the said sum is less than the said amount, the deficiency shall, if not otherwise provided for, be made good out of the Consolidated Fund or the growing produce thereof.

(4) All moneys standing to the credit of accounts which are closed in pursuance of the County Court Funds Rules shall be paid to the Commissioners and applied by them in redemption of debt :

Provided that where, after any account has been closed as aforesaid, any person proves to the satisfaction of the court on behalf of which the account was kept that, if the account had not been closed, he would have been entitled to the money standing to the credit of the account or any part thereof, the court shall make an order for the payment to that person of the money to which he would have been entitled, together (if the court so directs) with all or any part of the interest on that money which would have been credited to the account if the account had not been closed, and the amount required to comply with the order of the court shall, if not otherwise provided for, be paid out of the Consolidated Fund or the growing produce thereof to the Accountant-General.

Accounts of
registrar
and duties
as to fees,
&c. collected
by him.

23.—(1) A registrar shall, in addition to the accounts required to be kept by him under the County Court Funds Rules, keep such accounts as the Lord Chancellor, after consultation with the Treasury, may direct, and all accounts kept by a registrar shall be audited at such times and in such manner as the Lord Chancellor, after consultation as aforesaid, may direct.

(2) All fees, fines, penalties and forfeitures paid to a registrar under the principal Act or any other Act shall be dealt with by him in such manner as the Lord Chancellor, after consultation with the Treasury, may direct.

(3) This section shall not apply to the registrar of the Mayor's and City of London Court.

Provisions as to Solicitors.

24. Such of the provisions of section one hundred and eighteen of the principal Act as relate to the taxation of costs and charges between solicitor and client shall cease to have effect, and the remuneration of a solicitor in respect of contentious business done by him in a county court shall be regulated in accordance with the provisions of sections fifty-nine to seventy of the Solicitors Act, 1932, and for that purpose those sections shall have effect subject to the following provisions :—

Remuneration of solicitors for contentious business done in county court.

22 & 23

Geo. 5. c. 37.

- (a) for the purpose of paragraph (i) of subsection (9) of section sixty a county court shall be deemed to be a court having jurisdiction to enforce and set aside agreements;
- (b) a county court shall have the same jurisdiction as the High Court to make orders for the delivery by a solicitor of a bill of costs and for the delivery up of, or otherwise in relation to, any deeds, documents or papers in his possession, custody or power, in cases where the bill of costs, deeds, documents or papers relate wholly or partly to contentious business done by the solicitor in that county court;
- (c) where a bill of costs relates wholly or partly to contentious business done in a county court and the amount of the bill does not exceed one hundred pounds, the powers and duties of the High Court relating thereto under sections sixty-five, sixty-six and sixty-seven may be exercised and performed by a county court in which any of the business was done;
- (d) the registrar of a county court shall be the taxing officer of that court but any taxation of costs by him may be reviewed by the judge on the application of any party thereto;
- (e) on the taxation of any costs or bill of costs, the amount which may be allowed in respect of any item relating to proceedings in a county court shall not exceed the amount which could have been allowed in respect of that item as between party and party in those proceedings,

having regard to the nature of the proceedings and the amount of the claim and counterclaim (if any) therein.

Miscellaneous provisions as to solicitors.

25.—(1) No roll of solicitors shall be kept in a county court and a person qualified to act as a solicitor may practice in a county court notwithstanding that no such roll is kept therein and notwithstanding anything in section forty-four of the Solicitors Act, 1932.

(2) Notwithstanding anything in section seventy-two of the principal Act, a county court may refuse to hear a person claiming to address the court as a solicitor unless that person has signed and delivered to the court a statement of his name and place of business and the name of the firm (if any) of which he is a member.

(3) A county court shall have the same power to enforce an undertaking given by a solicitor in relation to any proceedings in that court as the High Court has to enforce an undertaking so given in relation to any proceedings in the High Court.

Miscellaneous and General.

Payment of money payable under judgment or order of court.

26. Notwithstanding anything in section one hundred and five of the principal Act, where a judgment is given or an order is made by a county court under which a sum of money of any amount is payable, whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise, the court may, as it thinks fit, order the money to be paid either—

- (a) in one sum, whether forthwith or within such period as the court may fix; or
- (b) by such instalments payable at such times as the court may fix.

Amendment of s. 158 of principal Act.

27.—(1) In section one hundred and fifty-eight of the principal Act (which provides for the execution of orders of commitment out of the jurisdiction of the court) the expression “order of commitment” shall be construed as including any order or warrant for the committal of any person to prison, whether issued in pursuance of the principal Act or any other Act or of county court rules :

Provided that in the case of a warrant of attachment the said section shall have effect subject to the following modification, namely, that where the person, in respect of whom the warrant of attachment is issued, is apprehended in pursuance of the section, he shall be kept in the prison to which he is conveyed until further order of the court by which the warrant of attachment was ordered to be issued.

(2) Where a warrant of execution, or an order of commitment under the Debtors Act, 1869, is sent by the registrar of one county court to the registrar of another county court for execution under the provisions of the said section one hundred and fifty-eight, the judge of that other court shall have the same power of staying or suspending the execution as respects any goods and chattels within the jurisdiction of that other court or of ordering the discharge of the debtor, as the case may be, under section one hundred and fifty-three of the principal Act, as the judge of the first-mentioned court. 32 & 33 Vict.
c. 62.

28.—(1) The power, under section twenty-four of the Act of 1868 and section one hundred and eighty-three of the principal Act, of prescribing that certain judgments, decrees and orders are to be registered shall be exercised by the Lord Chancellor by regulations instead of being exercised by county court rules. Registra-
tion of
judgments
and orders.

(2) The power conferred upon the Lord Chancellor by the said section one hundred and eighty-three to make regulations as to the keeping of the register of judgments, decrees and orders shall include power to make provision by the regulations—

- (a) for exempting from registration any judgment or order which is proved, in such manner and within such time as may be prescribed by the regulations, to have been satisfied or complied with either wholly or to such an extent that the sum (if any) owing in respect thereof is less than ten pounds; and
- (b) for cancelling the registration of any judgment or order which is proved in manner aforesaid to have been wholly satisfied or complied with.

Minor
amend-
ments.

29. The amendments specified in the second column of the Fourth Schedule to this Act, being minor amendments of enactments relating to county courts which it is expedient to consolidate, shall be made in the provisions of those enactments specified in the first column of that Schedule.

Amendment
as to rules of
court.

30.—(1) The power to make rules under section one hundred and sixty-four of the principal Act shall, without prejudice to the generality of the provisions of that section, extend to—

- (a) prescribing the court in which proceedings are to be commenced and the procedure to be adopted where proceedings are commenced in one court which should under the rules have been commenced in another court;
- (b) prescribing the circumstances in which proceedings may be transferred from one court to another and the procedure consequent on any such transfer;
- (c) regulating or making provision for any matters which were regulated or provided for by the county court rules in force at the passing of this Act;
- (d) regulating or providing for any other matter which was regulated or provided for before the commencement of this Act by such of the provisions of the enactments set out in Part III of the Fifth Schedule to this Act as are mentioned in the third column of that Part of that Schedule.

(2) The rules made under paragraphs (a) and (b) of the last foregoing subsection may make different provision as respects different kinds of proceedings and may make special provision as respects proceedings in courts for districts in or adjacent to the County of London and as respects proceedings by or against judges and officers of the courts.

Penalty for
repre-
senting
document

31.—(1) It shall not be lawful to deliver or cause to be delivered to any person any document which, not having been issued under the authority of a county

court, has, by reason of its form or contents or both, the appearance of having been issued under such authority.

to have
been issued
from county
court.

(2) If any person contravenes the provisions of this section, he shall for each offence be liable on summary conviction to a fine not exceeding fifty pounds.

(3) Nothing in this section shall be taken to prejudice the provisions of section one hundred and eighty of the principal Act.

32.—(1) For the definition of the expressions “court” and “county court” in section one hundred and eighty-six of the principal Act, the following provision shall be substituted,—

Amendment
of s. 186 of
principal
Act.

“ ‘Court’ and ‘county court’ mean any court held for a district under this Act, and any jurisdiction and powers conferred on any such court by this or any other Act may be exercised by any judge of the court or by any deputy of any such judge or, to the extent authorised by this or any other Act or by county court rules, by any registrar of the court or any person authorised as aforesaid to perform the functions of the registrar of the court.”

(2) At the end of the said section one hundred and eighty-six the following definition shall be inserted,—

“ ‘Officer’ in relation to a court, means any registrar, deputy registrar, or assistant registrar of that court, and any clerk, bailiff, usher or messenger in the service of that court.”

(3) The words “or any future Act relating to county courts” in the said section one hundred and eighty-six shall cease to have effect.

33.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them,—

Interpreta-
tion.

“The principal Act” means the County Courts Act, 1888; 51 & 52 Vict.
c. 43.

“The Act of 1868” means the County Courts Admiralty Jurisdiction Act, 1868, and “the Act of 1869” means the County Courts Admiralty Jurisdiction Amendment Act, 1869; 31 & 32 Vict.
c. 71.
32 & 33 Vict.
c. 51.

“Admiralty county court” means a county court appointed to have admiralty jurisdiction under the Act of 1868;

“County court rules” means rules made under section one hundred and sixty-four of the principal Act;

“Hearing” includes trial, and the expression “heard” shall be construed accordingly;

“Proceedings” means actions and matters.

(2) In this Act, unless the context otherwise requires, a reference to any enactment shall be construed as a reference to that enactment as amended by any other enactment, including this Act.

Repeals.

34.—(1) The enactments set out in Part I of the Fifth Schedule to this Act, being enactments which to the extent specified in the third column of that Part of that Schedule should be repealed in view of the foregoing provisions of this Act, are hereby repealed to the extent so specified:

Provided that this subsection shall have effect subject to the foregoing provisions of this Act relating to section one hundred and seventy-three of the principal Act.

(2) The enactments set out in Part II of the said Fifth Schedule, being enactments which, to the extent specified in the third column of that Part of that Schedule, have by lapse of time or otherwise become obsolete or unnecessary and which should be repealed with a view to the consolidation of enactments relating to county courts, are hereby repealed to the extent so specified.

(3) The enactments set out in Part III of the said Fifth Schedule, being enactments which, to the extent specified in the third column of that Part of that Schedule, regulate or provide for matters which, by virtue of the provisions of this Act and otherwise, it is lawful and expedient for county court rules to regulate or provide for, are hereby repealed to the extent so specified.

Short title,
saving,
con-
struction,
extent and
commence-
ment.

35.—(1) This Act may be cited as the County Courts (Amendment) Act, 1934, and shall be construed as one with the County Courts Acts, 1888 to 1924, and this Act and those Acts may be cited together as the County Courts Acts, 1888 to 1934.

(2) Nothing in any provision of this Act shall restrict the jurisdiction of a county court to hear and determine any proceedings commenced in the court before that provision comes into operation.

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

(4) The provisions of this Act shall come into operation on such date as His Majesty in Council may appoint, and different days may be appointed for different purposes and different provisions of this Act.

SCHEDULES.

FIRST SCHEDULE.

PROVISIONS AS TO FORFEITURE FOR NON-PAYMENT OF RENT. Section 6.

1. Where a lessor is proceeding by action in a county court (being an action in which a county court has jurisdiction) to enforce against a lessee a right of re-entry or forfeiture in respect of any land for non-payment of rent, the following provisions shall have effect :—

- (a) If the lessee pays into court not less than five clear days before the return day all the rent in arrear and the costs of the action, the action shall cease, and the lessee shall hold the land according to the lease without any new lease;
- (b) If the action does not cease as aforesaid and the court at the trial is satisfied that the lessor is entitled to enforce the right of re-entry or forfeiture, the court shall order possession of the land to be given to the lessor at the expiration of such period, not being less than four weeks from the date of the order, as the court thinks fit, unless within that period the lessee pays into court all the rent in arrear and the costs of the action;

1ST SCH.
—cont.

(c) If, within the period specified in the order, the lessee pays into court all the rent in arrear and the costs of the action, he shall hold the land according to the lease without any new lease, but if the lessee does not, within the said period, pay into court all the rent in arrear and the costs of the action, the order shall be enforced in the prescribed manner, and so long as the order remains unreversed, the lessee shall be barred from all relief :

Provided that, where the lessor is proceeding in the same action to enforce a right of re-entry or forfeiture on any other ground as well as for non-payment of rent, or to enforce any other claim as well as the right of re-entry or forfeiture and the claim for arrears of rent, sub-paragraph (a) of this paragraph shall not apply, and nothing in this paragraph shall be taken to affect the power of the court to make any order which it would otherwise have power to make as respects the right of re-entry or forfeiture on that other ground.

2. Where any such action as aforesaid is brought in a county court and, at the time of the commencement of the action, one-half year's rent is in arrear and the lessor has a right to re-enter for non-payment thereof and no sufficient distress is to be found on the premises countervailing the arrears then due, the service of the summons in the action in the prescribed manner shall stand in lieu of a demand and re-entry.

3. Where a lessor has enforced against a lessee, by re-entry without action, a right of re-entry or forfeiture as respects any land for non-payment of rent, the lessee may, if neither the annual value of the land nor the annual rent payable in respect thereof exceeds one hundred pounds, at any time within six months from the date on which the lessor re-entered apply to the county court for relief, and on any such application the court may, if it thinks fit, grant to the lessee such relief as the High Court could have granted.

4. Nothing in this Schedule shall be taken to affect the provisions of subsection (4) of section one hundred and forty-six of the Law of Property Act, 1925 (which empowers the Court to give certain relief to under-lessees).

5. Subsection (5) of the said section one hundred and forty-six (which defines the expressions "lessee" and "lessor" and certain other expressions) shall apply for the purpose of this Schedule as it applies for the purpose of that section.

SECOND SCHEDULE.

Section 7.

EXTENT OF JURISDICTION OF COURT UNDER CERTAIN
ENACTMENTS.

Enactment.	Limit of jurisdiction.
THE LAW OF PROPERTY ACT, 1922—	
Subsection (1) of section one hundred and twenty-nine, paragraph (v) of subsection (1) of section one hundred and thirty-nine, and paragraphs (6) and (8) of the Twelfth Schedule.	In a case where the land which is to be dealt with in the court does not exceed in capital value five hundred pounds or in annual rateable value thirty pounds.
Section one hundred and thirty-two.	In a case where the lord is proceeding by action in the court to enforce the right of forfeiture.
THE TRUSTEE ACT, 1925—	
Subsection (1) of section forty-one, sections forty-two, fifty-one, fifty-seven, sixty, sixty-one and sixty-two.	In a case where the trust estate or fund to be dealt with in the court does not exceed in amount or value five hundred pounds.
Sections forty-four, forty-five, and forty-six.	In a case where the land or the interest or contingent right in land which is to be dealt with in the court forms part of a trust estate which does not exceed in amount or value five hundred pounds.
Sections forty-seven and forty-eight.	In a case where the judgment is given or order is made by the court.
Sections fifty and fifty-six. -	In a case where a vesting order can be made by the court.
Section fifty-three. - -	In a case where the amount or value of the property to be dealt with in the court does not exceed five hundred pounds.
Section fifty-nine. - -	In the case of any proceedings before the court.

2ND SCH.
—cont.

Enactment.

Limit of jurisdiction.

THE TRUSTEE ACT, 1925—cont.

Section sixty three. - - In a case where the money or securities to be paid into court do not exceed in amount or value five hundred pounds.

THE LAW OF PROPERTY ACT,
1925—

Subsections (4) and (5) of section three, sections thirty, forty-nine, and sixty-six, proviso (iii) to paragraph 3 of Part III of the First Schedule, and proviso (v) to sub-paragraph (3) and provisos (iii) and (iv) to sub-paragraph (4) of paragraph 1 of Part IV of the First Schedule, In a case where the land which is to be dealt with in the court does not exceed in capital value five hundred pounds or in annual rateable value thirty pounds.

Subsection (1) of section eighty-nine, subsection (1) of section ninety, and sections ninety-one and ninety-two. In a case where the amount owing in respect of the mortgage or charge at the date of the commencement of the proceedings does not exceed five hundred pounds.

The proviso to subsection (1) of section one hundred and thirty-six. In a case where the amount or value of the debt or thing in action does not exceed one hundred pounds.

Section one hundred and forty-six. In a case where the lessor is proceeding by action in the court to enforce the right of entry or forfeiture, or, if the lessor is proceeding to enforce the said right otherwise than by action, in a case where neither the rent nor the value of the property comprised in the lease exceeds the sum of one hundred pounds by the year.

Section one hundred and forty-seven. In a case where neither the rent nor the value of the house or other building exceeds the sum of one hundred pounds by the year.

Enactment.	Limit of jurisdiction.	2ND SCH. —cont.
THE LAW OF PROPERTY ACT, 1925—cont.		
Sections one hundred and sixty-nine, one hundred and eighty-one and one hundred and eighty-eight.	In a case where the amount or value of the property or of the interest in the property which is to be dealt with in the court does not exceed five hundred pounds.	
THE LAND CHARGES ACT, 1925—		
Subsection (6) of section two.	In a case where the action was brought or the petition in bankruptcy was filed in the court.	
Subsection (5) of section six.	In a case where the order affecting land has been made by the court.	
Subsection (3) of section eight.	In a case where an application under section twenty-three of the Deeds of Arrangement Act, 1914, could be entertained by the court.	
Subsection (8) of section ten.	In a case where the land charge is within one of the following classes specified in the said section ten, viz., Class C (i), C (ii), or D (i), if the amount does not exceed five hundred pounds. In a case where the land charge is within Class C (iii), if the charge is for a specified capital sum of money not exceeding five hundred pounds, or, where the charge is not for a specified capital sum, if the land affected does not exceed in capital value five hundred pounds or in annual rateable value thirty pounds.	
Subsection (8) of section ten.	In a case where the land charge is within one of the following classes specified in the said section ten, viz., Class A, Class B, Class C (iv), Class D (ii), Class D (iii) or Class E, if the	

2ND SCH.
—cont.

Enactment.	Limit of Jurisdiction.
THE LAND CHARGES ACT, 1925— <i>cont.</i>	
Subsection (8) of section ten— <i>cont.</i>	land affected does not exceed in capital value five hundred pounds or in annual rateable value thirty pounds.
THE ADMINISTRATION OF ESTATES ACT, 1925—	
Subsection (2) of section thirty-eight, proviso (ii) to subsection (1) of section forty-one, and subsection (2) of section forty-three.	In a case where the estate in respect of which the application is made does not exceed in amount or value five hundred pounds.
Section seventeen.	In a case where the legal proceeding is pending in the court.

Section 21.

THIRD SCHEDULE.

MATTERS AS RESPECTS WHICH PROVISION MAY BE MADE BY COUNTY COURT FUNDS RULES.

1. The investment of money paid to the Commissioners under the rules and (subject to the provisions of this Act) the manner in which the interest received by the Commissioners on money so invested is to be dealt with.
2. The payment or crediting of interest on money placed to deposit accounts and investment accounts respectively.
3. The smallest amount which is to be placed to an investment account (unless ordered by the court to be invested notwithstanding the smallness of the amount); the smallest amount which is to be placed to, or remain in, a deposit account; the smallest amount of money placed to a deposit account on which interest is to be credited.
4. The time at which money in court is to be placed to a deposit account or investment account and on which interest on money placed to any such account is to begin and cease, and the mode of computing any such interest.
5. The circumstances in which interest on money placed to a deposit or investment account, or interest on any securities in court, is to be placed to a deposit account or an investment account.
6. The manner in which money is to be furnished to registrars by the Accountant-General, and to the Accountant-General by the Commissioners, for the purpose of enabling registrars and

the Accountant-General to comply with orders of court as to the payment of money out of court.

3RD SCH.
—cont.

7. The accounts to be kept by registrars for the purposes of the rules.

8. The vesting of money and securities in court in the holders of such offices as may be prescribed and their successors in office without any conveyance, assignment or transfer.

9. The discharge of the functions of the Accountant-General under the rules by deputy.

10. The manner in which money or securities in court before the rules come into operation are to be dealt with and the transition to the provisions of the rules from the provisions of the enactments mentioned in subsection (7) of the section of this Act which refers to this Schedule.

11. Such matters as are incidental to or consequential on the foregoing provisions of this Schedule or the provisions of subsection (1) of the section of this Act which refers to this Schedule or are necessary for giving effect to those provisions.

FOURTH SCHEDULE.

Section 29.

MINOR AMENDMENTS.

Enactment.	Amendment.
<hr/> THE COUNTY COURTS ADMIRALTY JURISDICTION ACT, 1868.	
Section 22 - -	After the words "there shall" there shall be inserted the words "notwithstanding anything in section two hundred and two of the Supreme Court of Judicature (Consolidation) Act, 1925."
THE COUNTY COURTS (BUILDINGS) ACT, 1870.	
Section 4 - -	After the words "Commissioners of Works," there shall be inserted the words "on the representation of the Lord Chancellor made," and the words "and give such directions to" the Registrar of each court with regard to the hiring and dismissing of servants as shall seem fit" shall cease to have effect.

4TH SCH.
—cont.

Enactment.

Amendment.

THE BANKRUPTCY ACT,
1883.

Section 42 - - References to the commencement of the bankruptcy shall be construed as references to the date of the making of an order for the administration of the estate of a debtor under section one hundred and twenty-two of the Bankruptcy Act, 1883; references to the bankrupt shall be construed as references to the debtor; and references to the bankruptcy shall be construed as references to the order aforesaid.

Section 122 - - There shall be inserted at the beginning of subs. (5) the words "Subject to the provisions of subsection (4) of this section and of section forty-two of this Act," and there shall be inserted after the words "county court," where those words first occur, the words "or which has been scheduled to the order."

THE COUNTY COURTS ACT,
1888.

Section 1 - - The following subsection shall be inserted at the end of the section:—

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

Section 10 - - For the words "his powers where the defendant does not appear or admits the debt" there shall be substituted the words "any powers which he is authorised to exercise by or under this Act or any other enactment."

Section 13 - - For the words "to remove any judge from all or any of the districts of which he is judge for the purpose of appointing him to any other district or districts" there shall be substituted the words "to direct that any judge shall cease to be the judge of any district or shall be transferred from all or any of the districts of which he is judge to any other district or districts."

Enactment.

Amendment.

4TH SCH.
—cont.THE COUNTY COURTS ACT,
1888—cont.

- Section 23 - - For the words "the Treasury" where they first occur there shall be substituted the words "the Lord Chancellor," and for the words "the Treasury shall in each case with the concurrence of the Lord Chancellor" there shall be substituted the words "the Lord Chancellor shall in each case with the approval of the Treasury."
- Section 28 - - For the words from the beginning of the section to the words "seal of the court and" there shall be substituted the words "The registrar of every court shall keep or cause to be kept such records of and in relation to proceedings in the court as the Lord Chancellor may by regulations direct, and any entry in a book or other document required by the regulations to be kept for the purposes of this section, or a copy thereof."
- Section 31 - - References to the death or removal of a registrar shall be construed as including references to the vacation of office by a registrar from any cause whatsoever; and for the words "a rateable proportion of the salary attached to the office of registrar" there shall be substituted the words "such remuneration as the Lord Chancellor may, with the approval of the Treasury, direct."
- Section 32 - - References to the death or removal of a registrar shall be construed as including references to the vacation of office by a registrar from any cause whatsoever; after the words "duties of registrar" there shall be inserted the words "and may at his pleasure remove any person so appointed"; and for the words "a rateable proportion of the salary attached to the office of registrar"

4TH SCH.
—cont.

Enactment.

Amendment.

THE COUNTY COURTS ACT,
1888—cont.

Section 32— <i>cont.</i>		there shall be substituted the words “ such remuneration as the Lord “ Chancellor may, with the approval “ of the Treasury, direct.”
Section 40	- -	For the words “ The registrar, regis- “ trar and high bailiff of every “ court who may receive any moneys “ in the execution of his duty ” there shall be substituted the words “ Every “ registrar other than a whole-time “ registrar within the meaning of the “ County Courts Act, 1924, and “ every high bailiff.”
Section 41	- -	The words “ registrar, treasurer, high bailiff or other ” in both places where they occur shall cease to have effect, and for the words “ forfeit and pay the sum of fifty “ pounds to any person who shall “ sue for the same by action of “ debt ” there shall be substituted the words “ be liable on summary “ conviction to a fine not exceeding “ fifty pounds.”
Section 48	- -	The words “ or bailiff ” shall cease to have effect.
Section 50	- -	The words “ registrar, bailiff or ” shall cease to have effect in both places where they occur.
Section 51	- -	The words “ treasurer, registrar, bailiff or other ” shall cease to have effect, and for the words “ a treasurer, registrar or high bailiff ” there shall be substituted the words “ an officer appointed by the Lord Chancellor.”
Section 54	- -	For the words “ compliance therewith ” there shall be substituted the words “ failure to comply therewith.”
- Section 60	- -	For the word “ judge ” there shall be substituted the word “ court ”; after the word “ action ” there shall be inserted the words “ which would “ otherwise be within the jurisdiction “ of the court, and ” and the word “ reserved ” shall cease to have effect.

Enactment.	Amendment.	4TH SCH. —cont.
THE COUNTY COURTS ACT, 1888—cont.		
Section 62	- - For the words from “ all proceedings in the court ” to the end of the section there shall be substituted the words “ the action shall be transferred to the High Court.”	
Section 63	- - There shall be inserted at the end of the section the words “ or any other court in England.”	
Section 64	- - There shall be inserted after the word “ assigned ” the words “ for the time being ”; the words “ the judge of ” shall cease to have effect; and for the word “ judge ” where that word secondly occurs there shall be substituted the word “ court.”	
Section 72	- - For the word “ judge ” in the first and second places where it occurs there shall be substituted the word “ court.”	
Section 78	- - For the words from “ shall incur ” to the end of the section there shall be substituted the words “ shall be liable on conviction on indictment “ to imprisonment for any term not exceeding two years or on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.”	
Section 83	- - The following section shall be substituted :— “ An affidavit to be used in a county court may be sworn before any justice of the peace, or before the judge or registrar of any court, or before an officer of any court being an officer appointed by the judge of that court for the purpose, as well as before any person authorised to take affidavits under the Commissioners for Oaths Acts, 1889 to 1891, and an affidavit	

4TH SCH.
—cont.

Enactment.

Amendment.

THE COUNTY COURTS ACT,
1888—cont.

- Section 83—cont. sworn before a judge or registrar or before any such officer as aforesaid may be sworn without the payment of any fee.
- Section 93 - - For the words “except as in this Act provided” there shall be substituted the words “except as provided by this Act or county court rules.”
- Section 94 - - For the word “judge” there shall be substituted the word “court.”
- Section 100 - - After the word “actions” there shall be inserted the words “or matters.”
- Section 104 - - After the word “action” in both places where that word occurs there shall be inserted the words “or matter.”
- Section 111 - - For the words from the beginning of the section to the word “allowances” there shall be substituted the words “Every person duly summoned as a witness to whom at the same time such sum in respect of his expenses (including in such cases as may be prescribed compensation for loss of time) as may be prescribed for the purposes of this section shall have been paid or tendered.”
- Section 115 - - The section shall cease to have effect.
- Section 121 - - For the words “at the expense of” there shall be substituted the words “on the application of and on payment of the fee prescribed under section one hundred and sixty-five of this Act by” and the words “or allow a copy to be taken of the same by or on behalf of such person or persons” shall cease to have effect.

Enactment.	Amendment.	4TH SCH. —cont.
THE COUNTY COURTS ACT, 1888—cont.		
Section 126 -	- The words " under the provisions of this Act " shall cease to have effect.	
Section 137 -	- For the words " unless the replevisor shall discontinue or shall not prosecute such action or shall become nonsuit therein " there shall be substituted the words " unless the action is discontinued or dismissed for want of prosecution."	
Section 151 -	- For the words " exclusive of costs " there shall be substituted the words " whether by way of satisfaction of a claim or counterclaim or by way of costs or otherwise."	
Section 157 -	- For the words " in any court " there shall be substituted the words " in any county court or other court."	
Section 160 -	- After the words " rent thereof " there shall be inserted the words " in arrear at the date of such taking ": for the word " poundage " there shall be substituted the word " fees."	
Section 161 -	- For the words from the beginning of the section to " any court " there shall be substituted the words " Whenever any order or warrant for the committal of any person to prison shall have been made by a county court, whether in pursuance of this or any other Act or of county court rules, the order or warrant shall be directed to the high bailiff of the court."	
Section 162 -	- The words from " and in default of payment " to the end of the section shall cease to have effect.	
Section 163 -	- For the words " either for contempt or in pursuance of the Debtors Act, 1869 " there shall be substituted the words " in pursuance of this or any other Act or of county court rules."	

4TH SCH.
—cont.

Enactment.

Amendment.

THE COUNTY COURTS ACT,
1888—cont.

Section 166 - - The following section shall be substituted—

“ (1) In default of the payment of any fees as provided by the fees orders for the time being in force, payment thereof shall be enforced by order of the court in like manner as payment of any debt adjudged by the court to be paid.

(2) A copy of the fees orders for the time being in force shall be posted in some conspicuous place in every courthouse and registrar’s office.

(3) In this section the expression ‘ fees orders ’ means orders made under the last foregoing section of this Act.”

Section 175 - - The words “ or other person ” shall cease to have effect.

THE MERCHANT SHIPPING
ACT, 1894.

Section 555 - - After the word “ agreement ” there shall be inserted the words “ or by a county court in England.”

THE COUNTY COURT
JUDGES (RETIREMENT,
PENSIONS AND DEPUTIES
ACT), 1919.

Section 4 - - In subsection (1) for the words “ the Treasury may on the recommendation of the Lord Chancellor ” there shall be substituted the words “ the Lord Chancellor may with the approval of the Treasury.”

THE COUNTY COURTS ACT,
1919.

Section 4 - - In subsection (1) the words “ under any of the provisions of the principal Act or this Act ” shall cease to have effect.

Enactment.

Amendment.

4TH SCH.
—cont.

THE COUNTY COURTS ACT,
1924.

Section 3 - - For the purpose of subsection (4) assistant registrars shall be deemed not to be included in the expression "officers."

THE SUPREME COURT OF
JUDICATURE (CONSOLI-
DATION) ACT, 1925.

Section 33 - - In paragraph (a) of subsection (1) for the words "otherwise than sum-
"marily in manner provided by
"section five hundred and forty-
"seven of the Merchant Shipping
"Act, 1894" there shall be sub-
stituted the words "otherwise than
in a county court."

FIFTH SCHEDULE.

Sections 30
and 34.

ENACTMENTS REPEALED.

PART I.

REPEALS CONSEQUENTIAL ON PROVISIONS OF ACT.

Session and Chapter.	Short Title.	Extent of Repeal.
31 & 32 Vict. c. 71.	The County Courts Admiralty Jurisdiction Act, 1868.	Sections three, four, seven, ten, eleven, fourteen, fifteen, sixteen, twenty - six, twenty - seven, twenty - eight, thirty and thirty-one.
32 & 33 Vict. c. 51.	The County Courts Admiralty Jurisdiction Amendment Act, 1869.	Sections two, three, four and five.

5TH SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
33 & 34 Vict. c. 15.	The County Court (Buildings) Act, 1870.	In section four the words “ and “ give such direction to the “ registrar of each court with “ regard to the hiring and dis- “ missing of servants as shall “ seem fit.”
51 & 52 Vict. c. 43.	The County Courts Act, 1888.	In section four the words from “ Any such order ” to the end of the section; section five; in section eight the words from “ Provided that ” to “ the said duchy ”; in section fifteen the words “ or the chancellor of the duchy of Lancaster (as the case may be) ” and the words “ by them respectively ”; in section eighteen the words “ or the chancellor of the duchy (as the case may be) ” and the words “ or chancellor of the duchy (as the case may be) ”; in section twenty-one the words “ or the chancellor of the duchy “ of Lancaster (as the case may “ be) ”; in section twenty- seven the words “ or the chan- “ cellor of the duchy of Lan- “ caster (as the case may be) ” and the words “ or chancellor of the duchy ”; in section forty-one, the words “ regis- “ trar, treasurer, high bailiff “ or other ” in both places where they occur; in section forty-eight, the words “ or bailiff ”; in section fifty, the words “ registrar, bailiff or ” in both places where they occur; in section fifty-one, the words “ treasurer, registrar, bailiff or other ”; in section fifty-nine the words from “ and there- upon ” to the end of the section; in section sixty the word “ reserved ”; section sixty-one; in section sixty-four the words “ the judge of ”;

Session and Chapter.	Short Title.	Extent of Repeal.
51 & 52 Vict. c. 43— <i>cont.</i>	The County Courts Act, 1888— <i>cont.</i>	<p>paragraph 5 of section sixty-seven; sections sixty-eight, sixty-nine, seventy and seventy-one; in section one hundred and two the words from the beginning of the section to “before the delivery of such summons”; in section one hundred and eleven the words from “and the remainder thereof” to the end of the section; sections one hundred and fourteen and one hundred and fifteen; in section one hundred and eighteen the words from “All costs and charges between solicitor and client” to the end of the section; in section one hundred and twenty the words “nor in any action for the recovery of tenements where the yearly rent or value of the premises does not exceed twenty pounds”; in section one hundred and twenty-one the words “or allow a copy to be taken of the same by or on behalf of such person or persons”; in section one hundred and twenty-six, the words “under the provisions of this Act”; sections one hundred and thirty-eight to one hundred and forty-five; in section one hundred and sixty-two the words from “and in default of payment” to the end of the section; in section one hundred and sixty-eight the words “and accounted for by him to the treasurer”; sections one hundred and sixty-nine, one hundred and seventy-one and one hundred and seventy-three; in section one hundred and seventy-five the words “or other person”; in section one hundred and eighty-six, the words “or any future Act relating to county courts.”</p>

5TH SCH.
—*cont.*

5TH SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
57 & 58 Vict. c. 60.	The Merchant Shipping Act, 1894.	Sections five hundred and forty-seven to five hundred and forty-nine in so far as they relate to the summary determination in a county court of disputes as to salvage.
63 & 64 Vict c. 47.	The County Courts (Investment) Act, 1900.	The whole Act.
1 & 2 Geo. 5. c. 57.	The Maritime Conventions Act, 1911.	Section five in so far as it relates to county courts.
9 & 10 Geo. 5. c. 73.	The County Courts Act, 1919.	In subsection (1) of section four the words "under any of the provisions of the principal Act or this Act"; subsection (2) of section eighteen; subsection (3) of section twenty-two.
14 & 15 Geo. 5. c. 17.	The County Courts Act, 1924.	In subsection (1) of section seven the words from "and as if" to the end of the subsection.
15 & 16 Geo. 5. c. 28.	The Administration of Justice Act, 1925.	Subsection (1) of section nineteen in so far as it relates to county courts, and in subsection (2) of that section the words from "and the expression" to the end of the subsection.
15 & 16 Geo. 5. c. 49.	The Supreme Court of Judicature (Consolidation) Act, 1925.	In sub-paragraph (v) of paragraph (a) of subsection (1) of section twenty-two the words from the beginning of the paragraph to "salvage disputes"; section two hundred and three in so far as it relates to proceedings before county courts; subsections (3), (5) and (6) of section two hundred and five.
15 & 16 Geo. 5. c. 84.	The Workmen's Compensation Act, 1925.	Paragraphs 4, 5, 6 and 7 of the Second Schedule.
22 & 23 Geo. 5. c. 37.	The Solicitors Act, 1932.	Paragraph (iv) of section seventy.

PART II.

OBSOLETE OR UNNECESSARY ENACTMENTS.

5TH SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
20 & 21 Vict. c. 77.	The Court of Probate Act, 1857.	In section fifty-six the words "subject to the rules and orders under this Act"; in section fifty-seven the words from "and no such grant" to "three hundred pounds"; section fifty-eight.
31 & 32 Vict. c. 71.	The County Courts Admiralty Jurisdiction Act, 1868.	Sections five, twelve, thirteen, eighteen and nineteen; in section twenty-three the words from the beginning to "Provided that"; sections thirty-three, thirty-five and thirty-six.
36 & 37 Vict. c. 52.	The Intestates Act, 1873.	The whole Act.
38 & 39 Vict. c. 27.	The Intestates Act, 1875.	The whole Act.
51 & 52 Vict. c. 43.	The County Courts Act, 1888.	Section six; the proviso to section eleven; in section fourteen the words "or as a special pleader or equity draftsman"; section twenty-six; in section twenty-seven the words from "and from time to time" to the end of the section; in section thirty-three the words "or the chancellor of the duchy of Lancaster (as the case may be)"; in section thirty-four the words from "and they shall be paid" to the end of the section; in section thirty-five the words from the beginning of the section to "of the judge: and"; section thirty-nine; in section fifty-four the words "and the seal of the court" and the words "or sealed"; in section fifty-five the words "under the seal"; section fifty-eight; in section sixty-seven the words from "and the treasurer" to the end of the section; in section seventy-two the words "on either side but

5TH SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
51 & 52 Vict. c. 43—cont.	The County Courts Act, 1888—cont.	“ without any right of exclusive “ audience ” and the words from “ subject to such regulations ” to “ business of the court ” ; in section one hundred and twelve the words “ and the seal of the court ” ; section one hundred and twenty-seven ; in section one hundred and thirty-one the words from “ and in any event ” to the end of the section ; in section one hundred and forty-six the words “ under the seal of the court ” ; in section one hundred and fifty-eight the words “ under the seal of the court ” and “ seal or stamp the same with the seal of his court and ” ; in section one hundred and fifty-nine the words “ and shall be entitled to the poundage ” and the words “ and are entitled to ” ; in section one hundred and sixty-two the words “ and sealed with the seal of the court ” ; sections one hundred and seventy-four, one hundred and seventy-seven and one hundred and seventy-eight ; in section one hundred and eighty-one the words “ by the Treasury ” ; in section one hundred and eighty-five the words from the beginning of the section to “ Provided that. ”
53 & 54 Vict. c. 7.	The Commissioners for Oaths Amendment Act, 1890.	The whole Act.
3 Edw. 7. —c. 42.	The County Courts Act, 1903.	Section five.
15 & 16 Geo.5. c. 49.	The Supreme Court of Judicature(Consolidation) Act, 1925.	In paragraph (a) of section one hundred and fifty the words from “ and the Judge thereof ” to the end of the paragraph.

PART III.

5TH SCH.
—cont.ENACTMENTS REGULATING OR PROVIDING FOR MATTERS WHICH
CAN BE REGULATED OR PROVIDED FOR BY RULES OF COURT.

Session and Chapter.	Short Title.	Extent of Repeal.
31 & 32 Vict. c. 71.	The County Courts Admiralty Jurisdiction Act, 1868.	In section eight the words "in some other county court or" and "to such other county court or" and "as the case may be."
51 & 52 Vict. c. 43.	The County Courts Act, 1888.	Section twenty-two; in section thirty-three the words from "Every bailiff duly appointed" to the end of the section; sections forty-two and forty-three; in section fifty-six the words from "and all such actions" to "provisions of this Act"; in section fifty-nine the words "of the district in which the lands, tenements or hereditaments are situate"; sections seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-nine, eighty, eighty-two, eighty-four, eighty-five, eighty-seven, eighty-eight, eighty-nine, ninety, ninety-one; in section ninety-two the words from the beginning of the section to "judgment of the court"; in section ninety-three the words from "but the court" to the end of the section; section one hundred and one; in section one hundred and six the words from "may in any case" to "and also" and from "or the hearing" to the end of the section; sections one hundred and seven, one hundred and eight, one hundred and nine, one hundred and ten, one hundred and thirteen; in section one hundred and eighteen the words from the beginning to "then in force" where those

5TH SCH.
—cont.

Session and Chapter.	Short Title.	Extent of Repeal.
51 & 52 Vict. c. 43— <i>cont.</i>	The County Courts Act, 1888— <i>cont.</i>	words first occur; section one hundred and nineteen; in section one hundred and twenty-nine the words from “but if a copy” to the end of the section; sections one hundred and thirty and one hundred and thirty-three.
9 & 10 Geo. 5. c. 73.	The County Courts Act, 1919.	Subsections (2), (3) and (4) of section five; sections seven, eight, ten and thirteen; subsection (2) of section twenty-four.
14 & 15 Geo. 5. c. 17.	The County Courts Act, 1924.	Section eight.
15 & 16 Geo. 5. c. 18.	The Settled Land Act, 1925.	In subsection (3) of section one hundred and thirteen the words from “within the district” to the end of the subsection.

CHAPTER 18.

An Act to amend the law with regard to the enforcement of enactments prohibiting the use in Scotland of the methods of fishing known as beam and otter trawling, and to the penalties that may be imposed in Scotland for other offences in connection with sea fisheries; and for purposes connected therewith. [17th May 1934.]

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

1.—(1) Any person who is guilty of illegal trawling shall be liable, on summary conviction,

(a) to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding three months; and

Penalties
for illegal
trawling.

- (b) on a second conviction, to a fine not exceeding two hundred pounds or to imprisonment for a period not exceeding six months; and
- (c) on a third or subsequent conviction, to both such last mentioned fine and imprisonment.

(2) Any superintendent of the herring fishery or other officer employed in the execution of the Herring Fishery (Scotland) Acts may seize any net and gear (exclusive of warps) used or attempted to be used for the purpose of illegal trawling. Any net and gear so seized shall be forfeited to the Fishery Board for Scotland if the owner of the vessel in or from which such net or gear was used or attempted to be used as aforesaid shall be convicted of illegal trawling or of an offence under subsection (3) of this section in respect of such use or attempted use, and if there shall be no such conviction the owner of such net and gear shall be entitled to recover them and to compensation for any damage occasioned to them by the seizure.

(3) Where any vessel is used for the purpose of illegal trawling and the skipper of such vessel at the date of such offence is a person who has, within the immediately preceding two years, been convicted of illegal trawling, or who has been so convicted within the immediately preceding five years and has been more than once so convicted, the owner of the vessel shall be guilty of an offence, and shall be liable on summary conviction to a fine not exceeding, on a first conviction one hundred and fifty pounds, on a second conviction two hundred and fifty pounds, and on a third or subsequent conviction five hundred pounds :

Provided that it shall be a good defence to any charge under this subsection, if it is proved that, at the commencement of the voyage during which the first mentioned offence was committed the list required by subsection (6) of this section to be kept at mercantile marine offices did not include the previous conviction or convictions of illegal trawling founded on in the charge.

(4) Where any penalty imposed on the owner of a vessel in pursuance of the immediately preceding subsection falls to be, or is ordered to be, recovered by civil

8 Edw. 7.
c. 65.

57 & 58 Vict.
c. 60.

diligence, such penalty may, without prejudice to any method of execution authorised by section forty-nine of the Summary Jurisdiction (Scotland) Act, 1908, be levied by distress or poinding and sale of the vessel in like manner as if it were a sum directed to be so levied under section six hundred and ninety-three of the Merchant Shipping Act, 1894.

(5) Where a penalty is imposed on the owner of a vessel in pursuance of subsection (3) of this section, the court may make an order directing that the vessel be detained until such penalty is paid, and thereupon the provisions of section six hundred and ninety-two of the Merchant Shipping Act, 1894, shall apply to such vessel in like manner as they apply to a ship which is to be detained under that Act.

(6) The clerk of the court by whom any person shall, after the passing of this Act, be convicted of illegal trawling shall send particulars of such conviction to the Board of Trade and to the Fishery Board for Scotland, and the Board of Trade shall take such steps as may to them seem necessary to secure that a list containing the names of the persons who have been so convicted and particulars of such convictions is available at each mercantile marine office for inspection by the owner of any fishing boat or his authorised representative.

(7) For the purpose of any reference in subsection (1) of this section to a second, or third, or subsequent conviction, and for the purposes of subsection (3) of this section, no account shall be taken of any conviction of illegal trawling dated before the passing of this Act.

Penalty for
contra-
vention of
regulations
regarding
registering
lettering
and number-
ing of sea
fishing
boats.

2. Notwithstanding anything contained in the Merchant Shipping Act, 1894, it shall be lawful for a court in Scotland on convicting any person of a contravention of any regulations for the registering lettering and numbering of British Sea Fishing Boats made by Order in Council under Part IV of that Act to sentence such person to a fine not exceeding fifty pounds or to imprisonment for a period not exceeding sixty days or where such conviction is a second or subsequent conviction, to a fine not exceeding one hundred pounds or to imprisonment for a period not exceeding three months.

3. Subsection (2) of section fourteen of the Sea Fisheries Act, 1883, both as originally enacted and as applied by section five of this Act shall, in the case of a conviction in Scotland, have effect as if the words "two hundred pounds" were substituted for the words "fifty pounds."

Increased penalty for obstruction of sea fishery officer.
46 & 47 Vict. c. 22.

4.—(1) While any vessel carrying trawling gear is within any area in which the methods of fishing known as beam trawling and otter trawling are illegal by virtue of section six of the Herring Fishery (Scotland) Act, 1889, or of any byelaw for the time being in force of the Fishery Board for Scotland, the boards of the trawl and the net shall be inboard.

Trawling gear to be inboard while in prohibited area.
52 & 53 Vict. c. 23.

(2) In the event of a contravention of the foregoing provisions of this section, the skipper of the vessel shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

5. For the purpose of the enforcement of the enactments relating to illegal trawling, sections twelve and fourteen of the Sea Fisheries Act, 1883 (which relate to powers and protection of sea fishery officers) shall apply as if they were herein re-enacted with the following modifications:—

Application of 46 & 47 Vict. c. 22, ss. 12 & 14.

(a) the expression "this Act" shall mean the aforesaid enactments, and any reference to an Order in Council shall not apply;

(b) for any reference to a sea fishery officer there shall be substituted a reference to a superintendent of the herring fishery or other officer employed in the execution of the Herring Fishery (Scotland) Acts.

6. In this Act, unless the context otherwise requires—

Interpretation.

the expression "Herring Fishery (Scotland) Acts" means the Acts specified in the First Schedule to the Fishery Board (Scotland) Act, 1882, and the Herring Fishery (Scotland) Act, 1889;

45 & 46 Vict. c. 78.

the expression "illegal trawling" means any contravention of section six of the Herring Fishery

(Scotland) Act, 1889, or of any byelaw for the time being in force of the Fishery Board for Scotland prohibiting the methods of fishing known as beam trawling and otter trawling, and the expression "enactments relating to illegal trawling" means the said section six and any such byelaw, and sections one and four of this Act.

the expressions "fishing boat," "mercantile marine office" and "voyage" have the like meanings as in the Merchant Shipping Act, 1894.

Repeal. **7.** The enactments set forth in the Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule.

Short title. **8.** This Act may be cited as the *Illegal Trawling (Scotland) Act, 1934.*

SCHEDULE.

Section 7.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
53 & 54 Vict. c. 10.	The Herring Fishery (Scotland) Act Amendment Act, 1890.	The whole Act.
58 & 59 Vict. c. 42.	The Sea Fisheries Regulation (Scotland) Act, 1895.	Subsections (4), (5) and (6) of section ten.

CHAPTER 19.

An Act to amend the enactments relating to the registration of births, deaths, and marriages in Scotland with respect to the matters which are required to be inserted in the register of corrected entries; to make provision for the re-registration of births in certain cases and for the issue of abbreviated certificates of birth; to repeal in part section twenty-six of the Registration of Births, Deaths, and Marriages (Scotland) Act, 1854; and for purposes connected with the matters aforesaid. [17th May 1934.]

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

1. No entry shall be made in the register of corrected entries respecting the legitimation *per subsequens matrimonium* of any child registered in the register of births as illegitimate, except where such legitimation is found by decree of a competent court; and section thirty-six of the Act of 1854 (which relates to the correction of the registration of children so legitimated) is hereby repealed.

Certain entries not to be made in the register of corrected entries.

2. If any child registered in the register of births as illegitimate has, whether before or after the commencement of this Act, been legitimated *per subsequens matrimonium*, the Registrar General may, upon production of an extract of the entry of such marriage in the register of marriages, and of such further evidence as appears to him to be satisfactory, authorise at any time the re-registration of the birth of such child, and such re-registration shall be effected in such manner as may be prescribed :

Re-registration of the births of children legitimated *per subsequens matrimonium*.

Provided that the Registrar General shall not authorise the re-registration of the birth of any such child in any case where the paternity of the child has not been registered in pursuance of section thirty-five of

the Act of 1854, save with the sanction of the sheriff granted upon the joint application of both parents, or, where one of the parents is dead, upon the application of the surviving parent, of which intimation shall be made as the sheriff may direct, and after due enquiry, and hearing any parties having interest who may appear to oppose such application.

Re-registra-
tion of births,
where certain
matters are
contained in
the register
of corrected
entries.

3. If the entry of the birth of any child is affected by any matter contained in the register of corrected entries respecting his status or paternity, the Registrar General may, at any time, authorise the re-registration of the birth of such child, and such re-registration shall be effected in such manner as may be prescribed.

Abbreviated
certificates
of birth.

4. Without prejudice to the provisions of any Act entitling a person to obtain, at a reduced fee, a certified copy of the entry of a birth in the register of births, any person shall, on payment of a fee of sixpence (which fee shall be inclusive of any charge for a search), be entitled to obtain a certified copy in such form as may be prescribed of the particulars contained in any such entry regarding the name and sex and date and place of birth of the person therein referred to.

Amendment
of 17 & 18
Vict. c. 80,
s. 26.

5. So much of section twenty-six of the Act of 1854 as requires the registrar of the parish of the birth of a child to transmit a copy of the entry of the birth to the registrar of the parish of the domicile of the parents of the child, and the registrar of the parish of the domicile to transcribe such entry in the register of such parish, and to mark on the margin of such entry the name of the parish of the birth, shall cease to have effect.

Interpreta-
tion.
17 & 18 Vict.
c. 80.

6.—(1) In this Act—

“the Act of 1854” means the Registration of Births, Deaths, and Marriages (Scotland) Act, 1854;

“prescribed” means prescribed by regulations made under section six of the Act of 1854.

(2) Any reference in this Act to the Act of 1854 shall, unless the context otherwise requires, be construed as a reference to that Act as amended by any subsequent enactment.

7.—(1) This Act may be cited as the Registration of Births, Deaths, and Marriages (Scotland) (Amendment) Act, 1934, and shall be construed as one with the Births, Deaths, and Marriages (Scotland) Acts, 1854 to 1860, and the Registration of Births, Deaths and Marriages (Scotland) Amendment Act, 1910, and this Act and those Acts may be cited as the Registration of Births, Deaths, and Marriages (Scotland) Acts, 1854 to 1934.

Short title, construction, commencement and extent.

10 Edw. 7. and 1 Geo. 5. c. 32.

(2) This Act shall come into operation on the first day of January, nineteen hundred and thirty-five.

(3) This Act shall extend to Scotland only.

CHAPTER 20.

An Act to authorise the Minister of Health, and the Secretary of State and the Department of Health for Scotland, to make orders, and to give directions, with a view to meeting deficiencies in water supplies due to exceptional shortage of rain, and for purposes connected with the matters aforesaid. [17th May 1934.]

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

1.—(1) The Minister of Health (in this Act referred to as "the Minister"), where he 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, may make an order in relation to any water undertakers who are authorised by any enactment to supply water, or who are lawfully supplying water, in the locality, containing such provisions for any of the following purposes, and such supplemental incidental and consequential provisions, as appear to him to be

Power to make orders and duration, variation and revocation of orders.

expedient with a view to meeting the deficiency, that is to say,—

- (a) for authorising the undertakers, subject to any specified conditions, to take water from any specified source;
- (b) for the suspension or modification, subject to any specified conditions, of 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 ;
 - (iii) the supply of water in any quantity or manner ; or
 - (iv) the filtration or other treatment of water ;
- (c) for authorising or requiring any other water undertakers to give the undertakers (either within or beyond the limits of supply of those other undertakers) a supply of water in bulk on such terms as may be agreed between the undertakers concerned with the approval of the Minister or, in default of agreement, on such terms as may be determined by the Minister or by a person appointed by him for the purpose ;
- (d) for authorising the undertakers to prohibit the use for any particular purpose of water supplied by them in the locality, or to impose limitations on the use by consumers generally, or by any particular class of consumer, or for any particular purpose, of water supplied by the undertakers in the locality ;
- (e) for prohibiting, or imposing limitations on, the taking by any person (including other water undertakers) of water from a specified source (including a source from which any person to whom the prohibition or limitation applies has, by virtue of an enactment, or of the ownership of land, or of an agreement, a right to take water), if the Minister is satisfied that the taking of water from that source seriously affects the supplies available for the undertakers ;

- (f) for requiring persons having the control of sluices or other works for drawing down or keeping back water in a source to operate them in accordance with the provisions of the order or of any direction given thereunder.

(2) In any order made for the suspension or modification of a restriction as respects the taking of water from a source from which water is supplied to an inland navigation or of 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 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 navigation.

(3) An order which confers on water undertakers power to prohibit, or to impose limitations on, the use of water supplied by them, may provide that, in exercising the power as respects the use of water for other than domestic purposes, the undertakers shall observe such conditions as to the reduction or suspension of charges regulated otherwise than by reference to quantities of water consumed as may be specified.

(4) In the exercise of his power to make orders, the Minister shall have regard to the interests of all persons concerned in the use of the water to which the order relates, whether for the purposes of agriculture, fisheries, industry, or navigation, or for other purposes.

(5) Subject to the provisions of this Act, an order shall cease to have effect at the expiration of such period (not exceeding six months) from the date on which it comes into operation as may be specified, and if no period is specified, at the expiration of six months from the date on which it comes into operation, but without prejudice to the power of the Minister to make a new order.

(6) The provisions of the Schedule to this Act shall have effect in relation to the procedure to be followed in connection with the making of orders.

(7) An order may be varied by a subsequent order made in accordance with the like procedure, or may be revoked by order of the Minister.

Power to authorise the execution of works, and entry on, and use of, land.
10 & 11
Vict. c. 17.

2. An order may authorise undertakers on whom it confers any power or imposes any duty to execute any works required for the discharge of their functions thereunder and may authorise them for that purpose—

- (a) to exercise in any specified locality the powers contained in sections twenty-eight to thirty-four of the Waterworks Clauses Act, 1847; and
- (b) to enter upon any specified land after giving to the owner and occupier thereof not less than seven days notice in writing and to occupy and use the land to such extent and in such manner as may be requisite for the execution of the works.

Power to authorise the taking of water for an indefinite period and the purchase of land.

3.—(1) Where an order is made for the purpose of authorising under paragraph (a) of subsection (1) of section one of this Act the taking of water from any specified source and the Minister is satisfied that the purposes of the order cannot be attained without the execution of works of a permanent character, and also that the construction of such works can be completed within a period of six months after their commencement and that having regard to all relevant matters (including the interests of persons who may sustain damage by reason of the taking of water under the authority of the order) the powers to be conferred on the undertakers under this section are such as might properly have been conferred on them, if apart from any exceptional shortage of rain the taking of water from a new source had become necessary for the purposes of the undertaking, the order may authorise the undertakers to take water from that source for an indefinite period and to purchase, either compulsorily or by agreement, any specified land which, in the opinion of the Minister, is required for the purposes of the order.

(2) An order under this section may authorise undertakers on whom it confers any power or imposes any duty to execute any works required for the discharge of their functions thereunder.

(3) An order under this section which confers a power to take water from any source, or to purchase any land, whether compulsorily or by agreement, shall incorporate, with the necessary adaptations, the provisions of the Waterworks Clauses Act, 1847, with respect to the construction of the waterworks, or of the Lands Clauses Acts, as the case may require, and may incorporate, with the necessary adaptations, other provisions of the Waterworks Clauses Acts, 1847 and 1863.

(5) In construing, for the purposes of this Act or of an order under this section, any enactment incorporated in the order, this Act, together with the order, shall be deemed to be the special Act, and the undertakers shall be deemed to be the promoters of the undertaking, and the word "land" shall have the meaning assigned to it in this Act and the word "stream" shall be deemed to include canals, reservoirs, lakes and ponds.

(6) As regards any land in respect of which undertakers have acquired under an order under this section an easement or other right for the execution of works intended to be constructed underground, the undertakers shall not be required or entitled to fence off or sever the land from the adjoining land, but the owners or occupiers for the time being shall, subject to that easement or right, have the same rights to use and cultivate the land at all times as if the order had not been made, and every notice to treat for the acquisition of such an easement or right as aforesaid shall either contain or be endorsed with notice of this provision.

(7) Where undertakers are authorised by an order under this section to purchase land compulsorily, then, at any time after notice to treat has been served, the undertakers may, after giving to the owner and occupier of the land not less than seven days' notice in writing, enter on and take possession of the land, or such part thereof as is specified in the notice, without previous consent or compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845, but subject to payment of the like compensation for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

8 & 9
Vict. c. 18.

(8) The provisions of subsection (5) of section one of this Act shall not apply to an order in so far as it

is made under this section, and the expiration of this Act shall not affect the operation of an order in so far as it is so made.

Power to
authorise
the raising
of money.
23 & 24
Geo. 5. c. 51.

4.—(1) A local authority shall have power, before as well as after the coming into operation of the Local Government Act, 1933, to borrow under that Act any money required for the discharge of their functions under an order.

(2) An order may authorise water undertakers, being a company, board or persons empowered by an enactment to supply water, to raise money required for the discharge of their functions under the order by the issue of further capital or by borrowing, and for that purpose may apply with any necessary adaptations any provisions with respect to the raising of capital, or to borrowing, contained in any enactment conferring on the undertakers power to raise money :

Provided that, where under any enactment the amount which the undertakers have power to raise by borrowing is limited by reference to a proportion of their share capital, an order under this subsection shall preserve that limitation.

Penalties.

5.—(1) If any water undertakers who are required by an order to give a supply of water in bulk make default in compliance with any of the provisions in that behalf contained in the order, they shall, without prejudice to the right of any person to enforce compliance with those provisions by mandamus or otherwise, be liable on summary conviction in respect of each day on which the default occurs to a fine not exceeding one hundred pounds.

(2) If any person uses or takes water in contravention of a prohibition or limitation imposed by or under an order, he shall be liable on summary conviction to a fine not exceeding fifty pounds or, in the case of a second or subsequent conviction, to imprisonment for a term not exceeding three months, or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

(3) If any person contravenes any provision contained in, or direction given under, an order with respect to the operation of a sluice or other works for drawing down or keeping back water, he shall be liable on

summary conviction to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the contravention continues after conviction therefor.

6.—(1) Compensation in respect of the following matters, that is to say,— Compensation.

- (a) the taking of water from a source under the authority of an order, except in so far as the water is taken under the authority of an order which authorises the taking thereof for an indefinite period;
- (b) the taking, under the authority of 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 an order made under section two of this Act;

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 use 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 a source, 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 subsection (1), or under subsection (2), of this section, the arbitrator may, if he 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.

(4) 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 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.

In assessing compensation to be made under this subsection the arbitrator may, if he 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 has continued, if the undertaking in relation to which the obligation was imposed had never been carried out.

Making and determination of claims for compensation.

7.—(1) A claim for compensation under this Act 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 Act may be made at any time during the continuance of the order to which it relates, or within three months from the date on which the order ceases to have effect.

(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, an arbitrator agreed between the parties or, in default of agreement, to be appointed by the Minister.

(4) Where a claim is made during the continuance of an order, the arbitrator may, if he 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.

(5) The decision of an arbitrator upon a question of fact shall be final and binding on the parties and the persons claiming under them respectively, but an

arbitrator may, and shall if the High Court so directs, state at any stage of the proceedings, in the form of a special case for the opinion of the High Court, any question of law arising in the course of the proceedings, and may state his award as to the whole or part thereof in the form of a special case for the opinion of the High Court.

(6) The decision of the High Court upon any case so stated shall be final and conclusive, and shall not be subject to appeal to any other court.

(7) An arbitrator appointed for the purposes of this section may, in any case in which he thinks it expedient to do so, call in the aid as assessor of a person to be selected by the arbitrator from a panel of persons to be nominated by the President of the Institution of Civil Engineers and he may hear the case wholly or partially with the assistance of the assessor.

Where the arbitrator calls in the aid of a person as assessor, there shall be payable by such of the parties and in such proportions as may be determined by the arbitrator such sum in respect of the remuneration and expenses of the assessor as may be so determined.

8.—(1) Where a local authority are under obligation to commence to make payments towards a sinking fund on a date which is dependent on the bringing into use of a reservoir or other works, and the Minister is satisfied that the immediate use of the reservoir or works is rendered necessary by a deficiency of water supplies due to an exceptional shortage of rain, he may direct that the obligation shall be modified in any manner which appears to him to be expedient in the circumstances.

Power to give directions as to sinking funds and borrowing with a view to bringing reservoirs into immediate use.

(2) Where a local authority are authorised in connection with a water undertaking to borrow money for the purpose of paying interest accruing during the period of construction of a reservoir or other works, and the Minister is satisfied that the immediate use of the reservoir or works is rendered necessary by such a deficiency as aforesaid, he may give directions authorising the local authority, subject to any specified conditions, to borrow money for the purpose of paying interest during such period after completion of the works as he thinks expedient.

Validity of orders.

9.—(1) If any person aggrieved by an order desires to question its validity, he may, within twenty-one days after the publication of the notice of the making of the order in accordance with the provisions of the Schedule to this Act, make an application for the purpose to the High Court, and if upon any such application the court is satisfied that the order is invalid and, where the invalidity of the order arises from a failure to comply with any provision governing the procedure for the making thereof, is further satisfied that the interests of the applicant have been substantially prejudiced by that failure, the court may quash the order either generally or in so far as it affects any property of the applicant.

(2) Subject to the provisions of the last preceding subsection an order shall not, either before or after its making, be questioned by prohibition or certiorari or in any legal proceedings.

(3) Except by leave of the Court of Appeal no appeal shall lie to the House of Lords from a decision of the Court of Appeal in proceedings under this section.

Interpretation.

10.—(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them :—

“Compensation water” means water which any 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 undertaking;

“Enactment” includes a provision in an order confirmed by Parliament;

“Inland navigation” includes any canal or navigable river;

“Land” includes an interest in land, and an easement or right in, to or over land;

“Limits of supply” means any limits specified in an enactment as the limits within which water undertakers are authorised to supply water and includes, in relation to water undertakers who are supplying water otherwise than under an enactment, the limits within which they are supplying water;

- “Local authority” means the council of a borough or urban or rural district supplying water under the Public Health Act, 1875, or under any other enactment and a joint board, or joint committee, constituted under the Public Health Act, 1875, or under any other enactment for the purposes of the provision of a common water supply; 38 & 39
Vict. c. 55.
- “Navigation authority” means any person or body of persons having powers under any Act of Parliament to work or maintain any inland navigation;
- “Obligation” includes an obligation imposed by an enactment or by agreement, and “restriction” has a corresponding meaning;
- “Order” means an order made under this Act;
- “Source” includes rivers, streams, brooks and other running waters, canals, reservoirs, lakes, ponds, wells, springs and other sources, whether natural or artificial, and whether on the surface or underground;
- “Specified” means specified in an order;
- “Take,” in relation to water, includes the collection, impounding, diversion and appropriation of water;
- “Water undertakers” means—
- (a) a local authority;
 - (b) any company, board or persons empowered by an enactment to supply water; and
 - (c) any company or persons who are lawfully supplying water for use by other persons.

(2) The cesser of effect of an order (whether under subsection (5) of section one of this Act or by reason of the expiration of this Act) shall not affect—

- (a) the previous operation of the order or anything duly done or suffered thereunder; or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the order; or

- (c) any punishment incurred under this Act; or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such punishment may be imposed as if the order had not ceased to have effect.

Application
to Scotland.

11. This Act, in its application to Scotland, shall have effect subject to the following modifications, that is to say:—

- (1) A reference to the Department of Health for Scotland shall be substituted for any reference to the Minister of Health except the reference to the Minister in section eight, for which reference there shall be substituted a reference to the Secretary of State.
- (2) A reference to sections eighty-three to eighty-eight of the Lands Clauses Consolidation (Scotland) Act, 1845, shall be substituted for the reference to sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845.
- (3) “Easement” means servitude.
- (4) A reference to the Court of Session shall be substituted for any reference to the High Court or to the Court of Appeal, and references to reduction or interdict shall be substituted for references to prohibition or certiorari.
- (5) A reference to the Edinburgh Gazette shall be substituted for any reference to the London Gazette.
- (6) The following subsection shall be substituted for subsection (1) of section four—

“(1) A local authority shall have power to borrow for the purpose of meeting any expenditure of a capital nature incurred by them in the discharge of their functions under an order, and the provisions of section twenty-three of the Local Government

8 & 9
Vict. c. 19.

19 & 20
Geo. 5. c. 25.

(Scotland) Act, 1929, as amended by any subsequent enactment, shall apply to the power hereby conferred."

(7) Subsection (2) of section four shall apply as respects water undertakers being a joint board or other body constituted under a local Act for the purposes of the provision of a common water supply in like manner as it applies as respects such water undertakers as are mentioned in that subsection.

(8) In section ten for the definition of "local authority" there shall be substituted the following definition:—

" 'Local authority' means a town council or county council";

and for paragraph (a) in the definition of "water undertakers" there shall be substituted the following paragraph:—

" (a) a local authority supplying water under any enactment or any two or more such local authorities acting in combination, and any joint board or other body constituted under a local Act for the purposes of the provision of a common water supply."

(9) The following paragraph shall be substituted for paragraph 5 of the Schedule:—

" 5. The person appointed by the Department of Health for Scotland to hold any local inquiry under the last foregoing paragraph shall be entitled to summon witnesses, and examine them on oath and to call for the production of books, documents and accounts; and the expenses incurred in relation to such inquiry (including such reasonable sum as the Department may determine for the services of any officer engaged in the inquiry) shall be paid by the parties to the inquiry, or by such of them and in such proportions as the Department may direct, and the Department may certify the amount of the expenses incurred, and any sum so certified and directed by the Department to be paid by any party shall be a debt to the Crown."

Short title
duration
and extent.

12.—(1) This Act may be cited as the Water Supplies (Exceptional Shortage Orders) Act, 1934.

(2) The provisions of this Act shall continue in force until the thirty-first day of December, nineteen hundred and thirty-five, and no longer.

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

Sections 1, 9
and 11.

SCHEDULE.

PROCEDURE FOR MAKING ORDERS.

1.—(1) Water undertakers who apply to the Minister for an order shall cause notice in writing of the application to be served—

- (a) on every other water undertaker, if any, who will be affected by the proposed order; and
- (b) in the case of an order authorising the compulsory purchase or the occupation and use of land, on every owner, lessee and occupier (except tenants for a month or any less period than a month) of that land; and
- (c) in the case of an order prohibiting, or imposing a limitation on, the taking of water from a source, on every person to whom the prohibition or limitation applies; and
- (d) in the case of an order suspending or modifying a restriction or obligation to which water undertakers are subject by virtue of an agreement on the other party to the agreement; and
- (e) in the case of an order suspending or modifying a restriction or obligation to which water undertakers are subject by virtue of an enactment, on every person specified in the enactment as being a person for whose protection the restriction or obligation was imposed:

and shall cause a notice of the application to be published in one or more local newspapers circulating within the limits of supply of the applicants and of any other water undertakers who will be affected by the proposed order, and, where the applicants are a local authority empowered by a local Act or an order confirmed by Parliament to supply water, or a company, board, or persons so empowered, and the application is for an order authorising

the taking of water from a source, or for the suspension or modification of a restriction or obligation as respects the taking of water from a source or the discharge of compensation water, the applicants shall, in addition, cause a notice of the application to be published in the London Gazette.

(2) A notice under this paragraph shall state the general effect of the application and that representations may be made to the Minister with respect thereto within seven days from the date on which it is served or, in the case of a public notice, from the date of its first publication, and in the case of an application for an order authorising the compulsory purchase, or the occupation and use, of land shall specify the land to which the application relates.

(3) The Minister shall not make an order, unless he is satisfied that the foregoing provisions of this paragraph have been complied with, and shall consider any representations with respect to an application which may be made to him within the period aforesaid.

(4) An order may be made in accordance with the proposals contained in an application with or without modification.

2.—(1) If the Minister proposes to make an order otherwise than on the application of water undertakers, he shall cause notices in writing to be served on the persons on whom, and to be published in the manner in which, notices are required under the preceding paragraph to be served and published.

(2) A notice under this paragraph shall state the general effect of the proposed order and that representations may be made to the Minister with respect thereto within seven days from the date on which it is served or, in the case of a public notice, from the date of its first publication, and the Minister shall consider any representations which may be made within the period aforesaid.

3. 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 at the usual or last-known place of abode of that person; or
- (c) by sending it in a pre-paid registered letter addressed to that person at his usual or last-known place of abode; 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 pre-paid registered letter addressed to the secretary or clerk of the company or body at that office; or

- (e) if it is not practicable after reasonable inquiry to ascertain the name or address of an owner, lessee, or occupier of land on whom it should be served, by addressing it to him by the description of "owner" or "lessee" or "occupier" of the premises (naming them) to which it relates and by delivering it to some person on the premises, or, if there is no person on the premises to whom it can be delivered, by affixing it or a copy of it to some conspicuous part of the premises.

4. Before making an order the Minister may, in any case in which he considers it expedient so to do, and shall, if an objection to the making of the order is duly made and the objector so requests, cause a local inquiry to be held :

Provided that the Minister may require the objector to state in writing the grounds of his objection and may make the order without causing a local inquiry to be held if he is satisfied that the objection either is frivolous or relates exclusively to matters which can be dealt with by the arbitrator or other person by whom compensation is to be assessed.

5. The provisions of subsections (2), (3), (4), (5) and (8) of section two hundred and ninety of the Local Government Act, 1933 (which relates to the holding of inquiries in certain cases, including a case where the Minister is authorised by that Act to make any order) shall have effect, before as well as after the coming into operation of that Act, in relation to an inquiry under the last foregoing paragraph as they have effect in relation to an inquiry held by the Minister under that Act, and as if the words "not exceeding five guineas a day" in subsection (4) of that section had been omitted.

6. As soon as may be after an order has been made, the water undertakers on whose application it was made or, in the case of an order made otherwise than on the application of water undertakers, the Minister, shall cause to be published, in the manner in which notices are required under paragraphs 1 and 2 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.



CHAPTER 21.

An Act to provide further protection to certain animals. [17th May 1934.]

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

1.—(1) No person shall promote, or cause or knowingly permit to take place any public performance which includes any episode consisting of or involving—

- (a) throwing or casting, with ropes or other appliances, any unbroken horse or untrained bull; or
- (b) wrestling, fighting, or struggling with any untrained bull; or
- (c) riding, or attempting to ride, any horse or bull which by the use of any appliance or treatment involving cruelty is, or has been, stimulated with the intention of making it buck during the performance;

Prohibition of certain public contests, performances, and exhibitions with animals.

and no person shall in any public performance take part in any such episode as aforesaid.

(2) For the purposes of proceedings under paragraph (a) or paragraph (b) of the preceding subsection, if an animal appears or is represented to spectators to be unbroken or untrained it shall lie on the defendant to prove that the animal is in fact broken or trained.

In proceedings under paragraph (c) of the said subsection in respect of the use of any such appliance or treatment as is therein mentioned upon a horse before or during a performance, it shall be a defence for the defendant to prove that he did not know, and could not reasonably be expected to know, that the appliance or treatment was to be or was used.

(3) In this section—

the expressions “horse,” and “bull” have, respectively, the same meanings as in the Protection of Animals Act, 1911;

the expression "public performance" does not include a performance presented to the public by means of the cinematograph.

(4) In the application of this section to Scotland—

2 & 3 Geo. 5.
c. 14.

the expression "horse" has the same meaning as in the Protection of Animals (Scotland) Act, 1912; and

the expression "bull" means ox as defined in that Act.

Penalties.

2. If any person contravenes any of the provisions of the foregoing section, he shall be liable upon summary conviction to a fine not exceeding one hundred pounds, or, alternatively, or in addition thereto, to be imprisoned for any term not exceeding three months.

Short title
and extent.

3.—(1) This Act may be cited as the Protection of Animals Act, 1934.

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

CHAPTER 22.

An Act to amend the designation of the Assessor of Railways and Canals in Scotland and the law relating to the appointment of the said assessor and the provision of superannuation allowances for the said assessor and the clerks and other officers employed by him. [22nd June 1934.]

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

Office of
Assessor of
Public
Undertak-
ings.
17 & 18 Vict.
c. 91.

1. The right of appointing to and removing from the office of Assessor of Railways and Canals in Scotland, constituted in terms of section twenty of the Lands Valuation (Scotland) Act, 1854, shall be transferred to and vested in the Secretary of State, and such assessor shall be designated and known as the Assessor of Public Undertakings (Scotland).

2. There may be granted to the Assessor of Public Undertakings (Scotland) (hereinafter referred to as the assessor) and the clerks or other officers whom he may be allowed to employ such superannuation allowances and gratuities, and to their legal personal representatives or dependants such gratuities, as the Secretary of State may determine :

Superannuation allowances and gratuities to assessor and clerks, &c.

Provided that the Secretary of State shall so far as may be exercise his powers under this section as if the Acts and rules for the time being governing the grant of superannuation allowances and gratuities in His Majesty's Civil Service applied to the assessor and the clerks and other officers aforesaid.

3. All superannuation allowances and gratuities to be granted under the provisions of this Act and any superannuation allowance granted under the Railway Assessors (Scotland) Superannuation Act, 1897, shall be levied and collected along with and in the same manner as the remuneration or salary of the assessor and his clerks and other officers, as prescribed in section twenty-nine of the Lands Valuation (Scotland) Act, 1854.

Mode of levying and collecting superannuation allowances and gratuities. 60 & 61 Vict. c. 12.

4. The Railway Assessors (Scotland) Superannuation Act, 1897, is hereby repealed.

Repeal.

5. This Act may be cited as the Assessor of Public Undertakings (Scotland) Act, 1934.

Short title.

CHAPTER 23.

An Act to provide that the owners of coal mines in Great Britain shall insure against, or otherwise ensure the discharge of, their liabilities under the Workmen's Compensation Act, 1925; to enable certain mutual indemnity associations to make deposits with the Accountant General of the Supreme Court; and for purposes incidental to, and connected with, the matters aforesaid.

[22nd June 1934.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows :—

Insurance
of owners
of coal
mines
against
liability
to their
workmen.

1.—(1) Subject to the provisions of this section, the owner of a coal mine shall not, at any time, employ any workmen for the purposes of the undertaking carried on at that mine unless there is in force either—

- (a) a contract of insurance subscribed by an authorised insurer, being a contract which (subject to the exception mentioned in the next following subsection) insures the owner against all liability under the principal Act in respect of the employment of workmen by him or any other person for those purposes at that time; or
- (b) an instrument (hereafter in this Act referred to as a “compensation trust”), conforming with the requirements of the Schedule to this Act, for securing, by means of a special trust fund, the discharge of all the owner's liability under the principal Act in respect of the employment of workmen as mentioned in paragraph (a) of this subsection.

(2) The exception allowed by paragraph (a) of the foregoing subsection is as follows, that is to say, that the indemnity afforded by the contract of insurance need not, in the case of any injury by accident or disease resulting in incapacity for work, extend to any such payment of compensation in respect of the incapacity resulting from that injury as becomes payable at a time when the incapacity has continued for not more than twenty-six weeks (whether consecutive or not), other than a payment which is due at the time of, or becomes payable after, the happening of any of the following events, that is to say,—

- (a) the owner becoming bankrupt or making a composition or arrangement with his creditors; or
- (b) if the owner is a company, the company commencing to be wound up, or a receiver or manager of the company's business or undertaking being duly appointed, or possession being taken, by or on behalf of the holders of debentures secured by a floating charge, of any property of the company comprised in, or subject to, the charge.

(3) If the owner of a coal mine employs any workmen in contravention of this section, he shall, for each week in the course of which he so employs workmen at any time, 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 such imprisonment and such fine; and where an offence under this section committed by a corporation has been committed with the consent or connivance of, or facilitated by any neglect on the part of, any director, manager, secretary or other officer 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.

In this subsection the expression "week" means a period of seven consecutive days beginning on Sunday.

(4) In this section the expression "authorised insurer" means—

- (a) an insurance company or an underwriter in whose case the requirements of the Assurance Companies Act, 1909, with respect to deposits by assurance companies and deposits and guarantees by underwriters are complied with; or

9 Edw. 7.
c. 49.

- (b) a mutual indemnity association;

so, however, that a mutual indemnity association formed after the end of the year nineteen hundred and thirty-three shall be deemed, for the purposes of this section, not to be an authorised insurer unless the association has deposited the sum of twenty thousand pounds with the Accountant General of the Supreme Court in pursuance of the following provisions of this Act.

2.—(1) In relation to the employment of workmen at any time for the purposes of the undertaking carried on at a coal mine, a contract of insurance or compensation trust shall be deemed for the purpose of the foregoing section not to be in force, unless at that time there is exhibited at the colliery office, in such a way as to be readily accessible to, and easily read by, the workmen,—

Information
as to insur-
ance to be
given to
workmen.

- (a) in the case of a contract of insurance, a certificate in the prescribed form, signed by the insurer, being a certificate which—

(i) states that, to the extent required by the foregoing section, the owner of the coal

mine is insured under the contract against his liability under the principal Act in respect of the employment of workmen, within a specified period current at that time, for the purposes of the undertaking carried on at the mine; and

(ii) where the insurer is a mutual indemnity association, specifies the date on which the association was formed, and, if it was formed after the end of the year nineteen hundred and thirty-three, states that the association has deposited the sum of twenty thousand pounds with the Accountant General of the Supreme Court in pursuance of this Act; or

(b) in the case of a compensation trust—

(i) a notice in the prescribed form, signed by the owner of the coal mine, stating that the trust conforms with the requirements of the Schedule to this Act and provides for securing, by means of a special trust fund, the discharge of all the owner's liability under the principal Act in respect of the employment of workmen, within a specified period current at that time, for the purposes of the undertaking carried on at the mine; and

(ii) a notice in the prescribed form, signed by the owner of the coal mine, stating the names and addresses of the trustees for the time being acting under the trust, and of any agent authorised by them to receive notices in connection with the trust; and

(iii) where the workmen are employed at any time after the end of the first three months of any accounting year as defined in the Schedule to this Act, a declaration in the prescribed form signed by the auditor of the accounts of the trust stating that he has examined the actuary's certificate required by the compensation trust in accordance with the Schedule to this Act to be given with regard to the owner's liability for that accounting year, and either that no contribution to the trust fund is payable

under the trust by virtue of the said certificate or that the contribution so payable in accordance with the requirements of the Schedule to this Act has been duly paid :

Provided that, where by reason of the death of a person who, at the time when the compensation trust came into force, was the owner of the coal mine to which the trust relates, his personal representative is the owner for the time being of that mine, any notice signed by the deceased owner for the purpose of paragraph (b) of this subsection shall have effect for that purpose as if it were also signed by the personal representative.

(2) If any person signs, or causes or suffers to be exhibited, for the purposes of this section, a certificate, notice or declaration which, to his knowledge, contains a statement false in any material particular, he shall be guilty of an offence and 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 such imprisonment and such fine.

(3) In this section—

- (a) the expression “ colliery office ” means, in relation to any coal mine, the premises at which the workmen employed at that mine usually receive payment of their wages ; and
- (b) the expression “ prescribed ” means prescribed by the Secretary of State.

3.—(1) This section applies to every contract of insurance (whether made before or after the commencement of this Act) purporting to insure the owner of a coal mine against any liability under the principal Act in respect of the employment of workmen for the purposes of the undertaking carried on at that mine, and in the following provisions of this section the expression “ claim to which this section applies ” means, in relation to any such contract of insurance as aforesaid, any such claim under the contract as arises out of a liability under the principal Act in respect of the employment of a workman after the commencement of this Act for the purposes of the undertaking carried on at a coal mine.

Effect of certain contracts of insurance.

(2) Any condition in a contract of insurance to which this section applies, being a condition which provides that, in any specified event, the insurer shall not become, or shall cease to be, liable to pay any claim under the contract or any part of such a claim, shall be of no effect in relation to any claim to which this section applies.

(3) No agreement between the parties to a contract of insurance to which this section applies, being an agreement made after any liability to pay a claim to which this section applies has been incurred by the insurer, shall be effective so as to extinguish or diminish that liability.

(4) For the purpose of determining, as regards any liability under the principal Act in respect of employment after the commencement of this Act for the purposes of the undertaking carried on at a coal mine, whether the workman has any, and if so what, rights by virtue of subsection (1) of section seven of the principal Act in relation to a contract of insurance to which this section applies, but for no other purpose,—

(a) the insurer shall be deemed not to be, and never to have been, entitled to avoid the contract on the ground of any misrepresentation or non-disclosure of material facts on the part of the insured, or on the ground that the answer to any question required to be answered by the insured in making any proposal for the contract was false or incomplete; and

(b) any admission or agreement whereby the said liability under the principal Act was established against the insured shall be treated as binding on the insurer, notwithstanding that it was made or entered into without his authority.

(5) Where an insurer becomes under any liability to pay compensation which he would not have been under but for the provisions of the last foregoing subsection, the capitalised value of that liability shall be deemed to be a debt due to the insurer from the insured, and the capitalised value of the liability shall—

(a) if it is a liability to pay the whole or any part of a lump sum, be taken to be the amount of that lump sum or of that part thereof, as the case may be; or

- (b) if it is a liability to pay a weekly payment, be taken to be the amount of the lump sum for which the liability could, if redeemable, be redeemed under section thirteen of the principal Act :

Provided that the appropriate court may, upon application made by or on behalf of the insured or his estate, direct that the amount of any such debt as aforesaid due in respect of a payment which the insurer has become liable to make by virtue of any particular contract of insurance, shall be reduced by such amount as the court thinks proper, having regard to the amount paid or payable by the insured to the insurer by way of premium under the contract.

In this subsection the expression "the appropriate court" means any court having bankruptcy jurisdiction, being a court within the area of whose jurisdiction the insured resided at the time when the workman acquired rights against the insurer by virtue of subsection (1) of section seven of the principal Act, or, if the insured is a company, any court having jurisdiction to wind up the company.

- (6) There shall be included among the debts which—

- (a) under section thirty-three of the Bankruptcy Act, 1914, and section one hundred and eighteen of the Bankruptcy (Scotland) Act, 1913, are, in the distribution of the property or assets of a bankrupt, to be paid in priority to all other debts; and 4 & 5 Geo. 5.
c. 59.
3 & 4 Geo. 5.
c. 20.
- (b) under section two hundred and sixty-four of the Companies Act, 1929, are, in the winding up of a company, to be paid in priority to all other debts; and 19 & 20
Geo. 5. c. 23.
- (c) under section seventy-eight of the Companies Act, 1929, are, as respects a company registered in England in whose case either a receiver has been duly appointed on behalf of the holders of debentures of the company or possession of any property of the company has been duly taken by or on behalf of the holders of such debentures, to be paid in priority to any claim for principal or interest in respect of the debentures;

the amount of any debt which, by virtue of the last foregoing subsection, is due from the bankrupt or the company, as the case may be, to an insurer.

Deposits by
mutual
indemnity
associations.

4.—(1) Any mutual indemnity association which carries on, or intends to carry on, business wholly or partly for the purpose of the mutual insurance of its members against liability under the principal Act to pay compensation in respect of the employment of workmen for the purposes of undertakings carried on at coal mines, may deposit the sum of twenty thousand pounds with the Accountant General of the Supreme Court for and on account of the Supreme Court, and it shall be the duty of the Accountant General to receive the deposit accordingly.

(2) Where a mutual indemnity association has made a deposit in pursuance of subsection (1) of this section, the association shall not be entitled to withdraw, or transfer to any other person, the whole or any part of the deposit, unless it proves that it has ceased to carry on, or, as the case may be, has abandoned the intention to carry on, business for the purpose of such insurance as is mentioned in the said subsection.

(3) The Secretary of State may make such rules as appear to him, after consultation with the Lord Chancellor, to be necessary with respect to the following matters, that is to say, the payment of deposits for the purpose of this section and the investment thereof and dealing therewith, the deposit of stock or other securities in lieu of money, the payment of the interest or dividends 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.

Incidental
provisions
as to com-
pensation
trusts

5.—(1) The trustees under any compensation trust shall be deemed to be trustees not only for the person creating the trust and any person representing his estate, but also for the workmen to whom payments are to be made out of the trust fund, and the due administration of the trust shall be enforceable accordingly; and the provisions contained in a compensation trust in accordance with the Schedule to this Act shall be valid notwithstanding any rule against perpetuities.

(2) So much of section sixty-seven of the County Courts Act, 1888, as limits the jurisdiction of a county court with respect to the execution of trusts, shall not apply in relation to any compensation trust. 51 & 52 Vict.
c. 43.

6.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them, that is to say:— Interpreta-
tion.

“ coal mine ” means any mine or open working where the principal object of the mining or quarrying operations is the getting of coal (including bituminous coal, cannel coal, anthracite, lignite and brown coal);

“ liability under the principal Act ” includes liability under a scheme made by the Secretary of State in pursuance of section forty-seven of the principal Act to pay compensation otherwise than by way of subscriptions to the general compensation fund established under any provisions contained in the scheme by virtue of subsection (3) of that section;

“ mine ” includes every shaft in the course of being sunk, and every level and inclined plane in the course of being driven, and all the shafts, levels, planes, works, tramways and sidings, both below ground and above ground, in and adjacent to and belonging to the mine, but does not include any part of such premises on which any manufacturing process is carried on other than a process ancillary to the getting or dressing of minerals or the preparation of minerals for sale;

“ mutual indemnity association ” means an association of employers which has satisfied the Board of Trade that it is carrying on, or is about to carry on, business wholly or mainly for the purpose of the mutual insurance of its members against liability to pay compensation or damages to workmen employed by them, either alone or in conjunction with insurance against any other risk incident to their trade or industry;

“ owner,” in relation to any coal mine, means any person who is the immediate proprietor or lessee or occupier of the mine or any part thereof, and, in relation to a mine the business whereof is

carried on by a liquidator or receiver, means the liquidator or receiver, but does not include any person who—

- (a) merely receives a royalty, rent or fine from the mine; or
- (b) in the case of a mine subject to any lease, grant or licence for the working thereof, is merely the proprietor of the mine; or
- (c) is merely the owner of the soil and not interested in the minerals of the mine; or
- (d) is merely a contractor for the working of a part of the mine or for the execution of any particular work thereat;

15 & 16
Geo. 5. c. 84.

“the principal Act” means the Workmen’s Compensation Act, 1925, as amended by any subsequent Act;

and any other expression has the same meaning as in the principal Act and shall be construed in accordance with such directions for the construction of that expression as may be contained in that Act.

(2) For the purposes of this Act, a workman shall be deemed to be employed for the purposes of the undertaking carried on at a coal mine, if, and only if,—

- (a) he is employed at the mine; or
- (b) being a person normally employed at the mine, he is temporarily employed elsewhere by the owner of the mine; or
- (c) he is employed elsewhere than at the mine by the owner either in repairing the mining plant or in any such other work as is commonly done at a coal mine.

Short title,
citation,
commence-
ment and
extent.

7.—(1) This Act may be cited as the Workmen’s Compensation (Coal Mines) Act, 1934, and the Workmen’s Compensation Acts, 1925 to 1931, and this Act may be cited together as the Workmen’s Compensation Acts, 1925 to 1934.

(2) This Act shall come into operation on the first day of January, nineteen hundred and thirty-five.

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

SCHEDULE.

REQUIREMENTS AS TO FORM, ADMINISTRATION, AND PROVISIONS OF COMPENSATION TRUSTS.

Sections 1
(1), 2 (1) and
5 (1).

1. Every compensation trust must conform with the requirements of the following provisions of this Schedule.

2. The trust shall be expressed in the form of a deed executed between the person who, at the time of the execution of the deed, is the owner of the coal mine to which the trust relates (hereafter in this Schedule referred to as "the settlor") on the one hand, and two or more other persons on the other hand, of whom at least one is an independent person, that is to say, a person who is neither a servant nor an agent of the settlor and who has no financial interest in the business of the settlor.

The last-mentioned persons and any person duly appointed in place of any of them are hereafter in this Schedule referred to as "the trustees."

3. The trust shall provide for securing that if at any time the trustees for the time being do not include an independent person as hereinbefore defined, it shall be the duty of the settlor forthwith to appoint such an independent person to be one of the trustees.

4. The trust shall provide for the creation of a trust fund (hereafter in this Schedule referred to as "the fund") and for the vesting of the fund in the trustees, and shall declare that the trustees shall hold the assets of the fund on the following trust, that is to say, that whenever, by reason of any award or judgment against, or agreement or admission entered into or made by or on behalf of, the settlor or any person representing his estate, any sum becomes payable by way of compensation (being compensation which the settlor or his estate is liable under the principal Act to pay in respect of the employment of a workman, in the relevant period, by the settlor or any other person for the purposes of the undertaking carried on at the coal mine to which the trust relates), the trustees will, on behalf of the settlor or the person representing his estate, as the case may be, pay the amount of that sum out of the fund to the person entitled under the principal Act to receive it.

For the purposes of this Schedule the relevant period shall be taken to be such period as may be specified in the trust,

being a period beginning on or after the day on which the first contribution to the fund required by the following provisions of this Schedule has been duly paid to the trustees, so, however, that the relevant period shall be deemed to be terminated—

- (1) on the expiration of the accounting year next after that in which a written notice in that behalf, signed by the settlor, has been posted at the place at which, and in the manner in which, notices relating to the trust are required by this Act to be exhibited; or
- (2) on the expiration of one month from the death of the settlor; or
- (3) on the settlor becoming bankrupt or making a composition or arrangement with his creditors; or
- (4) where the settlor is a company—
 - (a) on the passing by the company of a resolution for voluntary winding up within the meaning of section two hundred and twenty-five of the Companies Act, 1929; or
 - (b) on the making of a winding-up order in respect of the company under the Companies Act, 1929; or
 - (c) on the due appointment of a receiver by or on behalf of the holders of any debentures of the company secured by a floating charge, or the due taking possession, by or on behalf of those debenture holders, of any property comprised in, or subject to, the charge;

whichever first occurs.

5. The trust shall make provision for securing—

- (1) that, as soon as may be after the trust comes into force, the trustees shall cause to be given to them by a qualified actuary a certificate certifying the capital sum (including such amount as the actuary considers to be a proper reserve) necessary, in his opinion, to secure the payment of all sums which he calculates will, by virtue of the trust, fall to be paid out of the fund in discharge of the compensation liability attributable to the first accounting year (which capital sum is hereafter in this Schedule referred to as the "certified initial liability"); and
- (2) that, as soon as may be after the accounts of the fund for any accounting year have been submitted to audit, the trustees shall cause to be given to them by a qualified actuary a certificate certifying—
 - (a) the capital sum (including such amount as the actuary considers to be a proper reserve) necessary, in his opinion, to secure the payment

of all sums which he calculates will, by virtue of the trust, fall to be paid out of the fund in discharge of—

(i) any compensation liability which is outstanding at the end of that accounting year and which is attributable to the period between the beginning of the relevant period and the end of that accounting year; and

(ii) the compensation liability attributable to the next succeeding accounting year; and

(b) the difference (if any) between the said capital sum and the sum stated by the auditor, in accordance with the trust, to represent the value, as at the end of the accounting year to which the accounts relate, of the assets of the fund available for making payments by way of compensation in accordance with the trust (the amount, if any, by which it appears from the certificate that the sum so stated as aforesaid by the auditor falls short of the said capital sum, being hereafter in this Schedule referred to as "the certified deficiency");

and the trust shall require the trustees to submit the certificate as soon as may be to the auditor for examination and, as soon as may be thereafter, to transmit it to the settlor or the person (if any) representing his estate :

Provided that, after the end of the relevant period, the actuary's certificate shall be given only in relation to any outstanding compensation liability which is attributable to the relevant period.

6. The trust shall contain a provision whereby the settlor covenants with the trustees that, forthwith after any certificate has been duly transmitted by the trustees in accordance with the provisions of the trust required by the last foregoing paragraph, he will pay to the trustees by way of contribution to the fund—

(a) in the case of the first certificate so transmitted, a sum being not less than the certified initial liability; or

(b) in the case of any subsequent certificate, a sum being not less than the certified deficiency, if any.

7. The trust shall also provide for the following matters: that is to say :—

(1) for requiring the trustees to effect, maintain and enforce such contracts of insurance as may be necessary to cover the risk of the trustees having to make out of the fund payments of compensation in excess of fifteen hundred pounds in respect of deaths of workmen resulting from

- any one accident, and for securing that any sums paid to the trustees in settlement of a claim under any such contract of insurance shall form part of the fund; and
- (2) for requiring the settlor to furnish to the trustees all such returns, estimates, accounts and other information as may be necessary for enabling them to perform their duties under the trust; and
 - (3) for requiring the settlor to defray, by means of contributions to the fund, the administrative expenses of the trustees (including sums paid or payable by them by way of premiums in connection with contracts of insurance effected by them in accordance with the trust) and any remuneration which by the terms of the trust is payable out of the fund to any of the trustees; and
 - (4) for securing that all such obligations to make payments to the fund as are imposed by the trust on the settlor in accordance with the foregoing provisions of this Schedule shall, where the settlor is an individual, be binding on his estate; and
 - (5) for requiring the trustees—
 - (a) to keep proper accounts in relation to the fund; and
 - (b) to cause the accounts of the fund for each accounting year to be audited as soon as may be after the end of that year by a qualified accountant; and
 - (c) to obtain as soon as may be from the auditor by whom the accounts of the fund for any accounting year are audited, a statement of the value, as at the end of that accounting year, of the assets of the fund available for making payments by way of compensation in accordance with the trust; and
 - (6) for securing that the trustees are not empowered to invest any moneys of the fund in any securities other than securities in which a trustee may lawfully invest trust moneys by virtue of the powers conferred by section one of the Trustee Act, 1925, as extended by any subsequent enactment.

15 & 16
Geo. 5. c. 19.

In the application of this paragraph to a compensation trust which is governed by the law of Scotland, there shall be substituted for the reference therein to section one of the Trustee Act, 1925, a reference to the Trusts (Scotland) Act, 1921.

11 & 12
Geo. 5. c. 58.

8. For the purposes of this Schedule—

- (1) the expression “ accounting year ” means a period of twelve consecutive months beginning on the first day of the relevant period or on the anniversary of that day;

- (2) the expression "compensation liability" means liability under the principal Act incurred by the settlor or any person representing his estate in respect of the employment of workmen by the settlor or any other person for the purposes of the undertaking carried on at the coal mine to which the trust relates, and the liability under the principal Act which is so incurred in respect of the employment of workmen as aforesaid in any particular period shall be taken to be the compensation liability attributable to that period;
- (3) the expression "qualified accountant" means a person being a member of one or more of the following bodies, that is to say:—
- The Institute of Chartered Accountants in England and Wales;
 - The Society of Incorporated Accountants and Auditors;
 - The Society of Accountants in Edinburgh;
 - The Institute of Accountants and Actuaries in Glasgow;
 - The Society of Accountants in Aberdeen;
 - The London Association of Certified Accountants Limited;
 - The Corporation of Accountants, Limited;
- (4) the expression "qualified actuary" means a person being either a fellow of the Institute of Actuaries or a fellow of the Faculty of Actuaries in Scotland.

CHAPTER 24.

An Act to empower His Majesty to revoke the National Economy (Statutory Salaries) Order, 1931, and to provide that while the said Order remains in force the abatement to be made thereunder from any salary shall be reduced by one-half, and for purposes connected with the matters aforesaid. [22nd June 1934.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

Provisions
as to abate-
ments from
statutory
salaries.

1.—(1) His Majesty may by Order in Council revoke the National Economy (Statutory Salaries) Order, 1931.

(2) While the said Order remains in force, the abatement (including any abatement therein referred to as an “additional abatement”) to be made under the said Order from the amount of the salary to be paid in respect of any office, shall be one-half of that which would have been thereby required to be made if this subsection had not been passed.

10 & 11
Geo. 5. c. 67.

(3) Paragraph (2) of Article one of the said Order shall cease to have effect, but in any year during any part of which the said Order is in force, the deduction to be made under subsection (3) of section thirty-seven of the Government of Ireland Act, 1920, from the Northern Ireland residuary share of reserved taxes shall be reduced by an amount equal to one fourth of the total abatement made under the said Order in that year from the salary of the Governor of Northern Ireland.

Short title,
commence-
ment and
extent.

2.—(1) This Act may be cited as the Statutory Salaries (Restoration) Act, 1934.

(2) This Act shall come into force on the first day of July, nineteen hundred and thirty-four.

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

CHAPTER 25.

An Act to enable courts in Scotland to disqualify for keeping dogs persons convicted of cruelty to them. [22nd June 1934.]

BE it enacted by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows :—

1.—(1) Any court before which a person is convicted under the Protection of Animals (Scotland) Act, 1912, of an offence of cruelty to a dog may order him to be disqualified for keeping a dog and for holding or obtaining a dog licence for such period as the court thinks fit.

Power to disqualify persons convicted of cruelty to dogs.

(2) A person who by virtue of any such order is so disqualified as aforesaid may appeal against the order in the same manner as against a conviction, and the court may, if it thinks fit, pending the appeal, suspend the operation of the order.

2 & 3 Geo. 5.
c. 14.

(3) Where a person who is disqualified by virtue of an order under this section is the holder of a dog licence, the licence shall be suspended so long as the disqualification continues in force and shall, during the time of suspension, be of no effect.

(4) If any person who is disqualified by virtue of an order under this section keeps a dog or applies for or obtains a dog licence while he is so disqualified, he shall be liable on summary conviction to a fine not exceeding twenty-five pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

2. A person who, by virtue of an order under this Act, is disqualified for keeping a dog and for holding or obtaining a dog licence may, at any time after the expiration of six months from the date of the order, and from time to time, apply to the court by which the order was made to remove the disqualification, and on any such application the court may, as it thinks proper, having regard to the character of the person disqualified and his conduct subsequent to the order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application :

Power to remove disqualification.

Provided that, where an application under this section is refused, a further application thereunder shall not be entertained if made within three months after the date of the refusal.

3. In this Act the expression “ dog licence ” means a licence under the Dog Licences Act, 1867, and the expression “ keep ” has the same meaning as in that Act,

Interpretation.
30 & 31 Vict.
c. 5.

and so much of section eight of that Act as relates to the method of determining by whom a dog is kept shall apply accordingly.

Short title
and citation.
11 & 12
Geo. 5. c. 22.

4.—(1) This Act may be cited as the Protection of Animals (Cruelty to Dogs) (Scotland) Act, 1934, and the Protection of Animals (Scotland) Act, 1912, the Protection of Animals (Scotland) Act, 1912, Amendment Act, 1921, and this Act may be cited together as the Protection of Animals (Scotland) Acts, 1912 to 1934.

(2) This Act shall extend to Scotland only.

CHAPTER 26.

An Act to make provision with regard to the power to make, and the validity of, directions under paragraph (b) (i) of the proviso to subsection (1) of section one of the Licensing Act, 1921, as respects a part of the year only, and to the power to fix, and the validity of decisions fixing, the permitted hours on week-days where such directions are so made. [22nd June 1934.]

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

Permitted
hours in the
evening
(validity of
directions
and
decisions as
respects
parts of the
year).
11 & 12
Geo 5. c. 42.

1.—(1) The power conferred on the licensing justices for any licensing district outside the metropolis by sub-paragraph (i) of paragraph (b) of the proviso to subsection (1) of section one of the Licensing Act, 1921 (which relates to permitted hours on week-days) to make as respects their district a direction that the said subsection shall have effect as though eight and a half hours were substituted for eight hours, and half-past ten at night were substituted for ten at night, shall include power, where they are satisfied that the special requirements of the district during a part of the year only (being a part consisting of eight consecutive weeks or more) render it desirable, to make such a direction as respects that part of the year only.

(2) Where a direction is made under the power conferred by subsection (1) of this section as respects any licensing district, special permitted hours on week-days may pursuant to the direction be fixed in the district by a decision under subsection (2) of section one of the said Act for the part of the year to which the direction relates.

(3) Where before the date of the passing of this Act such a direction or decision as aforesaid has been made, then, notwithstanding that the direction or decision may before that date have been determined by a court to have been invalidly made, and notwithstanding any order or judgment made or given pursuant to that determination, the direction or decision shall have, and shall be deemed always to have had, the like validity as it would have had if the foregoing provisions of this section had been in force at the time when the direction or decision was made :

Provided that nothing in this subsection shall affect any order made by a court before the date of the passing of this Act as to the costs of proceedings in relation to such a direction or decision as aforesaid, or the incidence of liability for any such costs incurred before that date.

2.—(1) Where at the general annual licensing meeting of any licensing justices last held before the passing of this Act a proposal to make a direction under the said sub-paragraph (i) was considered and negatived, then, on the requisition of a majority of them made within two months after the passing of this Act, the licensing justices shall hold a meeting for the purpose of considering whether such a direction or decision as they are empowered by this Act to make ought to be made, and may at that meeting make such a direction or decision as aforesaid.

*Power of
licensing
justices to
make a
direction or
decision at
a meeting
held on
requisition
within two
months
after passing
of Act.*

(2) In relation to a meeting held under the foregoing subsection in England or Wales, the provisions of the rules made by the Secretary of State under subsection (1) of section twelve of the Licensing Act, 1921, shall have effect as if for references therein to the general annual licensing meeting there had been substituted references to the said meeting, and the clerk shall send notice of the said meeting to the superintendent of police of the district and to each of the licensing justices.

(3) In relation to a meeting held under subsection (1) of this section in Scotland, the Licensing (Scotland) Rules, 1921, shall have effect as if for references therein to the half-yearly meeting in April there had been substituted references to the said meeting, and the clerk shall send notice of the said meeting to the chief constable and to each member of the licensing court.

Short title
and con-
struction.

3.—(1) This Act may be cited as the Licensing (Permitted Hours) Act, 1934.

(2) This Act, as it applies to England and Wales, shall be construed as one with the Licensing Acts, 1910 to 1923, and those Acts and this Act as it so applies may be cited together as the Licensing Acts, 1910 to 1934.

(3) This Act, as it applies to Scotland, shall be construed as one with the Licensing (Scotland) Acts, 1903 to 1923, and those Acts and this Act as it so applies may be cited together as the Licensing (Scotland) Acts, 1903 to 1934.

CHAPTER 27.

An Act to extend to certain other minerals the provisions of Part II of the Mining Industry Act, 1926, relating to the grant of facilities for searching for and working coal.

[28th June 1934.]

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

Power of
Railway and
Canal Com-
mission to
grant
working
facilities in
the case of
certain
minerals.
16 & 17
Geo. 5. c. 28.

1.—(1) Section thirteen of the Mining Industry Act, 1926, which empowers the Railway and Canal Commission, on an application referred to them by the Board of Trade, to grant to the applicant the right to search for or work coal or, as the case may be, the right to work coal freed from existing restrictions and conditions or upon substituted terms and conditions, shall apply also in relation to any mineral to which this Act applies and, accordingly, in subsections (1) to (4) of the

said section thirteen any reference to coal shall be construed as including a reference to any such mineral.

(2) This Act applies to any of the minerals specified in the Schedule to this Act and also, where any other mineral is being, or is to be, worked with a mineral so specified, to that other mineral.

2.—(1) This Act may be cited as the Mines (Working Facilities) Act, 1934. Short title and extent.

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

SCHEDULE.

MINERALS TO WHICH THIS ACT APPLIES

Iron ore and Ironstone. Tin ore. Lead ore. Zinc ore. Copper ore.		Tungsten ore. Fluorspar. Barytes. Oil shale.
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CHAPTER 28.

An Act to amend the law with respect to gas undertakings. [28th June 1934.]

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

Capital and Renewal Funds.

1.—(1) The Board of Trade may, on an application made in that behalf by any undertakers being a company, authorise the applicants, notwithstanding anything in any enactment relating to them but subject to such conditions as the Board think fit to impose, to offer for subscription by the public any share capital to be issued Issue of share capital by undertakers.

for the purposes of their gas undertaking after the commencement of this Act in lieu of offering that capital by public auction or tender.

(2) Where, on an application under this section, it appears to the Board that share capital of the applicants, being capital of the same class as that to which the application relates, is officially quoted on the London stock exchange and has been dealt in on that exchange during the period of twenty-eight days immediately preceding the application, the Board shall not authorise the capital to be offered as aforesaid at a price less by more than five per cent. than the average market price of the applicants' share capital of that class during that period, and, in ascertaining the said average market price, the mean daily quotation recorded in the London stock exchange daily list of officially quoted securities shall be taken, but due allowance shall be made for any accruing dividend.

(3) Where, on such an application, it appears to the Board that share capital of the applicants, being capital of the same class as that to which the application relates, is not officially quoted on the London stock exchange or has not been dealt in on that exchange during the period of twenty-eight days immediately preceding the application, the Board shall not authorise the capital to be offered as aforesaid unless they are satisfied that the proposed terms of the offer are the best obtainable by the applicants, and for that purpose the applicants shall furnish the Board with such documents and information (including a written opinion of the secretary of, or a member of, some recognised stock exchange in Great Britain as to the said proposed terms) as the Board of Trade may require.

(4) Where any amount of the share capital created for the purposes of the gas undertaking of any undertakers being a company has once been offered for sale by auction or tender in accordance with the provisions of any enactment relating to the company or for subscription by the public in accordance with the foregoing provisions of this section, but has not been disposed of, the directors of the company may, notwithstanding anything in any enactment requiring the said amount to be offered a second time for sale by

auction or tender as aforesaid, dispose of the said amount in such manner as they think best for the purpose of obtaining the highest price obtainable therefor, subject, in the case of a company within the meaning of the Companies Act, 1929, to the memorandum and articles of the company and the provisions of that Act. 19 & 20
Geo. 5. c. 23.

(5) Any enactment which requires undertakers to give to any person more than fourteen days' notice of an intention to offer share capital for sale by auction or tender shall have effect, if and in so far as it relates to capital issued for the purposes of their gas undertaking, as if fourteen days were substituted for the period of notice specified in the enactment.

2. Any provision in any enactment which requires undertakers to offer for sale by public auction or tender any debenture stock to be issued by them shall cease to have effect. Mode of
issue of
debenture
stock.

3.—(1) It shall be lawful for any undertakers, being a company incorporated by Act of Parliament, to pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any share capital to be offered for subscription by the undertakers for the purposes of their gas undertaking, or of his procuring or agreeing to procure subscriptions, whether absolute or conditional, therefor, if— Power for
certain
undertakers
to pay
under-
writing
commission.

(a) the commission paid or agreed to be paid does not exceed one-and-a-half per cent., or, if the Board of Trade consent, three per cent., of the price at which the capital is issued; and

(b) the amount or rate per cent. of the commission paid or agreed to be paid is disclosed in every prospectus, advertisement or other document published by the undertakers relating to the offer of the capital for subscription.

(2) In relation to any undertakers, being a company within the meaning of the Companies Act, 1929, subsection (1) of section forty-three of that Act shall have effect, as respects any shares in the company to be issued for the purposes of its gas undertaking, as if the

following paragraph were substituted for paragraph (b) thereof, that is to say,—

“(b) the commission paid or agreed to be paid does not exceed one-and-a-half per cent., or, if the Board of Trade consent, three per cent., of the price at which the shares are issued, or the amount or rate authorised by the articles, whichever is the less; and”

(3) Nothing in this section shall affect the power of any undertakers to pay such brokerage as it has heretofore been lawful for them to pay.

Power for certain undertakers to issue redeemable preference and debenture stock.

4.—(1) In the case of a company incorporated by Act of Parliament being undertakers, the directors of the company may, subject to the provisions of this section and of any enactment limiting the share capital or borrowing powers of the company, from time to time issue so as to be redeemable any preference or debenture stock created by the company for the purpose of its gas undertaking, and issue so as to be redeemable or irredeemable as they think fit any redeemed stock created as aforesaid:

Provided that, unless authorised so to do by a resolution passed at a general meeting of the company, the directors shall not—

- (a) issue so as to be redeemable any stock created by the company before the commencement of this Act other than redeemed stock; or
- (b) issue any redeemed stock except for the purpose of effecting the redemption of redeemable stock.

(2) Redeemable and redeemed stock issued by virtue of this section shall be issued and redeemed subject to and in accordance with the provisions of the First Schedule to this Act.

(3) The powers conferred by this section shall be in substitution for any existing powers possessed by any such company as aforesaid relating to the issue of redeemable and redeemed stock for the purposes of its gas undertaking:

Provided that, if at the commencement of this Act any redeemable stock issued by the directors of any such

company by virtue of any enactment, or any redeemed stock issued as aforesaid so as to be redeemable, has not been redeemed, then, until the redemption thereof, nothing in this section shall apply to that stock and the said enactment shall continue to have effect as respects that stock.

(4) In this section and in the First Schedule to this Act the following expressions have the meanings hereby respectively assigned to them, that is to say :—

“ Issue ” includes re-issue ;

“ Redeemable stock ” means preference or debenture stock issued so as to be redeemable ;

“ Redeemed stock ” means redeemable stock which has been redeemed.

5.—(1) Where any undertakers, being a company, are authorised by any enactment to establish and maintain a renewal fund subject to certain limitations, the annual contributions to, and the amount of, the fund shall, subject to the provisions of this section, instead of being limited as provided by that or any other enactment applying to the undertakers, be limited as follows, that is to say,—

Limits of
renewal
fund.

(a) the aggregate amount contributed to the fund in any year shall not exceed one-half per cent. of the capital of the undertakers ; and

(b) the amount of the fund shall not exceed five per cent. of the capital of the undertakers.

(2) Where, on an application made to the Board of Trade by any undertakers authorised as aforesaid, the Board are satisfied either that the undertakers have not supplied more than five million therms in the form of gas during any of the five years immediately preceding the date of the application or that the undertakers are not thermal unit undertakers, the Board may by order authorise the amount of the renewal fund of those undertakers to be increased to seven-and-a-half per cent. of the capital of the undertakers :

Provided that, where in any year after an order has been made with respect to any undertakers under this

subsection those undertakers supply more than five million therms in the form of gas, then—

- (a) if at the end of that year the amount of the renewal fund is not in excess of five per cent. of the capital of the undertakers, the order shall cease to have effect at the end of that year; and
- (b) if at the end of that year the amount of the renewal fund is in excess of the said percentage, no further contributions shall be made to the fund so long as it continues to be so in excess, and when it ceases to be so in excess, the order shall cease to have effect.

(3) In this section the expression “capital,” in relation to any undertakers, means the aggregate amount of the paid up share capital of those undertakers created and issued for the purposes of their gas undertaking and not redeemed, of any premiums paid in respect of share capital created and issued for the said purposes, and of any sums which have been raised by the undertakers for the said purposes on mortgage or by the creation and issue of debenture stock and have not been paid off.

(4) Where any such sums raised by undertakers as are mentioned in the last foregoing subsection are paid off and in consequence thereof the amount of the renewal fund of those undertakers exceeds the amount for the time being authorised by or under this section, no further contributions shall be made to the fund so long as the amount thereof exceeds the amount so authorised, and thereafter no contributions shall be made to the fund so as to increase its amount beyond the amount so authorised, but save as aforesaid the fund may be maintained at any amount to which it had lawfully been raised when the said sums were paid off.

(5) Nothing in this section—

- (a) shall affect the right of any undertakers under any enactment to contribute to their renewal fund in any year, or to maintain the fund at, an amount larger than that authorised by the provisions of this section; or
- (b) shall apply to any undertakers who carry on, or are authorised by any enactment or by

their memorandum of association to carry on, any business in addition to that of a gas undertaking, unless the accounts of the undertakers are in the opinion of the Board of Trade so kept as to enable the amount of their capital, as defined by this section, to be ascertained.

Charges for Gas.

6.—(1) Any thermal unit undertakers may, at any time after the commencement of this Act and from time to time thereafter, give notice in writing to every local authority stating the price per therm at which they are prepared for the time being to supply gas to persons who are entitled to a supply of gas from those undertakers and do not enter into a special contract for the supply thereof:

Publication
of prices by
undertakers
and conse-
quences
thereof.

Provided that—

- (a) where such a notice is given by undertakers who are required to charge, or are authorised and propose to charge, a different price as respects different areas, a different price shall be stated in the notice as respects each of those areas; and
- (b) the price stated in any such notice, either generally or as respects any area, shall not exceed the price which the undertakers are authorised to charge for gas supplied generally or in that particular area, as the case may be, by any enactment for the time being applying to them.

(2) Subject to the provisions of proviso (a) to the last foregoing subsection, the price stated in any such notice shall be the same for every therm supplied in the form of gas by the undertakers otherwise than under a special contract.

(3) Where a notice has at any time been given under this section by any thermal unit undertakers, the following provisions of this subsection shall apply to them, that is to say,—

- (a) the price charged by the undertakers for gas supplied to any premises otherwise than under

a special contract shall not differ from the published price, and no discount shall be allowed from that price, except such discount, if any, as the undertakers allow for prompt payment ;

- (b) the undertakers shall exhibit and keep exhibited in a conspicuous position at all their showrooms and offices which are open to the public a copy of the latest notice given by them to the local authority or local authorities under this section, and shall, whenever they publish any general statement of their charges in respect of gas, include therein the price or prices stated in the said latest notice ;
- (c) if the undertakers fail to comply with the provisions of the last foregoing paragraph, they shall for each offence be liable on summary conviction to a fine not exceeding five pounds or, in the case of a continuing offence, five pounds for each day during which the default continues ;
- (d) for the purpose of the provisions of any enactment relating to the undertakers, being provisions—
 - (i) prescribing a maximum price which may be charged by the undertakers in respect of gas ; or
 - (ii) prescribing a standard price in respect of gas supplied by the undertakers and providing for variations in the rate of dividend payable by them according to the highest price actually charged by them in respect of gas ; or
 - (iii) prohibiting the undertakers in a case where an enactment prescribes a basic price in respect of gas supplied by them and a basic rate of dividend payable by them, from paying a dividend in excess of a rate specified in the enactment, or making any payment for the benefit of employees or to a reserve fund, when the price charged by them to any person in respect of gas has equalled or exceeded a price so specified ; or

(iv) prescribing or limiting the price to be charged for gas supplied to public lamps; or

(v) requiring the undertakers to charge a different price for gas supplied as respects different areas;

no account shall be taken of charges made by the undertakers under a special contract.

(4) In relation to any thermal unit undertakers, being the council of a county or county borough, the provisions of this section shall have effect as if references to the Board of Trade were substituted for references to the local authority or local authorities :

Provided that, where the limits of supply of any thermal unit undertakers, being the council of a county borough, extend beyond the boundaries of the borough, references to the Board of Trade shall be added to, and not substituted for, references to the local authority or local authorities.

(5) For the purposes of this section—

(a) the expression “published price,” in relation to any undertakers, means the price stated in the latest notice given to the local authority or local authorities by those undertakers in accordance with this section, or where different prices have been so stated for different areas, the price so stated for the area in which the premises in relation to which the expression is used are situated;

(b) the expression “special contract” means a contract made by undertakers under section thirteen of the Gasworks Clauses Act, 1847, for the supply of gas to any premises at a price different from the published price. 10 & 11
Vict. c. 15.

(6) Nothing in this section shall be taken to affect the rights conferred upon undertakers by section eleven of the Gasworks Clauses Act, 1871, of requiring such a contract to be entered into, and such security to be given, as is mentioned in that section. 34 & 35
Vict. c. 41.

7.—(1) The following amendments shall be made in section thirteen of the Gasworks Clauses Act, 1847 Provisions
as to special
contracts.

(which empowers undertakers to enter into contracts), that is to say—

- (a) after the words “ private building ” there shall be inserted the words “ or any premises ”;
- (b) at the end of the section the following proviso shall be inserted—

“ Provided that the terms of every contract made under this section in the like circumstances and for the same purposes shall be alike.”

(2) For the purpose of the proviso to the said section thirteen as amended by the last foregoing subsection, gas supplied through a prepayment meter and gas supplied through any other kind of meter shall not be deemed to be supplied in different circumstances by reason only of the difference between the meters :

Provided that nothing in this subsection shall be taken to prevent the additional charge for the hire of a prepayment meter and any fittings used in connection therewith being calculated according to the number of therms or the quantity of gas supplied through the meter.

(3) The said section thirteen as amended by this section shall be deemed to be incorporated in every enactment authorising undertakers to supply gas, whether passed or made before or after the commencement of this Act, and any provision of any enactment passed or made before the commencement of this Act shall, in so far as it amends the said section thirteen otherwise than as provided by this section, cease to have effect :

Provided that nothing in this subsection shall affect any contract made before the commencement of this Act.

Repeal of
limitation on
discounts.

8. Any provision of any enactment passed or made before the commencement of this Act which limits the amount of any discount which undertakers may allow from the charges made by them for gas supplied shall cease to have effect.

*Non-statutory Undertakers and Undertakers other than
Thermal Unit Undertakers.*

Imposition
of statutory
powers and
duties on

9.—(1) Where it appears to the Board of Trade that any non-statutory undertakers have in the year nineteen hundred and thirty-four or any subsequent year supplied

more than thirty million cubic feet of gas, the Board may, at any time after the end of the first of those years in which those undertakers supplied more than that quantity of gas, and shall before the expiration of the two next following years, serve upon those undertakers a notice under this section:

non-
statutory
under-
takers.

Provided that no such notice shall be served before the first day of January, nineteen hundred and thirty-six, and the Board shall not be required to serve any such notice before the first day of January, nineteen hundred and thirty-eight.

(2) If, on an application made by a local authority at any time after the first day of January, nineteen hundred and thirty-nine, it appears to the Board of Trade—

- (a) that any non-statutory undertakers supplying gas within the area of the applicants supplied more than twenty million cubic feet of gas (whether within the area of the applicants or not) in the year preceding the application; and
- (b) that the supply of gas maintained by those undertakers within the area of the applicants in that year was insufficient or otherwise unsatisfactory and that at the date of the application no sufficient steps had been taken to remedy the matter;

the Board shall serve upon those undertakers a notice under this section.

(3) A notice under this section shall require the undertakers within six months from the date of the notice to make an application to the Board of Trade for a special order under section ten of the principal Act containing provisions—

- (a) authorising the undertakers to manufacture and supply gas within the limits specified in the order;
- (b) applying to the undertakers the provisions of the Gasworks Clauses Act, 1847, and of the Gasworks Clauses Act, 1871;
- (c) requiring the undertakers to charge for gas according to the number of British thermal units supplied;

- (d) regulating the price to be charged by them for gas and, in the case of undertakers not being a local authority, the capital of the undertakers and the dividend in respect thereof;

but any draft order submitted by the undertakers in pursuance of the notice may vary or except any provision of the Gasworks Clauses Act, 1847, or of the Gasworks Clauses Act, 1871, in manner provided by any special Act for the time being in force, and may contain any other provision which could lawfully be made by an order made under section one or section ten of the principal Act.

(4) If any non-statutory undertakers upon whom a notice has been served under this section fail to make an application as required by the notice, or withdraw or fail to proceed with the application, or submit a draft order which is not approved by the Board of Trade, the Board—

- (a) shall themselves prepare a draft order containing the provisions required by the notice and such other provisions (being provisions which those undertakers could have included in an order submitted in pursuance of the notice) as the Board may think necessary or expedient; and
- (b) shall send by registered post to those undertakers a copy of the draft order prepared by them and take steps to make the order as if those undertakers had applied for it to be made under section ten of the principal Act;

and the provisions of subsections (3), (4) and (5) of the said section ten shall apply accordingly, except that the reference to the undertakers concerned in section eighty of the Factory and Workshop Act, 1901, as applied by the said subsection (3) shall be construed as a reference to the Board of Trade.

1 Edw. 7.
c. 22.

(5) Where a notice under this section has been served on any non-statutory undertakers, the Board of Trade may—

- (a) serve upon those undertakers a demand in writing requiring them to furnish the Board with such returns and other information relating to their

gas undertaking as the Board may think necessary or expedient; and

- (b) authorise in writing any person to enter at all reasonable times any premises occupied by those undertakers for the purpose of inspecting any works used by them for the purpose of their gas undertaking.

(6) If any non-statutory undertakers fail to comply with any such demand in writing within twenty days after the service thereof, they shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds, and a further fine of five pounds for each day during which the default continues, and if any person obstructs or impedes any person authorised by the Board as aforesaid in the execution of the powers conferred by the authority of the Board, he shall for each offence be liable on summary conviction to a fine not exceeding twenty pounds.

(7) Any special order made in pursuance of this section shall have effect for the purposes of sections two to nine of the principal Act, and may be amended in so far as it relates to the powers of charging, as if it were an order made under section one of that Act.

(8) Any notice or demand required or authorised to be served under this section may be served by registered post.

10. Gas supplied on and after the first day of January, nineteen hundred and thirty-nine, by any non-statutory undertakers or undertakers who are not thermal unit undertakers—

- (a) shall not contain any trace of sulphuretted hydrogen when tested in manner prescribed under subsection (1) of section five of the principal Act; and
- (b) shall be supplied at such pressure in every main, and in every pipe laid between the main and the meter having an internal diameter of two inches or upwards, as to balance a column of water not less than two inches in height:

Purity and pressure of gas supplied by certain undertakers.

Provided that, where any non-statutory undertakers have not supplied more than twenty million cubic feet of gas in any of the five years immediately preceding

the said date, the requirements of paragraph (a) of this section shall not apply to those non-statutory undertakers until the end of the first year after that date in which they supply more than that quantity of gas.

Annual
return of
gas supplied
to be
furnished
by non-
statutory
undertakers.

11.—(1) All non-statutory undertakers shall furnish to the Board of Trade before the first day of March in each year a return in such form as the Board may direct showing the quantity of gas supplied by those undertakers in the last preceding year.

(2) Within seven days of the date on which the annual return aforesaid is sent to the Board of Trade by non-statutory undertakers, those non-statutory undertakers shall furnish two copies thereof to every local authority within whose area they supply gas, and one of those copies shall be open to public inspection at all reasonable times.

(3) If any non-statutory undertakers fail to comply with the provisions of this section, they shall be liable on summary conviction to a fine not exceeding forty shillings for each day during which the default continues.

Amendments of Principal Act.

Abolition
of offices
of chief gas
examiner
and gas
referees.

12.—(1) On the first day of January, nineteen hundred and thirty-five, the office of chief gas examiner shall be abolished and subsection (1) of section six and subsection (6) of section nine of the principal Act shall cease to have effect, and thereafter any appeal under subsection (2) of the said section six shall be made to the Board of Trade, who shall appoint a competent and impartial person to determine the appeal.

(2) On the first day of January, nineteen hundred and thirty-nine, the office of gas referees shall be abolished and thereafter—

(a) save as otherwise provided by this Act, the functions of the gas referees shall be discharged by the Board of Trade, and accordingly references in any enactment to the gas referees shall be construed as references to the Board of Trade; and

(b) the Board of Trade may appoint not more than three competent persons to advise the Board as to the improvement of the methods and apparatus for testing gas.

(3) Any person appointed by the Board of Trade under this section shall be paid such remuneration as the Board of Trade, with the consent of the Treasury, may fix.

13.—(1) A local authority may, unless they themselves supply gas to the public, appoint a competent and impartial person to be the gas examiner for their area for such period and on such other terms as they think fit: Appoint-
ment of gas
examiners.

Provided that a gas examiner may, by agreement between two or more local authorities who do not themselves supply gas to the public, be appointed for the areas of all those authorities, and where such an agreement is made, the local authorities may make such arrangements as they think fit in regard to the joint appointment and employment of the gas examiner.

(2) On the application of not less than five consumers of gas supplied within the area of a local authority, being gas which is required by any enactment for the time being in force to conform to certain standards of calorific value, purity, pressure or composition, quarter sessions, if satisfied that no gas examiner has been appointed for that area or that the testing of gas in the area has been imperfectly attended to, may appoint a competent and impartial person to be the gas examiner for that area for such period and on such other terms as they think fit.

(3) Where a person appointed by any quarter sessions, whether before or after the commencement of this Act, to be the gas examiner for an area vacates his office and the local authority for that area themselves supply gas to the public, or do not within three months of his vacating office appoint a gas examiner, those quarter sessions shall, without any further application, appoint a person to act as examiner in place of the person so vacating office.

(4) The remuneration and expenses of a person appointed by quarter sessions to be gas examiner for any area and the expenses connected with his appointment (including the costs of any application as a result of which he was appointed), up to an amount approved by quarter sessions, shall be paid by the local authority for that area.

(5) It shall be the duty of a gas examiner appointed under this section for any area to test the gas supplied within that area, in manner prescribed under subsection (1) of section five of the principal Act and under subsection (2) of the next following section of this Act, in order to ascertain whether it complies with the provisions of any enactment for the time being in force requiring it to conform to certain standards of calorific value, purity, pressure or composition :

Provided that no gas supplied otherwise than by thermal unit undertakers shall be tested under this section before the first day of January, nineteen hundred and thirty-nine, or more often than once in each quarter.

(6) For the purpose of this section—

- (a) the area of a local authority being a county council shall not be deemed to include any urban district or non-county borough within the county unless the council of that district or borough themselves supply gas to the public ; and
- (b) the expression “ quarter sessions,” in relation to an application as respects any area, means any court of quarter sessions having jurisdiction in the area.

(7) Any person holding the office of gas examiner for any area at the commencement of this Act, whether appointed by a local authority or by quarter sessions, shall continue to hold office for that area as if he had been appointed under the provisions of this section.

Amendment
as to
deficiency in
calorific
value.

14.—(1) If in any quarter the average calorific value of the gas supplied in an examination area by any thermal unit undertakers is ascertained to be less than the declared calorific value, the Board of Trade shall determine as nearly as may be the sum (in this subsection referred to as “ the excess revenue ”) by which the revenue of the undertakers has been improperly increased thereby, and—

- (a) where the excess revenue when divided by the number of therms supplied by the undertakers in the said area in the next following quarter produces a sum less than one-fifth of a penny, an amount equal to the excess revenue shall be paid by the undertakers (over and above

the amount payable under section seven of the principal Act) into the gas fund in the next following year unless the mean of the average calorific values of the gas supplied by the undertakers in the said area in the first mentioned quarter and in the last preceding quarter was equal to or greater than the declared calorific value;

- (b) where the excess revenue when divided as aforesaid produces a sum not less than one-fifth of a penny, the undertakers shall allow to every consumer who is a consumer in the said area at the end of the next following quarter in respect of each therm so supplied to him a credit of one-fifth of a penny or, where the sum so produced is not less than two-fifths of a penny, a credit equal to such simple multiple of one-fifth of a penny as most nearly approximates to without exceeding the sum so produced, and the difference (if any) between the excess revenue and the aggregate amount of such credits shall be paid into the gas fund as aforesaid.

(2) Whenever, for the purposes of the last foregoing subsection, the average calorific value of the gas supplied in any quarter in an examination area by any thermal unit undertakers is to be ascertained, it shall be ascertained by the gas referees or (after the first day of January, nineteen hundred and thirty-nine) by the Board of Trade from the reports of tests prescribed under subsection (1) of section five of the principal Act or specially prescribed by them for the purpose :

Provided that—

- (a) where the gas supplied to a testing place from one main is tested for the purpose of ascertaining the average calorific value of gas supplied in two or more examination areas, the reports of all of those tests shall be taken into account in ascertaining the average calorific value of the gas supplied in each of those areas; and
- (b) where separate tests of samples of gas taken on separate occasions are the only tests for

calorific value prescribed, no average calorific value shall be deemed to be ascertained unless it is ascertained from the reports of not less than six such tests made in that quarter.

(3) Where any credit is required by this section to be allowed in respect of gas supplied in any examination area by undertakers in any quarter, those undertakers shall deliver to every consumer of gas supplied by them in that area and in that quarter, together with the demand note for gas charges payable in respect of that quarter, a notice in writing stating the amount of that credit.

(4) If any undertakers fail to comply with the provisions of the last foregoing subsection, they shall for each offence be liable on summary conviction to a fine not exceeding fifty pounds.

(5) Where it has been determined, whether before or after the commencement of this Act, under subsection (4) of section nine of the principal Act that the revenue of any thermal unit undertakers has been improperly increased by any sum, and that sum has not been shown to the satisfaction of the Board of Trade before the beginning of the third quarter next after the passing of this Act to have been applied to a reduction in the price of gas, that sum shall be treated for the purposes of subsection (1) of this section as excess revenue for the said third quarter.

(6) In this section the expression "examination area" means the area of any local authority for which a gas examiner is appointed either by that authority or by a court of quarter sessions.

(7) Any sums payable into the gas fund under this section shall be recoverable in the same manner as contributions to that fund.

Amend-
ments as
to special
orders.

15.—(1) The power of the Board of Trade to make special orders under section ten of the principal Act shall include power to make a special order consolidating the enactments, other than Public General Acts, applying to any undertakers, either without amendment or with such amendments as could lawfully be made in those enactments by a special order.

(2) A special order under the said section may be made as respects any company authorised by any enactment to supply gas and water, or gas and electricity, or gas, water and electricity, in like manner as if the company had been authorised to supply gas alone :

Provided that no special order shall be made as respects a company authorised to supply water except after consultation with the Minister of Health, and no such order shall be made as respects a company authorised to supply electricity except after consultation with the Electricity Commissioners.

16. The power of the Board of Trade under subsection (1) of section fifteen of the principal Act to require statistics and returns from undertakers shall include power to require different statistics and returns from different undertakers, and to require any particular statistics or returns to be certified by the auditor of the undertakers.

Amend-
ment of
s. 15 of
principal
Act.

Miscellaneous and General.

17.—(1) Any undertakers may, upon such terms as may be agreed, give a supply of gas in bulk to, or obtain a supply of gas in bulk from, any other undertakers through a pipe passing through any point at which the authorised limits of supply of the said undertakers adjoin.

Further
facilities
for co-
operation
between
undertakers.

(2) The power of the Board of Trade to make special orders under section ten of the principal Act shall include power to make a special order—

- (a) authorising any undertakers to give a supply of gas in bulk to any other undertakers through a pipe outside the authorised limits of supply of either of those undertakers and to lay a pipe for that purpose;
- (b) authorising undertakers, for the purpose of facilitating supplies of gas within their authorised limits of supply, to lay a pipe outside those limits;
- (c) making provision for the joint use by undertakers of plant, research establishments and other facilities;

(d) providing, in a case where thermal unit undertakers have purchased a gasworks from undertakers who are not thermal unit undertakers, or from non-statutory undertakers, that, until such date as may be specified in the special order, the purchasing undertakers shall continue to charge for gas supplied from that gasworks according to the number of cubic feet instead of according to the number of British thermal units supplied, and shall be exempt from liability for any deficiency in the calorific value of the gas so supplied.

(3) No pipe laid by virtue of the powers conferred upon undertakers by subsection (1) of this section shall be deemed to be a main within the meaning of section eleven of the Gasworks Clauses Act, 1871, as applied to those undertakers by any enactment, unless gas is supplied directly from that pipe to any person other than undertakers, and no pipe laid by virtue of powers conferred upon undertakers under paragraph (a) or paragraph (b) of the last foregoing subsection shall be deemed to be such a main as aforesaid.

(4) Notwithstanding anything in this section, every order thereunder in respect of any undertakers shall be framed so as to secure that the provisions of the Gasworks Clauses Act, 1847, with respect to the breaking up of streets for the purpose of laying pipes and with respect to the protection of pipes when laid shall, subject to any variations or exceptions specified in the order, apply in relation to pipes for the supply of gas by the undertakers under the order as they apply in relation to pipes for the supply of gas by the undertakers under the enactments applying to them before the making of the order.

Notice to
be given by
gas con-
sumers
before
quitting
premises.

18.—(1) If the occupier of any premises, being premises supplied with gas by meter by any undertakers, quits the premises without giving notice thereof to those undertakers in manner provided by this section, he shall be liable to pay to the undertakers all money accruing due for gas supplied by them to the premises and for meter rent up to the next date on which the register of the meter on the premises is usually ascertained, or the date from which any subsequent occupier

of the premises requires the undertakers to supply gas to the premises, whichever first occurs.

(2) The notice to be given under this section by an occupier of premises shall be given in writing and sent by registered post or otherwise delivered to the undertakers at their office so that it is received by the undertakers at least twenty-four hours before he quits the premises.

(3) The foregoing provisions of this section or a statement of the effect thereof shall be endorsed upon every demand note for gas charges payable to undertakers.

19. If a person requiring a supply of gas from any undertakers has previously quitted premises at which gas was supplied to him by those undertakers without paying all money due from him for gas supplied to those premises and for meter rent, the undertakers may refuse to furnish him with a supply of gas until he pays the money so due.

Consumers
quitting
premises
without
paying gas
charges.

20.—(1) Where any undertakers are authorised by any enactment relating to them to cut off the supply of gas to any premises in consequence of any default on the part of the occupier of the premises, it shall be lawful for the undertakers, without prejudice to any other remedy which may be lawfully available to them, to disconnect the service pipe at the meter (whether the pipe belongs to the undertakers or not).

Provision
as to
cutting off
supply
where
occupier in
default.

(2) If, without the consent of the undertakers, any person re-connects with the meter a service pipe which has been disconnected by virtue of this section, he shall for each offence be liable on summary conviction to a fine not exceeding five pounds, and to a further fine not exceeding two pounds for each day during which the pipe remains connected with the meter, and the undertakers may again disconnect the pipe at the meter.

(3) For the purpose of this section, the undertakers may, subject to the provisions of section twenty-two of the Gasworks Clauses Act, 1871, exercise the like powers of entry as are exerciseable under that section.

(4) Where any undertakers have, by virtue of powers conferred upon them by any enactment, cut off the supply of gas from any premises in consequence of any default

on the part of the occupier thereof, the undertakers shall not be under any obligation to resume the supply of gas to the occupier so in default until he has made good the default and paid the reasonable expenses of re-connecting the supply.

(5) Subject to the provisions of the last foregoing subsection, nothing in this section shall prejudice or interfere with any rights conferred upon any person by virtue of section eleven of the Gasworks Clauses Act, 1871.

Provision
as to entry
on premises.

21.—(1) The powers of entry and inspection conferred on officers appointed by undertakers by section twenty-one of the Gasworks Clauses Act, 1871, as applied to any undertakers by any enactment, shall include power to enter, at all reasonable times, any premises in which there is a service pipe connected with the gas mains of the undertakers, in order to inspect the meters, fittings and works for the supply of gas, except in a case where the occupier of the premises has applied in writing to the undertakers for the disconnection of the service pipe from the mains and the undertakers have failed to disconnect it within a reasonable time.

(2) The powers of inspection aforesaid shall, in relation to any premises or part of any premises which are or is wholly occupied as a factory or workshop within the meaning of the Factory and Workshop Act, 1901, extend only to the inspection of—

- (a) such of the meters on the premises, or on that part of the premises, as the case may be, as are used by the undertakers for measuring gas supplied by them ; and
- (b) the pipes and other fittings and works by which those meters are connected with the gas mains of the undertakers.

(3) The notice required to be given by section twenty-two of the Gasworks Clauses Act, 1871, as applied to any undertakers by any enactment, before entering any unoccupied premises under that section may, in a case where the owner of the premises is unknown to the undertakers and cannot be ascertained after diligent inquiry, be given by affixing it upon a conspicuous part of the premises not less than forty-eight hours before the premises are entered :

Provided that, where an entry is made on premises which could not lawfully have been made but for the provisions of this subsection, the premises shall be left no less secure than they were immediately before they were entered.

(4) In a case where a person entering into occupation of any premises previously supplied with gas by any undertakers does not take a supply of gas from the undertakers or does not hire such of the pipes, meters, fittings or apparatus on the premises as belong to the undertakers, the power of entering the premises and removing pipes, meters, fittings or apparatus thereon belonging to the undertakers conferred by the said section twenty-two, as applied to the undertakers by any enactment, may be exercised in like manner as in the cases specified in that section.

22. Such of the provisions of any enactment as limit the charges to be made by undertakers in respect of the hire of a prepayment meter and fittings connected therewith or require such charges to be based on the quantity of gas or number of therms in the form of gas supplied through the meter shall not apply to fittings which—

Amendment
as to charge
for fittings
connected
with a pre-
payment
meter.

- (a) are of a class or description not ordinarily provided by the undertakers in connection with such a meter or are of a quality superior to that of fittings ordinarily so provided; and
- (b) are supplied to a consumer at his written request containing an acknowledgment that he is acquainted with the provisions aforesaid and the provisions of this section.

23. Where a meter used by a consumer of gas supplied by undertakers, when tested in manner provided by regulations made by the Board of Trade under the principal Act, is found to register erroneously to a degree exceeding the degree permissible under the said regulations—

Erroneous
registration
of meters.

- (a) the meter shall be deemed to have registered erroneously to the degree so found since the penultimate date on which the register of the meter was ascertained before the date of the test, except in a case where it is proved to

have begun to register erroneously as aforesaid on some later date; and

- (b) the amount of the allowance to be made to, or the surcharge to be made upon, the consumer by the undertakers in consequence of the erroneous registration shall be paid to or by the consumer, as the case may be, and shall, in the case of a surcharge, be recoverable in like manner as charges for gas are recoverable by the undertakers.

Stand-by
supplies.

24.—(1) Notwithstanding anything in any enactment, a person shall not be entitled to demand or continue to receive a supply of gas from any undertakers for the purposes only of a stand-by supply for any premises having a separate supply of gas, or having a supply (in use or ready for use for the purpose for which the stand-by supply of gas is required) of electricity, steam, or other form of energy, unless he has agreed with the undertakers to pay to them such annual sum in addition to any charge for gas supplied as will give them a reasonable return on the capital expenditure incurred by them in providing the stand-by supply, and will cover other standing charges incurred by them in order to meet the possible maximum demand for those premises.

(2) Any question arising under this section—

- (a) as to whether a supply of gas is demanded or received for the purpose only of a stand-by supply; or
- (b) as to whether any premises have a separate supply of gas or have a supply (in use or ready for use for the purpose for which a stand-by supply of gas is required) of electricity, steam, or other form of energy; or
- (c) as to the amount of the said annual sum to be specified in the agreement;

shall in default of agreement be determined by arbitration.

Use of anti-
fluctuators
and valves.

25.—(1) Where a consumer of gas supplied by undertakers uses the gas for working or supplying an engine gas compressor or other similar apparatus (hereafter in this section referred to as a “compressor”), he shall, if so required by the undertakers by notice in writing, fix in a suitable position and keep in use an appliance

provided by him which will effectually prevent pressure fluctuation in the supply mains and any other inconvenience or danger being caused to other consumers of gas by reason that they and the first mentioned consumer are supplied with gas from the same source.

(2) Where a consumer of gas supplied by undertakers uses for or in connection with the consumption of the gas so supplied any air at high pressure (in this section referred to as "compressed air") or any gas not supplied by the undertakers (in this section referred to as "extraneous gas"), he shall, if so required by the undertakers by notice in writing, fix in a suitable position and keep in use an appliance provided by him which will effectually prevent the admission of the compressed air or extraneous gas into the service pipe or into any main through which gas is supplied by the undertakers.

(3) Where a consumer is required by this section to keep in use any appliance, he shall at his own expense keep it in proper order and repair, and repair, renew or replace it if it is not in proper order or repair.

(4) It shall not be lawful for a consumer of gas supplied by undertakers to use a compressor, or any apparatus for using compressed air or extraneous gas, being a compressor or apparatus installed by him after the commencement of this Act, unless he has given to the undertakers not less than fourteen days' notice in writing of his intention to do so.

(5) If a consumer makes default in complying with any provision of this section, the undertakers may cut off the supply of gas to him and shall not be required to resume the supply until the default has been remedied to their reasonable satisfaction.

(6) All undertakers shall give notice of the effect of the foregoing provisions of this section to consumers of gas supplied by them—

- (a) in the case of a person who is such a consumer at the date of the commencement of this Act, on the demand note for gas charges payable to the undertakers delivered to that person next after that date; and
- (b) in the case of a person becoming such a consumer after the said date, on the first such demand note delivered to that person after he has become a consumer.

(7) All undertakers shall have access at all reasonable times to any premises supplied by them with gas upon which the undertakers have reason to believe that a compressor or compressed air or extraneous gas is being used, in order to ascertain whether the provisions of this section are being complied with.

(8) All undertakers shall have power to disconnect, remove, test and replace any appliance which a consumer of gas supplied by them is required by this section to keep in use, and any expenses incurred by the undertakers under this subsection shall, if the appliance is found in proper order and repair, be paid by the undertakers but otherwise shall be paid by the consumer.

Appoint-
ment of
officers as
directors.
8 & 9 Vict.
c. 16.

26.—(1) Notwithstanding anything in the Companies Clauses Consolidation Act, 1845, as applied by any enactment to a company being undertakers—

- (a) any person employed as chief engineer, general manager, or secretary of the company may be appointed a director of the company whether he is a shareholder in the company or not, but not so as to increase the number of the directors beyond the maximum number prescribed by any enactment relating to the undertakers;
- (b) a person appointed a director of the company by virtue of the last foregoing paragraph shall not cease to be a director by reason that he is employed as aforesaid;
- (c) any such appointment may be made by the directors of the company as well as in manner provided by the said Act;
- (d) the provisions of the said Act requiring directors to retire by rotation shall have effect as if a person appointed by virtue of this section were not a director :

Provided that—

- (i) not more than one director of the company shall hold office at the same time by virtue of this section; and
- (ii) any person appointed by the directors by virtue of this section shall cease to be a

director as from the date of the next ordinary general meeting of the company, unless the appointment is approved at that meeting by a majority of the votes of the proprietors of the company entitled to vote or voting, whether personally or by proxy, at the meeting.

27.—(1) It shall not be lawful after the passing of this Act for a local authority to insert or procure to be inserted in any instrument in connection with the sale or letting of any premises which they own or in which they have any interest and which are situated within the authorised limits of supply of undertakers not being a local authority, a provision restricting the right of any owner or occupier of the premises to take a supply of gas from those undertakers.

Avoidance
of provisions
in leases &c.
preventing
supply of
gas.

(2) For the purposes of this section a provision which would have the effect, in the event of an owner or occupier of premises taking a supply of gas, of imposing upon him obligations to which he would not otherwise be subject or of taking away from him rights which he would otherwise enjoy shall be deemed to be a provision restricting his right to take that supply.

(3) Any provision inserted in an instrument in contravention of this section shall be void.

(4) Nothing in this section shall prohibit the insertion in any instrument relating to any premises of any reasonable provision regulating the position in any room or other part of the premises in which fittings used in connection with a supply of gas are to be placed.

(5) Civil proceedings to restrain the contravention by a local authority of the provisions of this section or for a declaration that any provision in an instrument is void by virtue of those provisions may be brought by the undertakers concerned, but nothing in this subsection shall prejudice the right of any other person concerned or of the Attorney General to bring such proceedings.

(6) In this section the expression "local authority" includes a rural district council.

28.—(1) Expenses of the Board of Trade which, in the opinion of the Treasury, are directly attributable to

Expenses
and powers
of the

Board of
Trade.
22 & 23
Geo. 5. c. 40.

the execution of their powers and duties under the Gas Undertakings Act, 1932, and this Act shall be paid out of the gas fund, and there shall be included among the expenses of the Board of Trade to be paid out of the said fund under this subsection and under subsection (2) of section seven of the principal Act such sum as, in the opinion of the Treasury, approximately represents the amount in each year of the accruing liability in respect of any superannuation allowances, lump sums or gratuities to which any officers, inspectors or servants employed for the purposes of the Gas Undertakings Acts, 1920 to 1932, and this Act, or the legal personal representatives of any such persons, will become entitled under the Superannuation Acts, 1834 to 1919.

(2) The provisions of sections sixteen and seventeen of the principal Act (which relate to the power of the Board of Trade to make rules and to the exercise of the powers of the Board) shall apply for the purpose of the Gas Undertakings Act, 1932, and of this Act as they apply for the purpose of the principal Act.

(3) For subsection (2) of section sixteen of the principal Act, there shall be substituted the following subsection:

“(2) Any rules made under this section shall be laid before both Houses of Parliament as soon as may be after they are made, and shall cease to have effect if either House, within the next subsequent twenty-eight days on which that House has sat after the date on which the rules are laid before it, resolves that the rules shall be annulled, but without prejudice to anything previously done thereunder or to the making of new rules.”

Expenses of
local
authorities.

29.—(1) Expenses incurred under the Gas Undertakings Acts, 1920 to 1932, and this Act by a local authority or rural district council who themselves supply gas to the public, shall, if and to the extent that they are incurred in connection with the authority's or council's gas undertaking, be defrayed as part of the expenses of that undertaking.

(2) Save as aforesaid, expenses incurred under the principal Act and this Act by a local authority being a

county council shall, instead of being defrayed as provided by section twenty of the principal Act, be defrayed as payments for special county purposes chargeable on those parts of the county for which the council have power, or would have power if they did not themselves supply gas to the public, to appoint a gas examiner, and expenses incurred under this Act by any other local authority shall be defrayed in the same manner as expenses incurred by them under the principal Act.

30. Undertakers being a local authority or rural district council may, with the consent of the Board of Trade, pay the reasonable expenses of attendance of any members of the authority or council or of any officers employed in connection with the undertaking at a conference or meeting convened by any association formed for the purpose of consultation as to the common interests of undertakers and the discussion of matters relating to the supply of gas, and may purchase the reports of the proceedings of such conference or meeting.

Expenses of
members
and officers
of local
authorities,
&c.

31.—(1) The amendments specified in the second column of Part I of the Second Schedule to this Act (being minor amendments of the principal Act and the Gas Undertakings Act, 1929) shall be made in the provisions of those Acts specified in the first column of that Part of that Schedule and shall come into operation at the commencement of this Act.

Minor and
conse-
quential
amend-
ments.
19 & 20
Geo. 5. c. 24.

(2) The amendments specified in the second column of Part II of the said Schedule, being amendments consequential on the abolition of the office of chief gas examiner, shall be made in the provisions of the principal Act specified in the first column of that Part of that Schedule and shall come into operation on the first day of January, nineteen hundred and thirty-five.

(3) As from the first day of January, nineteen hundred and thirty-nine, there shall be substituted for sections five, six, eight and nine of the principal Act respectively the provisions set out in Part III of the said Schedule, being provisions which reproduce the said sections subject to the amendments made therein by Parts I and II of the said Schedule and such other amendments as are consequential on the abolition of the office of gas referees and the provisions of this Act relating to the purity and

pressure of gas supplied by non-statutory undertakers and undertakers who are not thermal unit undertakers.

Interpre-
tation.

32.—(1) In this Act the following expressions have the meanings hereby respectively assigned to them :—

“ Enactment ” includes any Public General Act, any special Act, any provisional order confirmed by an Act and any order made under section one of the principal Act ;

“ Declared calorific value ” has the meaning assigned to it by paragraph (a) of subsection (4) of section one of the principal Act ;

“ Local authority ” has the meaning assigned to it by section eighteen of the principal Act ;

“ Non-statutory undertakers ” means companies, bodies or persons who, though not authorised by any enactment (other than the Public Health Act, 1875) to supply gas, are engaged in supplying gas to the public, and for that purpose make use of pipes or mains laid in any highway :

Provided that, if any such companies, bodies or persons, not being local authorities or rural district councils, show to the satisfaction of the Board of Trade that they are not primarily engaged in supplying gas, or gas and water, or gas and electricity, or gas, water and electricity, to the public, they shall not be deemed to be non-statutory undertakers ;

“ Preference stock ” includes preference shares ;

“ Principal Act ” means the Gas Regulation Act, 1920, as amended by any subsequent Act, including, unless the context otherwise requires, this Act ;

“ Quarter ” means the three months commencing on the first day of January, the first day of April, the first day of July, and the first day of October in any year ;

“ Share capital ” includes stock not being debenture stock ;

“ Therm ” has the meaning assigned to it by subsection (2) of section one of the principal Act ;

38 & 39
Vict. c. 55.

10 & 11
Geo. 5. c. 28.

“Thermal unit undertakers” means undertakers who are authorised by any enactment to charge for gas according to the number of British thermal units supplied;

“Undertakers” has, except for the purpose of any provision which relates solely to non-statutory undertakers, the meaning assigned to it by section eighteen of the principal Act, so however that it does not include any undertakers to whom no provision of the principal Act or the Gas Undertakings Act, 1929, applies;

“Year” means the twelve months commencing on the first day of January.

(2) In any amendment of the principal Act made by this Act, the expressions “enactment”, “non-statutory undertakers”, “quarter”, “thermal unit undertakers” and “undertakers” shall have the meanings respectively assigned to them by the last foregoing subsection.

(3) In calculating for the purpose of any provision of this or the principal Act the number of therms supplied in the form of gas by undertakers in any period, the gas supplied by those undertakers shall be taken to have been supplied at the declared calorific value throughout that period.

(4) Where any non-statutory undertakers carry on two or more gas undertakings, which are not connected with each other by pipes, the gas supplied by the several undertakings shall, for the purpose of any provision of this Act relating to non-statutory undertakers, be deemed to be supplied by different undertakers.

33.—(1) As from the commencement of this Act, Repeals.
the enactments mentioned in Part I of the Third Schedule to this Act shall be repealed to the extent specified in the third column of that Part of that Schedule.

(2) As from the first day of January, nineteen hundred and thirty-five, the enactments mentioned in Part II of the said Schedule shall be repealed to the extent specified in the third column of that Part of that Schedule.

(3) As from the first day of January, nineteen hundred and thirty-nine, the enactments mentioned in

Part III of the said Schedule shall be repealed to the extent specified in the third column of that Part of that Schedule, and there shall also be repealed such of the provisions of any enactment relating to undertakers as incorporate the provisions of the Gasworks Clauses Act, 1871, which are repealed by this subsection.

Power to
Scottish
local autho-
rities to
borrow for
purposes of
special
order.
39 & 40
Vict. c. 49.

34. Any undertakers being the county council or the town council of a county or burgh in Scotland in which the Burghs Gas Supply (Scotland) Act, 1876, is in force may, with the sanction of the Secretary of State (given with the concurrence of the Board of Trade) and subject to such conditions as he may impose, borrow such sums as he may approve for the purpose of carrying into effect any special order made under the Gas Undertakings Acts, 1920 to 1934, and the provisions contained in the Burghs Gas Supply (Scotland) Act, 1876 as amended by any subsequent enactment relating to borrowing powers (including the provisions as to the guarantee rate) and to the fixing of the price to be paid for gas shall apply to moneys borrowed under the powers of this section as if such moneys had been borrowed under the provisions and for the purposes of the last-mentioned Act.

Application
to Scotland.

35.—(1) In the application of this Act to Scotland the following modifications shall be made :—

- (a) for any reference to the Minister of Health there shall be substituted a reference to the Secretary of State;
- (b) the expression “local authority” means a county or a town council, and references to a rural district council shall not apply;
- (c) the expression “highway” means a road or street maintainable by a county or a town council;
- (d) for any reference to a court of quarter sessions there shall be substituted a reference to the sheriff;
- (e) the following subsection shall be substituted for subsection (4) of section six of this Act :—

“(4) In relation to any thermal unit undertakers being a county or a town council the provisions of this section shall have effect as

if references to the sheriff clerk were substituted for references to the local authority or local authorities:

Provided that, where the limits of supply of any thermal unit undertakers being the town council of a burgh extend beyond the boundaries of the burgh, references to the sheriff clerk shall be added to and not substituted for references to the local authority or local authorities."

- (f) section nine of this Act shall not apply;
- (g) subsection (2) of section twenty-nine of this Act shall not apply, and, save as provided in subsection (1) of the said section, expenses incurred by a local authority under this Act shall be defrayed in like manner as expenses under the principal Act;
- (h) section thirty of this Act shall have effect as if a reference to the Secretary of State were substituted for any reference to the Board of Trade;
- (i) Part I of the Second Schedule to this Act shall have effect as if the amendments therein specified of sections ten and eighteen of the principal Act were omitted therefrom.

(2) Section fifteen and subsection (2) of section seventeen of this Act shall for the purposes of the proviso to section six of the Private Legislation Procedure (Scotland) Act, 1933, be deemed to have been in force at the passing of that Act. 23 & 24
Geo. 5. c. 37.

36.—(1) This Act may be cited as the Gas Undertakings Act, 1934, and this Act and the Gas Undertakings Acts, 1920 to 1932, may be cited together as the Gas Undertakings Acts, 1920 to 1934. Short title,
citation,
extent and
commence-
ment.

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

(3) This Act shall come into operation on the first day of October, nineteen hundred and thirty-four.

SCHEDULES.

Section 4.

FIRST SCHEDULE.

PROVISIONS AS TO ISSUE AND REDEMPTION OF REDEEMABLE AND REDEEMED STOCK BY COMPANIES INCORPORATED BY ACT OF PARLIAMENT.

1. Redeemable stock may be redeemed either by paying off the stock or by issuing to the holder of the stock (subject to his consent) other securities of the company in exchange therefor.

2. Redeemable stock shall not be paid off out of revenue, but any discount allowed on the issue thereof or any premium payable on the redemption thereof may be written off or paid out of revenue.

3. For the purpose of redeeming redeemable stock, either by raising money to pay it off or by providing securities in exchange therefor, the company may create new securities or the directors may issue any redeemed stock :

Provided that no new securities shall be created nor shall any redeemed stock be issued so as to make the total amount of any particular class of securities exceed the amount of securities of that class which the company are for the time being authorised to create, except during any necessary interval between the creation or (in the case of redeemed stock) the issue of the securities and the completion of the redemption for the purpose of which the securities of that particular class are proposed to be so created or issued.

4. The terms of redemption upon which any redeemable stock is issued shall be stated in any offer by the company of the stock for subscription, sale or exchange, and in the certificate of the stock, and no term of redemption which is not so stated shall be binding upon the holder of the stock.

5. Redeemable stock shall, subject to the foregoing provisions of this Schedule, be redeemable at such time and in such manner and subject otherwise to such terms as the directors may before the issue thereof determine, and shall bear such rate of dividend or interest (not exceeding any maximum rate

prescribed by any enactment in respect of the particular class of stock) as may be so determined.

1st Sch.
—cont.

6. The redemption of any preference stock issued so as to be redeemable shall not affect the validity of any mortgage or debenture stock of which the grant or issue by the company was lawful in the circumstances existing at the date of its grant or issue.

7. Any securities issued solely in exchange for redeemable stock shall not be subject to any enactment which requires securities of the company to be offered for sale by public auction or tender or for public subscription.

8. For the purpose of any enactment relating to stamp duty, the share capital of the company shall not be deemed to be increased by the issue of share capital in pursuance of this Schedule for the purpose of redeeming preference stock, if the preference stock is redeemed before the expiration of such an interval as is mentioned in the proviso to paragraph three of this Schedule.

9. For the purpose of any enactment which regulates the annual contributions to, or the amount of, any fund which the company are authorised to establish, any securities or redeemed stock created or issued under paragraph three of this Schedule shall not, during any such interval as is mentioned in the proviso to that paragraph, be deemed to be share capital or debenture stock of the company.

10. Notwithstanding any enactment by virtue of which the issue or raising of share capital by a company has the effect of increasing the amount which may be borrowed by the company, the amount which may be so borrowed shall not be increased by reason of the issue of any share capital of the company under paragraph three of this Schedule for the purpose of redeeming preference stock :

Provided that, where the amount raised by the share capital issued as aforesaid exceeds the amount raised by the preference stock redeemed as a result of the issue, nothing in this paragraph shall prevent the amount which may be borrowed by the company being increased in proportion to the excess.

11. In this Schedule the expression "securities" means share capital and debenture stock.

Sections 31
and 35.

SECOND SCHEDULE.

MINOR AMENDMENTS.

PART I.

AMENDMENTS TO COME INTO OPERATION AT COMMENCEMENT OF ACT.

Provisions to be amended.	Amendment.
<hr/> The Gas Regu- lation Act, 1920 :—	
Section one	- In subsection (6) for the words "the local authority" there shall be substituted the words "every local authority."
Section five	- In subsection (2) for the words "one hundred million cubic feet of gas" there shall be substituted the words "five million therms in the form of gas."
Section six	- In subsection (2) after the word "decision" there shall be inserted the words "after considering any representations made by the parties in writing, or if requested by any of them to do so." In subsection (3) after the word "shall" there shall be inserted the words "subject to the provisions of subsection (3) of section nine of this Act."
Section seven	- In subsection (3) for the words "each million cubic feet of gas sold by them in the preceding year" there shall be substituted the words "each five thousand therms in the form of gas sold by them in the preceding year, excluding gas sold to other undertakers in bulk for distribution"; at the end of the subsection the following proviso shall be inserted :— "Provided that the rate prescribed in respect of gas supplied separately for industrial purposes only shall be not more than half the rate prescribed in respect of other gas."
Section ten	- In subsection (1) after the words "local authority" there shall be inserted the words "rural district council."

Provisions to be
amended.

Amendment.

2ND SCH.
—cont.The Gas Regu-
lation Act,
1920 :—

- Section fifteen - In subsection (2) for the words "the local authority" there shall be substituted the words "every local authority."
- Section seven- After the word "Secretary," where it first teen. occurs, there shall be inserted the words "or Under Secretary."
- Section eighteen In the definition of the expression "gas under- takers" and "undertakers," after the words "local authority" there shall be inserted the words "rural district council", and after the words "Act of Parliament", where they first occur, there shall be inserted the words "(other than the Public Health Act, 1875)".

The Gas Under-
takings Act,
1929 :—

- Section one - In subsection (1) after the words "local autho- rity" there shall be inserted the words "or rural district council".
In subsection (2) for the words "the local authority", where they first occur, there shall be substituted the words "every local authority" and for the words "the local authority" where they secondly occur, there shall be substituted the words "any local authority".
- Section two - After the words "local authority" there shall be inserted the words "or rural district council".
- Section three - In subsections (1) and (2), the words "raised " by the undertakers on mortgage or by the " creation and issue of debenture stock " shall cease to have effect.
At the end of the section there shall be inserted the following new subsection—
• " (5) In this section the expression 'outstanding loans' means sums which have been raised by the undertakers on mortgage or by the creation and issue of debenture stock and have not been paid off."

2ND SCH.
—cont.

Provisions to be
amended.

Amendment.

The Gas Under-
takings Act,
1929—cont.

- Section five - In subsection (3) for the words "the local authority" there shall be substituted the words "every local authority".
- Section six - In subsection (1), after the words "supplied, and" there shall be inserted the words "subject to the provisions of any special order made under section ten of the principal Act."
- At the end of subsection (5) the following words shall be inserted, "or, in a case where the Board of Trade are satisfied that the undertakers would not have supplied more than that quantity of gas in the last mentioned year if they had not purchased some other undertaking during that year, such later date as the Board may prescribe by the order aforesaid."
- Section seven - In paragraph (a) after the word "failed," there shall be inserted the words "at the date of the application."
- Section nine - After the word "undertakers" where that word first occurs there shall be inserted the words "(not being a company within the meaning of the Companies Act, 1929)."

PART II.

AMENDMENTS OF PRINCIPAL ACT TO COME INTO OPERATION
ON THE 1ST JANUARY, 1935.

- Section six - In subsection (2) for the words "chief gas examiner, who" there shall be substituted the words "Board of Trade, who shall appoint a competent and impartial person to determine the appeal, and that person", and for the word "whose," there shall be substituted the word "his".
- In subsection (3) for the words "by the chief gas examiner" there shall be substituted the words "on appeal as aforesaid".
- In subsection (4) for the words "the chief gas examiner" there shall be substituted the words "a person appointed by the Board of Trade under this section."

Provisions to be
amended.

Amendment.

2ND SCH.
—cont.

Section nine - For subsection (5) the following subsection shall be substituted:—

“(5) Proceedings against any undertakers in respect of any forfeiture incurred under this Act may be commenced at any time within three months after the date of the report of the gas examiner which is evidence of their liability to that forfeiture:

Provided that, in the event of an appeal to the Board of Trade against any such report, proceedings may be commenced within three months after the determination of the appeal or, in a case where the appeal is withdrawn, within three months after the date of the receipt by the Board of notice of its withdrawal.”

PART III.

PROVISIONS TO BE SUBSTITUTED AS FROM THE 1ST JANUARY, 1939, FOR SECTIONS 5, 6, 8 AND 9 OF PRINCIPAL ACT.

5.—(1) The Board of Trade shall prescribe—

Manner of
testing gas.

- (a) the places at which and the apparatus and method by which tests are to be made to ascertain whether any undertakers or non-statutory undertakers are supplying gas in conformity with the requirements of any enactment for the time being in force as to the calorific value, purity, pressure or composition of the gas; and
- (b) in the case of thermal unit undertakers in whose case intermittent tests are prescribed, the frequency of the tests and the manner of distribution of all or any of the tests throughout the quarter; and
- (c) the method by which any such apparatus is to be verified; and
- (d) the time and form of the reports to be made by the gas examiner to the Board of Trade and the local authority or court of quarter sessions by which he was

2ND SCH.
—cont.

appointed, and to the undertakers or non-statutory undertakers, as the case may be, to whom the reports relate, and the means by which the results of the tests are to be made available to the public :

Provided that any testing place provided by thermal unit undertakers in pursuance of any special or other Act of Parliament relating to the undertaking shall, unless otherwise agreed between the undertakers and the local authority by whom the gas examiner was appointed, be deemed to be a prescribed testing place under this section, but the Board of Trade may, if they think fit, prescribe any additional testing place in respect of that undertaking.

(2) The prescribed apparatus shall, in the case of any thermal unit undertakers who have sold in the preceding year more than five million therms in the form of gas, and in the case of any other thermal unit undertakers, if it appears to the Board of Trade to be necessary, include a calorimeter for the production of a continuous record of the calorific value of the gas which is being supplied.

(3) All undertakers and non-statutory undertakers shall provide and maintain to the satisfaction of the Board of Trade the testing places prescribed in their case and shall give any gas examiner access to any such testing place for the proper execution of his duty.

(4) All thermal unit undertakers shall provide and maintain to the satisfaction of the Board the apparatus prescribed in their case.

(5) On any occasion on which the gas examiner tests the gas supplied by undertakers or non-statutory undertakers, a representative of the undertakers or non-statutory undertakers, as the case may be, may be present, and a representative of thermal unit undertakers may be present on any occasion on which the gas examiner inspects, alters, adjusts, or replaces the testing apparatus provided by them, but no such representative shall in any way interfere with the test or with the inspection, alteration, adjustment or replacement of the apparatus.

For the purposes of this subsection, the gas examiner shall, in cases where the testing place is situated elsewhere than on the works of the undertakers or non-statutory undertakers, give them reasonable notice of the time at which he will attend at the testing place.

(6) A person authorised in writing by the Board of Trade may at any time, where it appears to the Board necessary for the proper execution of their duties under this section, enter upon and inspect the works of any undertakers or non-statutory undertakers, and the undertakers or non-statutory undertakers,

as the case may be, shall afford that person full facilities for that purpose and shall furnish the Board of Trade with such information with regard to the position of their mains and pipes, and with regard to any other matter, as the Board of Trade may reasonably require.

2ND SCH.
—cont.

(7) If any undertakers or non-statutory undertakers or any local authority think themselves aggrieved by any prescription of the Board of Trade made under this section, they may, within twenty-one days of the making of the prescription, notify the Board in writing of their objection thereto and thereupon the Board (unless they modify the prescription to the satisfaction of the objectors) shall refer the objection to the arbitration of a competent and impartial person to be appointed for the purpose by the Lord Chancellor, and that person may confirm, with or without modification, or annul the prescription, and his decision, after considering any representations made by the objectors or by the Board in writing and if requested by either of them to do so, after hearing the objectors and the representatives of the Board, shall be final and conclusive.

(8) Any decision of a person appointed by the Lord Chancellor as aforesaid purporting to have been signed by him shall for all purposes and to all intents be prima facie evidence of the due making and signing thereof without proof of such signature.

6.—(1) If any undertakers or non-statutory undertakers think themselves aggrieved by any report of a gas examiner, they may within twenty-one days appeal to the Board of Trade who shall appoint a competent and impartial person to determine the appeal, and that person may confirm with or without amendment or annul the report, and his decision, after considering any representations made by the parties in writing, and, if requested by any of them to do so, after hearing the parties, shall be final and conclusive.

Appeals to
Board of
Trade from
gas exa-
miner.

(2) The report of a gas examiner (including any such report as amended on appeal as aforesaid) showing any failure to comply with the provisions of any enactment as to the calorific value, purity, pressure or composition of gas, shall, subject to the provisions of subsection (4) of section nine of this Act, be conclusive evidence of the liability of the undertakers or non-statutory undertakers supplying the gas to a forfeiture in respect thereof.

(3) Any decision of a person appointed by the Board of Trade under this section purporting to have been signed by him shall, for all purposes and to all intents, be prima facie evidence of the due making and signing thereof without proof of such signature.

2ND SCH.
—*cont.*

Penalties
for failure to
comply with
prescription
of Board of
Trade, &c.

8. If any undertakers or non-statutory undertakers fail—

- (a) to comply with any lawful prescription of the Board of Trade under this Act relating to them or to provide or maintain any testing place, apparatus or materials or any other matter or thing which they are required to provide or maintain by this Act or any such prescription; or
- (b) to afford to the gas examiner or a person authorised in writing by the Board of Trade access to any testing place or works in accordance with the requirements of this Act; or
- (c) to afford or furnish any facilities or information in accordance with the requirements of this Act;

they shall be liable on summary conviction to a fine not exceeding twenty-five pounds and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day during which the default continues.

Forfeiture
for deficient
calorific
value, &c.

9.—(1) If for a period of two hours or upwards the calorific value of gas supplied by any thermal unit undertakers, ascertained in accordance with the provisions of this Act, is more than five per cent. below the declared calorific value, the undertakers shall be liable on summary conviction to a forfeiture not exceeding five pounds for every complete one per cent. by which the calorific value is deficient in excess of such five per cent.

(2) If, where there is no continuous record of the calorific value of the gas supplied by any such undertakers, the calorific value of gas so supplied is found at any testing place on any occasion of testing to be more than five per cent. below the declared calorific value, a second testing shall be made after an interval of not less than one hour, and the mean of the two testings shall be deemed for the purpose of the last foregoing subsection to be the calorific value of the gas supplied by the undertakers at that testing place for a period of two hours ascertained as aforesaid.

(3) If on any occasion the gas supplied by any undertakers or non-statutory undertakers does not conform with the provisions as to purity or pressure contained in any enactment for the time being in force relating to them, they shall be liable on summary conviction—

- (a) in the case of thermal unit undertakers, to a forfeiture not exceeding ten pounds; and
- (b) in the case of any other undertakers or non-statutory undertakers, to a forfeiture not exceeding five pounds.

(4) No undertakers or non-statutory undertakers shall be liable to any forfeiture under this section in any case where they show that the deficiency or failure was due to circumstances not within their control, or be liable for more than one forfeiture in respect of any day for any deficiency in pressure, composition or purity of gas supplied from any one works or, in the case of thermal unit undertakers, for any deficiency in calorific value of gas so supplied.

2ND SCH.
—cont.

(5) Proceedings against any undertakers or non-statutory undertakers in respect of any forfeiture incurred under this Act may be commenced at any time within three months after the date of the report of the gas examiner which is evidence of their liability to that forfeiture :

Provided that, in the event of an appeal to the Board of Trade against any such report, proceedings may be commenced within three months after the determination of the appeal or, in a case where the appeal is withdrawn, within three months after the date of the receipt by the Board of notice of its withdrawal.

THIRD SCHEDULE.

Section 33.

ENACTMENTS REPEALED.

PART I.

ENACTMENTS REPEALED AS FROM COMMENCEMENT OF ACT.

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo. 5. c. 28.	The Gas Regulation Act, 1920.	Subsections (3) and (4) of section four; subsection (4) of section nine; in section eighteen the definition of the expression "quarter sessions".
19 & 20 Geo. 5. c. 24.	The Gas Undertakings Act, 1929.	In subsections (1) and (2) of section three the words "raised by the undertakers on mortgage or by the creation and issue of debenture stock"; so much of the Schedule as amends section eighteen of the Gas Regulation Act, 1920.

3RD SCH.
—*cont.*

PART II.

ENACTMENTS REPEALED AS FROM THE 1ST JANUARY, 1935.

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo. 5. c. 28.	The Gas Regulation Act, 1920.	In subsection (1) of section four the words "The Board of Trade shall also appoint a competent and impartial person to be chief gas examiner" and the words "and the chief gas examiner"; subsection (1) of section six; in subsections (1) and (2) of section seven the words "the chief gas examiner and"; paragraphs (b) and (c) of the proviso to section eight; subsection (6) of section nine.

PART III.

ENACTMENTS REPEALED AS FROM THE 1ST JANUARY, 1939.

34 & 35 Vict. c. 41.	The Gasworks Clauses Act, 1871.	In section twelve the words from "and such gas" to the end of the section; in section twenty-eight paragraph 2 and the words "and purity"; in sections twenty-nine and thirty the words "and purity"; in section thirty-three the words "or purity"; in section thirty-six the words "under such pressure as is prescribed" and "under less pressure" and "or of less purity"; in Schedule A paragraph 2 of Part I and paragraph II of Part II.
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Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Geo. 5. c. 23.	The Gas Regulation Act, 1920.	Section four; subsection (1) and paragraphs (a) and (b) of subsection (2) of section seven.
19 & 20 Geo. 5. c. 24.	The Gas Undertakings Act, 1929.	So much of the Schedule as amends sections four, six and nine of the Gas Regulation Act, 1920.

3RD SCH.
—cont.

CHAPTER 29.

An Act to amend the Unemployment Insurance Acts, 1920 to 1933, and to make further provision for the training and assistance of persons who are capable of, and available for, work but have no work or only part-time or intermittent work; and for purposes connected with the matters aforesaid. [28th June 1934.]

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

PART I.

AMENDMENT OF UNEMPLOYMENT INSURANCE ACTS.

Insured Persons.

1.—(1) The minimum age for entry into insurance under the principal Act shall, instead of being the age of sixteen years, be the age (not being less than fourteen years) when a person attains the age at which under the law for the time being in force his parents cease to be under an obligation to cause him to attend school unless there is some reasonable excuse.

Age for entry into insurance and contributions in respect of persons under sixteen.

PART I.
—cont.

(2) The rates of contribution applicable under the Unemployment Insurance Acts, 1920 to 1933, in the case of persons under the age of eighteen years shall apply only as respects persons who are between the ages of sixteen and eighteen years, and the contributions payable under the Unemployment Insurance Acts by employed persons and their employers shall, in the case of persons who have not attained the age of sixteen years be at the following rates, that is to say, from the employed person for each week twopence, and from the employer for each week twopence.

(3) Subject to, and in accordance with, the provisions of Part I of the First Schedule to this Act, the Minister shall, after consultation with the Board of Education and the Scottish Education Department, and with the approval of the Treasury, provide by regulations for crediting with contributions any persons who, after attaining the age at which the period of compulsory elementary instruction ends, have continued to receive whole-time education, and the provisions of Part II of that Schedule shall have effect as to the reckoning of contributions so credited.

Regulations made under this subsection shall not come into force until the expiration of twelve months after the coming into operation of this section, but as from the date on which they come into force shall apply to persons who, having previously (whether before or after the commencement of this Part of this Act) attained the age aforesaid, have continued and are then continuing to receive whole time education.

(4) This section shall come into operation on the third day of September, nineteen hundred and thirty-four, or on such earlier date as the Minister may by order direct.

Power to
enlarge or
restrict
excepted
employ-
ments.

2.—(1) Where it appears to the Minister that the terms and conditions of service of, and the nature of the work performed by any class of persons employed in an excepted employment are so similar to the terms and conditions of service of, and the nature of the work performed by, a class of persons employed in an insurable employment as to result in anomalies in the operation of the Unemployment Insurance Acts, the Minister may, by regulations made with the consent of

the Treasury, either unconditionally or subject to such conditions as may be specified in the regulations, either—

PART I.
—cont.

- (a) provide for including the class of persons employed in insurable employment among the classes of persons employed in excepted employment; or
- (b) provide for including the class of persons employed in excepted employment among the classes of persons employed in insurable employment.

(2) Section four of the principal Act shall cease to have effect but any order or special order made under that section shall continue in force and have effect as if the provisions thereof had been made by regulations.

(3) The Minister may by regulations provide, subject to such exceptions and conditions as he thinks fit, for adding any class of employment to the excepted employments only as respects persons who are in any week employed in that class of employment to such extent (being in the opinion of the Minister inconsiderable) as may be specified in the regulations.

Benefit.

3.—(1) An insured contributor who is between the ages of sixteen and sixty-five years and is unemployed shall, if he proves that the statutory conditions are fulfilled in his case, and if he is not disqualified under the Unemployment Insurance Acts for the receipt of benefit, be entitled, subject to the provisions of those Acts, to receive in a benefit year, benefit—

Right to,
and dura-
tion of,
benefit.

- (a) in respect of periods not exceeding in the aggregate one hundred and fifty-six days; and
- (b) if qualified for additional days under the provisions of the next following subsection, in respect of additional days of which the maximum number shall be computed in manner provided by that subsection.

(2) The following provisions shall have effect with respect to additional days—

- (a) an insured contributor shall be qualified for additional days if at the beginning of the benefit year five insurance years have elapsed since the beginning of the insurance year in which he first became such a contributor, so, however, that a

PART I.
—cont.

person shall cease to be so qualified if at the beginning of any benefit year five consecutive insurance years have elapsed without contributions being paid in respect of him as an insured contributor, but upon contributions being again so paid shall be treated for the purposes of this paragraph as if he had then first become an insured contributor;

- (b) the maximum number of additional days in any benefit year shall be computed, in the case of an insured contributor qualified for such days, by allowing to him days at the rate of three for every five contributions paid in respect of him as an insured contributor in respect of the last five years, less one day for every five days in respect of which benefit has been paid to him in respect of the benefit years which ended in the last five years.

For the purposes of this paragraph—

- (i) the expression “the last five years” means the period of five complete insurance years last preceding the beginning of the benefit year in respect of which the computation of additional days is made;
- (ii) every two contributions paid in respect of a person as an insured contributor under the age of eighteen years shall be reckoned as one contribution;
- (iii) fractions of a day shall be disregarded.

(3) An insured contributor who has in any benefit year exhausted his benefit rights shall not thereafter be entitled to benefit in respect of any day in that benefit year, nor shall he become entitled to benefit in his next benefit year before the Monday next after the end of the calendar week for which there is paid the last of the ten contributions mentioned in paragraph (b) of the next following section.

(4) In calculating contributions for the purposes of the last two foregoing subsections, paragraph (i) of subsection (2) of section five of the Unemployment Insurance Act 1927 (which provides that no account shall be taken of any contributions paid in respect of any person in respect of any period during which he was not bona fide

employed) shall apply in like manner as it applies in calculating the thirty contributions required by the first statutory condition.

PART I.
—cont.

(5) The Minister may by regulations make provision as to the circumstances in which and the extent to which contributions paid in error and sums paid to a person by way of benefit while he was not entitled thereto are to be taken into account for the purposes of this and the next following section.

(6) After an insured contributor has at the beginning of his benefit year proved that the first statutory condition is fulfilled in his case, then, subject to and in accordance with regulations made by the Minister, he shall be treated throughout the remainder of that benefit year as if that condition continued to be so fulfilled.

4.—(1) For all the purposes of the Unemployment Insurance Acts, the expression “benefit year” shall mean, in relation to an insured contributor, the period of twelve months beginning on the date on which, on a claim for benefit, he proves for the first time after the commencement of this Part of this Act—

Definition
of benefit
year.

- (a) that the first statutory condition is fulfilled in his case; and
- (b) in the case only of an insured contributor who has exhausted his benefit rights in his last preceding benefit year, also that contributions have been paid in respect of him for ten weeks since the Sunday last before the last day in that benefit year in respect of which he received benefit;

and every subsequent period of twelve months commencing on the date on which that contributor on a claim for benefit proves the matters aforesaid for the first time after the termination of his last preceding benefit year.

(2) If, in the case of any insured contributor, it is found that he has been treated in error as having begun his benefit year on any date by reason of his having been wrongly treated as having proved any of the matters aforesaid on that date, his benefit year shall nevertheless be deemed to have begun on that date, but he shall not be

PART I. entitled to benefit during the remainder of that year until
—*cont.* he proves those matters.

Provisions
as to rates
of benefit.

5.—(1) As from the first day of July, nineteen hundred and thirty-four, article two of the Unemployment Insurance (National Economy) (No. 1) Order, 1931, and the Second Schedule to that Order shall cease to have effect, and benefit shall be at the rates in force immediately before the coming into operation of that Order; and accordingly subsection (1) of section four of the Unemployment Insurance Act, 1927, shall have effect as if the Second Schedule to this Act were substituted for the Second Schedule to the said Order, and subsection (2) of section two of the Unemployment Insurance Act, 1930 (which relates to the increase in the weekly rate of benefit in respect of dependants), shall have effect as if for the words “eight shillings,” wherever those words occur, there were substituted the words “nine shillings.”

20 & 21
Geo. 5. c. 16

(2) This section shall come into operation on the passing of this Act.

Amend-
ments as to
disqualifi-
cations for
benefit and
as to third
statutory
condition.

6.—(1) Subsection (1) of section four of the Unemployment Insurance Act, 1930, shall have effect as if there were inserted therein after the words “offered to him” the words “or if it is proved by an officer of the “Ministry of Labour that the claimant has neglected to “avail himself of a reasonable opportunity of suitable “employment.”

(2) An insured contributor shall not be deemed to have failed to fulfil the third statutory condition by reason only that he is attending at an authorised course, or at a training course or course of instruction approved by the Minister in his case.

Amend-
ments as to
fifth
statutory
condition.

7.—(1) The following shall be substituted for the fifth statutory condition for the receipt of benefit by insured contributors—

“(v) that, if the Minister has, for the purpose of giving him an opportunity of becoming or keeping fit for entry into or return to regular employment, required him to attend at an authorised course, he proves either that he duly attended in accordance with the requirement, or that he had good cause for not so attending.”

(2) For the purposes of the fifth statutory condition an insured contributor, who by reason of his misbehaviour while attending at an authorised course has been required to discontinue his attendance thereat during any period, shall not be deemed to have duly attended at the course or to have had good cause for not so attending during that period, or during such part thereof as may be determined on any subsequent claim to benefit.

PART I.
—cont.

8.—(1) Where a claim for benefit by an insured contributor is disallowed by the court of referees or the umpire on the ground that he is disqualified under subsection (2) of section eight of the principal Act or under section four of the Unemployment Insurance Act, 1930, for receiving benefit, the court of referees or the umpire shall declare the insured contributor to be disentitled to benefit for a period of six weeks or such shorter period as may be determined by the court of referees or the umpire, as the case may be, being a period beginning as from such date as may be so determined.

Period of
disallow-
ance of
benefit in
certain
cases.

(2) So much of subsection (2) of section eight of the principal Act, and so much of subsection (1) of section four of the Unemployment Insurance Act, 1930, as relate to the extent of the period of disqualification and the date of the commencement thereof, and section ten of the Unemploy-

11 & 12
Geo. 5. c. 15.

9.—(1) For all the purposes of the Unemployment Insurance Acts, the expression “a dependent child” means, in relation to a person entitled to benefit, any child, younger brother, or younger sister, of his who—

Definition
of depen-
dent child.

- (a) is under the age of fourteen years and is maintained wholly or mainly by him; or
- (b) is between the ages of fourteen and sixteen years and is maintained wholly or mainly by him and is either—
 - (i) a person under full time instruction at a day school; or
 - (ii) a person who is unable to receive such instruction by reason of physical or mental infirmity; or

PART I.
—*cont.*

(c) is a person between the ages of fourteen and sixteen years and is while unemployed maintained wholly or mainly by him, and is a person in whose case the statutory conditions for the receipt of benefit, as hereinafter adapted for the purposes of this paragraph, are fulfilled (or would be fulfilled, if he were an insured contributor) and who is not disqualified (or would not be disqualified if he were an insured contributor) under the Unemployment Insurance Acts for the receipt of benefit.

(2) For the purposes of determining whether a person is a dependent child by virtue of paragraph (c) of the last foregoing subsection, the statutory conditions shall be construed subject to the following adaptations, that is to say, the first statutory condition shall be deemed to be omitted, and in the second statutory condition the words "has made application for unemployment benefit in the prescribed manner and" and the words "since the date of the application" shall be deemed to be omitted.

16 & 17
Geo. 5. c. 29.

(3) In this section, the expression "child" includes a stepchild, adopted child (whether adopted under the Adoption of Children Act, 1926, or otherwise); and illegitimate child; the expression "younger brother" includes a younger half-brother and a younger step-brother; the expression "younger sister" includes a younger half-sister and a younger step-sister; and the expression "day school," in relation to any person, does not include an authorised course, or a training course or course of instruction approved by the Minister in his case.

Amend-
ments as to
increase of
benefit in
respect of
dependants.

10.—(1) No increase of benefit shall be payable to an insured contributor in respect of any person for any period before the date on which the insured contributor makes application in the prescribed manner for an increase in respect of that person, so, however, that regulations may be made for authorising some earlier date to be substituted for the date of the application in cases in which good cause is shown for the delay in making the application.

(2) Where a claim for benefit is made by an insured contributor and another insured contributor receives an increase of benefit in respect of the first-mentioned insured

contributor for any period occurring between the date when the claim is made and the date when it is allowed, the benefit payable to the first-mentioned insured contributor for that period shall be reduced by the amount of the increase of benefit so received by the second-mentioned insured contributor.

PART I.
—cont.

11.—(1) Notwithstanding anything in the Unemployment Insurance (Expiring Enactments) Act, 1933, section one of the Unemployment Insurance (No. 3) Act, 1931, shall continue in force, subject to the amendments hereafter specified in this section, until Parliament otherwise determines.

Amend-
ments as to
anomalies
regulations.
23 & 24
Geo. 5. c. 26.
21 & 22
Geo. 5. c. 36.

(2) For references in the said section one to regulations, there shall be substituted references to orders, and any regulations made before the commencement of this Act under the said section shall be deemed to be orders; and the Minister shall have power to make orders, under and in accordance with the provisions of the said section one, for the purpose of removing any anomalies which may arise from time to time in the operation of the Unemployment Insurance Acts in connection with the classes of persons in that section mentioned.

(3) Paragraph (*d*) of subsection (2) of the said section one shall have effect as if there were inserted at the end thereof “but not including a married woman who proves that she has been deserted by, or is permanently separated from, her husband, or that her husband is incapacitated from work and has been so continuously for at least six weeks,” and the proviso to the said subsection (2) shall cease to have effect.

(4) Any order made under the provisions of the said section one may be varied or revoked by any subsequent order made in like manner but, before any order is made under the said provisions, a draft thereof shall be laid before Parliament, and no such order made after the commencement of this Part of this Act shall have effect unless each House has resolved that the draft thereof be approved.

(5) Section two of the Unemployment Insurance (No. 3) Act, 1931 (which provides for the constitution of an advisory committee for the purpose of section one of that Act) shall cease to have effect.

Determination of Claims and Questions.

PART I.
—*cont.*
Determination of
claims and
questions.

12.—(1) The following subsection shall be substituted for subsection (3) of section eight of the Unemployment Insurance Act, 1930:—

“(3) If the insurance officer is not satisfied that a claim ought to be allowed he may either refer the claim (so far as practicable within fourteen days from the date on which the claim was submitted to him for examination) to the court of referees for their decision or, subject to the provisions of this subsection, himself disallow the claim :

Provided that—

(a) the insurance officer shall not himself disallow a claim on any of the following grounds, namely,—

(i) that the third statutory condition is not fulfilled;

(ii) that the claimant is disqualified by reason of his having lost his employment through his misconduct or having left his employment voluntarily without just cause or by reason of the provisions of section four of the Unemployment Insurance Act, 1930;

(iii) that the claimant does not fulfil one or more of the additional conditions or terms with respect to the receipt of benefit imposed by orders made under the Unemployment Insurance (No. 3) Act, 1931, or is subject to restrictions on the amount or period of benefit imposed by such orders; and

(b) the insurance officer shall not himself disallow a claim on the ground that the fifth statutory condition is not fulfilled, except in cases where that condition is not fulfilled only by reason of a person under the age of eighteen years having been required to discontinue for not more than one

day his attendance at an authorised course in consequence of his misbehaviour while attending thereat; and

- (c) the insurance officer shall refer to the court of referees any question whether the claimant is liable to have deductions made under any of the provisions of the Unemployment Insurance Acts from any benefit to which he is, or may become, entitled."

(2) For the purposes of paragraph (b) of subsection (5) of section eight of the Unemployment Insurance Act, 1930 (which specifies some of the persons at whose instance an appeal shall lie from a court of referees) a claimant for benefit shall not, in relation to any appeal, be deemed to be a member of any association of employed persons unless he was a member thereof on the last date on which he was employed before the claim subject to the appeal was made, and has continued to be a member thereof until the date when the appeal is made.

(3) For paragraph (c) of subsection (5) of section eight of the Unemployment Insurance Act, 1930, there shall be substituted the following paragraph:—

“(c) At the instance of the claimant—

(i) without leave in any case in which the decision of the court of referees is not unanimous; and

(ii) with the leave of the chairman of the court of referees in any other case; so, however, that where leave to appeal is not granted when the decision of the court of referees is given, an application for such leave may be made by the claimant in such form, and within such time after the date of the decision, as may be prescribed by regulations made by the Minister under section thirty-five of the principal Act, and any application for leave to appeal shall be granted by the chairman if it appears to him that there is a principle of importance involved in the case or any other special circumstance by reason of which leave to appeal ought to be given.”

PART I.
—*cont.*

(4) A court of referees shall record their decisions in writing and shall include in the record of every decision a statement of their findings on questions of fact material to the decision.

(5) Where the chairman of a court of referees grants leave to appeal to the umpire from the decision of the court, the chairman shall record in writing a statement of the grounds on which leave to appeal is granted.

Instruction and Training.

Provision of
authorised
courses and
other
courses of
instruction
and
training,
and pay
ments
to persons
attending
thereat.

13.—(1) Every education authority shall, as soon as may be after the commencement of this Part of this Act, submit to the Minister proposals for the provision of such courses of instruction as may be necessary for persons in their area between the minimum age for entry into insurance and the age of eighteen years who are capable of and available for work but have no work or only part-time or intermittent work, and, if the Minister approves the proposals with or without modifications, the authority shall provide such courses in accordance therewith :

Provided that the Minister shall not approve any proposals submitted to him under this subsection unless they are in accord with a scheme made by him with the consent of the Treasury after consultation with the Board of Education.

(2) If it is certified by the Minister that, having regard to the number of such persons as aforesaid in the area of any education authority, insufficient provision has been made under the last foregoing subsection for courses of instruction in or in any part of the area, and that such courses of instruction as are specified in the certificate are necessary in such localities as are specified therein, it shall be the duty of the authority to provide such courses of instruction in those localities within three months from the date of the certificate or such further time as the Minister may allow, and if the authority fail to do so the Minister may make such order as he thinks necessary or proper for the purpose of compelling the authority to fulfil that duty, and any such order may be enforced by mandamus :

Provided that any order made by the Minister under this subsection may be varied or revoked by a subsequent order made by him in like manner.

PART I.
—cont.

(3) The Minister, subject to the approval of the Treasury, may provide training courses for persons who have attained the age of eighteen years and are capable of and available for work but have no work or only part-time or intermittent work.

(4) The Minister, subject to the approval of the Treasury, may defray the cost of authorised courses provided by him and contribute towards the cost of any other authorised courses and may also defray, or contribute towards, the cost of training courses, courses of instruction, or courses of occupation, provided in pursuance of arrangements made with the Minister by any public authority or other body for persons who are capable of and available for work but have no work or only part-time or intermittent work.

(5) The Minister, subject to the approval of the Treasury, may pay or contribute towards the travelling expenses of persons travelling to or from any such course as aforesaid, and may make payments to persons attending at any such authorised course, training course, or course of instruction as aforesaid, not being a course provided only for persons who have not attained the age of eighteen years.

14.—(1) If any person (whether an insured contributor or not) who is between the minimum age for entry into insurance and the age of eighteen years is capable of and available for work but has no work or only part-time or intermittent work, the Minister may require his attendance in accordance with regulations at any authorised course at which he can reasonably be expected to attend.

Power to
require
attendance
of persons
under
eighteen at
authorised
courses.

(2) If any person whose attendance at an authorised course has been required by the Minister under this section fails, except by reason of sickness or other unavoidable cause, to attend at that course, proceedings may be taken by or on behalf of the Minister, in the case of a person who has not attained the age of sixteen years, under section forty-five of the Education Act, 1921 (notwithstanding that he may be over the age at which an

11 & 12
Geo. 5. c. 51.

PART I.
—cont.

order could otherwise be made under that section) or, in the case of a person who has attained the age of sixteen years, under section seventy-eight of that Act, as if the requirement were, respectively, a school attendance order, or a requirement imposed under the said Act for attendance at a continuation school, and as if proceedings could be taken by or on behalf of the Minister under those sections, and the provisions of that Act shall apply accordingly.

For the purposes of this subsection and of any such proceedings as aforesaid, a person who, by reason of his misbehaviour while attending at any course, has been required to discontinue his attendance thereat for any period shall be deemed to have failed without unavoidable cause to attend at that course.

(3) Education authorities shall have power to assist the Minister with respect to the attendance at authorised courses of persons who may be, or have been, required by the Minister under this section to attend thereat :

Provided that legal proceedings for enforcing a requirement of the Minister that any person should attend at an authorised course shall not be taken by an education authority except under the last foregoing subsection on behalf of the Minister.

(4) The regulations made by the Minister under this section may make provision for the establishment of boards of assessors for the purpose of reporting to him as to the advisability of requiring persons to attend at an authorised course.

Power to make grants out of Unemployment Fund towards expenses of attendance at authorised courses.

15.—(1) Subject to the provisions of this section the Minister may, with the consent of the Treasury, authorise the payment out of the Unemployment Fund of grants towards expenses incurred by the Minister in respect of the attendance at authorised courses of persons who have not attained the age of eighteen years and of insured contributors in receipt of benefit who have attained that age.

(2) Grants under this section—

(a) in respect of attendance at authorised courses, being courses of instruction, shall not exceed fifty per cent. ;

(b) in respect of attendance at authorised courses, being training courses, shall not exceed seventy-five per cent.,

PART I.
—cont.

of any amount which may be paid out of the moneys provided by Parliament in respect of the attendances in question.

(3) All sums paid out of the Unemployment Fund under this section shall be paid as an appropriation in aid of moneys provided by Parliament for the expenses of the Minister, but the expenses of the Minister so incurred as aforesaid shall not be taken into account in estimating his expenses for the purposes of subsection (4) of section twelve of the principal Act.

16. The Minister may make regulations requiring employers when any person (whether an insured contributor or not) who is between the minimum age for entry into insurance and the age of eighteen years leaves their employment to give notice thereof to the Minister in the prescribed manner.

Power to require notification by employers when persons under eighteen leave their employment.

Financial Provisions.

17.—(1) There shall be constituted a committee, to be called “the Unemployment Insurance Statutory Committee”, to give advice and assistance to the Minister in connection with the discharge of his functions under the Unemployment Insurance Acts and to perform the duties hereafter specified in this Part of this Act; and the provisions of Part I of the Third Schedule to this Act shall have effect with respect to the constitution and proceedings of the Committee.

Establishment of Unemployment Insurance Statutory Committee and duties of Committee as respects Unemployment Fund.

(2) The Committee shall, not later than the end of February in every year, make a report to the Minister on the financial condition of the Unemployment Fund on the thirty-first day of December last preceding, and shall also make a report to the Minister on the financial condition of the fund whenever they consider that the fund is or is likely to become, and is likely to continue to be, insufficient to discharge its liabilities, and may make a report on the financial condition of the fund at such other times as they think fit.

PART I.
—*cont.*

(3) If the Committee at any time report that the Unemployment Fund is or is likely to become, and is likely to continue to be, insufficient to discharge its liabilities, or is and is likely to continue to be more than reasonably sufficient to discharge its liabilities, the report shall contain—

- (a) recommendations for the amendment, either generally or in relation to special classes of insured contributors, of the provisions of the Unemployment Insurance Acts referred to in Part II of the Third Schedule to this Act or of the provisions of any previous order made under this section, being such amendments as in the opinion of the Committee are required in order to make the fund, as the case may be, sufficient or no more than reasonably sufficient to discharge its liabilities; and
- (b) an estimate of the effect which the amendments recommended will have on the financial condition of the fund;

and, where the Committee report that the fund is and is likely to continue to be more than reasonably sufficient to discharge its liabilities, the report may contain recommendations for the application of any sum towards the discharge of the liabilities mentioned in subsection (2) of the section of this Act next following.

(4) The Committee shall give such notice as they consider sufficient of their intention to make a report under this section and shall take into consideration any representations which may be made to them with respect thereto.

(5) Within the period of two months after the receipt by the Minister of any report under this section or, if Parliament is not sitting, at the expiration of that period, then, as soon after the expiration thereof as Parliament sits, the Minister shall lay the report before Parliament, and in a case where the report contains recommendations for the amendment of the Unemployment Insurance Acts or of any previous order made under this section, shall after consultation with the Treasury lay before Parliament—

- (a) the draft of an order making such amendments as are duly recommended by the report, or, if

PART I.
—cont.

and so far as any amendment so recommended is not adopted by the Minister, making such amendments (being amendments which the Committee had power to recommend) as will in his opinion have substantially the same effect on the financial condition of the Unemployment Fund as that estimated by the report as being the effect of the amendments recommended; and

- (b) if and in so far as the amendments proposed by the draft order differ from the amendments recommended by the report, a statement of the reasons for the difference.

(6) If each House resolves that the draft of an order laid before it under this section be approved, the Minister shall make an order in the terms of the draft to take effect on such date as may be specified in the order, and as from that date the provisions of the Unemployment Insurance Acts and of any such previous order as aforesaid shall have effect subject to the provisions of the order.

(7) So much of the Unemployment Insurance Acts, 1920 to 1933, as provides for the variation, otherwise than in accordance with the provisions of this section, of the rates of contributions in force at the commencement of this Act shall cease to have effect.

(8) This section shall come into operation on the passing of this Act.

18.—(1) Section five of the Unemployment Insurance Act, 1921 (which provides for advances by the Treasury to the Unemployment Fund of sums amounting to one hundred and fifteen million pounds), shall cease to have effect, except in so far as it provides that the advances made under the said section before the coming into operation of this section together with interest thereon shall be charged on and payable out of that fund.

Treasury
advances to
Unemploy-
ment Fund
11 & 12
Geo. 5. c. 1

(2) Subject as hereinafter provided, the liability imposed on the Unemployment Fund by the said section five in respect of the said advances and interest, and the liability incurred by the Treasury to the National Debt Commissioners in respect of the provision of

PART I.
—cont.

money for the purpose of the said advances, shall be discharged by the payment to the National Debt Commissioners of half-yearly instalments which (except for the last thereof which shall be for the balance of the advances and interest then outstanding) shall be of two million five hundred thousand pounds each: the first of the said instalments shall be paid on the thirtieth day of September, nineteen hundred and thirty-four and a subsequent instalment shall be paid on the thirty-first day of March and the thirtieth day of September in each year, and the said instalments shall cease to be payable when the National Debt Commissioners certify to the Minister that the amount of the advances and interest outstanding immediately before the coming into operation of this section, together with interest thereon at the appropriate rate, has been discharged:

Provided that nothing in this subsection shall be construed as preventing the application, on the recommendation of the Unemployment Insurance Statutory Committee, of sums out of the fund towards the discharge of the said liabilities in addition to the instalments therein mentioned.

In this subsection the expression "the appropriate rate" means, as respects each advance, the rate of interest which has been fixed by the Treasury before the coming into operation of this section for the period for which it was fixed, and after that period the rate of three and one-eighth per cent. per annum.

(3) Subject to the provisions of this subsection, the instalments aforesaid shall be paid out of the Unemployment Fund:

Provided that, where the moneys in the Unemployment Fund are insufficient to pay any instalment falling due or any part thereof, the Treasury shall pay to the National Debt Commissioners out of the Consolidated Fund or the growing produce thereof the sum required to make good the deficiency, and an amount equal to that sum shall be treated as having been temporarily advanced to the Unemployment Fund.

(4) The Treasury may under this subsection at any time temporarily advance to the Unemployment Fund out of the Consolidated Fund or the growing produce

thereof such sums as may be required from time to time for the purpose of making any payments properly falling to be made out of the Unemployment Fund other than instalments payable under the foregoing provisions of this section and the repayment of any sums treated under the last foregoing subsection as having been temporarily advanced to the fund.

PART I.
—*cont.*

(5) If at any time it appears to the Minister, after consultation with the Treasury, that the Unemployment Fund is, or will shortly become, insufficient to discharge its liabilities, including the repayment of any advances made under the last two foregoing subsections within the time limited by this section in the case of such advances, there shall be advanced to the fund out of moneys provided by Parliament such sums as appear to the Treasury to be required to enable the fund to discharge its liabilities.

(6) Any sums advanced or treated as having been temporarily advanced under this section, together with interest thereon at such rate as may be fixed by the Treasury, shall be charged on the Unemployment Fund and shall be repaid out of that fund to the Exchequer in such manner as the Treasury may direct, and shall be so repaid—

- (a) in the case of a payment treated as having been advanced under subsection (3) of this section, within six months from the date of the payment to the National Debt Commissioners;
- (b) in the case of an advance under subsection (4) of this section, before the end of the financial year in which the advance was made;
- (c) in the case of an advance under subsection (5) of this section, as to one-third thereof not later than the end of the first financial year next following the financial year in which the advance was made, and as to two-thirds thereof not later than the end of the second financial year so next following.

(7) Whenever any advance is made to the Unemployment Fund under this section, the Minister shall forthwith report the fact to the Unemployment Insurance Statutory Committee.

PART I.
—cont.

Duties of
Unemploy-
ment In-
surance
Statutory
Committee
as respects
regulations,
orders and
advice.

Miscellaneous and General.

19.—(1) Before making any regulations under the Unemployment Insurance Acts, except regulations made under the provisions of this Part of this Act relating to instruction and training, the Minister shall submit to the Unemployment Insurance Statutory Committee a draft of the regulations and the Committee shall forthwith consider the draft and report thereon to the Minister, and the Minister shall consider the report of the Committee and may then make the regulations either in the form of the draft or with such amendments as he thinks fit :

Provided that, where the Minister certifies that on account of urgency or any special reason any regulations should come into operation without delay, the Minister may, before receiving or considering the report of the Committee on a draft thereof, make the regulations as provisional regulations, so however that no provisional regulations shall continue in force for longer than three months after the receipt by the Minister of the report.

(2) Throughout the provisions of the Unemployment Insurance Acts 1920 to 1933, except the provisions of sections eighteen and twenty of the principal Act (which relate to special and supplementary schemes) and of section one of the Unemployment Insurance (No. 3) Act, 1931, and the enactments amending those sections, references to orders and special orders required or authorised to be made thereunder by the Minister shall be construed as references to regulations, and any such orders or special orders made before the commencement of this Part of this Act under the provisions of the said Acts (with the exceptions aforesaid) may be revoked, varied or amended in the same manner as if they had been regulations.

(3) The provisions of the Fourth Schedule to this Act shall have effect with respect to the publication of, and objections to, draft regulations laid before the Committee.

(4) Before laying before Parliament the draft of any order proposed to be made under section one of the Unemployment Insurance (No. 3) Act, 1931, the Minister shall submit the draft to the Committee and the Committee shall forthwith consider the draft and report

thereon to the Minister, and the Minister shall consider the report of the Committee and may then lay the draft before Parliament either without amendments or with such amendments as he thinks fit.

PART I.
—*cont.*

(5) Whenever any regulations (being neither regulations made under the provisions of this Part of this Act relating to instruction and training nor provisional regulations) are laid before Parliament in pursuance of subsection (3) of section thirty-five of the principal Act, and whenever the draft of any order is laid before Parliament in pursuance of subsection (4) of section eleven of this Act, there shall be laid together therewith the report of the Committee on the draft regulations or order, and a statement by the Minister showing what amendments, if any, have been made since the report of the Committee and what effect (if any) has been given to any recommendations of the Committee, and, if effect has not been given to any recommendation, giving reasons for not adopting it.

(6) The Minister may from time to time refer to the Committee for consideration and advice such questions relating to the operation of the Unemployment Insurance Acts as he thinks fit (including questions as to the advisability of amending those Acts).

20.—(1) The Unemployment Insurance Statutory Committee shall as soon as may be after the passing of this Act make such proposals as may seem to them practicable for the insurance against unemployment of persons engaged in employment in agriculture, and shall make a report to the Minister containing the proposals and any recommendations of the Committee with respect thereto and the report shall be laid before Parliament.

Duty of
Unemploy-
ment Insur-
ance Statu-
tory Com-
mittee
as to insur-
ance of
persons
employed in
agriculture.

(2) The Committee shall give such notice as they consider sufficient of their intention to enquire into the matter aforesaid, and shall take into consideration any representations submitted to them by persons appearing to them to represent employers or persons employed or persons engaged in agriculture or by any Government department.

(3) In this section the expression "agriculture" includes horticulture and forestry.

PART I.

—*cont.*

Amend-
ments as to
arrange-
ments with
associations
of employed
persons.

21.—(1) Where in pursuance of a decision of an insurance officer, court of referees or umpire any sum by way of provision for unemployment has been paid by a society, body, or other association with which an arrangement has been made under section seventeen of the principal Act to a member of the association, then if the decision is, after the commencement of this Part of this Act, revised on new facts being brought to the knowledge of the insurance officer, court of referees or umpire, repayment of the sum shall, notwithstanding the revision, be made to the association out of the Unemployment Fund, if it is shown that no one concerned with the case on behalf of the association could reasonably have been expected to ascertain the facts on which the decision was revised, and that recovery of the sum has not been practicable.

(2) Any question arising under this section shall be referred and determined as if it were a question arising under section seventeen of the principal Act and the said section seventeen shall have effect accordingly.

Amend-
ments as to
schemes.

22.—(1) A supplementary scheme under section twenty of the principal Act may be submitted by any organisations which appear to the Minister to represent a majority of such of the employers in any industry, and of such of the employees in that industry, as are organised :

Provided that the Minister, before approving any supplementary scheme so submitted, shall take steps to ascertain so far as practicable, and shall take into consideration, the views of other employers and employees in the industry.

(2) For the purpose of securing in the case of a special scheme that like rates of benefit shall be payable to the persons to whom the scheme applies as are for the time being payable under the enactments relating to unemployment insurance, and that the benefits under the scheme shall otherwise be not less favourable than those for the time being provided by the general provisions of those Acts (but for no other purpose), the Minister may, after consultation with the body charged with the administration of the scheme, notwithstanding anything in section eighteen of the principal Act, by order vary or amend the provisions of the scheme and any such order

may provide for consequential amendments as to the rates of contribution and otherwise.

PART I.
—*cont.*

This subsection shall come into operation on the passing of this Act.

23.—(1) Subsection (3) of section twenty-two of the principal Act (which provides for the recovery of contributions where an employer has been convicted of the offence of failing or neglecting to pay any contributions) shall apply in a case where an employer has been charged with such an offence and an order has been made under subsection (1) of section one of the Probation of Offenders Act, 1907, in the same manner as it applies where an employer has been convicted of such an offence.

Amend-
ments as to
offences.

7 Edw. 7.
c. 17.

(2) In any case where—

(a) an employer is convicted of any offence under section thirteen of the Stamp Duties Management Act, 1891, as applied by regulations made under section thirty-three of the principal Act, or of the offence under subsection (2) of section twenty-two of the principal Act of contravening or not complying with the requirements of the regulations made under that Act, or is charged with any such offence and an order is made under subsection (1) of section one of the Probation of Offenders Act, 1907; and

54 & 55
Vict. c. 38.

(b) the evidence on which he is convicted or on which the order is made shows that the employer, for the purpose of paying any contribution which he was liable to pay, has affixed to an unemployment book or card any stamp which had been cancelled or defaced in any way whatever, whether it had actually been used for the purpose of payment of a contribution or not;

the employer shall be liable to pay to the Unemployment Fund a sum equal to the amount of the contribution in respect of which the stamp was affixed, and on such a conviction or on the making of such an order, if notice of intention to do so has been served with the summons or warrant, evidence may be given of the failure or neglect on the part of the employer to pay other contributions in respect of the same person during the two

PART I.
—cont.

years preceding the date of the offence, and on proof of such failure or neglect, the employer shall be liable to pay to the Unemployment Fund a sum equal to the total of the contributions which he is so proved to have failed or neglected to pay.

Any sum paid by an employer under this subsection shall be treated as a payment in satisfaction of the unpaid contributions, and the employed person's portion of those contributions shall not be recoverable by the employer from the employed person.

(3) The following provisions shall have effect with respect to sums ordered to be paid to the Unemployment Fund under the last foregoing subsection:—

- (a) any sum so ordered to be paid by a court in England shall be recoverable as a penalty;
- (b) if the employer, being a company, fails to pay to the Unemployment Fund any sum which the company has been ordered to pay under the last foregoing subsection, that sum or such part thereof as remains unpaid shall be a debt due to the Unemployment Fund jointly and severally from any directors of the company who knew, or could reasonably have been expected to know, of the failure or neglect to pay the contribution or contributions in question, and may be recovered accordingly as a civil debt.

(4) If any person for any purpose whatsoever knowingly makes a false representation that he or any other person is the person specified in an unemployment book or card as being the person to whom the book or card was issued, he shall be liable on summary conviction to a fine not exceeding ten pounds:

Provided that nothing in this subsection shall be taken to prejudice the provisions of subsection (1) of section twenty-two of the principal Act.

Amend-
ment as to
summary
recovery
of sums
due to
Unemploy-
ment Fund.

24.—(1) Proceedings for the summary recovery as civil debts of sums due to the Unemployment Fund may, notwithstanding anything in any Act to the contrary, be brought at any time within three years from the time when the matter complained of arose.

(2) In this and the last foregoing section of this Act and in section twenty-two of the principal Act references

to the Unemployment Fund shall be construed as including references to the seamen's special fund or any similar fund established by any order or regulations for the time being in force under section thirty-nine of the principal Act.

PART I.
—cont.

25.—(1) The fixed number of contributions for the purposes of section forty-one of the principal Act (which makes special provision with respect to discharged seamen, marines, soldiers and airmen) shall, in the case of a man discharged at any time after the thirtieth day of June, nineteen hundred and twenty-seven, be a number equal to the number of weeks during which he had served in the forces after that date, and for the purposes of the Unemployment Insurance Acts the contributions credited to him under the said section shall be deemed to have been paid in respect of him at the rate of one contribution for each week over a period ending with the week in which his discharge takes place :

Amendment
of s. 41 of
principal
Act, and
application
of Acts to
officers of
reserve
forces.

Provided that the said fixed number shall not in the case of any such man discharged before, or serving in the forces at, the commencement of this Part of this Act be less than thirty.

For the purposes of this subsection a part of a week shall be reckoned as a week.

(2) Any payments made before the commencement of this Part of this Act under the said section forty-one by way of employers' and employed persons' contributions in respect of men discharged between the said thirtieth day of June and the commencement of this Part of this Act shall be increased by such an amount as may in the opinion of the Treasury be necessary, having regard to the foregoing provisions of this section.

(3) Subsection (2) of section forty of the principal Act and subsection (1) of section nine of the Unemployment Insurance (No. 2) Act, 1921, shall apply to officers on the retired or emergency lists of the Royal Navy or Royal Marines, to officers of the naval reserves and regular army reserve of officers, to retired officers of the regular Army, to officers of the supplementary reserve of officers, to officers on the retired list of the Royal Air Force, to officers of the air force reserve, air force special reserve, territorial army, territorial army reserve of officers, auxiliary air force, and auxiliary air force reserve, to

PART I.
—*cont.*

persons given temporary commissions in the naval, marine, land or air forces, and to persons given temporary warrants in the Royal Navy, Royal Marines or naval reserve who before training or before being called out or taken into employment on an occasion of great emergency or before being called out for actual military service or before being embodied or before being given a commission or warrant on an occasion of great emergency for service during the emergency, were normally employed persons within the meaning of the Unemployment Insurance Acts, or the corresponding enactments in force in Northern Ireland, in like manner as they apply to men of the reserves and forces mentioned in those subsections.

Extension of
principal
Act to short
service con-
stables of
the metro-
politan
police force.

26.—(1) Every constable of the metropolitan police force appointed for a fixed period of service who is discharged from the force on the completion of that period shall, for the purposes of the provisions of the Unemployment Insurance Acts relating to the rights of an insured person with respect to benefit but not for any other purpose, be treated as though he were, on the date of his discharge, an insured contributor who ceased to be employed on that date and in respect of whom contributions equal to the number of weeks during which he has served in the force had been paid at the rate of one contribution for each week over a period ending with the week in which his discharge takes place.

For the purposes of this subsection any part of a week shall be reckoned as a week.

(2) For the purpose of qualifying such constables as aforesaid to be treated for the purposes of the Unemployment Insurance Acts in the manner provided by the foregoing provisions of this section, there shall be paid to the Unemployment Fund out of the Metropolitan Police Fund by way of employers' and employed persons' contributions in respect of all such constables so discharged as aforesaid, such sums as will, in the opinion of the Treasury, be sufficient to enable them to be so treated.

(3) The sums to be paid under this section out of the Metropolitan Police Fund shall be calculated in such manner as the Treasury may direct, and shall be paid in such manner and at such dates as may be agreed upon between the Minister and the Secretary of State.

27.—(1) Where any scheme for promoting greater regularity of employment in any industry is on the joint application of an organisation representing employers and an organisation representing workpeople in the industry approved by the Minister, the Minister may, in accordance with arrangements made by him with the consent of the Treasury, assist the administration of the scheme by attaching officers of the Ministry of Labour to help in the administration thereof and by such other means as he thinks fit.

PART I.
—cont.

Power of
Minister to
assist
schemes for
promoting
greater
regularity
of employ-
ment.

(2) The Minister may, in accordance with such arrangements as aforesaid, issue on behalf of employers to persons to whom any such scheme applies, sums by way of wages or additional benefits in respect of unemployment or compensation for loss of employment; but any arrangements making provisions for the issue of any such sums shall also make provision for paying to the Minister any sums to be so issued by him and any expenses incurred by him which are attributable to the scheme.

(3) If an organisation representing employers and an organisation representing workpeople in any industry make to the Minister a joint representation as to any difficulty in the operation of any scheme for promoting greater regularity of employment in the industry, or in making any further scheme for that purpose for the industry, the Minister may appoint one or more persons to hold an inquiry into the circumstances giving rise to the difficulty and to make a report to him with respect thereto.

The fee to be paid by the Minister to any person holding such an inquiry as aforesaid shall be such as the Minister may with the consent of the Treasury direct.

(4) In this section the expression "industry" has the same meaning as in section eighteen of the principal Act.

28. Notwithstanding anything in the Unemployment Insurance (Expiring Enactments) Act, 1933, the Unemployment Insurance Act, 1930, shall, subject to the amendments made therein by any subsequent enactment, including this Act, continue in force until Parliament otherwise determines.

Continua-
tion of
20 & 21
Geo. 5.
c. 16.

29.—(1) The amendments specified in the second column of the Fifth Schedule to this Act, being minor amendments of the principal Act and of the enactments

Minor
amend-
ments.

PART I.
—*cont.*

amending that Act, shall be made in the provisions of that Act and those enactments specified in the first column of that Schedule.

(2) For all the purposes of the Unemployment Insurance Acts—

- (a) the expression “statutory conditions” means the conditions set out in subsection (1) of section seven of the principal Act, as amended by any subsequent enactment, and references in the said Acts to the first, second, third, fourth or fifth statutory condition shall be construed accordingly; and
- (b) the expression “application for benefit” means an application for benefit made in the prescribed manner, and the expression “claim for benefit” includes any such application as aforesaid.

Payments
out of
moneys
provided by
Parliament.

30. There shall be defrayed out of moneys provided by Parliament—

- (a) any increase attributable to the passing of this Part of this Act in the sum payable out of moneys provided by Parliament by virtue of subsection (3) of section five, or sections forty or forty-one, of the principal Act, or of section three of the Unemployment Insurance (No. 3) Act, 1931;
- (b) any sum by which any education grants under any other Act are increased by reason of the additional powers and duties conferred and imposed by this Part of this Act on education authorities;
- (c) any expenses incurred by the Minister in carrying this Part of this Act into effect.

Supplementary.

Interpreta-
tion of
Part I and
construction
of refer-
ences.

31.—(1) In this Part of this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say,—

“Authorised course” means a training course or course of instruction provided under or in pursuance of subsection (1), (2) or (3) of section

thirteen of this Act and includes, in relation to insured contributors who have attained the age of eighteen years, any training course provided by the Unemployment Assistance Board under Part II of this Act;

PART I.
—*cont.*

- “Benefit” means unemployment benefit;
- “Benefit rights” means, in relation to an insured contributor, his right to receive benefit for the number of days allowed in his case by the provisions of paragraphs (a) and (b) of subsection (1) of section three of this Act, or by the provisions of sub-paragraph (b) of paragraph (1) of Article one of the Unemployment Insurance (National Economy) (No. 2) Order, 1931, as the case may be;
- “Education authority” means a local education authority for the purposes of higher education under the Education Act, 1921, and for the purposes of the powers conferred on education authorities by subsection (3) of section fourteen of this Act but not for any other purpose includes a local education authority for elementary education under that Act;
- “Excepted employments” means the employments specified in Part II of the First Schedule to the principal Act, and any employments included among or added to those employments under section two of this Act;
- “Insurable employment,” in relation to any person, means such employment as would make him an employed person within the meaning of the principal Act;
- “Insured contributor” means a person insured under the principal Act;
- “Period of compulsory elementary instruction” means the period during which under any enactment for the time being in force, other than local byelaws, parents are under an obligation to cause their children to receive efficient elementary instruction;
- “The Minister” means the Minister of Labour;
- “The principal Act” means the Unemployment Insurance Act, 1920;

PART I.
—cont.

“The Unemployment Insurance Acts” means the Unemployment Insurance Acts, 1920 to 1933, and this Part of this Act.

(2) For the purposes of this Part of this Act a person shall be deemed to be between any two ages therein mentioned if he has attained the first mentioned age but has not attained the second mentioned age.

(3) For the purposes of determining whether an insured contributor has exhausted his benefit rights in his last preceding benefit year, if it is proved by an officer of the Ministry of Labour that he has not made a claim for benefit in respect of any days in that year in respect of which he would have been entitled thereto if he had made a claim therefor, and that there is reasonable cause to believe that his omission to make the claim was with intent to avoid the necessity of proving the matters set out in paragraph (b) of subsection (1) of section four of this Act, the insured contributor shall be deemed to have received benefit in respect of those days unless he proves that the omission was not with the intent aforesaid.

(4) The powers and duties of education authorities under this Part of this Act shall be exercised and performed as part of their powers and duties under the Education Act, 1921, and the powers and duties under that Act of local education authorities for the purposes of higher education shall extend to authorised courses; and accordingly an authorised course shall, in relation to such powers and duties, be deemed to be a school.

(5) Any reference in this Part of this Act to any other enactment or to any provision of any other enactment shall, unless the context otherwise requires, be construed as a reference to that enactment or that provision, as the case may be, as amended by any subsequent enactment, including this Act.

(6) Any approved course of instruction provided by an education authority in accordance with the provisions of section fifteen of the Unemployment Insurance Act, 1930, shall, until the proposals submitted by that authority to the Minister under subsection (1) of section thirteen of this Act have been approved by him, be deemed to be an authorised course, notwithstanding that it has not been provided under or in pursuance of that subsection.

32. This Part of this Act in its application to Scotland shall have effect subject to the following modifications:—

PART I.

—cont.

Application
of Part I
to Scotland

- (1) A reference to the Scottish Education Department shall be substituted for any reference in section thirteen to the Board of Education.
- (2) A reference to efficient education shall be substituted for any reference to efficient elementary instruction.
- (3) A reference to the Adoption of Children (Scotland) Act, 1930, shall be substituted for any reference to the Adoption of Children Act, 1926. 20 & 21
Geo. 5. c. 37.
- (4) A reference to a “complaint” shall be substituted for any reference to a “summons or warrant.”
- (5) In subsection (1) of section one for the words “attend school” there shall be substituted the words “receive efficient education.”
- (6) In subsection (2) of section thirteen the words “and any such order may be enforced by mandamus” shall be omitted; and it is hereby declared with respect to any order made by the Minister under that subsection that proceedings for the enforcement thereof may be taken at the instance of the Minister under section ninety-one of the Court of Session Act, 1868, as amended by any subsequent enactment. 31 & 32
Vict. c. 100
- (7) Section fourteen shall have effect as if for subsection (2) thereof there were substituted the following subsection:—
 - “ (2) If any person whose attendance at an authorised course has been required by the Minister under this section fails except by reason of sickness or other unavoidable cause to attend at that course, then—
 - (a) in the case of a person who has not attained the age of sixteen years, proceedings may be taken by or on

PART I.
—*cont.*
56 & 57 Vict.
c. 12.

behalf of the Minister under section four of the Day Industrial Schools (Scotland) Act, 1893 (notwithstanding that such person may be over the age at which an order could otherwise be made under that section) as if the requirement to attend at the course were an attendance order and as if proceedings could be taken by or on behalf of the Minister under the said section, and the provisions of the said Act shall apply accordingly provided that it shall not be competent in any proceedings under this subsection to pronounce a sentence of imprisonment; and

- (b) in the case of a person who has attained the age of sixteen years, the provisions of subsection (8) of section fifteen of the Education (Scotland) Act, 1918, shall apply as if the requirement to attend at the course were an order by an education authority served upon such person in accordance with that subsection.

8 & 9 Geo. 5.
c. 48.

For the purposes of this subsection and of any such proceedings as aforesaid, a person who, by reason of his misbehaviour while attending at any course, has been required to discontinue his attendance thereat for any period, shall be deemed to have failed without unavoidable cause to attend at that course."

- (8) Subsection (1) of section twenty-four shall not apply.
- (9) Section thirty-one shall have effect as if the definition of "Education authority," in subsection (1), were omitted, and as if for subsection (4) there were substituted the following subsection:—

"(4) The powers and duties of an education authority under this Part of this Act shall be exercised and performed as part of their duties under the Education (Scotland) Acts, 1872 to 1928, and shall include, in relation

to the provision of authorised courses, in pursuance of section thirteen of this Act—

PART I.
—cont.

(a) the like powers and duties as are conferred or imposed by the said Acts with regard to the provision of schools;

(b) the power and duty conferred by section four of the Education (Scotland) Act, 1908; and

8 Edw. 7.
c. 63.

(c) power to pay travelling expenses necessarily incurred by persons required to attend authorised courses.”

33.—(1) Whereas this Part of this Act will not, save as therein otherwise expressly provided, come into operation until after the first day of July, nineteen hundred and thirty-four, the following provisions shall have effect :—

Supple-
mental
provisions
consequent
on date of
commence-
ment of
Part I.

(a) subsection (1) of section one of the Unemployment Insurance (Expiring Enactments) Act, 1933, shall have effect as if for the reference therein to the thirtieth day of June, nineteen hundred and thirty-four, there were substituted a reference to the date on which this Part of this Act comes into operation; and

(b) section eighteen of this Act shall come into operation on the said first day of July, and the repeal by this Act of so much of section five of the Unemployment Insurance Act, 1921, as ceases to have effect by virtue of that section and of paragraph (4) of article eight of the Unemployment Insurance (National Economy) (No. 2) Order, 1931, shall have effect as from that date.

(2) This section shall come into operation on the passing of this Act.

34.—(1) Save as therein otherwise expressly provided, this Part of this Act shall come into operation on the twenty-sixth day of July, nineteen hundred and thirty-four.

Commence-
ment, con-
struction,
extent and
citation of
Part I.

(2) The provisions of this Act amending section forty-one of the principal Act shall have effect so as to amend that section in its application to Northern Ireland, but, save as aforesaid, this Part of this Act shall not extend to Northern Ireland.

PART I.
—*cont.*

(3) This Part of this Act (including the First, Second, Third, Fourth and Fifth Schedules to this Act) may be cited separately as the Unemployment Insurance Act, 1934, and the Unemployment Insurance Act, 1934, and the Unemployment Insurance Acts, 1920 to 1933, shall be construed as one Act and may be cited together as the Unemployment Insurance Acts, 1920 to 1934.

PART II.

UNEMPLOYMENT ASSISTANCE.

Constitution and Functions of Unemployment Assistance Board.

Unem-
ployment
Assistance
Board and
advisory
committees.

35.—(1) For the purposes of this Part of this Act there shall be constituted a Board, to be called “the Unemployment Assistance Board,” and the provisions of the Sixth Schedule to this Act shall have effect with respect to the constitution and proceedings of the Board.

(2) The functions of the Board shall be the assistance of persons to whom this Part of this Act applies who are in need of work and the promotion of their welfare and, in particular, the making of provision for the improvement and re-establishment of the condition of such persons with a view to their being in all respects fit for entry into or return to regular employment, and the grant and issue to such persons of unemployment allowances (hereinafter referred to as “allowances”) in accordance with the provisions of this Part of this Act.

(3) For the purpose of securing the advice and assistance of persons having local knowledge and experience in matters affecting the functions of the Board under this Part of this Act, the Board shall arrange for the establishment of advisory committees throughout Great Britain to act for such areas as the Board thinks fit, and may pay to members of such committees such travelling and other allowances (including compensation for loss of remunerative time) as the Board, after consultation with the Minister and with the consent of the Treasury, may determine.

(4) A report on the operation of this Part of this Act shall be made annually by the Board to the Minister who shall lay every such report before Parliament.

36.—(1) Subject to the provisions of this Part of this Act relating to suspension from the application thereof, this Part of this Act applies to any person in whose case the following qualifications are fulfilled, that is to say,—

PART II.
—cont.
Application
of Part II
of Act.

- (a) that he has attained the age of sixteen years and has not attained the age of sixty-five years; and
- (b) that he is either—

- (i) a person whose normal occupation is employment in respect of which contributions are payable under the Widows', Orphans' and Old Age Contributory Pensions Acts, 1925 to 1932; or

- (ii) a person who, not having normally been engaged in any remunerative occupation since attaining the age of sixteen years, might reasonably have expected that his normal occupation would have been such employment as aforesaid but for the industrial circumstances of the district in which he resides; and

- (c) that he is capable of and available for work:

Provided that during any period during which a person is disqualified for receiving benefit under the Unemployment Insurance Acts owing to his having lost employment by reason of a stoppage of work which was due to a trade dispute, or during which he would have been so disqualified as aforesaid if he had been an insured contributor under those Acts, he shall, notwithstanding that the foregoing qualifications are fulfilled in his case, be deemed not to be a person to whom this Part of this Act applies.

(2) For the purposes of the foregoing qualifications, a person shall not be deemed not to be capable of, and available for, work by reason only that he is attending at an authorised course under the Unemployment Insurance Act, 1934, or at a training course or course of instruction approved by the Minister in his case under that Act, or at a training course or course of instruction or at any place at which he is required to be in accordance with a condition attached to a determination made under this Part of this Act, and rules made under this Part of this Act may provide that a person shall, in such circumstances as may

PART II.
—*cont.*

be specified in the rules, be deemed to be capable of and available for work notwithstanding such periods of occasional sickness or incapacity as may be specified therein.

(3) Any question whether a person is or is not a person to whom this Part of this Act applies shall be decided by officers of the Board on an application made in the prescribed manner, but any applicant for an allowance under this Part of this Act or any public assistance authority may appeal from any such decision to the chairman of the appeal tribunal constituted in accordance with the provisions of the Seventh Schedule to this Act, whose decision shall be final:

Provided that, if, on consideration of any appeal under this subsection, any dispute or doubt arises as to—

- (a) the question whether any employment is employment in respect of which contributions are payable under the Widows', Orphans' and Old Age Contributory Pensions Acts, 1925 to 1932; or
- (b) the question whether a person is disqualified for receiving benefit under the Unemployment Insurance Acts owing to his having lost employment by reason of a stoppage of work which was due to a trade dispute, or would have been so disqualified as aforesaid if he had been an insured contributor under those Acts;

the first mentioned question shall be referred by the chairman of the appeal tribunal for the decision of the Minister of Health in such manner as he may direct, and the second mentioned question shall be referred by the chairman of the appeal tribunal to the insurance officer and be determined by the same persons and in the same manner as if the question had arisen upon a claim for benefit under the Unemployment Insurance Acts, so, however, that an appeal from the decision of an insurance officer or a court of referees upon any such question shall not lie at the instance of a public assistance authority.

An appeal from a decision of the Minister of Health upon a question referred to him under this subsection shall lie in the same manner as an appeal under section eighty-nine of the National Health Insurance Act, 1924, and the rules of court for regulating such appeals shall apply accordingly and the Minister of Health shall have the same power to refer a question for decision, and the

same powers as to revising decisions, and the same right of appearing and being heard, as he has under that section.

PART II
—cont.

(4) Nothing in the last foregoing subsection shall be construed as preventing an officer of the Board or the chairman of the appeal tribunal, on new facts being brought to his knowledge, revising a decision given in any particular case, but for the purposes of any such revision the provisions of the last foregoing subsection shall apply in like manner as they applied in relation to the original decision, and the revised decision shall have effect as from the date thereof.

37. In the exercise of the functions of the Unemployment Assistance Board under this Part of this Act the Board, with the approval of the Minister, may—

Provision
and main-
tenance of
training
courses.

- (a) provide and maintain training courses for persons who have attained the age of eighteen years and make contributions in respect of the cost of the provision and maintenance of such courses by the Minister or by any local authority or other body; and
- (b) make provision for the continuance of the training and instruction afforded in connection with any such training course by entering into agreements with local authorities whereby persons to whom this Part of this Act applies, may, as part of such training and instruction, be employed for periods not exceeding three months upon work for the authority of such a character as to render them more fit for entry into or return to regular employment and under conditions suitable for that purpose; but any such agreement shall be subject to the approval of the Treasury and shall provide for payment at the expense of the authority of the rates of wages customary in the district, and may provide for contributions being made by the Board in respect of any additional expenditure incurred by the authority by reason of the work being utilised as part of the training course.

Allowances and Training.

38.—(1) Subject to the provisions of this Act an allowance may be granted thereunder to any person to whom and circum-

PART II.
—*cont.*
stances in
which allow-
ances may
be granted.

whom this Part of this Act applies, if he proves in accordance with rules made under this Part of this Act—

- (a) that he is registered for employment in the prescribed manner and has made application for an allowance in the prescribed manner; and
- (b) that he has no work or only such part-time or intermittent work as not to enable him to earn sufficient for his needs; and
- (c) that he is in need of an allowance.

(2) The amount of any allowance to be granted under this Part of this Act to an applicant shall be determined by reference to his needs, including the needs of any members of the household of which he is a member who are dependent on or ordinarily supported by him, not being persons in whose case the qualifications set out in subsection (1) of section thirty-six of this Act are fulfilled.

(3) The need of an applicant shall be determined and his needs assessed in accordance with regulations made under this Part of this Act, and such regulations shall in particular provide that the resources of an applicant taken into account shall include the resources of all members of the household of which he is himself a member (due regard being had also to the personal requirements of those members whose resources are taken into account) and shall further provide that in computing all such resources the following provisions shall be complied with, that is to say,—

- (a) the first five shillings a week of any sick pay from a Friendly Society and the first seven shillings and sixpence a week of any benefit under the National Health Insurance Acts, 1924 to 1932, and the whole of any maternity benefit under those Acts (exclusive of any increase of such benefit by way of additional benefits and of any second maternity benefit) shall be disregarded:
- (b) the first one pound a week of any wounds or disability pension shall be disregarded:
- (c) any weekly payment by way of compensation under the enactments relating to workmen's compensation shall, as respects one-half thereof, be disregarded:

(d) all money and investments treated as capital assets shall— PART II.
—cont.

(i) in so far as the value of all such money and investments considered in the aggregate does not exceed twenty-five pounds, be disregarded;

(ii) in so far as that value exceeds twenty-five pounds but does not exceed three hundred pounds, be treated as equivalent to a weekly income of one shilling for every complete twenty-five pounds:

(e) in taking into account the value to any person of any interest in the dwelling-house in which he resides, any sum which might be obtained by him by selling or borrowing money upon the security of that interest shall be disregarded.

(4) In this section the expression “needs” does not include medical needs.

(5) For the purpose of investigating the circumstances of applicants for allowances, the Board may act either through its own officers, or, if and so long as there are in force arrangements made in that behalf by the Board with the Minister or any local authority, through such officers of the Minister or of the authority as may be provided by any such arrangement.

39.—(1) All applications for allowances under this Part of this Act and all questions arising in connection with such applications shall be determined by officers of the Unemployment Assistance Board. Deter-
mination of
applications
for allow-
ances and
questions
relating
thereto.

(2) In order that an applicant for an allowance may be given an opportunity of becoming fit for entry into or return to regular employment, any such determination may, subject to and in accordance with rules made in that behalf under this Part of this Act, grant an allowance for the maintenance of the applicant at a training course or course of instruction and provide for the issue of payments to him during his training thereat, and also, where the needs of any member of the household of which he is a member have been taken into account in determining the amount of the allowance, provide for the issue of payments to such of those members as may be specified in the determination.

PART II.
—*cont.*

(3) Where an applicant for an allowance is dependent on or ordinarily supported by another member of the household who is also an applicant for an allowance, any determination granting an allowance to the first mentioned applicant may, subject to and in accordance with rules made in that behalf under this Part of this Act, determine that the allowance granted to him shall be issued wholly or in part to the second mentioned applicant.

(4) For the purposes of this Part of this Act there shall be constituted appeal tribunals and the provisions of the Seventh Schedule to this Act shall have effect with respect to the constitution and proceedings of such tribunals.

(5) If any person to whom this Part of this Act applies is aggrieved by the determination of any officer of the Board upon any application made by him for an allowance under this Part of this Act, he may, subject as hereinafter provided, appeal to the appeal tribunal, and on any such appeal the tribunal may make a determination confirming the determination appealed against or substituting therefor any determination which the officer of the Board might lawfully have made; and any determination of the appeal tribunal shall be final:

Provided that, save as provided in the section next following, no appeal under this subsection shall lie to the appeal tribunal without the leave of the chairman of the tribunal, so, however, that leave shall not be granted unless it appears to the chairman that there is reason to doubt whether the need of the applicant has been determined or whether his needs have been assessed in accordance with the regulations made in that behalf under this Part of this Act, or that there are other special circumstances affecting the case.

(6) Rules may be made under this Part of this Act—

(a) as to the date as from which determinations made under this and the next following section by officers of the Board and by appeal tribunals shall have effect, and as to the period for which such determinations shall remain in force;

(b) as to the review of such determinations as aforesaid.

40.—(1) No application for an allowance shall be dealt with under this section unless, having regard to all the circumstances of the case, and, in particular, to the question whether the applicant has failed to avail himself of opportunities of employment or training and to the question whether there is any necessity for protecting the interests of the applicant or of persons dependent upon him, the officer of the Unemployment Assistance Board, or on an appeal, the appeal tribunal, by whom the application is to be determined is of opinion that the application ought to be dealt with under this section as a case of special difficulty :

PART II.
—*cont.*
Method of dealing with cases of special difficulty.

Provided that an application shall not be so dealt with by reason only that the applicant has not accepted an offer of employment which would not, in relation to a claim for benefit under the Unemployment Insurance Acts, have been held to be suitable employment.

(2) Where the said officer or appeal tribunal, as the case may be, is of opinion that an application ought to be dealt with under this section as a case of special difficulty, the officer, or the tribunal, as the case may be, may make one or more of the following determinations, that is to say,—

- (a) that the whole or any part of the allowance granted be issued to such member of the applicant's household as may be specified in the determination;
- (b) that the allowance granted be issued otherwise than in cash;
- (c) that the allowance be granted only upon condition that the applicant attends at a work centre provided and maintained under this section, or, where arrangements in that behalf have been made with a public assistance authority, that he attends at a work centre or similar place provided and maintained by that authority, and that while so attending at any such centre or place he complies with the rules in force thereat;
- (d) where arrangements in that behalf have been made with a public assistance authority, that the allowance be granted only upon condition that the applicant becomes an inmate of a

PART II.
—*cont.*

workhouse and be payable only by way of payments to the authority in pursuance of the arrangements and payments to a member of his household while he is such an inmate.

(3) If an applicant is aggrieved by any such determination as aforesaid made in his case by an officer of the Board he may, without leave, appeal to the appeal tribunal.

(4) In the exercise of the functions of the Board under this Part of this Act, the Board may provide and maintain work centres for the purpose of affording occupation suitable for applicants whose cases are dealt with under this section, and may make arrangements with any public assistance authority for the attendance of applicants whose cases are so dealt with at any work centre or similar place provided and maintained by that authority.

Suspension
from appli-
cation of
this Part of
this Act.

41. Upon any application for an allowance, if the officer of the Unemployment Assistance Board by whom the application is to be determined is satisfied that the applicant has persistently refused or neglected to maintain himself or his family or has persistently contravened conditions attached in accordance with determinations made under the last foregoing section, he shall make a special report to the appeal tribunal, and the tribunal may direct that for such period as may be specified in the direction no further application for an allowance made by the applicant shall be considered, and during any period so specified he shall, notwithstanding that the qualifications set out in section thirty-six of this Act are fulfilled in his case, be deemed not to be a person to whom this Part of this Act applies:

Provided that—

- (a) no such direction shall be given until an opportunity to be heard has been afforded to the applicant; and
- (b) if by reason of any such direction an applicant becomes chargeable to any public assistance authority, that authority may apply to the appeal tribunal for the reconsideration of the case, and upon any such application the tribunal may revoke or vary the direction in such manner as the tribunal thinks proper.

42.—(1) An allowance granted under this Part of this Act shall, in accordance with rules made under this Part of this Act, be issued by officers of the Unemployment Assistance Board, or by arrangement with the Minister by his officers, or by arrangement with an education authority by their officers, and, except where the Board with the approval of the Minister otherwise directs, shall be issued at the local offices of the Ministry of Labour or, in the case of allowances issued by officers of education authorities, at the offices of the authority :

PART II.
—*cont.*
Issue of
allowances.

Provided that rules made under this Part of this Act may, with the concurrence of the Postmaster General, authorise the payment of allowances through the Post Office in such cases as may for the purpose of dealing with special circumstances be provided by the rules.

(2) Section six of the Unemployment Insurance Act, 1923 (which relates to arrangements with education authorities for administration of benefit) shall apply in relation to the issue of allowances under this Part of this Act in like manner as it applies in relation to the administration of benefit under the Unemployment Insurance Acts, 1920 to 1934; and any scheme made or amended after the passing of this Act under that section and approved after the passing of this Act and any regulations made under that section after the passing of this Act may make provision as to the administration of such allowances :

13 & 14
Geo. 5. c. 2.

Provided that, where any scheme making such provision as aforesaid is in force, the sums repaid to an education authority equal to the aggregate amount from time to time paid in such allowances as aforesaid, shall be paid by the Board, and any sums paid to an education authority in respect of administrative expenses in relation to such allowances shall be treated as part of the expenses incurred by the Minister attributable to the carrying of this Part of this Act into effect.

43. If any person who has attained the age of eighteen years, being a person to whom this Part of this Act applies, proves, in accordance with rules made under this Part of this Act—

Power to
permit
training
to persons
over
eighteen
who are not
in need.

- (a) that he is registered for employment in the prescribed manner; and
- (b) that he has no work,

PART II.
—*cont.*

any officer of the Unemployment Assistance Board authorised by the Board in that behalf may permit him to attend at a training course provided by the Board or may arrange for his attendance at some other such course, notwithstanding that he is not in need of an allowance under this Part of this Act, and the Board may provide for the issue of payments to him during his training at the course.

*Financial.*Unemploy-
ment Assis-
tance Fund.

44.—(1) There shall, in accordance with regulations made by the Treasury, be established a fund which shall be called the Unemployment Assistance Fund and shall, subject to the provisions of those regulations, be under the control and management of the Unemployment Assistance Board; and all sums received by the Board shall be paid into the fund.

(2) The regulations to be made by the Treasury as aforesaid shall make provision with respect to the accounts which are to be kept by the Board, and in particular shall provide that on or before the thirtieth day of November in each year an account shall be prepared and transmitted to the Comptroller and Auditor General showing the sums paid into, and the sums issued out of, the fund in the year ending on the preceding thirty-first day of March; and the Comptroller and Auditor General shall before the end of January next following examine the account and make a report thereon and the account and report shall be laid before Parliament.

Contribu-
tions of
local
authorities
to Un-
employment
Assistance
Fund.

45.—(1) There shall be paid to the Unemployment Assistance Board by the council of every county and county borough an annual contribution towards the expenses of the Board.

(2) The contributions to be paid by any such council as aforesaid in each of the years in the period beginning on the first day of April, nineteen hundred and thirty-four, and ending on the thirty-first day of March, nineteen hundred and thirty-seven, shall be three-fifths of the sum of the two following amounts, that is to say,—

(a) the estimated expenditure (excluding the cost of administration) incurred by the council in the year ending on the thirty-first day of March,

nineteen hundred and thirty-three, on the provision of relief which would not have been provided if this Part of this Act had then been in operation; and

PART II.
—*cont.*

- (b) the difference between the estimated cost of administration incurred by the council in the said year in connection with the provision of relief and the estimated cost of administration which would have been so incurred if this Part of this Act had then been in operation :

Provided that—

- (i) in the case of any council which in the year ending on the thirty-first day of March, nineteen hundred and thirty-four, received a grant out of moneys provided by Parliament for special grants to local authorities in distressed areas, the annual contribution to be paid by the council shall be calculated as if the sum of the two amounts aforesaid were reduced by an amount equal to that grant :
- (ii) such reduction shall be made in the amount of the contributions payable for the year beginning on the said first day of April as, having regard to the date fixed under the provisions of Part III of this Act for the second appointed day, the Minister of Health may with the consent of the Treasury direct :
- (iii) in cases where the boundary of a county or county borough has (whether before or after the passing of this Act) been altered since the thirty-first day of March, nineteen hundred and thirty-two, such adjustment shall be made in the amount of the contributions of that council as the Minister of Health may direct.
- (3) In the foregoing provisions of this section the expression “estimated” means, in relation to any expenditure of, or cost to, a council, estimated to the satisfaction of the Minister of Health in accordance with directions given by him.
- (4) In computing for the purposes of this section the estimated expenditure incurred by a council in the

PART II.
—*cont.*

year ending on the thirty-first day of March, nineteen hundred and thirty-three, no account shall be taken of the possibility that some persons might in that year have been dealt with under section forty-one of this Act; but if, having regard to records kept by public assistance authorities in accordance with directions given by the Board, the Board is of opinion, as respects any year in the period mentioned in subsection (2) of this section, that the cost of relief provided in Great Britain which would not have been incurred if the persons to whom the relief was provided had not been chargeable to such authorities in consequence of the provisions of sections forty and forty-one of this Act, exceeds five per cent. of the aggregate amount of the contributions payable under the foregoing provisions of this section for that year, the Board shall reduce the contributions so payable by the amount estimated by the Board to be the amount of the excess, the reduction in the contribution of each council bearing the same proportion to the excess so estimated as the cost of such relief as aforesaid provided by that council bears to the aggregate cost of such relief provided in Great Britain.

(5) The contributions to be paid by a council under this section in the years subsequent to the period mentioned in subsection (2) of this section shall be calculated in such manner as Parliament may determine.

(6) The contributions payable under this section shall be paid in such instalments payable at such times as the Treasury may direct.

Payment of
expenses
out of Un-
employment
Assistance
Fund.

46.—(1) All expenses of the Unemployment Assistance Board (including the amount of the allowances issued under this Part of this Act, but not including any salaries or allowances of officers and servants of the Board or any remuneration, salaries or allowances of members, officers and servants of appeal tribunals) shall be defrayed out of the Unemployment Assistance Fund :

Provided that the Board shall make application to the Minister for the determination of the maximum amount of the expenses of the Board in every year, other than the aggregate amount of the allowances issued under this Part of this Act, and the total sum paid out of the fund in any year in respect of such expenses shall

not exceed such sum as may be determined by the Minister with the consent of the Treasury.

PART II
—cont

(2) There shall in each year be paid to the Treasury out of the fund at such times and in such manner as the Treasury may direct, such sum as the Minister may estimate, in accordance with directions given by the Treasury, to be the amount of any expenses of any Government department attributable to the carrying of this Part of this Act into effect; and in calculating the said expenses for the purposes of this subsection, there shall be included—

- (a) any capital expenditure incurred by the department for the purpose of providing premises for the purposes of this Part of this Act;
- (b) in respect of the use of any premises provided by the department and used for the purposes of this Part of this Act in respect of which no rent is payable by the Board, an amount determined by the Treasury, with the consent of the Minister, regard being had to the rental value of the premises and to any capital expenditure incurred as aforesaid which has been charged to the fund :

Provided that if, in any case where the amount of any such expenditure as is mentioned in paragraph (a) of this subsection has been charged to the fund, the premises in respect of which the expenditure was incurred are sold or cease to be used for the purposes of this Part of this Act, there shall be deducted from the amount thereafter chargeable to the said fund under this section such sum as may be determined by the Treasury, with the consent of the Minister, to represent the whole or the appropriate proportion of the then value of the premises.

(3) There shall in each year be paid to the Treasury out of the fund at such times and in such manner as the Treasury may direct, such sum as, in the opinion of the Treasury, approximately represents the amount of the accruing liability in respect of any superannuation allowances, lump sums or gratuities to which any officers, inspectors or servants employed (whether by the Board or otherwise) for the purposes of this Part of this Act or the legal personal representatives of any such persons will become

PART II. entitled under the Superannuation Acts, 1834 to 1919, in
—*cont.* respect of that employment.

Expendi-
ture out of
moneys pro-
vided by
Parliament.

47. There shall be paid in each year out of moneys provided by Parliament—

- (a) the salaries and allowances of the officers and servants of the Unemployment Assistance Board and the remuneration, salaries and allowances of the members, officers and servants of the appeal tribunals constituted under this Part of this Act;
- (b) such contributions to the Unemployment Assistance Fund as the Minister after consultation with the Board may, with the consent of the Treasury, determine to be necessary in order to enable the fund to defray payments falling to be made therefrom in that year;
- (c) any superannuation allowances, lump sums and gratuities payable under the Superannuation Acts, 1834 to 1919, by virtue of the provisions of this Part of this Act;
- (d) the expenses of any Government department attributable to the carrying of this Part of this Act into effect.

Miscellaneous and General.

Penalty for
fraudulently
obtaining
allowance
and re-
covery of
over-
payments.

48.—(1) Any person who, for the purpose of obtaining an allowance, either for himself or for any other person, knowingly makes any false statement or false representation, shall be liable on summary conviction to imprisonment for a term not exceeding three months.

(2) If it is found at any time that an applicant for an allowance has, whether fraudulently or otherwise, procured by the non-disclosure or misrepresentation of a material fact any issue by way of an allowance to himself or any other person in excess of that which would have been made but for the non-disclosure or misrepresentation, a sum equivalent to the excess shall be repaid by him to the Board and (without prejudice to any other remedy) shall be recoverable by the Board from him summarily as a civil debt, and if any question arises (whether in or in connection with any legal proceedings or otherwise) as to the amount of any such excess,

the question shall be referred in the prescribed manner to the appeal tribunal and a certificate signed by the clerk of that tribunal, setting forth the decision of the tribunal upon the question, shall be conclusive evidence of the amount of the excess, and any certificate purporting to be signed by the clerk shall be deemed to be so signed unless the contrary is proved.

PART II.
—cont.

(3) Proceedings under this section before a court of summary jurisdiction may be instituted, prosecuted or conducted on behalf of the Board by any officer authorised in that behalf by a special or general direction of the Board, notwithstanding that he is not of counsel or a solicitor.

(4) Notwithstanding any provision in any Act prescribing the period within which summary proceedings may be commenced, proceedings for an offence under this section may be commenced at any time within three months from the date on which evidence, sufficient in the opinion of the Board to justify a prosecution for the offence, comes to the knowledge of the Board or within twelve months after the commission of the offence, whichever period is the longer.

For the purposes of this subsection, a certificate signed by the secretary of the Board as to the date on which such evidence as aforesaid came to the knowledge of the Board shall be conclusive evidence thereof.

(5) Proceedings for the summary recovery as civil debts of sums due to the Board may, notwithstanding anything in any Act to the contrary, be brought at any time within one year from the time when the matter complained of arose.

49. If it appears to the Minister of Health that any sums have been paid to any person by way of an allowance in respect of any period subsequent to the date on which an old age pension under the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, commenced to accrue to that person, the Minister may direct that the sums so paid shall be treated as advances made to that person on account of the old age pension, and accordingly in section twenty-three of the Widows', Orphans' and Old Age Contributory Pensions Act, 1929 (which relates to sickness or other benefit paid to persons

Provisions
as to allow-
ance paid to
persons en-
titled to old
age pen-
sions.
15 & 16
Geo. 5. c. 70.
20 & 21
Geo. 5. c. 10.

PART II.
—*cont.*

entitled to old age pensions), after the words “the Unemployment Insurance Acts, 1920 to 1929,” there shall be inserted the words “or by way of an allowance under the Unemployment Assistance Act, 1934,” and after the words “to the Unemployment Fund” there shall be inserted the words “or to the Unemployment Assistance Fund.”

Miscella-
neous.

50.—(1) Every public assistance authority shall permit any officer of the Unemployment Assistance Board or any officer through whom the Board is for the time being acting to inspect and take copies of any documents in the possession or power of the authority which he reasonably requires to inspect in connection with his duties, and in like manner, the Board shall permit any officer of a public assistance authority to inspect and take copies of any documents in the possession or power of the Board which he reasonably requires to inspect in connection with his duties.

(2) Every public assistance authority shall when required by the Board transfer to the Board such documents relating to persons who, in the opinion of the authority, cease to be chargeable to the authority by reason of the passing of this Part of this Act as may be specified in the requisition, so, however, that if any such person is by a decision for the time being in force decided not to be a person to whom this Part of this Act applies, the documents relating to him shall be retransferred to the authority when required by them.

(3) The Board may pay or contribute towards the travelling expenses of any person travelling to or from any place to which he goes by reason of any determination, arrangements made, or permission given, under this Part of this Act.

(4) Stamp duty shall not be chargeable upon any receipt for an allowance under this Part of this Act.

(5) Where for the purposes of this Part of this Act, the age, marriage or death of any person is required to be proved by the production of a certificate of birth, marriage or death, any person shall on presenting a written requisition in such form and containing such particulars as may from time to time be prescribed by the Minister of Health and on payment of a fee, in the case of a birth certificate, of sixpence, and in the case of a

marriage or death certificate, of one shilling, be entitled to obtain a certified copy of the entry of the birth, marriage or death, as the case may be, of that person in the register, under the hand of the registrar or superintendent registrar or other person having the custody thereof; and forms of requisition shall on request be supplied without charge by every registrar of births and deaths and by every superintendent registrar or other person having the custody of the register.

PART II.
—cont.

51.—(1) Rules may, within twelve months after the passing of this Act, be made by the Treasury after consultation with the Minister of Health and the Secretary of State with respect to the superannuation rights of persons who, being officers or servants of local authorities with pensionable local authority service, become officers or servants of the Board, and such rules may provide—

Super-
annuation
rights of
officers of
local autho-
rities enter-
ing the
service of
the Unem-
ployment
Assistance
Board.

- (a) that the Superannuation Acts, 1834 to 1919, shall have effect in relation to such persons subject to modifications in respect of the minimum periods of established service which qualify persons for the benefits of those Acts;
- (b) that on the retirement of such persons from the permanent Civil Service of the State in such circumstances that an annual superannuation or compensation or retiring allowance might be granted to them under the said Acts as modified by the rules, they shall be entitled or qualified in respect of their pensionable local authority service to receive from the local authority from whose service they retired in order to become officers or servants of the Board such payments by way of annual allowance, lump sum, or return of contributions (with or without interest) as may be prescribed by the rules;

and the rules may provide for such modifications of the enactments relating to the superannuation of officers and servants of local authorities as may be necessary for giving effect to the rules.

(2) Any rules made under this section shall be laid before Parliament.

PART II.
—*cont.*

(3) In this section the expression “pensionable local authority service” in relation to an officer of a local authority means service which would be taken into account for the purpose of determining whether he would be entitled to, or qualified for, any, and if so, what, superannuation allowance on leaving the service of the authority and includes all such service, whether or not for a period sufficient to render him so entitled or qualified as aforesaid; and the expression “enactments” includes schemes relating to the superannuation of officers and servants of local authorities made under or in pursuance of any enactment.

Rules and
regulations.

52.—(1) The Unemployment Assistance Board may make rules for carrying this Part of this Act into effect and in particular (without prejudice to the generality of the foregoing provision) with respect to all matters with respect to which rules are specifically required or authorised by this Act to be made under this Part of this Act (except rules authorised to be made under the last foregoing section), but no rules made by the Board shall have effect until confirmed by the Minister, and any such rules shall, when confirmed, be laid before Parliament as soon as may be thereafter, and if either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such rule has been laid before it resolves that the rule shall be annulled, the rule shall forthwith be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new rule.

(2) The Board shall within four months from the passing of this Act and thereafter from time to time as occasion may require prepare and submit to the Minister draft regulations for the purpose of subsection (3) of section thirty-eight of this Act, and the Minister shall consider any draft regulations so submitted to him and shall make draft regulations either in the form of the draft submitted to him or subject to such variations and amendments as he thinks fit:

Provided that, where the Minister makes any draft regulations otherwise than in the form of the draft submitted to him he shall, before making the draft regulations, inform the Board of the variations and amendments which he intends to make and the Board

shall report to him thereon and he shall consider the report.

PART II.
—cont.

(3) Any draft regulations made by the Minister under this section shall be laid before Parliament as soon as may be after they are made, and, if the draft regulations so laid are made otherwise than in the form of the draft submitted to the Minister, there shall also be laid before Parliament a statement of the Minister's reasons for, and a copy of the report of the Board on, the variations and amendments made by him.

(4) If each House resolves that draft regulations made by the Minister under this section be approved, the Minister shall make regulations in the terms of the draft to take effect on such date as may be specified in the regulations.

53.—(1) The enactments relating to the relief of the poor shall have effect subject to the provisions set out in the Eighth Schedule to this Act.

Modification
of enact-
ments and
saving.

(2) Save as in this Part of this Act expressly provided, nothing therein shall affect any powers or duties of any local authority in relation to medical needs or to burials or to mental or bodily health or to education.

Supplementary.

54.—(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 :—

Interpreta-
tion of
Part II and
construc-
tion of
references.

“ Contravention,” in relation to any provision or condition, includes a failure to comply with that provision or condition :

“ Dwelling-house ” includes any yard, garden, out-house and appurtenances belonging thereto :

“ Education Authority ” means a local education authority for the purpose of higher education under the Education Act, 1921 :

“ Enactments relating to workmen's compensation ” means the Workmen's Compensation Acts, 1925 to 1931, and the corresponding enactments in force in Northern Ireland :

“ In the prescribed manner ” means in such manner as may be prescribed by rules made under this Part of this Act :

PART II.
—cont.

“Investments” includes interests in land, except that, in relation to any dwelling-house, it does not include any interest which belongs to a person who is residing therein :

“Local authority” means any body having power to levy a rate or to issue a precept to a rating authority; and “rate” and, except in relation to London, “rating authority” have respectively the same meanings as in the Rating and Valuation Act, 1925 :

15 & 16
Geo. 5. c. 90.

“Medical needs” means the need of medical or surgical assistance, including any need of drugs, medical or surgical appliances or of nursing or similar services :

“Medical or surgical” includes optical and dental :

“Minister” means the Minister of Labour :

“The Unemployment Insurance Acts” means the Unemployment Insurance Acts, 1920 to 1934 :

“Wounds or disability pension” means any retired pay or pension to which section sixteen of the Finance Act, 1919, applies.

9 & 10
Geo. 5. c. 32.

(2) For the purposes of this Part of this Act, a person shall be deemed according to the law in England as well as according to the law in Scotland not to have attained the age of sixteen years until the commencement of the sixteenth anniversary of the day of his birth, and similarly with respect to other ages.

(3) References in this Part of this Act to “the appeal tribunal” shall, in relation to any application for an allowance, or for a decision that a person is a person to whom this Part of this Act applies, be construed as references to the appeal tribunal for the district in which the application was made.

(4) References in this Part of this Act to a Government Department shall not include references to the Unemployment Assistance Board.

(5) Any power conferred by this Part of this Act to provide training courses and work centres shall be construed as including power to acquire land, to construct buildings, to provide and maintain plant and equipment, and to do such other things as may be necessary for the purposes of any such course or centre.

PART II.
—cont.

(6) Any reference in this Part of this Act to any other enactment or to any provision of any other enactment shall, unless the context otherwise requires, be construed as a reference to that enactment or that provision, as the case may be, as amended by any subsequent enactment, including this Act.

55. This Part of this Act in its application to Scotland shall have effect subject to the following modifications:—

Application
of Part II
to Scotland.

(1) A reference to the Department of Health for Scotland shall be substituted for any reference in section thirty-six, forty-nine, or fifty to the Minister of Health, and a reference to the Secretary of State shall be substituted for any reference in section forty-five to the said Minister.

(2) “Public assistance authority” means a local authority which is charged with the administration of the relief of the poor, and “work-house” means poorhouse.

(3) Section forty-five shall have effect as if a reference to a large burgh within the meaning of the Local Government (Scotland) Act, 1929, were substituted for any reference to a county borough, as if references to the fifteenth day of May, or, in the case of a council whose financial year ends on a day other than the fifteenth day of May, to that other day, were substituted for the references to the thirty-first day of March in paragraph (a) of, and proviso (iii) to, subsection (2) and in subsection (4), and as if after subsection (6) of the said section there were added the following subsections:—

19 & 20
Geo. 5. c. 25.

“(7) The contributions payable under this section shall be defrayed by the councils concerned in like manner as expenditure for the relief of the poor.

(8) For the purposes of this section a county shall include any burgh situate therein which is a small burgh within the meaning of the Local Government (Scotland) Act, 1929; and any reference to a county shall, in the case of the counties of Perth and Kinross and of the counties of Moray and Nairn, be construed as a reference to the

PART II.
—cont.

combined county of Perth and Kinross or to the combined county of Moray and Nairn, as the case may be, and any reference to the council of a county shall be construed accordingly.”

(4) Subsections (3) and (5) of section forty-eight shall not apply.

(5) In subsection (1) of section fifty-four the definition of “Education authority” shall be omitted, and for the definition of “Local authority” there shall be substituted the following definition:—

“‘Local authority’ has the same meaning as in the Local Authorities Loans (Scotland) Act, 1891.”

54 & 55 Vict.
c. 34.

Power to
make re-
ciprocal
arrange-
ments
relating to
Northern
Ireland.

56.—(1) If the Parliament of Northern Ireland make provision for the establishment therein of any scheme of unemployment assistance substantially corresponding to that provided by this Part of this Act, the Unemployment Assistance Board may, with the consent of the Treasury and in accordance with rules made under this Part of this Act, make reciprocal arrangements with the authority administering the scheme for dealing with the cases of persons transferring between Great Britain and Northern Ireland, and for determining the conditions under which such persons may be paid allowances.

(2) Any such rules may provide that this Part of this Act shall, in relation to persons affected by any arrangements made under this section, have effect subject to such modifications as may be prescribed by the rules.

Extent and
citation of
Part II.

57.—(1) This Part of this Act shall not extend to Northern Ireland.

(2) This Part of this Act (including the Sixth, Seventh and Eighth Schedules to this Act) may be cited separately as the Unemployment Assistance Act, 1934.

PART III.

SUPPLEMENTARY.

Transitory Provisions.

Transitory
provisions
as to
benefit.

58.—(1) Notwithstanding anything in section four of this Act, references in the provisions of Part I of this Act or in the provisions of this section to the

PART II.
—*cor*

benefit year of an insured contributor, shall be construed as including references to benefit years beginning before the commencement of Part I of this Act and determined in accordance with the enactments repealed by this Act, if and only if during the year and before the commencement of Part I of this Act the insured contributor on a claim for benefit proved—

(a) that he was either a person in respect of whom thirty contributions had been paid within the time limited by the first statutory condition, or a person who was by virtue of subsection (5) of section five of the Unemployment Insurance Act, 1927, to be treated as having satisfied that condition; and

17 & 18
Geo.5. c. 30.

(b) in the case only of a person who had exhausted his benefit rights in his last preceding benefit year, also that contributions had been paid in respect of him for ten weeks since the Sunday last before the last day in respect of which he was entitled to benefit;

and accordingly references in the said provisions to the last preceding benefit year of an insured contributor shall be construed as references to the last preceding benefit year in which on a claim for benefit he so proved the matters aforesaid :

Provided that for the purposes of the reference to “the benefit years which ended in the last five years” in paragraph (b) of subsection (2) of section three of this Act, the expression “benefit year” shall be construed as including any benefit year determined in accordance with the enactments repealed by this Act.

(2) An insured contributor in whose case a benefit year is current at the commencement of Part I of this Act—

(a) shall, subject to and in accordance with regulations made by the Minister, be treated throughout the remainder of that benefit year as if the the first statutory condition continued to be fulfilled in his case; and

(b) shall not be deemed to have exhausted his benefit rights in that year on the ground

PART III.
—*cont.*

that he has exhausted such rights under subparagraph (b) of paragraph (1) of Article one of the Unemployment Insurance (National Economy) (No. 2) Order, 1931, unless he has also exhausted such rights under section three of this Act.

Temporary
continua-
tion of
transitional
payments.

59.—(1) Notwithstanding the repeal by this Act of the enactments specified in Part II of the Ninth Schedule to this Act, subject to the provisions of this section determinations with respect to transitional payments shall be made under paragraph (3) of Article one of the Unemployment Insurance (National Economy) (No. 2) Order, 1931, and transitional payments shall be made in accordance with determinations made under that paragraph, as if the said enactments had not been repealed, and the said enactments shall continue to have effect in relation to transitional payments:

Provided that, as from the commencement of Part I of this Act, the reference in paragraph (2) of Article one of the said Order to persons who would but for the operation of the preceding paragraph of that Article have been entitled to benefit shall be construed as including a reference to persons who would have been entitled to benefit if they had not exhausted their benefit rights.

(2) As from the first appointed day, no determination shall be made under paragraph (3) of Article one of the said Order, but any determination under the said paragraph (3) which was in force immediately before the said day shall, unless revoked by the Unemployment Assistance Board, continue in force for the period for which it would have continued in force if this Act had not been passed, and no transitional payments shall be made otherwise than in accordance with a determination in force under this subsection.

(3) Notwithstanding anything in this Act, an insurance officer shall not himself disallow any application for transitional payments on the ground that the applicant is not normally employed in, or will not normally seek to obtain his livelihood by means of, insurable employment, but if he is not satisfied with respect to those questions shall, so far as practicable, within fourteen days after the date on which the application was submitted to him for examination, refer the matter to the court of referees for their decision.

(4) For the purposes of this section, an interim determination made in accordance with regulations made under Article 3 of the said Order shall be deemed to be a determination made under paragraph (3) of Article 1 of that Order.

PART III.
—cont.

60. If any difficulty arises with respect to the foregoing transitory provisions of this Part of this Act the Minister, with the consent of the Treasury, may by order make such modifications in those provisions as may appear to him necessary for preventing anomalies during the period affected by the transition to the provisions of this Act from the provisions of the enactments repealed by this Act :

Prevention of anomalies during transitory period.

Provided that the Minister shall not exercise the powers conferred by this section after the expiration of two months from the second appointed day.

61.—(1) No application for an allowance shall be taken into consideration before the first appointed day.

Transitory provisions as to allowances.

(2) Subject to rules made by the Unemployment Assistance Board under Part II of this Act, no application for an allowance shall be taken into consideration before the second appointed day unless the applicant would have been entitled to transitional payments if a determination that he is in need had been in force; and if any dispute or doubt arises as to the question whether an applicant would have been so entitled, the question shall be referred to the insurance officer and determined by the same persons and in the same manner as if the question had arisen in relation to an application for transitional payments.

(3) Where an application for an allowance is made by a person to whom Part II of this Act applies in whose case an order for outdoor relief was in force immediately before the second appointed day, then, at any time during the two months beginning on that day, an allowance equal in amount to the amount of outdoor relief specified in the order may be granted to him, without any determination as to his need, until such a determination can be made.

(4) Until the second appointed day the provisions of the Eighth Schedule to this Act prohibiting the giving of outdoor relief to persons who have been decided

PART III.
—cont.

to be persons to whom Part II of this Act applies and to persons in receipt of unemployment benefit, shall have effect as if they prohibited outdoor relief being given to persons whose applications for allowances can under this section be considered before the second appointed day; and the provisions of the said Schedule requiring the Unemployment Assistance Board to pay the cost of outdoor relief given to persons to whom Part II of this Act applies pending the decision that they are such persons and of relief given to such persons in cases of sudden or urgent necessity, shall apply only as respects relief given after the first appointed day to persons whose applications for allowances can be so considered as aforesaid.

(5) The cost of any allowances given in respect of any period before the second appointed day shall be defrayed out of the Unemployment Fund and the enactments relating to that fund shall apply as if the allowances had been transitional payments.

Transitory provisions as to moneys provided by Parliament.

62. Any increase attributable to the passing of this Act in the amounts which are, by virtue of paragraphs 1 and 2 of Article 8 of the Unemployment Insurance (National Economy) (No. 2) Order, 1931, to be paid into the Unemployment Fund shall be defrayed out of moneys provided by Parliament.

Supplementary.

Definition of appointed day.

63. For the purposes of this Act the expression “the first appointed day” and the expression “the second appointed day” mean respectively such days as the Minister with the consent of the Treasury may by order appoint for that purpose.

Short title and repeals.

64.—(1) This Act may be cited as the Unemployment Act, 1934.

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

(3) The enactments set out in the Ninth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule as from the commencement of Part I of this Act.

SCHEDULES.

FIRST SCHEDULE.

Sections
1 & 34.

PROVISIONS AS TO THE CREDITING OF CONTRIBUTIONS IN RESPECT OF PERSONS CONTINUING EDUCATION.

PART I.

MAKING OF REGULATIONS.

Provisions subject to which Regulations may be made.

1. Subject as hereinafter provided, the regulations made under subsection (3) of section one of this Act shall not provide for persons who, after attaining the age at which the period of compulsory elementary instruction ends continue to receive whole-time education, being credited with contributions until they have so continued for a period of twelve months; and the number of contributions with which a person who has so continued for any period specified in the subjoined table may, under the regulations, be credited shall not exceed the maximum number specified in the said table as respects that period:

Provided that for the purpose of avoiding anomalies, and, in particular, for the purpose of preventing inequalities between persons who attain the age aforesaid during school holidays, the said regulations may make provision for any person being deemed for the purpose of computing the beginning of any such period as aforesaid to have attained that age on such date (not being more than three months before or after the date on which he in fact attains or has attained it) as may be prescribed by the regulations.

TABLE.

Period for which Education continued.	Maximum Number of Contributions to be credited.
Twelve months or more but less than eighteen months.	Ten.
Eighteen months or more but less than twenty-four months.	Fifteen.
Twenty-four months or more -	Twenty.

1ST SCH.
—cont.

Particular matters for Regulations.

2. The power of making regulations under subsection (3) of section one of this Act shall (without prejudice to the generality thereof) extend in particular to the following matters—

- (a) prescribing the types of education, and classes of school, continuance at which shall be reckoned for the purposes of crediting contributions;
- (b) determining to what extent holidays or other periods of interruption shall be disregarded for the purpose of determining whether a person is continuing to receive whole-time education;
- (c) prescribing the procedure as to claims in respect of contributions so to be credited, including the limitations of time within which such claims must be made;
- (d) requiring local education authorities, governing bodies, or other persons responsible for the management of schools, attendance at which may be reckoned for the purposes of crediting contributions, to supply such particulars as to school attendances as may be prescribed.

PART II.

RECKONING OF CREDITED CONTRIBUTIONS.

1. For the purposes of determining whether the first statutory condition is fulfilled in the case of any insured contributor—

- (a) any contributions with which he is credited under regulations made under subsection (3) of section one of this Act shall be deemed to have been paid in respect of him at the rate of one contribution for each week over a period ending with the week in which he ceased to receive whole-time education or in which he attained the age of sixteen years, whichever is the earlier; and for the purposes of paragraph (i) of subsection (2) of section five of the Unemployment Insurance Act, 1927, he shall be deemed to have been *bonâ fide* employed during that period; and
- (b) no contributions actually paid in respect of him for weeks included in the period aforesaid shall be taken into account, and contributions actually paid in respect of him for weeks before the beginning of that period shall be taken into account only if the number of contributions actually paid in respect of him before he ceased to receive whole-time education or before he attained the age of sixteen years, as the case may be, is in excess of the number with which he is so credited as aforesaid, and in that case only to the extent of the excess.

2. For the purpose of determining whether an insured contributor is qualified for additional days, or the maximum number of such days, no account shall be taken of credited contributions.

1st Sch.
—cont.

3. For the purposes of subsection (3) of section five of the principal Act (which relates to contributions out of moneys provided by Parliament) no account shall be taken of credited contributions.

SECOND SCHEDULE.

Sections
5 & 34.

WEEKLY RATES OF UNEMPLOYMENT BENEFIT.

Class of persons to whom rate applies.	Rate of benefit.
	<i>s.</i> <i>d.</i>
Persons of the age of twenty-one years and upwards and young men and young women who are in receipt of an increase of benefit in respect of dependants—	
Men - - - - -	17 0
Women - - - - -	15 0
Persons who have attained the age of eighteen years but are under the age of twenty-one years, not being persons in receipt of an increase of benefit in respect of dependants—	
Young men - - - - -	14 0
Young women - - - - -	12 0
Persons who have attained the age of seventeen years but are under the age of eighteen years—	
Boys - - - - -	9 0
Girls - - - - -	7 6
Persons who are under the age of seventeen years—	
Boys - - - - -	6 0
Girls - - - - -	5 0

Sections
17 & 34.

THIRD SCHEDULE.

UNEMPLOYMENT INSURANCE STATUTORY COMMITTEE.

PART I.

CONSTITUTION AND PROCEEDINGS OF COMMITTEE.

1. The Committee shall consist of a chairman and not less than four nor more than six other members. At least one member of the Committee shall be a woman.

2. The Chairman and other members shall be appointed by the Minister and shall hold office for a period which, in the cases of each of the members first appointed, and of any member appointed to fill a casual vacancy, shall be of such duration not exceeding five years as may be determined by the Minister, and in the case of all other members shall be a period of five years, so, however, that the chairman or any member may by notice in writing to the Minister resign office at any time, and shall be eligible for reappointment from time to time after his resignation or after the expiration of his term of office.

3. No member of the Committee shall be capable of being elected to, or of sitting in, the House of Commons.

4. Of the said members, other than the chairman, there shall be appointed, one after consultation with organisations representative of employers, one after consultation with organisations representative of workers, and one after consultation with the Minister of Labour for Northern Ireland.

5. If a member becomes, in the opinion of the Minister, unfit to continue in office or incapable of performing his duties, the Minister shall forthwith declare his office to be vacant, and shall notify the fact in such manner as he thinks fit, and thereupon the office shall become vacant.

6. The Minister shall appoint a secretary to the Committee and may appoint such other officers and such servants to the Committee, and there shall be paid to them such salaries and allowances, as the Minister may with the consent of the Treasury determine.

7. The expenses of the Committee to such an amount as may be approved by the Treasury (including such salaries or other remuneration paid to all or any of the members as the Minister with the consent of the Treasury may determine and including salaries and allowances payable under the last foregoing paragraph) shall be paid by the Minister.

8. There may be paid as part of the expenses of the Committee to persons attending meetings at the request of the Committee such travelling and other allowances (including compensation for loss of remunerative time) as the Minister may, with the consent of the Treasury, determine.

9. The Committee may act notwithstanding any vacancy in the number of the Committee.

10. The Committee may make rules for regulating the procedure (including the quorum) of the Committee.

11. The Minister shall furnish the Committee with such information as they may reasonably require for the proper discharge of their functions under Part I of this Act.

PART II.

PROVISIONS OF UNEMPLOYMENT INSURANCE ACTS OF WHICH
AMENDMENTS MAY BE RECOMMENDED BY COMMITTEE.

Act.	Provisions of Act.	Subject matter.
The Unemployment Insurance Act, 1920.	Section seven	- Statutory conditions for receipt of unemployment benefit.
	Section eight	- Disqualifications for unemployment benefit.
	Section forty-one	- Special provisions with respect to discharged seamen, marines, soldiers and airmen.
The Unemployment Insurance Act, 1922.	Section one	- Increase of benefit in respect of dependants.
The Unemployment Insurance Act, 1923.	Section five	- Meaning of "continuous period of unemployment."
The Unemployment Insurance (No. 2) Act, 1924.	Subsection (4) of section one.	- Meaning of "unemployed."
	First Schedule Part I	- Supplemental provisions relating to right to benefit.
The Unemployment Insurance Act, 1925.	Section four	- Rates of contribution.
The Unemployment Insurance Act, 1927.	Section four	- Rates of unemployment benefit.
	Section five	- Provisions as to statutory conditions for the receipt of benefit.
The Unemployment Insurance Act, 1930.	Section four	- Amendment as to disqualifications for receipt of benefit.
	Subsection (9) of section eight.	- Payment of benefit pending appeals.
	Section nine	- Provision as to payment of benefit.

3RD SCH.
—cont.

Act.	Provisions of Act.	Subject matter.
The Unemployment Insurance (No. 3) Act, 1931. This Act - - -	Section one -	Provisions with respect to benefit in the case of special classes of persons.
	Subsections (2) and (3) of section one.	Rates of contributions in the case of persons under eighteen and crediting of contributions.
	Section three -	Duration and computation of benefit.
	Section four -	Definition of "benefit year."
	Section five -	Provisions as to rates of benefit.
	Section six -	Amendments as to disqualifications for benefit and as to third statutory condition.
	Section seven -	Amendments as to fifth statutory condition.
	Section eight -	Period of disallowance of benefit in certain cases.
	Section nine -	Definition of "dependent child."
	Section ten -	Amendments as to increase of benefit in respect of dependants.
	Section fifteen -	Power to make grants out of the Unemployment Fund towards expenses of attendance at authorised courses.
	Section twenty-six	Extension of principal Act to short service constables of the Metropolitan Police Force.
First Schedule -	Provisions as to the crediting of contributions in respect of persons continuing education.	
Second Schedule -	Weekly rates of unemployment benefit.	

Any enactment, whether or not mentioned in the foregoing provisions of this Part of this Schedule, which amends any of the enactments therein mentioned.

FOURTH SCHEDULE.

Sections
19 & 34.PROVISIONS AS TO PUBLICATION OF
DRAFT REGULATIONS AND OBJECTIONS THERETO.

1. When any draft regulations are submitted by the Minister to the Unemployment Insurance Statutory Committee in pursuance of this Act, the Committee shall publish, in such manner as they think best adapted for informing persons affected, notice of the fact and of the place where copies of the draft regulations may be obtained and of the time, which shall not be less than fourteen or more than twenty-eight days, within which any objection made with respect to the draft regulations by or on behalf of persons affected must be sent to them.

2. Every objection shall be in writing and shall state the portions of the draft which are objected to, the specific grounds of objection, and the omissions, additions or modifications asked for.

3. The Committee shall consider any objection made by or on behalf of any person appearing to them to be affected which is sent to them within the required time.

FIFTH SCHEDULE.

Sections
29 & 34.

MINOR AMENDMENTS.

Enactments to be amended.	Amendment.
<p>The Unemployment Insurance Act, 1920.</p>	
Section 1	- After the word "persons" where that word first occurs there shall be inserted the words "of either sex, whether British subjects or not, being persons."
Section 3	- In paragraph (c) of subsection (1) for the words "employment in which does not make him an employed person within the meaning of this Act" there shall be substituted the words "which is not insurable employment." In paragraph (d) of the said subsection (1) for the words "employment in which

5TH SCH.
—cont.Enactments to be
amended.

Amendment.

The Unemployment
Insurance Act,
1920—*continued*.
Section 3—*cont*.

“ would make him an employed person
“ within the meaning of this Act ” there
shall be substituted the words “ which
is insurable employment.”

At the end of subsection (1) there shall be
inserted the words “ and while holding
“ such a certificate shall not be insured
“ under this Act.”

Section 5 - For subsection (5) the following subsection
shall be substituted:—

“ (5) Contributions shall not be pay-
able in respect of blind persons in
receipt of pensions under the Old Age
Pensions Acts, 1908 to 1924, as
extended by section one of the Blind
Persons Act, 1920.”

In subsection (7) after the words “ liable to
be insured under this Act ” there shall be
inserted the words “ and references in
“ the Acts relating to unemployment
“ insurance to the employer’s contri-
“ bution shall be construed as including
“ a contribution payable under this
“ subsection.”

Section 10 - In paragraph (b) of subsection (1) there
shall be inserted after the words “ is or
is not ” the words “ or was or was not,”
and after the word “ applies ” there shall
be inserted the words “ or applied.”

After paragraph (d) of subsection (1) there
shall be inserted the following para-
graph:—

“ (e) whether a person was or was
not employed in any excepted employ-
ment during any period falling within
the period of two years mentioned in
the first statutory condition.”

Section 12 - The following shall be substituted for
subsection (2):—

“ (2) Unless the context otherwise
requires, any reference in the Acts

Enactments to be
amended.

Amendment.

5TH SCH.
—cont.

The Unemployment
Insurance Act,
1920—*continued*.
Section 12—*cont.*

relating to unemployment insurance to the umpire shall include a reference to a deputy umpire and to a person appointed to act in the place of the umpire or any deputy umpire under regulations made in pursuance of paragraph (d) of subsection (1) of section thirty-five of this Act.”

The proviso to subsection (3) shall be omitted and in lieu thereof there shall be inserted the following subsection:—

“(4) There shall in each year be paid to the Treasury out of the Unemployment Fund at such times and in such manner as the Treasury may direct such sum as the Minister may estimate in accordance with directions given by the Treasury to be the amount of any expenses of any Government Department attributable to carrying the Acts relating to unemployment insurance into effect :

Provided that the sum paid under this subsection in any year shall not exceed one-eighth of the receipts paid into the Unemployment Fund on account of income, after deducting, so long as regulations made under this Act provide for the payment of contributions by means of unemployment insurance stamps, any sums which have been refunded on account of any such stamps or on account of contributions paid (whether by stamps or otherwise) in respect of a person under the erroneous belief that the contributions were payable in respect of him under the general provisions of the said Acts.”

Section 17 . In paragraph (a) of the proviso to subsection (1) for the words “payable under this Act” there shall be substituted the words “for the time being payable.”

5TH SCH
—cont.Enactments to be
amended.

Amendment.

- The Unemployment Insurance Act, 1920—*continued*.
Section 17—*cont.*
- For subsection (3) the following subsection shall be substituted:—
- “(3) Where any sum is paid to a person under an arrangement under this section, so much thereof as represents the amount of benefit which but for the arrangement would have been paid to him shall be deemed for the purpose of the Acts relating to unemployment insurance to have been paid by way of benefit.”
- Section 22 - In subsection (7) for the words “under this section,” there shall be substituted the words “for an offence under this Act.”
- Section 33 - For the words “the Commissioners of Inland Revenue” and “the said Commissioners,” there shall be substituted the words “the Postmaster-General,” and the words “with the consent of the Postmaster-General” shall cease to have effect; and for the words “of this Act” relating to regulations made by the “Minister” there shall be substituted the words “of subsections (3), (4) and (5) of section thirty-five of this Act.”
- Section 35 - In subsection (1), in paragraph (c) thereof, for the word “claims” where that word first occurs, there shall be substituted the word “applications”; and after paragraph (g) there shall be inserted the following new paragraph—
- “(h) for enabling any insured contributor in whose case good cause is shown for delay in making a claim to benefit or in proving any matter on such a claim, to be treated for the purposes of such provisions of the Acts relating to unemployment insurance as may be specified in the regulations, as if the claim had been made or the matter proved on such earlier date as may be determined in accordance with the regulations.”

Enactments to be amended.	Amendment.	5TH SCH —cont.
<p>The Unemployment Insurance Act, 1920—cont.</p>	<p>Section 41 - In subsection (1) for the words “ those “ seamen, marines, soldiers and airmen “ to be credited on discharge with the “ fixed number of contributions ” there shall be substituted the words “ such “ seamen, marines, soldiers and airmen “ to be treated for the purposes of this Act “ in the manner hereinafter provided.”</p> <p>Section 47 - For paragraph (e) of subsection (1) there shall be substituted the following paragraph :— “ (e) The expression ‘ insurance year ’ means the period beginning on the twenty-seventh Monday in any calendar year and ending on the Sunday preceding the twenty-seventh Monday in the next calendar year.”</p>	
<p>Schedule I, Part I.</p>	<p>In paragraph (c) for the words “ employ- “ ment under any local or other public “ authority ” there shall be substituted the words “ employment under any public or local authority.”</p>	
<p>The Unemployment Insurance Act, 1922.</p>	<p>Section 1 - The following provision shall be substituted for the proviso to subsection (1) :— “ (1a) No increase of benefit shall be payable under the Acts relating to Unemployment Insurance in respect of a wife or female person, not being a dependent child, who— (a) is in receipt of benefit (including benefit under a special scheme); or (b) is in regular wage-earning employment otherwise than as having or assisting in the care of the dependent children of the person entitled to benefit; or (c) is engaged in any occupation ordinarily carried on for profit— so, however, that the following provisions shall have effect with respect</p>	

5TH СОН.
—cont.

Enactments to be
amended.

Amendment.

The Unemployment
Insurance Act,
1922—cont.
Section 1—cont.

to the expressions hereinafter men-
tioned, that is to say—

(i) 'regular wage-earning em-
ployment' shall not (subject to
the provisions of paragraph (iii)
hereof) include employment where
the amount of wage earned is less
than the increase in the weekly
rate of benefit;

(ii) 'occupation ordinarily carried
on for profit' shall not (subject to the
provisions of paragraph (iii) hereof)
include the performance of work
for payment which is less in amount
than the increase in the weekly
rate of benefit;

(iii) neither of the last two fore-
going paragraphs shall apply in any
case where both a wage is earned by
employment and payments are re-
ceived for the performance of work,
unless the aggregate amount of the
wage and payments is less than the
increase in the weekly rate of benefit;

(iv) 'occupation ordinarily car-
ried on for profit' shall not include
the provision of board and accom-
modation for not more than one
lodger as a member of the family."

Section 14 - The following subsection shall be sub-
stituted for subsection (1):—

"(1) In any case where an authority
has granted outdoor relief to or on account
of, or the Unemployment Assistance
Board has under the Unemployment
Assistance Act, 1934, granted an allow-
ance to, a person who was not in receipt
of benefit, or was in receipt of less than
the full amount of benefit to which he
was entitled—

(a) in excess of the amount which
would have been granted if that
person had been in receipt of benefit
or had been in receipt of the full
amount of benefit to which he was
entitled; or

Enactments to be
amended.

Amendment.

The Unemployment
Insurance Act,
1922—cont.
Section 14—cont.

(b) in excess of the amount which would have been granted if an insured contributor had been in receipt of an increase of benefit in respect of that person;

then, if a claim by that person for benefit, or for the full amount of benefit to which he was entitled, or a claim in respect of that person for an increase of benefit, for any part of the period in respect of which relief, or as the case may be, an allowance, has been so granted, is subsequently allowed, the Minister may treat the benefit allowed to that person, or the increase of benefit allowed in respect of that person, as the case may be, as reduced by an amount not exceeding such an amount as the authority or, as the case may be, the Board certifies to have been so paid in excess for the period for which the benefit or increase of benefit was allowed, and may pay to the authority or, as the case may be, to the Board the amount by which the benefit or increase of benefit is treated as having been reduced as aforesaid :

Provided that the total charge on the Unemployment Fund shall not be greater than the amount of the benefit or increase of benefit allowed."

The Unemployment
Insurance Act,
1923.

Section 6 - - In subsection (1), after the words "eighteen years" there shall be inserted the words "or in connection with the attendance at authorised courses of persons under that age or in connection with the administration of increase of benefit claimed in respect of persons between the ages of fourteen and sixteen years who are dependent children within the meaning of the Acts relating to unemployment insurance."

5TH SCH.
—cont.Enactments to be
amended.

Amendment.

The Unemployment
Insurance Act,
1923—cont.
Section 6—cont.

In paragraph (b) of subsection (2), for the words “a scale fixed” there shall be substituted the words “regulations made”, and the proviso to the said subsection (2) shall cease to have effect.

The Unemployment
Insurance (No. 2)
Act, 1924.

Section 1

- In subsection (4) for the words “within the meaning of this section” there shall be substituted the words “for the purposes of the Acts relating to unemployment insurance.”

Section 6

- There shall be substituted the following section—

“In estimating the expenses of Government Departments for the purposes of subsection (4) of section twelve of the principal Act there shall be included—

(a) such amount as in the opinion of the Treasury approximately represents the amount of the accruing liability in respect of any superannuation allowances, lump sums or gratuities which any officers, inspectors or servants employed for the purposes of the Acts relating to unemployment insurance or the legal personal representatives of any such persons will become entitled under the Superannuation Acts, 1834 to 1919, in respect of that employment;

(b) any capital expenditure incurred for the purposes of the Acts relating to unemployment insurance;

(c) in respect of the use of any premises belonging to the Crown and used for the purposes of the Acts relating to unemployment insurance in respect of which no rent is payable, an amount determined by the Treasury with the consent of the Minister, regard being had to the rental value of the premises and to any capital expenditure incurred as aforesaid which has been charged to the Unemployment Fund:

Enactments to be amended	Amendment.	5TH SCH. —cont.
<p>The Unemployment Insurance (No. 2) Act, 1924—<i>cont.</i> Section 6—<i>cont.</i></p>	<p>Provided that if, in any case where the amount of any such expenditure as is mentioned in paragraph (b) of this section has been charged to the Unemployment Fund, the premises in respect of which the expenditure was incurred are sold or have ceased to be used for the purposes of the Acts relating to unemployment insurance, there shall be deducted from the amount thereafter chargeable to the Unemployment Fund under the said subsection (4) such sum as may be determined by the Treasury, with the consent of the Minister, to represent the whole or the appropriate proportion of the then value of the premises."</p>	
<p>Schedule I, Part I.</p>	<p>In paragraph 4, for the words "or is " under the provisions of the principal " Act disqualified for receiving bene- " fit" there shall be substituted the words "(other than the first statutory " condition) or is under the provisions " of the Acts relating to unemployment " insurance disqualified for receiving " benefit, or to be deemed not to be " unemployed," and the words "under " this part of this Schedule" shall be omitted.</p>	
	<p>For paragraph 5 there shall be substituted the following paragraph:—</p>	
	<p>" 5. Save as otherwise provided by regulations made in accordance with the provisions of this paragraph a continuous period of unemployment shall be deemed to begin on the date on which the insured contributor makes application for benefit in the prescribed manner, but regulations may be made under section thirty-five of the principal Act for authorising some earlier date to be substituted for the date of the application :</p>	

5TH SCH.
—cont.Enactments to be
amended.

Amendment.

The Unemployment
Insurance (No. 2)
Act, 1924—cont.
Schedule I,
Part I—cont.

“ Provided that, except in cases where good cause is shown for delay in making the application, such regulations shall not authorise the substitution of an earlier date for any purpose other than that of computing the first week of a continuous period of unemployment in a case in which the applicant, upon an application for benefit which begins his benefit year, proves in the prescribed manner that a continuous period of unemployment was in fact current at the date of that application.”

The Widows', Or-
phans' and Old
Age Contributory
Pensions Act,
1925.

Section 39 - In subsection (1) after the words “ who is of the age of sixty-five or upwards ” there shall be inserted the words “ (not being a blind person in receipt of a pension under the Old Age Contributory Pensions Acts, 1908 to 1924, as extended by section one of the Blind Persons Act, 1920).”

The Unemployment
Insurance Act,
1927.

Section 5 - In paragraph (a) of subsection (1), for the word “ application ” there shall be substituted the words “ a claim ” ; in subsection (2) there shall be substituted for the words from the beginning of the subsection to the end of paragraph (i) the following words, that is to say :—

“ The following provisions shall have effect in relation to the first statutory condition and to the disqualifications for the receipt of benefit respectively—

(i) in determining whether an insured contributor has proved that the first statutory condition is fulfilled in his case, no

Enactments to be amended.	Amendment.	5TH SCH. —cont.
<p>The Unemployment Insurance Act, 1927—cont. Section 5—cont.</p>	<p>account shall be taken of any contributions paid in respect of him for any period during which he was not bona fide employed.”</p> <p>In subsection (5), for the words “an application” there shall be substituted the words “a claim.”</p>	
<p>Section 12</p>	<p>- For the words “if the Minister thinks fit or any one of the parties so demands” there shall be substituted the words “if the Minister or the person holding the inquiry, as the case may be, thinks fit.”</p>	
<p>Section 14</p>	<p>- In subsection (2), for the words “an application” there shall be substituted the words “a claim” and for the words “the application” wherever those words occur, there shall be substituted the words “the claim.”</p>	
<p>Section 16</p>	<p>- In subsection (1), in the definition of “benefit year” for the words “an application” there shall be substituted the words “a claim.”</p>	
<p>The Unemployment Insurance Act, 1930.</p>	<p>Section 2</p>	<p>- At the end of the section there shall be inserted the following subsection :—</p> <p>“(3) Regulations may be made by the Minister under section thirty-five of the principal Act providing that where a dependant is partly maintained by each of two or more persons entitled to benefit, each of whom would be entitled to an increased rate of benefit in respect of that dependant if he were wholly or mainly maintaining him, then, if the contributions made by those two or more persons towards the maintenance of that dependant amount in the aggregate to sums which would, if they had been contributed</p>

5TH SCH.
—cont.

Enactments to be
amended.

Amendment.

The Unemployment
Insurance Act,
1930—cont.
Section 2—cont.

by any one of those persons, have been sufficient to satisfy the requirements of paragraph (f) of the last foregoing subsection, that dependant shall be deemed for the purpose of the enactments aforesaid to be wholly or mainly maintained by such of those persons as may be prescribed by the regulations."

Section 5 - The words from the beginning of the section to "officers of employment exchanges" shall cease to have effect.

Section 7 - For the words "of the employments specified in Part II of the First Schedule to the principal Act" there shall be substituted the words "excepted employment."

Section 13 - For the words "the United Kingdom" in the first, third and fourth places where they occur there shall be substituted the words "Great Britain."

The Unemployment
Insurance (No. 3)
Act, 1931.

Section 3 - At the end of the section there shall be inserted the words "and, if both those places are within the United Kingdom, for assisting towards their re-settlement."

Section 5 - For the definition of "prescribed" there shall be substituted the following definition:

" 'Prescribed' means prescribed by an order made under section one of this Act."

The Unemployment
Insurance
(National Economy) (No. 2)
Order, 1931.

Article 4 - For the words "an application for benefit" wherever those words occur, there shall be substituted the words "a claim for benefit."

SIXTH SCHEDULE.Sections
35 & 57.**CONSTITUTION AND PROCEEDINGS OF UNEMPLOYMENT
ASSISTANCE BOARD.**

1. The Board shall be a body corporate by the name of the Unemployment Assistance Board with a Common Seal and shall consist of a chairman, a deputy chairman, and not less than one nor more than four other members appointed by His Majesty by warrant under the Sign Manual. At least one member of the Board shall be a woman.

2. Every member of the Board shall hold and vacate office in accordance with the terms of his warrant of appointment.

3. No member of the Board shall be capable of being elected to or of sitting in the House of Commons.

4. Any person who has ceased to be a member of the Board shall be eligible for reappointment.

5. The Board may act notwithstanding any vacancy in the number of the Board.

6. There shall be paid to the several members of the Board out of the Consolidated Fund or the growing produce thereof such salaries as may be determined by the Treasury at the time of their appointment respectively, so, however, that the aggregate amount of the salaries of the members of the Board shall not exceed the sum of twelve thousand pounds per annum.

7. The procedure and quorum of the Board shall be such as the Board may from time to time determine.

8. The Board shall appoint a secretary and may appoint such other officers and such servants, and there shall be paid to them such salaries and allowances, as the Board may after consultation with the Minister and with the consent of the Treasury determine.

9. The functions of the Board, and of the officers and servants appointed by the Board, shall be exercised on behalf of the Crown.

10. The Board shall have power to acquire land for the purposes of its functions under this Act, and to dispose of any land held by it which is no longer required for those purposes.

11. Every document purporting to be an instrument issued by the Board and to be sealed with the seal of the Board or to be signed by the secretary of the Board or any person authorised to act in that behalf, shall be received in evidence and be deemed to be such an instrument without further proof, unless the contrary is shewn.

Sections
36, 39 & 57.

SEVENTH SCHEDULE.

CONSTITUTION AND PROCEEDINGS OF APPEAL TRIBUNALS.

1. Every appeal tribunal shall consist of a chairman and two other members.
2. Each of the said tribunals and the chairman thereof shall have jurisdiction in respect of such district as may be assigned to them by the Unemployment Assistance Board.
3. The chairman of every appeal tribunal shall be appointed by the Minister, and of the two other members of an appeal tribunal, one shall be selected by the Unemployment Assistance Board from a panel of persons nominated by the Minister to represent work-people and shall be appointed by the Board, and the other shall be appointed by the Board to represent the Board; and during any unavoidable absence or incapacity of the chairman a person appointed by the Minister shall act as chairman, and in the case of any unavoidable absence or incapacity of any other member of an appeal tribunal, another person shall be appointed by the Board to be a member of the tribunal in his stead; so, however, that if the member absent or incapacitated was selected from the panel aforesaid, the person appointed in his stead shall also be selected from that panel.
4. There shall be paid to the chairman or acting chairman of an appeal tribunal such remuneration, and to any member of an appeal tribunal such travelling and other allowances (including compensation for loss of remunerative time) as the Board may after consultation with the Minister and with the consent of the Treasury determine.
5. The Board shall assign to every such tribunal a clerk and such other officers and servants, and there shall be paid to them such salaries and allowances, as the Board may after consultation with the Minister and with the consent of the Treasury determine.
6. Rules may be made by the Board under Part II of this Act—
 - (a) as to the tenure of office of members of appeal tribunals;
 - (b) as to the procedure of appeal tribunals and the procedure in connection with appeals (whether to a tribunal or to the chairman thereof) and in connection with references to an appeal tribunal and in connection with applications for leave to appeal, and as to the time within which such appeals, references and applications are to be made;

- (c) as to the procedure in connection with applications by public assistance authorities for the reconsideration of directions that for a period specified therein no further applications for an allowance made by an applicant shall be considered; 7TH SCH.
—cont.
- (d) as to the payment by the Board to persons attending appeals and references of travelling and other allowances (including compensation for loss of remunerative time);
- (e) for enabling appeals, references, and applications to be proceeded with notwithstanding that the members of the tribunal are not all present;

and in any case where an appeal, reference, or application is proceeded with in accordance with rules made in accordance with subparagraph (e) of this paragraph, the tribunal shall, notwithstanding anything in this Act, be deemed to be properly constituted, and the chairman or acting chairman shall have a second or casting vote.

EIGHTH SCHEDULE.

Sections 53
57 & 61.

MODIFICATION OF ENACTMENTS RELATING TO THE RELIEF OF THE POOR.

PART I.

PROVISIONS APPLYING TO ENGLAND.

1. A public assistance authority shall not order outdoor relief to be given—
- (a) to any person who by a decision for the time being in force has been decided to be a person to whom Part II of this Act applies; or
- (b) to any person whose needs have been taken into account in a determination for the time being in force under Part II of this Act; or
- (c) to any person in receipt of unemployment benefit, unless he is a person who by a decision for the time being in force, has been decided not to be a person to whom Part II of this Act applies:

8TH SCH.
—cont.

Provided that—

- (i) where a person to whom Part II of this Act applies has been granted an allowance subject to conditions attached under paragraph (c) or paragraph (d) of subsection (2) of section forty of this Act and by reason of his contravention of the conditions the allowance is not issued, the foregoing provisions of this paragraph shall, notwithstanding the provisions of section eighteen of the Poor Law Act, 1930, be taken as only prohibiting the giving of outdoor relief to that person himself;
- (ii) this paragraph shall not apply to the granting of relief in respect of the medical needs of any person or affect any powers or duties under section seventeen of the Poor Law Act, 1930 (which relates to relief in cases of sudden or urgent necessity).

2. The Unemployment Assistance Board and any public assistance authority may make arrangements for the reception into any workhouse maintained by the authority of any person to whom an allowance may be granted subject to a condition that he should become an inmate of a workhouse, and any such person shall, in accordance with such arrangements, be received into the workhouse and dealt with therein as if he had been received therein under the enactments relating to the relief of the poor.

3. The Unemployment Assistance Board shall pay to any public assistance authority—

- (a) the cost of any outdoor relief (not being relief in respect of medical needs) given to any person to whom Part II of this Act applies, being relief given pending the decision that he is such a person :
- (b) the cost of any relief under section seventeen of the Poor Law Act, 1930 (not being relief in respect of medical needs), given to a person to whom Part II of this Act applies except relief given during any period during which he has contravened any condition attached to the grant of an allowance under paragraph (c) or paragraph (d) of subsection (2) of section forty of this Act :
- (c) such sums, in respect of the attendance at any training course or at any work centre or similar place maintained by the authority of any person attending thereat in pursuance of arrangements made under Part II of this Act, as may be provided by the arrangements :

- (d) such sums, in respect of the maintenance in any workhouse maintained by the authority of any person received into the workhouse in pursuance of arrangements under the last foregoing paragraph of this Schedule, as may be provided by the arrangements :

SEE SCH.
—cont.

Provided that the amount payable by the Board in respect of any person under subparagraph (a) or subparagraph (b) of this paragraph shall not exceed the amount of the allowances which would have been granted to that person by the Board, and any dispute between the Board and any authority as to the amount of the allowances which would have been granted as aforesaid shall be referred to the appeal tribunal, whose decision shall be final.

PART II.

PROVISIONS APPLYING TO SCOTLAND.

1. Outdoor relief shall not be afforded under the poor law—
 - (a) to any person who by a decision for the time being in force has been decided to be a person to whom Part II of this Act applies; or
 - (b) to any person whose needs have been taken into account in a determination for the time being in force under Part II of this Act; or
 - (c) to any person in receipt of unemployment benefit, unless he is a person who by a decision for the time being in force, has been decided not to be a person to whom Part II of this Act applies :

Provided that—

- (i) where a person to whom Part II of this Act applies has been granted an allowance subject to conditions attached under paragraph (c) or paragraph (d) of subsection (2) of section forty of this Act and by reason of his contravention of the conditions the allowance is not issued, the foregoing provisions of this paragraph shall operate to the effect only of prohibiting the affording of outdoor relief to that person himself;
- (ii) nothing in this paragraph shall prohibit outdoor relief being afforded otherwise than in money to any person in a case of sudden or urgent necessity;
- (iii) this paragraph shall not apply to the affording of relief in respect of the medical needs of any person.

2. The Unemployment Assistance Board and any poor law authority may make arrangements for the reception into any poorhouse maintained by the authority of any person to whom

8TH SCH.
—cont.

an allowance may be granted subject to a condition that he should become an inmate of a poorhouse, and any such person shall, in accordance with such arrangements, be received into the poorhouse and dealt with therein as if he had been received therein under the enactments relating to the relief of the poor.

3. The Unemployment Assistance Board shall pay to any poor law authority—

- (a) the cost of any outdoor relief (not being relief in respect of medical needs) afforded to any person to whom Part II of this Act applies, being relief afforded pending the decision that he is such a person;
- (b) the cost of any outdoor relief (not being relief in respect of medical needs) afforded otherwise than in money in a case of sudden or urgent necessity to a person to whom Part II of this Act applies, except relief afforded during any period during which he has contravened any condition attaching to the grant of an allowance under paragraph (c) or paragraph (d) of subsection (2) of section forty of this Act:
- (c) such sums, in respect of the attendance at any training course or at any work centre or similar place maintained by the authority of any person attending thereat in pursuance of arrangements made under Part II of this Act, as may be provided by the arrangements:
- (d) such sums, in respect of the maintenance in any poorhouse maintained by the authority of any person received into the poorhouse in pursuance of arrangements under the last foregoing paragraph of this Part of this Schedule, as may be provided by the arrangements:

Provided that the amount payable by the Board in respect of any person under subparagraph (a) or subparagraph (b) of this paragraph shall not exceed the amount of the allowances which would have been granted to that person by the Board, and any dispute between the Board and any authority as to the amount of the allowances which would have been granted as aforesaid shall be referred to the appeal tribunal whose decision shall be final.

4. In this Part of this Schedule any reference to a poor law authority shall be construed as including a reference to a combination of such authorities.

NINTH SCHEDULE.

Sections
59 & 64.

REPEALS.

PART I.

Session and Chapter, or Year and Number of Order.	Short Title.	Extent of Repeal.
10 & 11 Geo. 5. c. 30.	The Unemployment Insurance Act, 1920.	Section four; the proviso to subsection (1) of section seven; in subsection (2) of section eight the words from "of six weeks" to the end of the said subsection; the proviso to subsection (3) of section twelve; sections fifteen and sixteen; in sec- tion thirty-three the words "with the consent of the Postmaster-General"; and subsection (2) of section forty-one.
11 & 12 Geo. 5. c. 1.	The Unemployment Insurance Act, 1921.	Section five, except in sub- section (1) thereof from the words "Any sums ad- vanced" to the end of the subsection; and section seven.
11 & 12 Geo. 5. c. 15.	The Unemployment Insurance (No. 2) Act, 1921.	Sections four and ten and in section sixteen the definition of "the deficiency period."
12 & 13 Geo. 5. c. 7.	The Unemployment Insurance Act, 1922.	Sections seven and eight; and in subsection (1) of sec- tion sixteen the definition of "a dependent child" and the definition of "a child."
13 & 14 Geo. 5. c. 2.	The Unemployment Insurance Act, 1923.	Section four, and the proviso to subsection (2) of section six and the First Schedule.
14 & 15 Geo. 5. c. 30.	The Unemployment Insurance (No. 2) Act, 1924.	Subsection (5) of section one; and sections eleven and fifteen; and in the Second Schedule, the amendment to subsection (5) of section five of the Unemployment In- surance Act, 1920.

9TH SCH.
—cont.

Session and Chapter, or Year and Number of Order.	Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 69.	The Unemployment Insurance Act, 1925.	In paragraph (a) of subsection (1) of section four the words "from the beginning of the paragraph to "the extended period," and all the words in the said section four from the beginning of paragraph (c) of the said subsection (1) to the end of the said section four.
17 & 18 Geo. 5. c. 30.	The Unemployment Insurance Act, 1927.	Sections one and three; paragraph (c) of subsection (2) of section four; sections eight and thirteen; and in the Fourth Schedule, the amendments to section four of the Unemployment Insurance Act, 1920, section five of the Unemployment Insurance Act, 1921, and section fourteen of the Unemployment Insurance Act, 1922.
20 & 21 Geo. 5. c. 16.	The Unemployment Insurance Act, 1930.	Section one; paragraphs (d) (e) and (g) of subsection (2) of section two; in subsection (1) of section four, the words from "of six weeks" to the end of the subsection; in section five the words from the beginning of the section to "officers of employment exchanges"; in section six the words "until the expiration of this Act"; in section nine the word "either," and the words from "or because he has failed," to "1927"; sections fourteen and fifteen; in section seventeen the words "until the expiration of this Act"; section eighteen; in subsection (3) of section twenty the words "until the expiration of this Act," and subsection (8) of the said section twenty; and in the Second Schedule, the

Session and Chapter, or Year and Number of Order.	Short Title.	Extent of Repeal.
20 & 21 Geo. 5. c. 16— <i>cont.</i>	The Unemployment Insurance Act, 1930 — <i>cont.</i>	amendments to section five of the Unemployment In- surance Act, 1920, sections one and fourteen of the Unemployment Insurance Act, 1922, section six of the Unemployment Insurance (No. 2) Act, 1924, and sec- tions five and eight of the Unemployment Insurance Act, 1927.
21 & 22 Geo. 5. c. 8.	The Unemployment Insurance Act, 1931.	Sections one and three.
21 & 22 Geo. 5. c. 25.	The Unemployment Insurance (No. 2) Act, 1931.	Sections one and three.
21 & 22 Geo. 5. c. 36.	The Unemployment Insurance (No. 3) Act, 1931.	In section one, in subsection (1) the words “ after con- sultation with the Advi- sory Committee constitu- ted for the purposes of “ this section”, the proviso to subsection (2), and sub- section (6); section two; and in section five the defini- tion of “ regulations,” and subsection (3).
Statutory Rules and Orders, 1931, No. 814.	The Unemployment (National Economy) (No. 1) Order, 1931.	In Article one the words “ until the expiration of the extended period” and Article two and the Second Schedule.
Statutory Rules and Orders, 1931, No. 853.	The Unemployment Insurance (National Economy) (No. 2) Order, 1931.	Subparagraph (b) of para- graph (1) of Article one and paragraph (4) of Article eight.
23 & 24 Geo. 5. c. 26.	The Unemployment Insurance (Expiring Enactments) Act, 1933.	The whole Act.

9TH SCH.
—CONT.

PART II.

Session and Chapter, or Year and Number of Order.	Short Title.	Extent of Repeal.
17 & 18 Geo. 5. c. 30.	The Unemployment Insurance Act, 1927.	Subsection (3) of section five; section fourteen; and in subsection (1) of section sixteen the definitions of "benefit year" and "bene- fit quarter."
19 & 20 Geo. 5. c. 19.	The Unemployment Insurance (Transi- tional Provisions Amendment) Act, 1929.	The whole Act. •
20 & 21 Geo. 5. c. 16.	The Unemployment Insurance Act, 1930.	Section sixteen.
21 & 22 Geo. 5. c. 8.	The Unemployment Insurance Act, 1931.	Section two.
21 & 22 Geo. 5. c. 25.	The Unemployment Insurance (No. 2) Act, 1931.	Section two.
Statutory Rules and Orders, 1931, No. 853.	The Unemployment Insurance (Nati- onal Economy) (No. 2) Order, 1931.	The whole Order, except sub- paragraph (b) of paragraph 1 of Article one and para- graph (4) of Article eight.
22 & 23 Geo. 5. c. 19.	The Transitional Payments Prolon- gation (Unemployed Persons) Act, 1932.	The whole Act.
22 & 23 Geo. 5. c. 54.	The Transitional Payments (Deter- mination of Need) Act, 1932.	The whole Act, so far as it relates to transitional pay- ments.



CHAPTER 30.

An Act to make temporary provision for enabling statutory effect to be given to rates of wages agreed between representative organisations in the cotton manufacturing industry; and for purposes connected with the matter aforesaid.

[28th June 1934.]

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

1.—(1) If an organisation of employers in the cotton manufacturing industry (hereinafter referred to as “the industry”) and an organisation of persons employed in the industry make to the Minister of Labour (hereinafter referred to as “the Minister”) in the prescribed manner a joint application for the making of an order with respect to any agreement made between the organisations as to the rates of wages to be paid to persons employed in the industry of any class or description specified in the agreement, the Minister shall, unless he is satisfied that the organisations do not respectively represent the employers controlling the majority of the looms in the industry and the majority of the persons employed in the industry of the grade or grades which will, if such an order is made, be affected by the rates of wages provided for by the agreement, appoint a board to consider the application and report to him thereon.

Applications
for orders
and pro-
ceedings
thereon.

(2) Any organisations making an application under this section shall, in the prescribed manner, give notice of the application, of the places where copies of the agreement with respect to which the application is made may be obtained free of charge, and of the time within which written objections to the application or to the making of an order thereon must be sent to the Minister.

(3) The board appointed to consider any application made under this section shall inquire whether the organisations which are parties to the agreement in respect of which the application was made were at the date of the

making of the application representative respectively of the employers controlling the majority of the looms in the industry and the majority of the persons employed in the industry of the grade or grades which will, if an order is made, be affected by the rates of wages provided for by the agreement, and, if the board is of opinion that either organisation was not so representative, the board shall forthwith report that opinion to the Minister and no further proceedings shall be taken with respect to the application.

(4) If the board is satisfied that the said organisations were so representative as aforesaid, the board shall inquire whether it is expedient that an order be made under this Act, and shall, as soon as possible, make to the Minister its report which, however, shall not contain a recommendation that such an order be made unless the board is unanimous in making that recommendation.

Making of orders.

2.—(1) If the report of the board appointed to consider any application made under the last foregoing section with respect to any agreement contains a unanimous recommendation that an order be made bringing into force, as respects all persons employed in the industry of the class or description to which the agreement relates, the rates of wages provided for by the agreement, the Minister may make such an order.

(2) An order made under this section shall set out the rates of wages thereby brought into force, and any provisions of the agreement as to the conditions for earning or the method of calculating such wages, and the order may contain such further provisions, if any, as the Minister considers necessary for making plain who are the employers and the employed persons affected by the rates of wages brought into force by the order, but, save as aforesaid, no such order shall modify the terms of the agreement.

Effect of orders.

3. Where an order made under the last foregoing section is in operation—

(a) it shall be a term of the contract between every person employed in the industry as respects whom a rate of wages is provided for by the order and his employer that the employer shall

- pay to the person employed wages at a rate not less than the rate applicable in his case under the order;
- (b) if any employer pays to a person employed in the industry, as respects whom a rate of wages is provided for by the order, wages at a rate less than the rate applicable in his case under the order, the employer shall (without prejudice to any proceedings under the last foregoing paragraph) be liable on summary conviction to a fine not exceeding ten pounds;
- (c) it shall be the duty of every employer who employs persons in the industry, as respects whom rates of wages are provided for by the order, to keep a copy of the order conspicuously exhibited in the premises where such persons are employed and to keep such records as are necessary to show that the wages paid to those persons are at rates not less than those applicable to them under the order; and if any such employer fails to comply with any requirement of this paragraph, he shall be liable on summary conviction to a fine not exceeding five pounds.

4.—(1) Where an order made under section two of this Act is in operation, if either of the organisations, by which the joint application for the making of the order was made, make to the Minister a request in writing that the order be revoked either wholly or in respect of any provision specified in the request, the Minister shall forthwith cause to be published in the London Gazette notice of the request and of the fact that the order will be revoked either wholly or in respect of the provision specified in the request at the expiration of a period of three months from the date of the publication, and shall make an order revoking the former order either wholly or to the extent so specified as aforesaid as from the expiration of that period:

Revocation
of orders.

Provided that, if before the expiration of that period the request is, by notice in writing addressed to the Minister, withdrawn by the organisation by which it was made, the Minister shall not make such an order as aforesaid but shall forthwith cause to be published in the London Gazette notice of the withdrawal of the request

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and of the fact that no further proceedings will be taken thereon.

(2) Where an order made under section two of this Act is in operation, the Minister may, after giving in such manner as he thinks best calculated to inform persons likely to be affected notice of his intention to do so and of the time within which written objections to the revocation of the order must be sent to the Minister, appoint a board to consider whether it is expedient that the order be revoked, and if the report of the board contains a unanimous recommendation that the order be revoked, the Minister may make an order revoking the former order :

Provided that a board shall not be appointed under this subsection to consider the revocation of any order unless the order has been in operation for at least twelve months since the revocation thereof was considered by a previous board so appointed, or, where no such board has been appointed, since the order came into operation.

(3) If the Minister considers that by reason of imminent national danger or great emergency it is necessary so to do, he may, without any such proceedings as aforesaid, by order revoke any order made under section two of this Act which is for the time being in operation.

Constitu-
tion of, and
proceedings
with respect
to, boards.

5.—(1) A board appointed under this Act shall consist of a chairman and two other members and no person who is, in the opinion of the Minister, connected with the industry shall be a member of any such board.

(2) When any such board has been appointed, the Minister shall, in such manner as he thinks best calculated to inform persons likely to be affected, give notice of the appointment of the board, of the names of the members, and of the date on which and place at which the board will meet.

(3) Where a board has been appointed to consider a joint application for the making of an order under section two of this Act, or to consider the revocation of an order made on such an application, each organisation which was a party to the application shall be entitled to appoint six of its members to sit with the board as assessors.

(4) In making inquiry into any matter referred to it, the board shall consider such written objections, if

any, with regard to that matter, as have been duly sent to the Minister, and, without prejudice to the power of the board to regulate its procedure, may, if it thinks fit, hear oral evidence given by or on behalf of any person by whom such an objection has been so sent.

(5) A copy of the report of any board appointed to consider a joint application for the making of an order under section two of this Act, or to consider the revocation of an order made on such an application, shall be transmitted by the Minister to the organisations by which the application was made.

6.—(1) There shall be paid out of moneys provided by Parliament such fees to members of any board appointed under this Act and such expenses in connection with the proceedings of any such board as may be determined by the Minister with the consent of the Treasury. Administra-
tive provi-
sions.

(2) The Minister may with the consent of the Treasury assign to any such board such officers of the Ministry of Labour as he considers necessary.

(3) When any order is made under this Act, notice of the making thereof and of the places where copies of the order may be obtained shall be published in the London Gazette.

(4) Regulations may be made by the Minister for giving effect to the provisions of this Act.

7.—(1) In this Act, the expression “cotton manufacturing industry” means the manufacture in the areas specified in the Schedule to this Act of woven fabrics from the following yarns (either with or without an admixture of not more than five per cent. of other fibres) namely, cotton yarn, rayon yarn or mixed cotton and rayon yarn, including the preparation of warp and weft for the loom, the examination and bundling of such fabrics as aforesaid, and operations incidental to the said manufacture, preparation, examination or bundling; and the expression “prescribed” means prescribed by regulations made under this Act. Interpreta-
tion.

(2) In determining for the purposes of this Act whether an organisation was at any date representative of the employers controlling the majority of the looms in the industry, no account shall be taken of the looms in

any factory in which during the period of twelve months immediately preceding that date no looms had been used; and in determining for the said purposes whether an organisation was at any date representative of the majority of the persons employed in the industry of any grade or grades, all weavers employed in the industry shall be deemed to form a single grade, and other grades shall be determined in like manner by reference to the several occupations of the persons employed.

52 & 53 Vict.
c. 63.

(3) The provisions of the Interpretation Act, 1889, shall apply to the revocation of any order made under this Act in like manner as those provisions apply to the repeal of enactments passed after the commencement of that Act.

Short title
and dura-
tion of
ss. 1 and 2.

8.—(1) This Act may be cited as the Cotton Manufacturing Industry (Temporary Provisions) Act, 1934.

(2) Sections one and two of this Act shall continue in force until the thirty-first day of December nineteen hundred and thirty seven and no longer :

Provided that any order made under the said section two shall, notwithstanding the expiry of that section, continue in operation until revoked in accordance with the provisions of this Act.

SCHEDULE.

Section 7. **AREAS IN WHICH COTTON MANUFACTURING INDUSTRY IS
CARRIED ON.**

The Administrative County of Lancaster.
The County Borough of Barrow-in-Furness.
The County Borough of Blackburn.
The County Borough of Blackpool.
The County Borough of Bolton.
The County Borough of Bootle.
The County Borough of Burnley.
The County Borough of Bury.
The County Borough of Liverpool.
The County Borough of Manchester.

The County Borough of Oldham.

The County Borough of Preston.

The County Borough of Rochdale.

The County Borough of St. Helen's.

The County Borough of Salford.

The County Borough of Southport.

The County Borough of Stockport.

The County Borough of Warrington.

The County Borough of Wigan.

In the West Riding of the County of York—

The Borough of Todmorden.

The Urban District of Barnoldswick.

The Urban District of Earby.

The Urban District of Hebden Bridge.

The Urban District of Luddendenfoot.

The Urban District of Mytholmroyd.

The Urban District of Saddleworth.

The Urban District of Silsden.

The Urban District of Skipton.

The Rural District of Bowland.

The Rural District of Settle.

The Rural District of Skipton.

The Rural District of Todmorden.

In the County of Derby—

The Borough of Glossop.

The Urban District of New Mills.

The Parishes of Charlesworth, Chisworth, and Ludworth
in the Rural District of Chapel-en-le-Frith.

In the County of Chester—

The Borough of Dukinfield.

The Borough of Hyde.

The Borough of Stalybridge.

The Urban District of Compstall.

The Urban District of Hollingworth.

The Urban District of Marple.

The Urban District of Mottram-in-Longendale.

The Urban District of Yeardsley-cum-Whaley.

The Rural District of Tintwistle.

The Parish of Styal in the Rural District of Bucklow.

CHAPTER 31.

An Act to authorise the setting up of Clearing Offices for collecting and dealing with certain debts; to authorise the imposition of restrictions on imports from certain foreign countries, and for purposes connected with the matters aforesaid. [28th June 1934.]

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

Power of
Treasury in
certain
circum-
stances to
set up
Clearing
Offices.

1.—(1) If it appears to the Treasury that in the case of any foreign country payments or transfers to persons ordinarily resident or ordinarily carrying on business in the United Kingdom are subjected to restrictions, or are prohibited or have been discontinued, the Treasury, may by order set up an office (in this Act referred to as the "Clearing Office") having such functions as are hereafter in this section mentioned with respect to the collection of debts to which the order applies and the application of the proceeds of such collection.

(2) An order made under this section with respect to any foreign country may be made so as to apply to all debts due, or to become due, in respect of goods, or any class or description of goods, grown, produced or manufactured in, or consigned from, that foreign country and imported into the United Kingdom, or due or to become due to, or for the benefit of, persons ordinarily resident or ordinarily carrying on business in that foreign country, or to any such debts as aforesaid.

(3) While an order made under this section is in force with respect to any foreign country, every person from whom any debt to which the order applies is or becomes due shall, subject to such exceptions and conditions, and at such time and in such manner, as may be specified in the order, pay that debt, or such part thereof as may be so specified, to the Clearing Office and not otherwise, and the debt, or the specified part

thereof, shall be recoverable by the Clearing Office accordingly, and their receipt for any sum paid to them under this section in respect of a debt shall, so far as regards the amount so paid, be a good discharge to the person from whom the debt was due.

(4) For the purpose of facilitating the collection by the Clearing Office of debts to which an order made under this section applies, being debts due or to become due in respect of goods imported into the United Kingdom, the order may require that, subject to any exceptions for which the order may provide, a person importing into the United Kingdom goods grown, produced or manufactured in, or consigned from, the country to which the order relates shall, on importation either—

- (a) produce to the Commissioners a certificate from the Clearing Office that the debt due or to become due in respect of those goods, or the specified part of that debt, has been paid to the Clearing Office, or that security of a nature and in a form satisfactory to the Clearing Office has been given to that office, or that the Clearing Office claim no payment in respect of the goods; or
- (b) pay to the Commissioners for the credit of the Clearing Office a sum equal to the value of the goods, or to such proportion of their value as may be specified in the order;

but, where any payment made under this subsection in respect of goods exceeds the debt due or to become due in respect of those goods, the excess shall be repaid by the Clearing Office.

The provisions of the Customs Consolidation Act, 1876, and any Act amending or extending that Act, shall apply in relation to any such goods as aforesaid, and to any payment to be made to the Commissioners under this subsection in respect thereof, as if that payment were a payment in respect of a duty of customs with which the goods were chargeable, and for the purposes of this subsection, the value of any imported goods shall be ascertained in the manner in which the value of imported goods is by law required to be ascertained for the purposes of any enactment whereunder a duty of customs is chargeable on goods by reference to their value.

39 & 40 Vict.
c. 36.

(5) A person importing goods into the United Kingdom who has paid to the Clearing Office any sum in respect of those goods, shall have the like rights against any person by whom documents of title relating to those goods are held as if he had made the like payment to that person.

(6) The Clearing Office shall, after making any necessary adjustments in respect of overpayments made to them, apply any sums received by them by virtue of this section and of any order made thereunder

(i) in discharging, either directly or through agents appointed by them, and at such time, in such manner and in such order of priority, but subject to such provisions with respect to a reserve fund, as may be specified in an order under this section,

(a) debts due from persons in the foreign country to which the order relates to persons ordinarily resident or ordinarily carrying on business in the United Kingdom, or to British subjects wherever resident, or to corporations incorporated by or under the laws of the United Kingdom, or of a country forming part of the British Empire as defined in the Import Duties Act, 1932, or to persons who are afforded His Majesty's protection and ordinarily reside, or ordinarily carry on business, in such a country; and

(b) debts due to any person in respect of such securities as may be specified in the order and which were on a date to be so specified in the beneficial ownership of any such person or corporation as aforesaid; or

(ii) in such manner as may be provided for in any agreement entered into between His Majesty's Government in the United Kingdom and the government of any foreign country to which the order relates.

(7) Anything required or authorised by or under this Act to be done by or to the Clearing Office may be done by or to any person authorised in that behalf by or under an order made under this section.

2.—(1) If it appears to the Board of Trade that in any foreign country quantitative restrictions are imposed on the importation into that foreign country of goods of any class or description grown, produced or manufactured in or consigned from a country to which this section applies, and those restrictions are, in the opinion of the Board, discriminatory against or specially detrimental to a country to which this section applies, the Board may make an order prohibiting or restricting for any such period as may be specified in the order the importation into the United Kingdom of goods of any such class or description as may be so specified, being goods grown, produced or manufactured in or consigned from that foreign country.

Power of Board of Trade in certain circumstances to restrict imports from a foreign country.

(2) The countries to which this section applies are the United Kingdom, the Channel Islands, Newfoundland, the Colonies, the British Protectorates and Protected States, and any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom.

(3) Goods to which an order made under this section applies shall, if imported without such licence as may be required by the order or otherwise in contravention of the terms of the order, be deemed to be goods, the importation of which is prohibited by section forty-two of the Customs Consolidation Act, 1876, and the provisions of that Act and of any Act amending or extending it shall apply accordingly.

(4) Anything authorised under this Act to be done by the Board of Trade may be done by the President of the Board, or in his absence by a Secretary of State.

3.—(1) An order made under either of the foregoing sections may contain such provisions as appear to the Treasury or, as the case may be, to the Board of Trade, to be necessary or expedient for securing the due operation and enforcement of this Act and of the Order and in particular, but without prejudice to the generality of the foregoing words, may contain provisions with respect to any of the matters or for any of the purposes specified in the Schedule to this Act.

Contents of Orders.

(2) Any such order may at any time be varied or revoked by a subsequent order made under the same section.

Orders to
be laid
before Par-
liament.

4.—(1) Every order made under this Act shall be laid before both Houses of Parliament as soon as may be after it is made and shall cease to have effect on the expiration of a period of twenty-eight days from the date on which it was made unless, at some time before the expiration of that period, it has been approved by a resolution passed by each House of Parliament, but without prejudice to anything previously done under the order or to the making of a new order.

In reckoning any such period of twenty-eight days as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses of Parliament are adjourned for more than four days.

56 & 57 Vict.
c. 66.

(2) A rule or regulation contained in an order made under this Act by the Treasury shall not be deemed to be a statutory rule within the meaning of section one of the Rules Publication Act, 1893.

Expenses.

5.—(1) Any expenses incurred by the Treasury or the Board of Trade in carrying this Act into execution and the expenses of any Clearing Office set up under this Act, to such an amount as may be approved by the Treasury, shall be defrayed out of moneys provided by Parliament.

(2) There may be charged by the Board of Trade in respect of an import licence issued under an order made under this Act such reasonable fee, not exceeding five pounds, as the Board think fit, and by the Clearing Office in respect of moneys distributed by them in accordance with the provisions of any such order such reasonable commission, not exceeding two per cent. of any sum so distributed, as the Treasury think fit.

(3) Any receipts arising under this section shall be paid into the Exchequer.

Interpre-
tation.

6.—(1) This Act applies to debts due from the government of, or any public authority in, a country as it applies to debts due from persons in that country.

(2) In this Act the expression "person" includes, as respects any country, a body corporate.

(3) For the purposes of this Act references to goods produced in the United Kingdom or goods produced in any other country shall be deemed to include fish of

British taking, or fish of that country's taking, as the case may be.

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

7.—(1) This Act may be cited as the Debts Clearing Offices and Import Restrictions Act, 1934. Short title
and dura-
tion.

(2) This Act shall continue in force until the thirtieth day of June, nineteen hundred and thirty-six, and no longer :

Provided that the expiry of this Act shall not affect the previous operation thereof or of any order made thereunder, or any obligation or liability previously incurred under this Act or any such order, or the taking of any steps, or the institution or carrying on of any proceedings, to enforce any such obligation or liability.

SCHEDULE.

PARTICULAR PROVISIONS WHICH MAY BE INCLUDED Section 3. IN AN ORDER MADE UNDER THIS ACT.

Provisions—

- (i) with respect to the circumstances in which goods partly manufactured in any country are to be taken to be manufactured therein ;
- (ii) with respect to the evidence to be required and the presumption, in the absence of such evidence, as to the country in which goods were grown, produced or manufactured, or from which they were consigned ;
- (iii) with respect to the mode of determining any dispute as to whether goods are goods to which an order applies, or as to the value of any such goods ;
- (iv) for exempting, either absolutely or conditionally, from the operation of the order goods imported for re-exportation after transit through the United Kingdom, or by way of trans-shipment, or after undergoing in the United Kingdom any process which will not change the form or character of the goods ;

- (v) for providing for the punishment of any breach of the order, or any failure to comply with the section under which it is made; so however that such punishment shall not in the case of a summary conviction exceed a fine of one hundred pounds or imprisonment for three months or both such fine and imprisonment, or for a second or any subsequent conviction a fine of five hundred pounds or imprisonment for six months or both such fine and imprisonment;
- (vi) for adapting or modifying provisions of any enactment relating to customs, and in force at the passing of this Act, for the purposes of the application thereof by this Act or by the order.

CHAPTER 32.

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

[12th July 1934.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

CUSTOMS AND EXCISE.

1.—(1) Subject as hereafter provided, the provisions of section eight of the Finance Act, 1925, and of section four of and the Second Schedule to the Finance Act,

Alteration
of customs
duties on
colonial

1928, shall apply to sugar, molasses, glucose and saccharin consigned from and grown, produced or manufactured in a colony or other country to which section two of the Finance Act, 1932, applies as they apply to other sugar, molasses, glucose and saccharin being Empire products :

PART I.
—*cont.*
sugar,
molasses,
&c.
15 & 16
Geo. 5. c. 36.
18 & 19
Geo. 5. c. 17.
22 & 23
Geo. 5. c. 25.

Provided that—

(a) the customs duties in respect of sugar shown to the satisfaction of the Commissioners to have been consigned and grown, produced or manufactured as aforesaid, being sugar accompanied by a quota certificate, shall be at the rates specified in Part I of the First Schedule to this Act instead of at the rates which would otherwise have been chargeable ; and

(b) in the case of sugar and molasses produced in the United Kingdom from sugar on which there has been paid a customs duty at a rate so specified, Part II of the Second Schedule to the Finance Act, 1928, shall have effect as if for the tables set out therein there were substituted the tables set out in Part II of the First Schedule to this Act.

(2) In this section the expression “ quota certificate ” in relation to sugar, means a certificate issued by the Secretary of State certifying that the sugar forms part of the quantity of sugar which may be imported from the colonies and other countries aforesaid at the rates specified in Part I of the First Schedule to this Act, but the quantity of sugar in respect of which such certificates are issued shall not in the financial year ending on the thirty-first day of March, nineteen hundred and thirty-five, exceed three hundred and seventy-five thousand tons, and shall not in any subsequent financial year exceed three hundred and sixty thousand tons.

(3) This section shall be deemed to have had effect as from the eighteenth day of April, nineteen hundred and thirty-four.

2.—(1) Where any dutiable hydrocarbon oils on which customs duty has not been paid are used in a refinery, the same customs duty shall be charged and the same rebate shall be allowed in respect thereof as would be chargeable or allowable on the importation

Customs
duties on
hydro-
carbon oils
in refineries.

PART I.
—*cont.*

of the like oils, except in respect of such quantity thereof as is shown to the satisfaction of the Commissioners to have been used for the purpose of generating heat, light or power for consumption in the refinery :

Provided that for the purpose of this subsection—

- (a) oils shall not be deemed to have been used by reason only that they have been subjected to a process of purification or blending; and
- (b) where oils are subjected to any process resulting in the conversion thereof into other oils or solid or semi-solid residues, such quantity thereof as is shown to the satisfaction of the Commissioners to have been so converted, or to have been wasted in the course of the process, shall not be deemed to have been used by reason only of its subjection to that process.

(2) Nothing in the last foregoing subsection shall affect the provisions of subsection (5) of section two of the Finance Act, 1928, as to the charge of duty or allowance of rebate on oils delivered from a refinery, but where it appears to the Commissioners that a refinery is not used primarily for the purpose of subjecting hydrocarbon oils to any such process as aforesaid, the Commissioners may, notwithstanding anything in the said subsection (5), require that customs duty shall be charged on the removal of such oils to that refinery instead of on their delivery therefrom and that any rebate allowable shall be allowed accordingly :

Provided that, where rebate has been allowed under this subsection on the removal of oils to a refinery and those oils are converted in the refinery into light oils, an amount equal to the rebate allowed on so much of those oils as appears to the Commissioners to have been so converted shall be paid on the delivery of the light oils from the refinery.

(3) Paragraph (d) of subsection (1) of section three of the Finance Act, 1928 (which enables the Commissioners to make regulations regulating the manufacture and storage of hydrocarbon oils in a refinery) shall be amended by inserting the word “ use ” after the word “ manu-
facture.”

(4) In this subsection the expression "refinery" has the meaning assigned to it by subsection (10) of section two of the Finance Act, 1928.

PART I.
—cont.

(5) This section shall be deemed to have had effect as from the first day of May, nineteen hundred and thirty-four.

3.—(1) Where any hydrocarbon oils having a temperature exceeding sixty degrees Fahrenheit are measured for the purpose of ascertaining the amount of customs duty chargeable or of the rebate or drawback allowable thereon, and the Commissioners are satisfied that the oils are artificially heated, duty shall be charged or rebate or drawback shall be allowed, as the case may be, on the number of gallons which, in the opinion of the Commissioners, the oils would have measured if the temperature thereof had been sixty degrees Fahrenheit :

Measure-
ment of
artificially
heated
hydro-
carbon oils
for purpose
of customs
duty, &c.

Provided that this subsection shall not apply to light oils.

(2) The foregoing provision of this section shall be deemed to have had effect as from the first day of May, nineteen hundred and thirty-four.

(3) Subsection (4) of section six of the Finance Act, 1933 (which provides for the charging of duty on hydrocarbon oils by reference to tons or some other measure of quantity instead of by reference to gallons) shall cease to have effect.

23 & 24
Geo. 5. c. 19.

4.—(1) The customs duty chargeable on arc-lamp carbons under Part I of the Safeguarding of Industries Act, 1921, shall, instead of being at the rate of one shilling per pound weight, be at the rate of five shillings per pound weight in the case of carbons exceeding fourteen millimetres in diameter and seven shillings and sixpence per pound weight in the case of other carbons.

Increase of
customs
duty on
arc-lamp
carbons.
11 & 12
Geo. 5. c. 47.

(2) This section shall be deemed to have had effect as from the eighteenth day of April, nineteen hundred and thirty-four.

5. The customs duty chargeable on insulin and its salts under Part I of the Safeguarding of Industries Act, 1921, shall cease to be charged, and the Import Duties Act, 1932, shall have effect as if insulin and its salts were included in the First Schedule to that Act.

Repeal of
customs
duty on
insulin.
22 & 23
Geo. 5. c. 8.

PART I.
—cont.
Customs
duty on
patent
leather.

6.—(1) There shall be charged on the importation into the United Kingdom of patent leather not forming part of another article, and of goods composed wholly of patent leather, a duty of customs equal to fifteen per cent. of the value of the goods :

Provided that this section shall not apply to any goods which fall within some class or description of goods on which an additional duty is for the time being chargeable under section three of the Import Duties Act, 1932, if the aggregate amount of the additional duty and the general ad valorem duty exceeds fifteen per cent. of the value of the goods.

22 & 23
Geo. 5. c. 53.

(2) The Ottawa Agreements Act, 1932, shall have effect as if the duty chargeable under this section were chargeable under section one of that Act :

Provided that subsection (2) of the said section one shall not apply in relation to the said duty, but the foregoing provisions of this section shall be deemed not to be in force at any time when the agreement between His Majesty's Government in the United Kingdom and His Majesty's Government in Canada, set out in Part I of the First Schedule to the said Act, is not in force within the meaning of that Act.

(3) This section shall be deemed to have had effect as from the eighteenth day of April, nineteen hundred and thirty-four.

Amend-
ments as to
drawback
of duties
under 22 &
23 Geo. 5.
c. 8.

7.—(1) Paragraph (b) of subsection (2) of section nine of the Finance Act, 1932 (which provides that a scheme under that section may provide for the allowance of drawback in respect of such quantity of material as is specified in the scheme as being the average quantity thereof used in the manufacture of goods in the case of which drawback is to be allowed) shall have effect as if the words “ in the manufacture of goods of that class or description ” were omitted therefrom, and as if there were added at the end of the paragraph the words “ in the manufacture either of all goods of that class or description, or of such goods of that class or description as are manufactured for export.”

(2) The Treasury may, on the recommendation of the Committee, by order made under the said section nine revoke any scheme for the time being in force under that section.

PART I.
—cont.

(3) For the purpose of paragraph 3 of the Second Schedule to the Import Duties Act, 1932 (which provides for the allowance of drawback on the exportation or shipment as stores of goods which are in the same state as that in which they were imported) and for the purpose of any order made (whether before or after the passing of this Act) under that Schedule, goods shall not be deemed to be in a different state from that in which they were imported by reason only that they have been subjected to a process which has not changed the form or character of the goods.

(4) Proviso (a) to subsection (5) of section nineteen of the Import Duties Act, 1932, shall cease to have effect, but nothing in that subsection shall authorise the Treasury to revoke or vary any order made under subsection (3) of section one of that Act otherwise than for the purpose of giving effect to a recommendation of the Committee.

8.—(1) Where any consignment of machinery of a class or description to which section ten of the Finance Act, 1932, applies is imported after the commencement of this Act and, before the importation, an application has been made to the Committee for a recommendation under that section with respect to that consignment, the power of the Committee to make the recommendation, and of the Treasury to issue a licence in accordance therewith, shall be exercisable notwithstanding that duty has been paid in respect of the consignment before the recommendation is made or the licence is issued.

Amendment
as to relief
of certain
machinery
from duties
under
22 & 23
Geo. 5. c. 8.

(2) Subject to such conditions as the Commissioners may impose for the protection of the revenue, any duty paid under the Import Duties Act, 1932, on the importation of any such consignment of machinery shall be repaid, if the Commissioners are satisfied that a licence in respect of the consignment has subsequently been issued under the said section ten by virtue of this section.

9.—(1) Where, on the importation of goods of any class or description specified in the Second Schedule to this Act, the Commissioners are satisfied that the goods are being 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, the Commissioners shall, subject to such conditions as they may

Exemption
of certain
goods used
in ship-
building
from duties
under 22 &
23 Geo. 5.
c. 8.

PART I.
—*cont.*

impose for securing that the goods are so used, allow them to be imported free of any duty chargeable under Part I of the Import Duties Act, 1932.

(2) The Treasury may, on the recommendation of the Committee and after consultation with the Board of Trade, at any time by order direct that, as from such date as may be specified in the order, goods of any class or description so specified shall be added to or cease to be included in the said Schedule, and may by order make such amendments in the said Schedule as are consequential on any such direction as aforesaid.

(3) Section nineteen of the Import Duties Act, 1932, shall apply to any order made under the last foregoing subsection as if it were an order made by the Treasury under the said Act.

Provisions
as to goods
becoming,
or ceasing to
be, exempt
from general
ad valorem
duty.

10.—(1) When any goods, being goods chargeable with the general ad valorem duty and an additional duty, cease to be chargeable with the general ad valorem duty, or ceased before the commencement of this Act to be so chargeable, the order directing the additional duty to be charged shall cease to have effect, or be deemed to have ceased to have effect, as the case may be, as respects those goods:

Provided that nothing in this subsection shall affect the provisions of proviso (b) to subsection (4) of section one of the Ottawa Agreements Act, 1932.

(2) Where the Committee recommend under section seven of the Finance Act, 1932, that goods of any class or description ought no longer to be exempted from the general ad valorem duty, they may at the same time, notwithstanding that the goods are not chargeable with the general ad valorem duty, recommend, subject to and in accordance with section three of the Import Duties Act, 1932, that an additional duty ought to be charged on the goods as soon as they cease to be so exempt, and the Treasury may make an order under the said section three accordingly.

(3) The power conferred on the Treasury by subsection (3) of section one of the Import Duties Act, 1932, and by section seven of the Finance Act, 1932, to make orders directing that goods shall be added to, or shall cease to be included in, the First Schedule to the Import Duties Act, 1932, shall include power to make such amendments in the said Schedule as are consequential on any such direction as aforesaid.

11.—(1) Subsection (7) of section two of the Import Duties Act, 1932 (which gives the Committee certain powers of obtaining information) shall have effect as if the reference to the functions of the Committee included a reference to any functions which the Committee are required or authorised to discharge by any enactment for the time being in force, except section ten of the Finance Act, 1932.

PART I.
—cont.

Power of Committee to obtain information and disclosure of information.

(2) Section ten of the Import Duties Act, 1932 (which restricts the disclosure of information), shall have effect as if references therein to the purposes of the said Act included references to the purposes of such of the provisions of any enactment for the time being in force as authorise or require the Committee, or any Government department on the recommendation or advice of the Committee, to discharge any functions.

(3) Notwithstanding anything in the said section ten, it shall be lawful for the Committee to disclose to any Government department or to any person authorised by a Government department any information obtained by the Committee if and in so far as it appears to the Committee to be necessary for the purpose of obtaining further information from that department on a matter which the Committee are required or authorised to consider by any enactment for the time being in force.

12.—(1) It shall not be lawful for any person to use otherwise than for a medical or scientific purpose—

Restriction of use of certain goods relieved from spirit duty.
8 & 9 Geo. 5.
c. 15.

- (a) a mixture on the importation of which, by virtue of subsection (1) of section four of the Finance Act, 1918, any duty in respect of spirits contained therein has been charged subject to a reduction; or
- (b) an article manufactured or prepared from spirits in respect of which a repayment of duty has been obtained, by virtue of subsection (2) of the said section four, on the ground that the article was recognised by the Commissioners as being used for medical purposes, or an article in respect of which he has paid or agreed to pay a price fixed on the assumption that such a repayment will be obtained on the ground aforesaid;

unless he has obtained the consent of the Commissioners in writing to the use thereof otherwise than as aforesaid and has paid to them an amount equal to the difference

PART I.
—*cont.*

between the duty charged and the duty which apart from the said section four would have been chargeable, or to the amount of duty repaid or repayable, as the case may be.

7 & 8 Geo. 4.
c. 53.

(2) If any person uses a mixture or article in contravention of the last foregoing subsection, he shall be liable to an excise penalty equal to treble the value of the mixture or article used, and section sixty-nine of the Excise Management Act, 1827, shall apply accordingly, and any article in his possession in the preparation or manufacture of which the mixture or article has been used shall be forfeited.

(3) The regulations made under the said section four may include regulations for carrying into effect the provisions of this section, and in particular for empowering the Commissioners to require any person carrying on any trade in which spirits, or mixtures or articles containing or prepared or manufactured with spirits, are in their opinion likely to be or to have been used, to give and verify particulars of the materials which he is using or has used and of any such mixtures or articles which he has sold, and to produce any books of account or other documents of whatever nature relating to any such materials, mixtures or articles.

(4) In this section the expression "mixture" includes a preparation and a compound, and references to a mixture or article include references to any part of that mixture or article.

Power to
warehouse
British
compounds
in bottles.
43 & 44 Vict.
c. 24.

13. Notwithstanding anything in subsection (5) of section ninety-five of the Spirits Act, 1880, any British compounds which may under that section be warehoused for home consumption may, subject to such regulations as the Commissioners may prescribe, be warehoused, whether for home consumption or for exportation or for ship's stores, in bottles instead of in casks, and the said regulations may apply the provisions of that section which relate to warehousing in casks subject to such modifications as the Commissioners think necessary to adapt them to warehousing in bottles.

Relief in
case of
excessive
assessment
for purpose

14.—(1) The Commissioners may, on an application made for the purpose, reduce an assessment of the annual value of any premises made in respect of the year in which the application is made or the last preceding year or both those years under paragraph (b) of subsection (1)

of section twelve of the Finance Act, 1924, or under subsection (2) of that section, notwithstanding that the time for appealing against the assessment has expired, if they are satisfied that the assessment was excessive having regard to circumstances which were not brought to their notice at the time when it was made.

PART I.
—cont.
of excise
licence.
14 & 15
Geo. 5. c. 21.

(2) Where an assessment in respect of any year is reduced under this section, so much of any duty paid thereunder as exceeds the duty which would have been payable under the assessment as reduced shall be refunded.

15. Notwithstanding anything in subsection (4) of section thirteen of the Finance Act, 1923, where a person is charged before a court of summary jurisdiction in Northern Ireland with an offence under the Illicit Distillation (Ireland) Act, 1831, as amended by any other enactment, or under any such amending enactment, it shall not be necessary, for the purpose of exercising the powers of the court to remand him on bail or in custody, for the court to be constituted of more than one resident magistrate.

Amendment
of 13 & 14
Geo. 5. c. 14.
s. 13 (4).
1 & 2 Will. 4.
c. 55.

16.—(1) If any goods, being goods of a class or description in respect of which a duty of customs is chargeable on importation from the Irish Free State, are imported from the Irish Free State into Northern Ireland in any manner whatsoever without payment of that duty, the goods shall be forfeited, but without prejudice to any customs penalty which may have been incurred in respect of the importation.

Provision
for pre-
venting
smuggling in
Northern
Ireland.

(2) If goods of any such class or description as aforesaid are found in the possession or control of any person within the prescribed area in Northern Ireland, an officer of customs and excise may require that person to furnish proof that the goods have not been imported from the Irish Free State or that customs duty has been paid thereon, and if such proof is not furnished to the satisfaction of the Commissioners, the goods shall be deemed, for the purpose of any proceedings for the forfeiture of them or for any customs penalty in respect of them, to have been imported as aforesaid without payment of duty, unless the contrary is proved.

(3) In this section the reference to an officer of customs and excise includes a reference to any person having by

PART I.
—cont.13 Geo. 5.
Sess. 2, c. 2.

law in Northern Ireland the powers of such an officer, and the expression “prescribed area” means such an area adjoining the land boundary of Northern Ireland as may be prescribed by regulations made by the Commissioners under section four of the Irish Free State (Consequential Provisions) Act, 1922.

Payment
for excise
licences by
cheque.

17.—(1) Any Government department or local authority having power to grant a licence on which an excise duty is payable may, if they think fit, grant the licence upon receipt of a cheque for the amount of the duty payable thereon.

(2) Where a licence is granted as aforesaid to any person and the cheque is subsequently dishonoured, the licence shall be void as from the time when it was granted, and the department or authority who granted it shall send to that person, by registered letter addressed to him at the address given by him when applying for the licence, a notice requiring him to deliver up the licence to that department or authority within the period of seven days from the date when the notice was posted, and, if that person fails to comply with the requirement within that period, he shall be liable to an excise penalty of fifty pounds.

Amend-
ments as to
licences for
mechanically
propelled
vehicles.
10 & 11
Geo. 5. c. 18.

18.—(1) As from the first day of January, nineteen hundred and thirty-five, section thirteen of the Finance Act, 1920 (which imposes duties of excise in respect of mechanically propelled vehicles) shall have effect as if the paragraphs set out in Parts I and II of the Third Schedule to this Act were respectively substituted for paragraphs 1 and 6 of the Second Schedule to that Act and as if there were inserted at the end of paragraph 5 of the said Second Schedule the following provision :—

“For the purposes of this paragraph the expression ‘trailer’ shall not include an appliance not exceeding five hundredweight in weight which is constructed and used solely for the purpose of distributing on the road loose untreated gritting material.”

20 & 21
Geo. 5. c. 28.

(2) Nothing in the last foregoing subsection shall affect the paragraph inserted at the end of the said Second Schedule by subsection (1) of section six of the Finance Act, 1930, and that paragraph shall be numbered 7.

(3) Where a licence taken out for a mechanically propelled vehicle is surrendered on or after the first day of August, nineteen hundred and thirty-four, the fees chargeable under subsection (1) of section eighteen of the Finance Act, 1924, in respect of the surrender shall not be charged.

PART I.
—*cont.*

PART II.

INCOME TAX.

19.—(1) Income tax for the year 1934–35 shall be charged at the standard rate of four shillings and sixpence in the pound, and, in the case of an individual whose total income from all sources exceeds two thousand pounds, at such higher rates in respect of the excess over two thousand pounds as Parliament may hereafter determine.

Income tax
for 1934–35.

(2) All such enactments as had effect with respect to the income tax charged for the year 1933–34 shall have effect with respect to the income tax charged for the year 1934–35.

20. Income tax for the year 1933–34 shall be charged, in the case of an individual whose total income from all sources exceeded two thousand pounds, at the same higher rates in respect of the excess over two thousand pounds as were charged for the year 1932–33.

Higher rates
of income
tax for
1933–34.

21.—(1) Where rent is payable in respect of any land the property in which is not separately assessed and charged under Schedule A, or in respect of any easement, and—

Income tax
on certain
rents,
mining
royalties,
&c.

- (a) the land or easement is used, occupied or enjoyed in connection with any of the concerns specified in Rules 1, 2 and 3 of No. III of Schedule A; or
- (b) the lease or other agreement under which the rent is payable provides for the recoupment of the rent by way of reduction of royalties or payments of a similar nature in the event of the land or easement being used, occupied or enjoyed as aforesaid;

the rent shall be charged with tax under Schedule D and shall, subject to the provisions of this section, be treated for the purpose of such of the provisions of the Income

PART II.
—cont.

Tax Acts as refer to royalties paid in respect of the user of a patent as if it were such a royalty :

Provided that, where the rent is rendered in produce of the concern, it shall, instead of being treated as aforesaid, be charged under Case III of Schedule D as if it were mentioned in Rule 1 of the Rules applicable to that Case, and the value of the produce so rendered shall be taken to be the amount of the profits or income arising therefrom.

3 & 4 Geo. 5.
c. 3. (2) Subject to the provisions of section two of the Provisional Collection of Taxes Act, 1913, a deduction from a payment of rent made by any person on account of income tax at any time before the passing of this Act, which would have been a legal deduction if the provisions of this section had been in force at that time, shall be deemed for all purposes (including all the purposes of legal proceedings instituted before the passing of this Act) to have been a legal deduction to which all the provisions of Rule 19 or Rule 21 of the General Rules, as the case may be, were applicable.

8 & 9 Geo. 5.
c. 40. (3) The provisions of subsection (2) of section two hundred and eleven of the Income Tax Act, 1918, shall have effect as if this section had come into operation on the sixth day of April, nineteen hundred and thirty-four.

(4) For the purpose of this section—

(a) the expression “land” means lands, tenements, hereditaments and heritages;

(b) the expression “easement” includes any right, privilege or benefit in, over or derived from land;

(c) the expression “rent” includes a rent service, rent charge, fee farm rent, feu duty or other rent, toll, duty, royalty or annual or periodical payment in the nature of rent, whether payable in money or money’s worth or otherwise, but does not include any of the payments enumerated in Rules 1 to 6 of No. II of Schedule A.

(5) Rule 5 of No. III of Schedule A (which provides for the computation of the annual value of the produce of any such concern as aforesaid) shall cease to have effect.

22. Any profits or income accruing or arising to the Issue Department of the Reserve Bank of India constituted under an Act of the Indian Legislature called the Reserve Bank of India Act, 1934, shall be exempt from income tax.

PART II.
—cont.
Exemption for Issue Department of Reserve Bank of India.

PART III.

NATIONAL DEBT AND GUARANTEED LOANS.

23.—(1) The permanent annual charge for the National Debt for the financial year ending on the thirty-first day of March, nineteen hundred and thirty-five, shall be the sum of two hundred and twenty-four million pounds instead of the sum of three hundred and fifty-five million pounds.

Provisions as to permanent annual charge for the National Debt.

(2) The Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under and for the purposes of subsection (1) of section one of the War Loan Act, 1919, for providing any sums required during the said financial year for the purposes mentioned in paragraph (a) or paragraph (b) of subsection (4) of section twenty-three of the Finance Act, 1928, as amended by this section, and the amount required by the said subsection (4) to be issued from the permanent annual charge for the National Debt for the purposes aforesaid in that year shall be decreased by the amount raised under this subsection.

(3) Any securities created and issued to raise money under the last preceding subsection shall be deemed to have been created and issued under subsection (1) of section one of the War Loan Act, 1919.

(4) Paragraph (b) of subsection (4) of the said section twenty-three shall have effect as if the following sub-paragraph were inserted immediately after sub-paragraph (iii) thereof—

9 & 10
Geo. 5. c. 37.

“(iiiia) for the purpose of fulfilling the undertaking contained in the prospectus relating to the three per cent. Funding Loan 1959-69 to set aside certain sums for sinking fund purposes.”

24. Any moneys required for the purpose of fulfilling the undertaking contained in the prospectus relating to the three per cent. Funding Loan 1959-69 to set aside certain sums for sinking fund purposes

Provision for sinking fund of three per cent. Funding Loan 1959-69.

PART III. shall be charged on and issued out of the Consolidated
 —cont. Fund or the growing produce thereof.

Power of
 Treasury to
 guarantee
 loans issued
 to redeem
 existing
 guaranteed
 loans.

25.—(1) Where a loan which may be redeemed before maturity at the option of the borrower has been guaranteed by the Treasury, whether before or after the passing of this Act, and it is proposed to issue another loan (in this section referred to as a conversion loan) solely for the purpose of providing for the redemption of the first-mentioned loan as aforesaid, whether by way of cash payments or by exchange of securities, the Treasury may guarantee the conversion loan:

Provided that—

(a) a conversion loan shall not be guaranteed under this section unless—

(i) the amount required in each year to pay the interest on the conversion loan is less than the amount which would have been required in the year beginning at the date of the issue of that loan to pay the interest on the loan to be redeemed; and

(ii) the Treasury are satisfied that the substitution of the guarantee of the conversion loan for the guarantee of the loan to be redeemed will benefit the Exchequer; and

(b) where a conversion loan has been guaranteed under this section the Treasury shall not guarantee another conversion loan issued for the purpose of providing for the redemption of the first-mentioned conversion loan.

(2) Any guarantee given under this section may be given in such form and manner, and on such terms and subject to such conditions, as the Treasury think fit.

(3) Any moneys required for fulfilling a guarantee given under this section shall be charged on and issued out of the Consolidated Fund or the growing produce thereof and any moneys paid in or towards repayment of any sum issued out of the Consolidated Fund under this section shall be paid into the Exchequer.

(4) The Treasury shall lay before both Houses of Parliament—

(a) a statement of any guarantee given under this section as soon as may be after it is given; and

- (b) once in each year, an account of any sums issued out of the Consolidated Fund for the purpose of any such guarantee. PART III.
—cont.

(5) In this section, references to the guaranteeing of a loan shall be construed as references to guaranteeing, whether wholly or in part, and whether solely or jointly with other guarantors, the payment either of the interest, or of both the interest and the principal, of the loan, and the expression "guaranteed" shall be construed accordingly.

PART IV.

MISCELLANEOUS AND GENERAL.

26. In the financial year ending on the thirty-first day of March, nineteen hundred and thirty-five, and each subsequent financial year, the amount by which the sum to be issued out of the Consolidated Fund and paid into the Road Fund under section two of the Roads Act, 1920, is to be reduced under section forty-two of the Finance Act, 1926, shall either be the amount provided in the said section forty-two or five million pounds, whichever is the greater. Amend-
ment as to
sum to be
paid into
Road Fund.
10 & 11
Geo. 5. c. 72.
16 & 17
Geo. 5. c. 22.

27. The provisions of Part III of the Finance Act, 1931 (which charges land value tax), shall cease to have effect, except the provisions of section twenty-eight of the said Act and other provisions relating to that section. Repeal of
land value
tax.
21 & 22
Geo. 5. c. 28.

28. For the purposes of paragraph (d) of subsection (1) of section two of the Finance Act, 1894, where an annuity or other interest has been purchased or provided by the deceased, either by himself alone or in concert or by arrangement with any other person, the extent of any beneficial interest therein accruing or arising by survivorship or otherwise on the death of the deceased shall be ascertained, and shall be deemed always to have been ascertainable, without regard to any interest in expectancy the beneficiary may have had therein before the death: Estate duty
in respect of
annuities
and other
interests.
57 & 58
Vict. c. 20.

Provided that, in a case where the deceased died before the passing of this Act, this section shall not apply to a beneficial interest accruing or arising under a disposition of property which produced income falling to be dealt with under the disposition during the lifetime of the deceased if no estate duty was paid in respect of

PART IV. the beneficial interest before the eighth day of December,
—*cont.* nineteen hundred and thirty-two.

Amendment
as to stamp
duty on
loan capital.
62 & 63
Vict. c. 9.

29. For the purpose of section eight of the Finance Act, 1899 (which provides for the payment of stamp duty in respect of the issue of loan capital), the expression "loan capital" shall not include any loan capital which is of such a description as to be incapable of being dealt in on a stock exchange in the United Kingdom.

Short title,
construc-
tion, extent
and repeals.
39 & 40
Vict. c. 36.

30.—(1) This Act may be cited as the Finance Act, 1934.

(2) Part I of this Act, so far as it relates to duties of customs shall be construed as one with the Customs Consolidation Act, 1876, and so far as it relates to duties of excise shall be construed as one with the Acts which relate to the duties of excise and to the management of those duties, and for the purposes of the said Part I—

(a) the expression "the Commissioners" means the Commissioners of Customs and Excise;

(b) the expression "the Committee" means the Import Duties Advisory Committee;

(c) the expressions "general ad valorem duty" and "additional duty" have respectively the same meanings as in the Import Duties Act, 1932, as amended by subsection (2) of section sixteen of the Finance Act, 1933.

(3) Part II of this Act shall be construed as one with the Income Tax Acts.

(4) Any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended or applied by any subsequent enactment including this Act.

(5) In this Act the expression "the United Kingdom" does not include the Isle of Man.

(6) Such of the provisions of this Act as relate to matters with respect to which the Parliament of Northern Ireland has power to make laws shall not extend to Northern Ireland.

(7) The enactments set out in the Fourth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

SCHEDULES.

FIRST SCHEDULE.

Section 1.

RATES OF CUSTOMS DUTIES AND DRAWBACKS ON CERTIFICATED COLONIAL SUGAR.

PART I.

RATES OF DUTY ON CERTIFICATED COLONIAL SUGAR.

Article.	Rate of Duty.
	<i>s.</i> <i>d.</i>
Sugar of a polarisation exceeding 99° - the cwt.	2 4·3
Sugar of a polarisation exceeding :—	
98° but not exceeding 99° - - the cwt.	1 6·3
97 " " 98 - - "	1 5·8
96 " " 97 - - "	1 5·3
95 " " 96 - - "	1 4·8
94 " " 95 - - "	1 4·4
93 " " 94 - - "	1 3·9
92 " " 93 - - "	1 3·5
91 " " 92 - - "	1 3·0
90 " " 91 - - "	1 2·6
89 " " 90 - - "	1 2·1
88 " " 89 - - "	1 1·6
87 " " 88 - - "	1 1·3
86 " " 87 - - "	1 0·8
85 " " 86 - - "	1 0·5
84 " " 85 - - "	1 0·2
83 " " 84 - - "	11·8
82 " " 83 - - "	11·5
81 " " 82 - - "	11·2
80 " " 81 - - "	10·9
79 " " 80 - - "	10·5
78 " " 79 - - "	10·2
77 " " 78 - - "	9·9
76 " " 77 - - "	9·6
Sugar of a polarisation not exceeding 76° the cwt.	9·6

1ST SCH.
—cont.

PART II.

SCALES OF DRAWBACK IN CASE OF SUGAR AND
MOLASSES MANUFACTURED FROM
CERTIFICATED SUGAR.

TABLE I.

Scale Applicable in the case of Sugar.

Degree of Polarisation.	Rate or Amount of Drawback.	
Of a polarisation exceeding 99°	{	Where the rate of duty paid was 2s. 4·7d. the cwt., a drawback at the same rate.
		Where a rate of duty less than 2s. 4·7d. the cwt. was paid, a drawback at the rate of 1s. 7·4d. the cwt.
Of a polarisation not exceeding 99°.		A drawback equal to the duty specified in Part I of this Schedule in the case of sugar of the like polarisation.

TABLE II.

Scale Applicable in the case of Molasses.

Nature of Molasses.	Amount of Drawback.
	s. d.
If containing not more than 50 per cent. of sweetening matter and weighing not less than 14 pounds to the gallon - - - - the cwt.	0 4½
If containing more than 50 per cent. but not more than 60 per cent. of sweetening matter the cwt.	0 7
If containing more than 60 per cent. but not more than 70 per cent. of sweetening matter - the cwt.	0 9
If containing more than 70 per cent. but not more than 80 per cent. of sweetening matter - the cwt.	1 0½
If containing more than 80 per cent. of sweetening matter - - - - - the cwt.	1 2½

SECOND SCHEDULE.

Section 9.

GOODS EXEMPTED FROM DUTIES UNDER 22 & 23 GEO. 5.
C. 8 WHEN IMPORTED FOR CERTAIN SHIPBUILDING
PURPOSES.

1. Iron or steel shafts and shafting (including turbine rotor shafts) and cranks and webs therefor.
2. Iron or steel connecting rods, piston rods and cross-heads.
3. Iron or steel plates not less than one eighth of an inch nor more than two inches in thickness.
4. Iron or steel shrouds for turbine gear wheels.
5. Iron or steel cylinder cover castings and piston castings.
6. Propellor castings, being complete propellers or blades or bosses.

THIRD SCHEDULE.

Section 18.

AMENDED RATES OF DUTY IN THE CASE OF CERTAIN
MECHANICALLY PROPELLED VEHICLES.

PART I.

PARAGRAPH TO BE SUBSTITUTED FOR PARAGRAPH 1 OF
THE SECOND SCHEDULE TO THE FINANCE ACT, 1920.

Description of vehicle.	Rate of duty.
1. Cycles (including motor scooters and cycles with an attachment for propelling them by mechanical power) not exceeding 8 cwt. in weight unladen :—	£ s. d.
(a) Bicycles—	
Where the cylinder capacity of the engine thereof—	
(i) does not exceed 150 cubic centimetres -	0 12 0
(ii) exceeds 150 cubic centimetres but does not exceed 250 cubic centimetres -	1 2 6

3RD SCH.
—cont.

Description of vehicle.	Rate of duty.
(iii) exceeds 250 cubic centimetres—	£ s. d.
in a case where the bicycle is one in respect of which a licence was taken out before the first day of January, nineteen hundred and thirty-three, and does not exceed 224 lbs. in weight	
unladen - - - - -	1 2 6
in any other case - - - - -	2 5 0
(b) Bicycles, if used for drawing a trailer or sidecar	0 15 0
(c) Tricycles - - - - -	4 0 0

The duty chargeable under sub-paragraph (b) of this paragraph in respect of any bicycle shall be chargeable in addition to the duty chargeable on the bicycle under sub-paragraph (a) of this paragraph.

PART II.

PARAGRAPH TO BE SUBSTITUTED FOR PARAGRAPH 6 OF
THE SECOND SCHEDULE TO THE FINANCE ACT, 1920.

Description of vehicle.	Rate of duty.
6. Any vehicles other than those charged with duty under the foregoing provisions of this Schedule :—	£ s. d.
Electrically propelled vehicles - - -	4 10 0
Other vehicles—	
not exceeding 6 horse-power - - -	4 10 0
exceeding 6 horse-power—	
for each unit or part of a unit of horse-power - - - - -	0 15 0

FOURTH SCHEDULE.

Section 30.

ENACTMENTS REPEALED.

Session and Chapter.	Short title.	Extent of repeal.
8 & 9 Geo. 5. c. 40.	The Income Tax Act, 1918.	Rule 5 of No. III of Schedule A.
14 & 15 Geo. 5. c. 21.	The Finance Act, 1924.	As from the first day of October, nineteen hundred and thirty-four, in subsection (1) of section eighteen the words from "subject to the payment" to "ten shillings."
16 & 17 Geo. 5. c. 22.	The Finance Act, 1926.	In subsection (2) of section ten the words from "and the duty" to the end of the subsection; in the third column of the Third Schedule the figure 5; and, as from the first day of January, nineteen hundred and thirty-five, in section forty-two the words "or under paragraph 6 of the "Second Schedule to the "Finance Act, 1920."
21 & 22 Geo. 5. c. 28.	The Finance Act, 1931.	Sections ten to twenty-seven; sections twenty-nine to thirty-one; in section thirty-two the words from "Agricultural land" to the end of the definition of "Farmhouse," the definitions of "Local authority" and "Mineral wayleave," and the words from "Playing field" to the end of the section; section thirty-three; in section thirty-four the words "in connection with the value of land" and the words from "and any" to "1910"; paragraphs (a) to (e), (g) to (v), (y) and (z) of section thirty-five and in paragraph (f) of that section

4TH SCH.
—cont.

Session and Chapter.	Short title.	Extent of repeal.
21 & 22 Geo. 5. c. 28—cont.	The Finance Act, 1931 —cont.	the words “ ‘Tithe’ means ‘teind,’ ” the words “ ‘mortgagee,’ ‘mortgaged estate’ and,” and the words from “incumbrance” to the end of the paragraph; and the First Schedule.
22 & 23 Geo. 5. c. 8.	The Import Duties Act, 1932.	Proviso (a) to subsection (5) of section nineteen.
22 & 23 Geo. 5. c. 25.	The Finance Act, 1932.	Subsections (1) and (3) of section two; in paragraph (b) of subsection (2) of section nine the words “in the “ manufacture of goods of “ that class or description ”; section twenty-seven; the First Schedule; and, as from the first day of January, nineteen hundred and thirty-five, section thirteen.
23 & 24 Geo. 5. c. 19	The Finance Act, 1933.	Subsection (4) of section six.

CHAPTER 33.

An Act to authorise the Treasury to guarantee a loan to be raised by the Government of Palestine. [12th July 1934.]

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

Guarantee
of Palestine
loan.

1.—(1) Subject to the provisions of this Act, the Treasury may guarantee, in such manner and on such conditions as they think fit, the payment of the principal of and the interest on any loan raised by the Government

of Palestine for the purposes specified in the Schedule to this Act or for the purpose of refunding to the accumulated surplus balances of Palestine sums expended before the passing of this Act from revenue or from surplus balances for any of the purposes so specified :

Provided that the amount of the principal of the loan to be guaranteed under this Act shall not exceed an amount sufficient to raise two million pounds.

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

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

2.—(1) A guarantee shall not be given under this Act until the Government of Palestine has provided to the satisfaction of the Treasury and the Secretary of State—

Conditions of
guaranteee.

- (a) for raising the loan and, subject to any arrangements which may be made with the assent of the Treasury and the Secretary of State for the application of savings on one head of expenditure to another head of expenditure, for the appropriation and due application of the parts of the loan respectively specified in the second column of the Schedule to this Act for the purposes respectively specified in the first column thereof, or for the purpose of refunding to the accumulated surplus balances of Palestine sums expended before the passing of this Act from revenue or from surplus balances for those purposes respectively :
- (b) for the establishment and regulation of one or more sinking funds for the purpose of the repayment of the principal of the loan or any instalment thereof within a period not exceeding

forty years from the date on which the loan or instalment is actually raised and for the management of the sinking funds by trustees to be nominated by the Treasury :

- (c) for charging the principal and interest of the loan and the payments to be made to the sinking funds to be established as aforesaid on the general revenues and assets of Palestine or on any other revenues or assets which may be made available for the purpose, with priority over any charges not existing at the date of the passing of this Act :
- (d) for charging on the general revenues and assets of Palestine immediately after the last mentioned charge the repayment to the Treasury of any sum issued in pursuance of this Act out of the Consolidated Fund on account of a guarantee under this Act with interest on the said sum at such rate as the Treasury may fix :
- (e) for raising, or securing the raising of, sufficient money to meet the above charges.

(2) The Secretary of State shall satisfy himself, in relation to all works for the purposes of which any loan guaranteed under this Act is applied—

- (a) that fair conditions of labour are observed in the execution of the works; and
- (b) that all plant, machinery and materials imported into Palestine and used in the execution of the works are goods manufactured or produced in the United Kingdom, except where the Secretary of State has for special reasons given his permission for the use of a particular consignment of other goods.

Short title.

3. This Act may be cited as the Palestine Loan Act, 1934.

SCHEDULE.

Section 1.

PURPOSES OF LOAN.

	£
1. Resettlement of displaced Arabs - - - -	250,000
2. Water supply and drainage schemes for Jerusalem and Haifa, water supply for Hebron and various villages and survey of water resources - -	933,000
3. Agricultural credits - - - - -	200,000
4. Construction of oil berth and reclamation scheme at Haifa - - - - -	210,000
5. Public buildings, including Jerusalem Post Office and various educational buildings, and purposes incidental to or connected with any of the purposes mentioned in this Schedule, including the raising of the loan - - - -	407,000
	£2,000,000

CHAPTER 34.

An Act to make further and better provision as to the status of adopted children and of their relatives by adoption, for the purposes of the enactments relating to workmen's compensation.

[12th July 1934.]

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

1.—(1) Any question arising under the Workmen's Compensation Act, 1925, as to whether a person is the father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or

Effect, for purposes of Workmen's Compensation Acts, of relationships arising

out of adoption. half-sister, of a workman shall be determined as if any adopted child—

[15 & 16
Geo.5.c.84.]

(i) if adopted by two spouses jointly or by one of two spouses, were the legitimate child of those spouses;

(ii) if adopted by a person having no spouse, were the legitimate child of that person and of a spouse who died immediately after the adoption,

and in either case were not the child of any other person, whether by natural parentage or by virtue of a previous adoption.

16 & 17
Geo. 5. c. 29.
20 & 21
Geo. 5. c. 37.

(2) For the purposes of proceedings in which any such question as aforesaid arises, a certified copy of, or an extract of, any entry in an Adopted Children Register which under subsection (5) of section eleven of the Adoption of Children Act, 1926, or under subsection (6) of section eleven of the Adoption of Children (Scotland) Act, 1930, or under subsection (5) of section eleven of the Adoption of Children Act (Northern Ireland), 1929, would in England or in Scotland, or in Northern Ireland, as the case may be, be receivable as evidence of certain facts, shall be received as evidence of those facts throughout Great Britain.

(3) In this section, the expression “adopted child” means a person, whether still an infant or not, who has been adopted, whether before or after the commencement of this Act, in pursuance of an adoption order made under the Adoption of Children Act, 1926, or the Adoption of Children (Scotland) Act, 1930, or the Adoption of Children Act (Northern Ireland), 1929.

Short title,
citation,
repeal, and
extent.

2.—(1) This Act may be cited as the Adoption of Children (Workmen's Compensation) Act, 1934, and this Act and the Adoption of Children Act, 1926, may be cited together as the Adoption of Children Acts, 1926 and 1934, and this Act and the Adoption of Children (Scotland) Acts, 1930 and 1931, may be cited together as the Adoption of Children (Scotland) Acts, 1930 to 1934.

(2) In subsection (2) of section five of the Adoption of Children (Scotland) Act, 1930, the words “and Workmen's Compensation Act, 1925” shall be repealed.

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

CHAPTER 35.

An Act to authorise during the period of three years commencing on the first day of April, nineteen hundred and thirty-four, in lieu of sums payable to the Agriculture (Scotland) Fund under section five of the Small Landholders (Scotland) Act, 1911, and the Sixth Schedule to the Local Government (Scotland) Act, 1929, the placing at the disposal of the Department of Agriculture for Scotland, of a sum not exceeding two hundred and seventy-five thousand pounds annually out of moneys voted by Parliament.

[12th July 1934.]

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

1. During the year commencing on the first day of April nineteen hundred and thirty-four and during each of the two succeeding years, there shall be placed at the disposal of the Department of Agriculture for Scotland, for the purposes specified in section six of the Small Landholders (Scotland) Act, 1911, and section one of the Land Settlement (Scotland) Act, 1919, in lieu of the sums payable under section five of the first mentioned Act, and the Sixth Schedule to the Local Government (Scotland) Act, 1929, into the Agriculture (Scotland) Fund constituted under the said section five, a sum not exceeding two hundred and seventy-five thousand pounds annually voted by Parliament for the said purposes, and any sum so voted shall be paid into and administered as part of the said Agriculture (Scotland) Fund.

Moneys placed at the disposal of the Department of Agriculture.
1 & 2
Geo. 5. c. 49.
9 & 10
Geo. 5. c. 97.
19 & 20
Geo. 5. c. 25.

2. This Act may be cited as the Land Settlement (Scotland) Act, 1934. Short title.



CHAPTER 36.

An Act to vest in the Crown the property in petroleum and natural gas within Great Britain and to make provision with respect to the searching and boring for and getting of petroleum and natural gas, and for purposes connected with the matters aforesaid. [12th July 1934.]

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

Vesting of
property in
petroleum
in His
Majesty.

1.—(1) The property in petroleum existing in its natural condition in strata in Great Britain is hereby vested in His Majesty, and His Majesty shall have the exclusive right of searching and boring for and getting such petroleum :

8 & 9
Geo. 5. c. 52.

Provided that nothing in this subsection shall apply to petroleum which at the commencement of this Act may lawfully be gotten under a licence in force under the Petroleum (Production) Act, 1918, being a licence specified in the Schedule to this Act, so long as that licence remains in force.

(2) For the purpose of this Act the expression " petroleum " includes any mineral oil or relative hydrocarbon and natural gas existing in its natural condition in strata, but does not include coal or bituminous shales or other stratified deposits from which oil can be extracted by destructive distillation.

Licences
to search
for and get
petroleum.

2.—(1) The Board of Trade, on behalf of His Majesty, shall have power to grant to such persons as they think fit licences to search and bore for and get petroleum.

(2) Any such licence shall be granted for such consideration (whether by way of royalty or otherwise) as the Board of Trade with the consent of the Treasury may determine, and upon such other terms and conditions as the Board of Trade think fit.

(3) The Board of Trade shall, as soon as may be after granting a licence under this section, publish notice of the fact in the London Gazette stating the name of the licensee and the situation of the area in respect of which the licence has been granted, and, if the said area or any part thereof is in Scotland, the Board shall also publish the said notice in the Edinburgh Gazette.

3.—(1) Part I of the Mines (Working Facilities and Support) Act, 1923, as amended by any subsequent enactment, shall apply for the purpose of enabling a person holding a licence under this Act to acquire such ancillary rights as may be required for the exercise of the rights granted by the licence, and shall have effect accordingly, subject to the following modifications :—

Provisions as to compulsory acquisition of rights to enter on land, &c.
13 & 14
Geo. 5. c. 20.

- (a) references to a person having a right to work minerals shall include references to a person holding a licence under this Act, references to minerals shall include references to petroleum, and references to the working of minerals shall include references to the getting, carrying away, storing, treating and converting of petroleum ;
- (b) without prejudice to the generality of subsection (1) of section three of the said Act, the ancillary rights therein mentioned shall include (in addition to the rights specified in subsection (2) of that section) a right to enter upon land and to sink bore holes therein for the purpose of searching for and getting petroleum, and a right to use and occupy land for the erection of such buildings, the laying and maintenance of such pipes, and the construction of such other works as may be required for the purpose of searching and boring for and getting, carrying away, storing, treating and converting petroleum :

Provided that, where a right to lay and maintain pipes under a highway is granted by virtue of this subsection, sections nineteen to twenty-eight and thirty to thirty-four of the Waterworks Clauses Act, 1847, shall be incorporated in the order granting the right, subject to any modifications or adaptations specified in the order.

10 & 11
Vict. c. 17.

(2) In relation to any application made to the Railway and Canal Commission under Part I of the said Act,

as applied by this section, the following provisions shall have effect :—

- (a) the Commission shall, in deciding whether to grant any right applied for or what terms and conditions, if any, should be imposed upon the grant of such a right, have regard, among other considerations, to the effect on the amenities of the locality of the proposed use and occupation of the land in respect of which the right is applied for :
- (b) in determining the amount of any compensation to be paid in respect of the grant of any right, an additional allowance of not less than ten per cent. shall be made on account of the acquisition of the right being compulsory :
- (c) the costs in connection with the application incurred by the applicant shall not be ordered to be paid by any person from whom a right is sought to be obtained ; and the costs so incurred by each such person shall, unless the Commission is satisfied that an unconditional offer in writing was made by the applicant to that person of a sum as compensation equal to or greater than the amount of any compensation awarded to him by the Commission, be ordered to be paid by the applicant.

Power to
supply
natural gas.

4. It shall be lawful for any person holding a licence under this Act, if so authorised by the Board of Trade, to supply to any premises natural gas gotten by him in pursuance of the licence :

10 & 11
Geo. 5. c. 28.

Provided that where the premises to be supplied with the gas are situated within the authorised limits of supply of any undertakers within the meaning of the Gas Regulation Act, 1920, the Board of Trade shall not give their authority unless they are satisfied that those undertakers have been given an opportunity of purchasing the gas at a reasonable price and that the gas is to be supplied to those premises for industrial purposes only.

Account of
receipts and
expenditure
under Act.

5.—(1) Before the first day of October in the year nineteen hundred and thirty-five and each succeeding year an account shall be prepared by the Board of Trade,

in such form and in such manner as the Treasury may direct, of the moneys received and expended by the Board under this Act during the last preceding financial year, and the Comptroller and Auditor-General shall examine and certify every such account and shall lay copies thereof, together with his report thereon, before both Houses of Parliament.

(2) All moneys received by the Board under this Act shall be paid into the Exchequer and all expenses of the Board under this Act shall be defrayed out of moneys provided by Parliament.

6.—(1) The Board of Trade shall, before granting any licence under this Act, make regulations prescribing— Power to make regulations.

- (a) the manner in which and the persons by whom applications for licences under this Act may be made;
- (b) the fees to be paid on any such application;
- (c) the conditions as to the size and shape of areas in respect of which licences may be granted;
- (d) model clauses which shall, unless the Board think fit to modify or exclude them in any particular case, be incorporated in any such licence;

and different regulations may be made for different kinds of licence.

(2) Any regulations made under this section shall be laid before each House of Parliament as soon as may be after they are made, and if either House, within the next subsequent twenty-eight days on which that House has sat after any such regulations are laid before it, resolves that the regulations shall be annulled, the regulations shall thenceforth be void, but without prejudice to anything previously done thereunder or to the making of new regulations.

7. For the purpose of ascertaining on behalf of the Board of Trade the position of the workings, actual and prospective, of any mines or abandoned mines through or near which it is proposed to sink any borehole for the purpose of searching for or getting petroleum, any officer appointed by the Board of Trade shall have the same rights as to production and examination of plans and sections kept in pursuance of sections twenty or twenty-one of the Coal Mines Act, 1911, or sections fourteen or Power to inspect plans of mines.

1 & 2 Geo. 5.
c. 50.

35 & 36
Vict. c. 77.

nineteen of the Metalliferous Mines Regulation Act, 1872, as are by those Acts conferred on inspectors, and those sections shall apply accordingly.

Exercise of
powers and
duties of
Board of
Trade.

8. The powers and duties of the Board of Trade under this Act shall, subject to the directions of the Board, be exercised and performed through the Secretary for Mines.

Definition of
minerals in
16 & 17
Geo. 5. c. 28.
s. 23.

9. It is hereby declared that in subsection (1) of section twenty-three of the Mining Industry Act, 1926 (which imposes on persons sinking bore holes for the purpose of searching for or getting minerals obligations to give certain facilities to the Department of Scientific and Industrial Research) the expression "minerals" includes petroleum.

Savings.

10.—(1) Nothing in this Act shall prejudice the right of any person who, at the passing of this Act is using any supply of natural gas for any commercial purpose, to continue to use the gas for that purpose.

(2) Nothing in this Act shall be construed as imposing any liability on any person where in the course of mining or other lawful operations petroleum is set free.

(3) Nothing in this Act shall be construed as conferring, or as enabling the Board of Trade to confer, on any person, whether acting on behalf of His Majesty or not, any right which he does not enjoy apart from this Act to enter on or interfere with land.

Short title,
repeal and
extent.

11.—(1) This Act may be cited as the Petroleum (Production) Act, 1934.

(2) The Petroleum (Production) Act, 1918, is hereby repealed :

Provided that nothing in this repeal shall affect the validity of any licence granted under the said Act which is specified in the Schedule to this Act, but any such licence shall, if in force at the commencement of this Act, have effect as if granted under this Act.

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

SCHEDULE.

LICENCES IN FORCE UNDER THE PETROLEUM (PRODUCTION) ACT, 1918.

Sections 1 and 11.

Date of Licence.	Name of Original Licensee.	Situation of Licensed Area.
26th March, 1923	The Duke of Devonshire.	Near Hardstoft in the county of Derbyshire.
16th December, 1930.	Henry King Hiller	Near Heathfield in the county of Sussex.
20th July, 1931 -	The N.M.D. Syndicate Ltd.	Near Three Bridges in the county of Sussex.

CHAPTER 37.

An Act to amend the law with respect to the investment of moneys received by the trustees of trustee savings banks in respect of special investments. [25th July 1934.]

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

1.—(1) Notwithstanding anything in any Act, but subject to any regulations made in that behalf by the Treasury, the National Debt Commissioners may, if they think fit, on the application of the trustees of a trustee savings bank, authorise moneys received by the trustees in respect of special investments to be invested—

Investment of moneys received in respect of special investments.

(a) in any such securities as are mentioned in any of the following enactments, that is to say, paragraphs (m) and (q) of subsection (1) of section one of the Trustee Act, 1925, and sub-paragraphs (6) and (7) of paragraph (a) of section ten of the

15 & 16 Geo. 5. c. 19.

11 & 12
Geo. 5. c. 58.

Trusts (Scotland) Act, 1921, being securities which will mature for payment not later than fifteen years after the date of the investment;

- (b) in any securities the principal and interest whereof are charged on the Consolidated Fund whether directly or by virtue of any guarantee, being securities which will mature for payment not later than thirty years after the date of the investment :

8 & 9 Geo. 5.
c. 4.

Provided that the powers of the trustees of any trustee savings bank as to investment shall be so exercised as to secure that the total cost price of all the securities aforesaid which are held by them in respect of special investments, excluding securities which could be bought by them under paragraph (d) of subsection (2) of section one of the Trustee Savings Banks Act, 1918, at no time exceeds forty per cent. of the total liabilities of the bank in respect of moneys received in respect of special investments.

26 & 27
Vict. c. 87.

(2) Notwithstanding anything in any Act, the National Debt Commissioners may, if they think fit, on the application of the trustees of a trustee savings bank, authorise all or any of the moneys received by the trustees in respect of special investments to be paid to and received by the trustees of another trustee savings bank for investment in pursuance of section sixteen of the Trustee Savings Banks Act, 1863 :

Provided that—

- (a) an application made under this subsection by the trustees of a trustee savings bank shall not be granted if the total liabilities of the bank in respect of moneys received in respect of special investments exceeds twenty thousand pounds ;
- (b) without prejudice to the generality of the powers conferred by any other Act on the National Debt Commissioners, where an authority has been given under this subsection to the trustees of a trustee savings bank, the Commissioners may at any time direct the trustees to withdraw the whole or any part of the moneys invested in pursuance of the authority, and it shall be the duty of the trustees to comply with the direction ;

(c) the total money at any time invested by the trustees of a trustee savings bank with other banks under this subsection shall not be permitted at any time to exceed five thousand pounds.

(3) The trustees of a trustee savings bank shall have, and shall be deemed always to have had, power to deposit moneys received by them in respect of special investments in a bank other than a savings bank, either on deposit account or on current account.

2.—(1) This Act may be cited as the Trustee Savings Banks (Special Investments) Act, 1934, and shall be construed as one with the Trustee Savings Banks Acts, 1863 to 1929, and those Acts and this Act may be cited together as the Trustee Savings Banks Acts, 1863 to 1934.

Short title, citation, repeal and extent.

(2) Subsection (1) of section six of the Savings Banks Act, 1929, is hereby repealed.

19 & 20
Geo. 5. c. 27.

(3) This Act shall extend to the Channel Islands and the Isle of Man, and shall be registered by the Royal Courts of the Channel Islands.

CHAPTER 38.

An Act to amend the Architects (Registration) Act, 1931. [25th July 1934.]

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

1. Section fourteen of the principal Act (which relates to the provision of scholarships and maintenance grants) shall have effect, and shall be deemed always to have had effect, as if the words "after the year nineteen hundred and thirty-four" were inserted after the words "in each calendar year."

Amendment of s. 14 of principal Act.

2. In this Act the expression "principal Act" means the Architects (Registration) Act, 1931.

Definition of principal Act. 21 & 22 Geo. 5. c. 33.

Short title
and con-
struction.

3.—(1) This Act may be cited as the Architects (Registration) Act, 1934, and the principal Act and this Act may be cited together as the Architects (Registration) Acts, 1931 and 1934.

10 & 11
Geo. 5. c. 67.

(2) It is hereby declared that this Act extends to Northern Ireland, but, for the purposes of section six of the Government of Ireland Act, 1920, this Act shall be deemed to be an Act passed before the appointed day.

CHAPTER 39.

An Act to extend by eleven months the period in respect of which subsidies are payable under the British Sugar (Subsidy) Act, 1925, and to make further provision as to the rates of subsidy payable under the said Act, as so amended, and the administration thereof.

[25th July 1934.]

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

Extension of
period in
respect of
which
subsidies
are payable
under
15 & 16
Geo. 5. c. 12.

1. The period during which sugar or molasses must have been manufactured in order that a subsidy may be payable in respect thereof under the British Sugar (Subsidy) Act, 1925 (in this Act referred to as "the principal Act"), shall be extended until the thirty-first day of August, nineteen hundred and thirty-five, and accordingly in subsection (1) of section one of the principal Act for the words "ten years" there shall be substituted the words "ten years and eleven months."

Rates of
subsidy.

2.—(1) The subsidy payable under the principal Act, as amended by the preceding section, in respect of sugar manufactured between the thirtieth day of September, nineteen hundred and thirty-four, and the first day of September, nineteen hundred and thirty-five, shall be payable at the same rate as if the sugar had been manufactured in the month of September, nineteen

hundred and thirty-four, and accordingly in that part of the First Schedule to the principal Act which relates to the rate of subsidy in respect of sugar, for the words "If manufactured between 30th September, 1931, and 1st October, 1934," there shall be substituted the words "If manufactured between 30th September, 1931, and 1st September, 1935."

(2) No subsidy shall be payable under the principal Act, as so amended as aforesaid, in respect of molasses manufactured between the thirtieth day of September, nineteen hundred and thirty-four, and the first day of September, nineteen hundred and thirty-five, unless the average market price per hundredweight of raw sugar for the last quarter of the year, nineteen hundred and thirty-four, as certified by the Minister under the Schedule to this Act, is less than six shillings, but if the price is less than six shillings, a subsidy shall be so payable at a rate to be calculated in accordance with the provisions of the said Schedule.

(3) Notwithstanding anything in the principal Act with respect to molasses manufactured during the month of September, nineteen hundred and thirty-four, subsidy in respect of such molasses shall be payable only in accordance with the provisions of the last preceding subsection as if that molasses had been manufactured during the period of eleven months therein mentioned.

3. Any subsidy which under the principal Act, as amended by this Act, may become payable in respect of any period after the thirty-first day of August nineteen hundred and thirty-four, in respect of sugar or molasses manufactured in Scotland, shall be paid by the Minister and not otherwise.

All subsidies to be paid by the Minister.

4.—(1) Until the average market price per hundredweight of raw sugar for the last quarter of the year nineteen hundred and thirty-four has been certified by the Minister under the Schedule to this Act, the Minister may in respect of molasses manufactured after the thirty-first day of August, nineteen hundred and thirty-four, make such advances as he thinks fit to any person on account of the subsidy which, in the opinion of the Minister, is likely to become payable to that person.

Power of Minister to make advances on account of subsidy in respect of molasses.

(2) Any sum paid under the preceding subsection on account of a subsidy in excess of the amount which

is ultimately found to be payable shall be a debt due to the Crown from the person to whom the overpayment was made, and, without prejudice to any other remedy, may be recovered from him summarily by the Minister as a civil debt.

Short title,
interpre-
tation, and
extent.

5.—(1) This Act may be cited as the British Sugar (Subsidy) Act, 1934.

(2) In this Act the expression “the Minister” means the Minister of Agriculture and Fisheries, but, save as aforesaid, expressions in this Act have the same meanings respectively as in the principal Act.

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

Sections 2
and 4.

SCHEDULE.

RULES FOR CALCULATING THE SUBSIDY PAYABLE IN
RESPECT OF MOLASSES MANUFACTURED BETWEEN
THE THIRTY-FIRST DAY OF AUGUST, NINETEEN
HUNDRED AND THIRTY-FOUR, AND THE FIRST DAY
OF SEPTEMBER, NINETEEN HUNDRED AND THIRTY-
FIVE.

1. In this Schedule—

“certified price” means the average market price per hundredweight of raw sugar for the last quarter of the year nineteen hundred and thirty-four, as certified by the Minister under the next following paragraph of this Schedule;

“prescribed” means prescribed by rules made by the Minister after consultation with the Treasury;

“scheduled rate” in relation to any molasses means the rate at which subsidy would have been payable under the principal Act in respect of that molasses if it had been manufactured in the month of August, nineteen hundred and thirty-four; and

“week” and “fortnight” mean respectively a period of seven days and a period of fourteen days commencing on a Sunday.

2. For the purposes of this Schedule, the Minister—

(i) shall in respect of each week in the period of thirteen weeks commencing on the thirtieth day of September,

nineteen hundred and thirty-four, determine in the prescribed manner, and certify, the average price per hundredweight at which during the fortnight preceding the week in question a person who required sugar shipped during the calendar month next following the calendar month within which the last day of that fortnight fell could have purchased raw cane sugar, first runnings, basis ninety-six degrees polarisation, c.i.f. London and/or Liverpool, under the contract terms of the United Terminal Sugar Market Association of London; and

- (ii) upon the expiration of the said period, shall determine to the nearest complete one-tenth part of a penny, and certify, the average of the thirteen weekly market prices so certified by him as aforesaid;

and the price certified by the Minister under the last preceding subparagraph shall be taken to be the average market price per hundredweight of raw sugar for the last quarter of the year nineteen hundred and thirty-four.

3. If the certified price is less than six shillings, but not less than five shillings and sixpence, subsidy shall be payable in respect of any molasses at a rate equivalent to one-sixtieth part of the scheduled rate multiplied by the number of one-tenth parts of a penny by which the certified price falls short of six shillings.

4. If the certified price is less than five shillings and sixpence, subsidy shall be payable in respect of any molasses at the scheduled rate.

CHAPTER 40.

An Act to provide that no appeal shall lie from the Court of Appeal to the House of Lords except with the leave of that Court or the House of Lords, to make further provision as respects appeals from county courts, and for purposes connected with the matters aforesaid.

[25th July 1934.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

Restriction on appeals from Court of Appeal to House of Lords.

1.—(1) No appeal shall lie to the House of Lords from any order or judgment made or given by the Court of Appeal after the first day of October nineteen hundred and thirty-four, except with the leave of that Court or of the House of Lords.

(2) The House of Lords may by order provide for the hearing and determination by a Committee of that House of petitions for leave to appeal from the Court of Appeal:

39 & 40 Vict.
c. 59.

Provided that section five of the Appellate Jurisdiction Act, 1876, shall apply to the hearing and determination of any such petition by a Committee of the House as it applies to the hearing and determination of an appeal by the House.

(3) Nothing in this section shall affect any restriction existing, apart from this section, on the bringing of appeals from the Court of Appeal to the House of Lords.

Appeals from county courts.

2.—(1) Every appeal from a judgment, direction, decision, decree or order of a judge of a county court given or made after such date as the Lord Chancellor may by order appoint, being an appeal under any of the enactments set out in the first column of Part I of the Schedule to this Act, shall lie to the Court of Appeal instead of to the High Court; and accordingly those enactments and the enactments set out in the first column of Part II of the said Schedule shall have effect in relation to any such appeal subject to the modifications respectively specified in the second column of those Parts of that Schedule.

51 & 52 Vict.
c. 43.

(2) Notwithstanding any rule of law to the effect that so much of any enactment as is inconsistent with a subsequent enactment is impliedly repealed by that subsequent enactment, nothing in sections one hundred and twenty or one hundred and twenty-four of the County Courts Act, 1938, shall be taken to have affected the enactments set out in Part III of the Schedule to this Act.

3.—(1) This Act may be cited as the Administration of Justice (Appeals) Act, 1934. Short title
and extent.

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

SCHEDULE.

ENACTMENTS AS TO APPEALS FROM COUNTY COURTS.

PART I.

ENACTMENTS UNDER WHICH APPEALS ARE TO LIE TO COURT OF APPEAL, AND CONSEQUENTIAL AMEND- MENTS.

Enactment.	Modification.	
Section twenty-six of the County Courts Admiralty Jurisdiction Act, 1868.	For the words " High Court of Admiralty of England " there shall be substituted the words " Court of Appeal."	31 & 32 Vict. c. 71.
Section thirty of the Commons Act, 1876.	For the words " High Court of Justice " there shall be substituted the words " Court of Appeal."	39 & 40 Vict. c. 56.
Section eleven of the Rivers Pollution Act, 1876.	For the words " High Court of Justice " where they first occur, there shall be substituted the words " Court of Appeal."	39 & 40 Vict. c. 75.
Section one hundred and twenty of the County Courts Act, 1888.	For the words " High Court " where they first occur there shall be substituted the words " Court of Appeal," and the words from " regulating " to " High Court " shall be repealed.	
Section seven of the Tithe Act, 1891.	For the words " High Court " where they first occur, there shall be substituted the words " Court of Appeal," and the words from " regulating " to the end of the section shall be repealed.	54 & 55 Vict. c. 8.
Paragraph (5) of section seventeen of the Alkali Works, &c., Regulation Act, 1906.	For the words " High Court " there shall be substituted the words " Court of Appeal."	6 Ed. 7. c. 14.

	Enactment.	Modification.
	—	—
15 & 16 Geo. 5. c. 20.	Subsection (2) of section one hundred and ninety-four of the Law of Property Act, 1925.	
24 & 25 Geo. 5. c. 17.	Section fifteen of the County Courts (Amendment) Act, 1934.	For the words “ High Court ” wherever they occur there shall be substituted the words “ Court of Appeal.”

PART II.

CONSEQUENTIAL AMENDMENTS OF OTHER ENACTMENTS.

	Enactment.	Modification.
	—	—
	The County Courts Admiralty Jurisdiction Act, 1868 :—	
	Section twenty-seven -	The words “ Court of Appeal ” shall be substituted for the words “ Registry of the High Court of Admiralty ” and “ Judge of the “ High Court of Admiralty of “ England.”
	Section thirty-two -	For the words “ Judge of the High Court of Admiralty ” there shall be substituted the words “ Court of Appeal,” and for the word “ him ” there shall be substituted the word “ them.”
	The County Courts Act, 1888 :—	
	Section one hundred and twenty-two.	For the words “ High Court ” in both places where they occur, there shall be substituted the words “ Court of Appeal.”
15 & 16 Geo. 5. c. 49.	The Supreme Court of Judicature (Consolidation) Act, 1925 :—	
	Paragraph (k) of subsection (1) of section thirty-one, and subsection (3) of section thirty-three.	For the words “ High Court ” there shall be substituted the words “ Court of Appeal.”

PART III.

ENACTMENTS UNAFFECTED BY THE COUNTY COURTS
ACT, 1888.

Sections thirty-seven to forty of the Charitable Trusts Act, 1853 (16 & 17 Vict. c. 137).

Section thirty-six of the Building Societies Act, 1874 (37 & 38 Vict. c. 42).

Section four of the Telegraph Act, 1878 (41 & 42 Vict. c. 76).

Section ten of the Guardianship of Infants Act, 1886 (49 & 50 Vict. c. 27).

Section one of the Parliamentary Elections (Returning Officers) Act (1875) Amendment Act, 1886 (49 & 50 Vict. c. 57).

CHAPTER 41.

An Act to amend the law as to the effect of death in relation to causes of action and as to the awarding of interest in civil proceedings.

[25th July 1934.]

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

1.—(1) Subject to the provisions of this section, on the death of any person after the commencement of this Act all causes of action subsisting against or vested in him shall survive against, or, as the case may be, for the benefit of, his estate. Provided that this subsection shall not apply to causes of action for defamation or seduction or for inducing one spouse to leave or remain apart from the other or to claims under section one hundred and eighty-nine of the Supreme Court of Judicature (Consolidation) Act, 1925, for damages on the ground of adultery.

Effect of death on certain causes of action.

15 & 16
Geo. 5. c. 49.

(2) Where a cause of action survives as aforesaid for the benefit of the estate of a deceased person, the damages recoverable for the benefit of the estate of that person :—

- (a) shall not include any exemplary damages ;
- (b) in the case of a breach of promise to marry shall be limited to such damage, if any, to the estate of that person as flows from the breach of promise to marry ;
- (c) where the death of that person has been caused by the act or omission which gives rise to the cause of action, shall be calculated without reference to any loss or gain to his estate consequent on his death, except that a sum in respect of funeral expenses may be included.

(3) No proceedings shall be maintainable in respect of a cause of action in tort which by virtue of this section has survived against the estate of a deceased person, unless either—

- (a) proceedings against him in respect of that cause of action were pending at the date of his death ;
or
- (b) the cause of action arose not earlier than six months before his death and proceedings are taken in respect thereof not later than six months after his personal representative took out representation.

(4) Where damage has been suffered by reason of any act or omission in respect of which a cause of action would have subsisted against any person if that person had not died before or at the same time as the damage was suffered, there shall be deemed, for the purposes of this Act, to have been subsisting against him before his death such cause of action in respect of that act or omission as would have subsisted if he had died after the damage was suffered.

(5) The rights conferred by this Act for the benefit of the estates of deceased persons shall be in addition to and not in derogation of any rights conferred on the dependants of deceased persons by the Fatal Accidents

so much of this Act as relates to causes of action against the estates of deceased persons shall apply in relation to causes of action under the said Acts as it applies in relation to other causes of action not expressly excepted from the operation of subsection (1) of this section.

(6) In the event of the insolvency of an estate against which proceedings are maintainable by virtue of this section, any liability in respect of the cause of action in respect of which the proceedings are maintainable shall be deemed to be a debt provable in the administration of the estate, notwithstanding that it is a demand in the nature of unliquidated damages arising otherwise than by a contract, promise or breach of trust.

(7) Subsections (1), (2), (5) and (6) of section twenty-six of the Administration of Estates Act, 1925, shall cease to have effect.

15 & 16
Geo. 5. c. 23.

2.—(1) For the purposes of the Fatal Accidents Acts, 1846 to 1908, a person shall be deemed to be the parent or child of the deceased person notwithstanding that he was only related to him illegitimately or in consequence of adoption; and accordingly in deducing any relationship which under the provisions of those Acts is included within the meaning of the expressions “parent” and “child,” any illegitimate person and any adopted person shall be treated as being, or as having been, the legitimate offspring of his mother and reputed father or, as the case may be, of his adopters.

Amendment
of Fatal
Accidents
Acts, 1846
to 1908.

(2) In this section the expression “adopted person” means a person who has been adopted, whether before or after the commencement of this Act, in pursuance of an adoption order made under the Adoption of Children Act, 1926, or the Adoption of Children (Scotland) Act, 1930, or the Adoption of Children Act (Northern Ireland), 1929, and for the purpose of any proceedings under the Fatal Accidents Acts, 1846 to 1908, an extract of, or a certified copy of, any entry in an Adopted Children Register which under subsection (6) of section eleven of the Adoption of Children (Scotland) Act, 1930, or under subsection (5) of section eleven of the Adoption of Children Act (Northern Ireland), 1929, would in Scotland or Northern Ireland, as the case may be, be

16 & 17
Geo. 5. c. 29.
20 & 21
Geo. 5. c. 37.

receivable as evidence of certain facts, shall be receivable as evidence of those facts in England.

(3) In an action brought under the Fatal Accidents Acts, 1846 to 1908, damages may be awarded in respect of the funeral expenses of the deceased person if such expenses have been incurred by the parties for whose benefit the action is brought.

(4) This section shall not apply in relation to any action in respect of the death of any person before the commencement of this Act.

Power of
courts of
record to
award
interest on
debts and
damages.

3.—(1) In any proceedings tried in any court of record for the recovery of any debt or damages, the court may, if it thinks fit, order that there shall be included in the sum for which judgment is given interest at such rate as it thinks fit on the whole or any part of the debt or damages for the whole or any part of the period between the date when the cause of action arose and the date of the judgment :

Provided that nothing in this section—

- (a) shall authorise the giving of interest upon interest; or
- (b) shall apply in relation to any debt upon which interest is payable as of right whether by virtue of any agreement or otherwise; or
- (c) shall affect the damages recoverable for the dishonour of a bill of exchange.

(2) Sections twenty-eight and twenty-nine of the 3 & 4 Will. 4. Civil Procedure Act, 1833, shall cease to have effect. .
c. 42.

Short title
and extent.

4.—(1) This Act may be cited as the Law Reform (Miscellaneous Provisions) Act, 1934.

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



CHAPTER 42.

An Act to regulate the hours of employment of persons under the age of eighteen years who are employed about the business of wholesale or retail shops or employed elsewhere in connection with wholesale or retail trade or business, and to make provision as to the arrangements in shops and warehouses for the health and comfort of workers, and for purposes connected with the matters aforesaid. [25th July 1934.]

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

Employment of Persons under the age of Eighteen Years.

1.—(1) Subject to the provisions of this Act no young person shall be employed about the business of a shop for more than the normal maximum working hours, that is to say, forty-eight working hours in any week. Hours of employment.

(2) On occasions of seasonal or exceptional pressure of work at any shop, young persons between the ages of sixteen and eighteen years may, subject as hereinafter provided, and subject to the provisions of any other enactment, be employed about the business of the shop overtime, that is to say, in excess of the normal maximum working hours :

Provided that in the case of any shop—

(a) when in any year there have been six weeks (whether consecutive or not) in which young persons have been employed overtime about the business of the shop, no young person shall be so employed during the remainder of that year ;

(b) no young person shall be employed overtime about the business of the shop—

(i) in any year after he has been employed overtime about the business of

the shop for fifty working hours in that year;

(ii) in any week after he has been employed overtime about the business of the shop for twelve working hours in that week.

(3) In determining for the purposes of this Act the number of working hours for which a young person has in any week or period of two or of three consecutive weeks been employed about the business of any shop, he shall be deemed to have been also employed about the business thereof during any time during which he was in that week or period employed about the business of any other shop or in a factory or workshop:

Provided that, if in any proceedings against the occupier of a shop in respect of a contravention of the provisions of this Act it is shown that the contravention occurred only by reason of time during which a young person was employed by another employer being deemed, in accordance with the provisions of this subsection, to be time during which he was employed about the business of that shop, it shall be a defence to prove that the occupier did not know and could not with reasonable diligence have ascertained that the young person was employed for that time by the other employer.

(4) No young person who has to the knowledge of the occupier of a shop been previously employed on any day in a factory or workshop shall be employed on that day about the business of the shop for a longer period than will, together with the time during which he has been previously employed on that day in the factory or workshop, complete the number of hours permitted by the Factory and Workshop Acts, 1901 to 1929.

(5) In the case of any contravention of the provisions of this section, the occupier of the shop shall be liable on summary conviction to a fine not exceeding ten pounds for every person in respect of whom the contravention occurs.

Power to regulate employment in spells.

2.—(1) If the Secretary of State is satisfied that it is necessary to make provision for preventing the hours of employment of young persons from being so divided into spells as to deprive them of reasonable opportunities for instruction and recreation, he may make regulations directing that, subject to such exceptions and modifications as may be provided by the regulations, the working

hours of a young person employed shall (notwithstanding anything in the definition of the expression 'working hours' contained in this Act) be deemed, for the purposes of this Act, to include the period from the time at which that person first begins on any day to be employed about the business of a shop until the time at which he last ceases on that day to be so employed, exclusive only—

(a) of such intervals, whether for rest or meals or otherwise; and

(b) of time allowed for attendance at such instructional courses,

as may be specified in the regulations.

(2) Any regulations made under this section shall be laid before Parliament as soon as may be after they are made, and if either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such regulation has been laid before it resolves that the regulation shall be annulled, the regulation shall forthwith be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation.

3.—(1) A young person who is employed about the business of a shop shall in every period of twenty-four hours between midday on one day and midday on the next day be allowed an interval of at least eleven consecutive hours which shall include the hours from ten o'clock in the evening until six o'clock in the morning :

Restrictions
on night
employ-
ment.

Provided that the said interval of eleven consecutive hours need not include the hour between five and six o'clock in the morning in the case of male persons between the ages of sixteen and eighteen years who are employed during that hour in connection with the collection or delivery of milk or bread or newspapers.

(2) In the case of any contravention of the provisions of this section, the occupier of the shop shall be liable on summary conviction to a fine not exceeding ten pounds for every person in respect of whom the contravention occurs.

4. The foregoing provisions of this Act and the provisions thereof relating to records and the supplementary provisions thereof shall extend to the employment of young persons in connection with any retail trade or

Extension
of foregoing
provisions
to retail
trading

elsewhere
than in
shops.

business carried on in any place not being a shop, and, accordingly, in those provisions, references to employment about the business of a shop shall be deemed to include references to such employment as aforesaid, and, for the purposes of the application of the said provisions to such employment, references in this Act to a shop shall be deemed to include references to the place in or from which the retail trade or business is carried on, and references to the occupier of a shop shall be deemed to include references to the person by whom the retail trade or business is carried on.

Special
provisions
as to the
catering
trade.

5.—(1) The occupier of any shop in which there is carried on the business of serving meals, intoxicating liquors, or refreshments to customers for consumption on the premises may, by exhibiting a notice to that effect, secure that the provisions of this subsection will, during a period of two consecutive weeks specified in the notice, be applicable to that shop, and when such a notice has been duly exhibited in the prescribed form and in the prescribed manner and at such time before the period therein specified as may be prescribed, then—

- (a) a young person between the ages of sixteen and eighteen years whose employment is wholly or mainly in connexion with the said business, shall be deemed, for the purposes of section one of this Act, not to be employed about the business of the shop in excess of the normal maximum working hours in either week of the period specified in the notice, if he is employed about the business thereof neither for more than sixty working hours in either week nor for more than ninety-six hours throughout the period; and
- (b) the provisions of the said section one permitting employment overtime shall not apply during the period specified in the notice in relation to young persons whose employment is such as aforesaid:

Provided that after the provisions of this subsection have been applicable to any shop during twelve such periods beginning in any calendar year, the said provisions shall not again be applicable to the shop in that year.

(2) If the occupier of any shop gives notice that he elects that the provisions of this subsection shall

not be applicable to that shop, then, unless and until the notice is withdrawn, the said provisions shall not be applicable thereto, but as respects business carried on at any shop to which the said provisions are not so rendered inapplicable, proviso (a) to subsection (2) of section one of this Act shall not apply to the overtime employment of persons whose employment is wholly or mainly in connection with the business of serving meals, intoxicating liquors, or refreshments to customers for consumption on the premises, and, if other business is carried on in the shop, the overtime employment of persons in relation to whom this subsection applies shall not be taken into account for the purposes of the application of the said proviso in relation to other young persons :

Provided that, while the provisions of this subsection are applicable to a shop, section one of this Act shall, in relation to any young person so employed in connection with the business aforesaid, have effect as if in proviso (b) to subsection (2) thereof there were inserted the following additional paragraph, that is to say—

(iii) in any period of two consecutive weeks so that he is employed overtime about the business of the shop for more than eight working hours in that period.

(3) A notice given under the last foregoing subsection with respect to any shop, and a notice withdrawing any such notice as aforesaid, shall be given in such form, in such manner, and subject to such conditions as may be prescribed, to the local authority whose duty it is to enforce the foregoing provisions of this Act within the district in which the shop is situated, and any such notice shall take effect on such date after it is given as may be prescribed.

(4) As respects male persons between the ages of sixteen and eighteen years whose employment is wholly or mainly in connexion with the business of serving meals to customers for consumption on the premises, the interval of at least eleven consecutive hours required by section three of this Act need not include any time between ten o'clock in the evening and midnight during which they are wholly employed in connection with that business.

(5) Paragraph (a) of subsection (1) of section one of the Shops Act, 1913, shall cease to have effect as respects young persons to whom the provisions of this Act apply.

(6) The provisions of this Act shall not apply to any person employed in a residential hotel who is not a shop assistant within the meaning of section nineteen of the Shops Act, 1912, or, in the case of a person employed at premises to which the provisions of the Shops Act, 1913, apply, is not wholly or mainly employed there in connection with the business of selling intoxicating liquors or refreshments for consumption on the premises.

Special provisions as to the sale of accessories for aircraft, motor vehicles and cycles.

6.—(1) If the occupier of any shop in which there is carried on the business of serving customers with supplies or accessories for aircraft, motor vehicles, or cycles sold for immediate use gives notice that he elects that the provisions of this subsection shall be applicable to that shop, then, unless and until the notice is withdrawn, in relation to young persons between the ages of sixteen and eighteen years employed in connection with the business aforesaid, the normal maximum working hours shall, instead of being forty-eight working hours in any week, be such number of hours, being neither more than fifty-four in any week nor more than one hundred and forty-four in any period of three consecutive weeks, as may be specified in the notice, and section one of this Act shall have effect accordingly :

Provided that, while the provisions of this subsection are applicable to a shop, section one of this Act shall in relation to any young person employed in connection with the business aforesaid have effect as if in proviso (b) to subsection (2) thereof there were inserted the following additional paragraphs, that is to say—

(iii a) in any week after he has been employed about the business of the shop for fifty-four working hours in that week ;

(iii b) in any period of three consecutive weeks so that he is employed overtime about the business of the shop for more than twelve working hours in that period.

(2) If the occupier of any shop gives notice that he elects that the provisions of this subsection shall not be applicable to that shop then, unless and until the notice

is withdrawn, the said provisions shall not be applicable thereto, but as respects business carried on at any shop to which the said provisions are not so rendered inapplicable, proviso (a) to subsection (2) of section one of this Act shall not apply to the employment of persons employed in connection with the business of serving customers with supplies or accessories for aircraft, motor vehicles or cycles sold for immediate use, and, if other business is carried on in the shop, the overtime employment of persons in relation to whom this subsection applies shall not be taken into account for the purposes of the application of the said proviso in relation to any other young persons :

Provided that, while the provisions of this subsection are applicable to a shop, section one of this Act shall, in relation to any young person employed in connection with the business aforesaid, have effect as if in proviso (b) to subsection (2) thereof there were inserted the following additional paragraph, that is to say—

(iii b) in any period of three consecutive weeks so that he is employed overtime about the business of the shop for more than twelve working hours in that period.

(3) A notice given under subsection (1) or under subsection (2) of this section with respect to any shop and a notice withdrawing any such notice as aforesaid shall be given in such form, in such manner, and subject to such conditions as may be prescribed, to the local authority whose duty it is to enforce the foregoing provisions of this Act within the district in which the shop is situated, and any such notice shall take effect on such date after it is given as may be prescribed.

(4) Where two or more retail trades or businesses are carried on in the same shop and the business of serving customers with supplies or accessories for aircraft, motor vehicles, or cycles sold for immediate use, is not the principal retail trade or business carried on in the shop, the provisions of this section shall apply only in relation to young persons employed about the business of the shop who are wholly or mainly employed in connection with the business of serving customers with such supplies or accessories as aforesaid.

7.—(1) The occupier of any shop about the business of which young persons are employed shall in the

Records.

prescribed form and in the prescribed manner keep a record of the hours worked by, and of the intervals allowed for rest and meals to, every young person employed about the business of the shop, and particulars of all employment overtime shall be separately entered in the record :

Provided that, if the occupier of any shop keeps exhibited in the prescribed manner in the shop or in any department thereof notices in the prescribed form specifying the daily hours to be worked by, and intervals for rest and meals to be allowed to, young persons employed about the business of the shop or of the department, as the case may be, he need only enter in the said record any time during which any such person is employed about the business of the shop or department outside the daily hours so specified or during the intervals so specified, so, however, that any such time shall be entered as, and shall be deemed to be, overtime, unless the time was worked by that person in lieu of time not worked by him during the same week within the specified daily hours, and both the time not so worked and the time worked in lieu thereof are entered in the record.

(2) The occupier of any shop about the business of which young persons are employed shall in the prescribed form and in the prescribed manner keep exhibited in the shop notices setting forth the number of hours in the week during which young persons may in accordance with the provisions of this Act be employed about the business of the shop and such other particulars as may be prescribed.

(3) The provisions of the last foregoing subsection shall not apply as respects any place in which retail trade or business is carried on, not being a shop.

(4) In the case of any contravention of the foregoing provisions of this section, the occupier of the shop shall be liable on summary conviction to a fine not exceeding five pounds for every day on which the contravention occurs or continues.

(5) If any person with intent to deceive makes, or causes or allows to be made, in any such record or notice as aforesaid an entry which is to his knowledge false in any material particular, or wilfully omits or causes or allows to be omitted from any such record or notice an entry required to be made therein 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 such imprisonment and fine.

8. The foregoing provisions of this Act shall not apply to the employment of persons in or about a theatre except in relation to young persons employed wholly or mainly in connection with any retail trade or business carried on in the theatre; and the said provisions shall, in their application to such young persons, be subject to the modification that, in the case of a person between the ages of sixteen and eighteen years employed in a theatre where a performance is taking place which begins before and ends after ten o'clock in the evening, the interval of at least eleven consecutive hours required by section three of this Act need not include any time between ten o'clock in the evening and the time at which the performance ends.

Special provision as to theatres.

9.—(1) For the purposes of the provisions of section one of the Shops Act, 1912, and of the First Schedule to that Act, every young person who is wholly or mainly employed about the business of a shop or in connection with any retail trade or business carried on in any place not being a shop shall be deemed to be a “shop assistant,” and in those provisions and in this section that expression shall be construed accordingly.

Weekly half-holidays and intervals for meals.

(2) Subsection (1) of the said section one (which relates to weekly half-holidays) shall not apply to any young person in any week unless he is employed as a shop assistant for more than twenty-five hours in that week and shall not apply to the employment of any young person in a theatre in any week (notwithstanding that he may be employed as a shop assistant for more than twenty-five hours in that week) if he is not employed in the theatre before midday on any day in that week.

(3) If in any proceedings against any person in respect of a contravention of the provisions of subsection (1) of the said section one in relation to any young person it is shown that the young person was not so employed by him in the week in which the contravention occurred as to render that subsection applicable to the young person, it shall be a defence to prove that he did not know, and could not with reasonable diligence

have ascertained, that the young person was also employed in that week as a shop assistant by some other employer.

(4) In the application of the provisions of section one of the Shops Act, 1912, and of the First Schedule to that Act, to young persons, the expression "shop" shall have the same meaning as in this Act, and those provisions shall, in their application to persons employed in connection with any retail trade or business carried on in any place not being a shop, have effect subject to the following modifications, that is to say,—

(a) subsection (2) of the said section one (which relates to the posting of notices) shall not apply;

(b) references to "employment about the business of a shop" shall be deemed to include references to employment in connection with any retail trade or business carried on in any place not being a shop, references to "a shop" shall be deemed to include a reference to the place in or from which the retail trade or business is carried on, and references to "the occupier of a shop" shall be deemed to include references to the person by whom the retail trade or business is carried on.

(5) The First Schedule to the Shops Act, 1912, shall, in the application thereof to young persons, have effect as if for the words "six hours" there were substituted the words "five hours or, on the day of the week on which he is not to be employed after half-past one o'clock, five and a half hours."

Arrangements for Health and Comfort of Shop Workers.

Provisions
as to
sanitary
or other
arrange-
ments in
shops.

10.—(1) In every part of a shop in which persons are employed about the business of the shop—

(a) suitable and sufficient means of ventilation shall be provided and suitable and sufficient ventilation shall be maintained;

(b) suitable and sufficient means shall be provided to maintain a reasonable temperature and a reasonable temperature shall be maintained.

(2) In every shop, not being a shop exempted from the provisions of this subsection, there shall be provided

and maintained suitable and sufficient sanitary conveniences available for the use of persons employed in or about the shop.

(3) In every part of a shop in which persons are employed about the business of the shop, suitable and sufficient means of lighting shall be provided, and every such part of a shop shall be kept suitably and sufficiently lighted.

(4) In every shop, not being a shop exempted from the provisions of this subsection, there shall be provided and maintained suitable and sufficient washing facilities available for the use of persons employed in or about the shop.

(5) Where persons employed about the business of a shop take any meals in the shop, there shall be provided and maintained suitable and sufficient facilities for the taking of those meals.

(6) A shop shall be exempted from the provisions of subsection (2) or of subsection (4) of this section if there is in force a certificate exempting that shop therefrom granted by the authority whose duty it is to enforce those provisions, respectively, and any such certificate shall remain in force until it is withdrawn by the authority, but no such certificate shall be granted with respect to any shop unless the authority are satisfied that by reason of restricted accommodation or other special circumstances affecting the shop it is reasonable that such a certificate should be in force with respect thereto, and that suitable and sufficient sanitary conveniences or washing facilities, as the case may be, are otherwise conveniently available, and, subject as hereinafter provided, a certificate in force with respect to any shop shall be withdrawn if the authority at any time cease to be so satisfied as aforesaid :

Provided that, if the occupier of a shop is aggrieved by the withdrawal of such a certificate, he may appeal to the county court for the district in which the shop is situated and that court may make such order concerning the certificate as appears to the court, having regard to the matters aforesaid, to be just and equitable.

(7) If it appears to the authority whose duty it is to enforce any provision of this section that there has been, in the case of any shop, a contravention of that provision, the authority shall, by notice served on the

owner or occupier of the shop, require him to take, within such time as may be limited by the notice, such action as may be specified in the notice for the purpose of securing compliance with the said provision, and, if any person served with such a notice fails to comply with the requirements thereof, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or in the case of a second or subsequent conviction in respect of the same requirement, to a fine not exceeding fifty pounds or five pounds for every day since the first conviction in respect of that requirement, whichever is the greater :

Provided that it shall be a defence to any proceedings under this subsection to prove that there was no contravention of the provisions of this section, or that the requirements of any such notice as aforesaid were, within a reasonable time after service of the notice, complied with in so far as they were necessary to secure compliance with the provisions of this section.

Apportionment of expenses.

11. If any person, being either the owner or the occupier of a shop, who has incurred or is about to incur any expense for the purpose of securing that the requirements of the last foregoing section are complied with with respect to the shop, alleges that the whole or any part of the expense ought to be borne by any other person having an interest in the premises, he may apply to the county court for the district in which the shop is situated and that court may make such order concerning the expenses or their apportionment as appears to the court, having regard to all the circumstances of the case, including the terms of any contract between the parties, to be just and equitable, and any order made under this section may direct that any such contract as aforesaid shall cease to have effect in so far as it is inconsistent with the terms of the order.

Amendment of 2 & 3 Geo. 5. s. 3.

12. Subsection (1) of section three of the Shops Act, 1912 (which relates to the provision of seats for female shop assistants), shall have effect as if there were inserted at the end thereof the words " and it shall be the duty " of the occupier of the shop to permit the female shop " assistants so employed to make use of such seats " whenever the use thereof does not interfere with their

“ work, and the occupier shall in the prescribed manner
 “ and in the prescribed form give notice informing such
 “ shop assistants that they are intended to do so.”

Supplementary.

13.—(1) Sections thirteen and fourteen of the Shops Act, 1912, which relate to the enforcement of that Act, shall apply with respect to the provisions of this Act as they apply with respect to the provisions of that Act, save that in the said sections the word “shop” shall, in their application with respect to the provisions of this Act, have the same meaning as in this Act and shall, in relation to the provisions of this Act which apply to retail trade or business carried on in any place not being a shop, include a reference to any such place: Enforce-
ment.

Provided that the said sections shall not apply—

- (a) with respect to the provisions of this Act in their application to street trading;
- (b) with respect to the provisions of this Act relating to ventilation and temperature of shops and to sanitary conveniences.

(2) It shall be the duty of the local authority having power under the Children and Young Persons Act, 1933, to enforce the provisions of that Act as to street trading to enforce, as part of their duties under that Act, the provisions of this Act in their application to street trading. 23 & 24
Geo. 5. c. 12.

(3) It shall be the duty of the sanitary authority for every district as part of their duties under the Public Health Acts to enforce the provisions of this Act relating to ventilation and temperature of shops, and to sanitary conveniences, and any inspector appointed by such an authority shall for the purposes of his powers and duties have in relation to shops all the powers conferred in relation to factories and workshops on inspectors by section one hundred and nineteen of the Factory and Workshop Act, 1901, and that section and section one hundred and twenty-one of the same Act shall apply accordingly. 1 Edw. 7.
c. 22.

(4) Notwithstanding that the provisions of this Act relating to ventilation and temperature of shops and to sanitary conveniences are not enforceable by local authorities under the provisions of the Shops Act, 1912, it shall nevertheless be the duty of inspectors appointed

under that Act to take note of and if necessary report to the sanitary authority for the district any contravention of the said provisions of this Act, and for that purpose the provisions of section thirteen of the Shops Act, 1912, relating to such inspectors shall apply accordingly.

Provisions
as to birth
certificates.

14. Where the age of any person is required to be ascertained or proved for the purposes of this Act, any person shall, on presenting a written requisition in such form and containing such particulars as may be from time to time directed by the Registrar-General and on payment of a fee of sixpence, be entitled to obtain a certified copy under the hand of a registrar or superintendent registrar of the entry in the register under the Births and Deaths Registration Acts, 1836 to 1929, of the birth of that person; and such a form of requisition shall on request be supplied without charge by every registrar and superintendent registrar of births, deaths and marriages.

Interpreta-
tion and
saving.

15.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“Contravention” in relation to any provision includes any failure to comply with that provision:

“Enactment” includes any Act, and any rule, regulation, byelaw or order made under any Act:

“Factory” and “workshop” have respectively the same meanings as in the Factory and Workshop Act, 1901:

“Owner,” in relation to any premises, has the same meaning as in the Public Health Act, 1875:

“Prescribed” means prescribed by regulations made under section seventeen of the Shops Act, 1912:

“Public Health Acts” means the Public Health Acts, 1875 to 1932, or the Public Health (London) Acts, 1891 to 1932, as the case may be:

“Residential hotel” means premises used for the reception of guests and travellers desirous of dwelling or sleeping therein:

“Sanitary authority” means, save as respects London, the council of a county borough or

38 & 39 Vict.
c. 55.

county district, and as respects London the sanitary authority for the purposes of the Public Health (London) Act, 1891 : 54 & 55 Vict.
c. 76

“ Shop ” means a shop as defined by the Shops Act, 1912, and any wholesale shop and includes any warehouse occupied for the purposes of his trade by any person carrying on any retail trade or business or by any wholesale dealer or merchant :

“ Suitable and sufficient ” means, in relation to any shop or part of a shop, suitable and sufficient having regard to the circumstances and conditions affecting that shop or part :

“ Theatre ” includes any place used for the exhibition of pictures or other optical effects by means of a cinematograph or other suitable apparatus and any music hall or other similar place of entertainment; and “ performance ” has a corresponding meaning :

“ Wholesale shop ” means premises occupied by a wholesale dealer or merchant where goods are kept for sale wholesale to customers resorting to the premises :

“ Working hours ” means the time during which the persons employed are at the disposal of the employer, exclusive of any intervals allowed for rest and meals; and “ hours worked ” has a corresponding meaning :

“ Year ” means the period between midnight on the last Saturday night in the month of December and midnight on the last Saturday night in the next month of December :

“ Young person ” does not include a child whose employment is regulated by section eighteen of the Children and Young Persons Act, 1933, but save as aforesaid means a person who has not attained the age of eighteen years ;

and, save as in this Act otherwise expressly provided, expressions defined by the Shops Act, 1912, have the same meanings as in that Act.

(2) For the purposes of this Act a person who works about the business of a shop for the occupier thereof or in connection with any retail trade or business

for the person by whom it is carried on, shall be deemed to be employed, notwithstanding that he receives no reward for his labour.

(3) For the purposes of this Act a person shall be deemed to be between any two ages therein mentioned if he has attained the first-mentioned age but has not attained the second-mentioned age.

(4) For the purposes of this Act employment in connection with a wholesale shop or a warehouse occupied by a wholesale dealer or merchant which is neither—

(a) employment within the premises, nor

(b) employment in the collection or delivery of goods or in attendance upon customers or in carrying messages or running errands,

shall not be deemed to be employment about the business of a shop; but, save as aforesaid, any employment in the service of the occupier of a shop upon any work, whether within the shop or outside it, which is ancillary to the business carried on at the shop shall be deemed to be employment about the business of the shop, and that expression shall be construed accordingly.

(5) Except the provisions of subsection (3) and subsection (4) of section one of this Act in so far as they relate to employment in a factory or workshop, nothing in this Act shall apply with respect to the employment of persons whose hours of employment are regulated by or under the Factory and Workshop Acts, 1901 to 1929.

Temporary
modifica-
tions of
limitations
imposed by
Act on
working
hours.

16. Until the twenty-seventh day of December, nineteen hundred and thirty-six, the provisions of this Act mentioned in the first column of the Schedule to this Act shall have effect as if for the references therein mentioned in the third column of that Schedule there were respectively substituted the references mentioned in the fourth column thereof :

Provided that where a period of two or of three consecutive weeks specified in a notice exhibited or given as respects any shop under subsection (1) of section five, or under subsection (1) of section six of this Act comprises the twenty-sixth day of December, nineteen hundred and thirty-six, then, as respects that shop, the substituted references in that subsection which are mentioned in the said Schedule shall continue to have effect until the expiration of that period.

17. This Act shall apply to Scotland subject to the following modifications :— Application to Scotland.

- (a) For any reference to a county court there shall be substituted a reference to a sheriff court, and the expression "exciseable liquors" shall be substituted for the expression "intoxicating liquor":
- (b) References to provisions of the Shops Act, 1912, shall be construed as references to those provisions as applied to Scotland by section twenty of that Act:
- (c) For any reference to the Public Health Act, 1875, there shall be substituted a reference to the Public Health (Scotland) Act, 1897: 60 & 61
Vict. c. 38.
- (d) For any reference to section eighteen of the Children and Young Persons Act, 1933, there shall be substituted a reference to sections forty-three and forty-four of the Children and Young Persons (Scotland) Act, 1932: 22 & 23
Geo. 5. c. 47.
- (e) Subsection (2) of section thirteen shall have effect as if for the local authority and the provisions of the Children and Young Persons Act, 1933, therein mentioned there were respectively substituted references to the local authority for the purposes of the Shops Act, 1912, and the provisions of that Act; and paragraph (a) of the proviso to subsection (1) of the said section shall not apply:
- (f) Subsections (3) and (4) of section thirteen shall have effect as if for references to the Public Health Acts and the sanitary authority there were respectively substituted references to the Public Health (Scotland) Acts, 1897 to 1907, and the local authority for the purposes of these Acts (other than the provisions thereof mentioned in the First Schedule to the Local Government (Scotland) Act, 1929): 19 & 20
Geo. 5. c. 25.
- (g) Section fourteen shall have effect as if for references to the Registrar-General and the Births and Deaths Registration Acts 1836 to 1929 there were respectively substituted references to the Registrar-General for Scotland and the Births, Deaths and Marriages (Scotland) Acts, 1854 to 1934, and as if any reference to a superintendent registrar were omitted.

Short title,
citation,
extent and
repeal.

18.—(1) This Act may be cited as the Shops Act, 1934, and this Act and the Shops Acts, 1912 to 1928, may be cited together as the Shops Acts, 1912 to 1934.

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

(3) Section two of the Shops Act, 1912, is hereby repealed.

(4) This Act shall come into operation on the thirtieth day of December, nineteen hundred and thirty-four.

SCHEDULE.

Section 16.

TEMPORARY MODIFICATION OF REFERENCES TO WORKING HOURS.

Provision of Act.	Subject matter.	References for which substitution is to be made.	Substituted references.
Section one	Hours of employ- ment.	48 working hours 50 working hours 12 working hours 96 working hours	52 working hours. 24 working hours. 8 working hours. 104 working hours.
Subsection (1) of section five.	Special provisions as to the catering trade.	8 working hours	4 working hours.
Subsection (2) of section five.	Special provisions as to the catering trade.	8 working hours	4 working hours.
Subsection (1) of section six.	Special provisions as to the sale of accessories for aircraft, motor- vehicles, and cycles.	48 working hours 54 working hours 144 working hours 12 working hours	52 working hours. 58 working hours. 156 working hours. 6 working hours.
Subsection (2) of section six.	Special provisions as to the sale of accessories for aircraft, motor- vehicles, and cycles.	12 working hours	6 working hours.

CHAPTER 43.

An Act to make provision for the establishment of a National Maritime Museum and for the addition of certain lands to Greenwich Park, and for purposes connected with the matters aforesaid.

[25th July 1934.]

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

1.—(1) There shall be established a National Maritime Museum (in this Act referred to as “the Museum”), and, subject to the provisions of this Act, the buildings on the land vested by virtue of this Act in the Commissioners of Works shall be used for the purposes of the Museum.

Establishment of National Maritime Museum and addition to Greenwich Park.

(2) The land specified in the First Schedule to this Act (being land which immediately before the commencement of this Act was vested in the Admiralty in trust for His Majesty for the exclusive benefit of Greenwich Hospital) shall, by virtue of this Act, vest in the Commissioners of Works and shall be under their control and management as part of Greenwich Park.

(3) The Commissioners of Works shall make such alterations as may be necessary to adapt any buildings on the land aforesaid for use for the purposes of the Museum and for those purposes shall have power from time to time to reconstruct any such buildings or to demolish such buildings and construct new buildings, and the said Commissioners shall at all times maintain any buildings on the said land in a proper condition for the said purposes.

(4) If at any time the Commissioners of Works by order declare that the buildings on the said land have ceased to be used for the purposes of the Museum, the said land shall thereupon revert to the Admiralty and shall be held by them in trust for His Majesty for the exclusive benefit of Greenwich Hospital in like manner as if this Act had not been passed.

(5) Nothing in the foregoing provisions of this section shall authorise the demolition of the ancient monument consisting of the Queen's House and the colonnades on the east and west sides thereof, and the use for the purposes of the Museum of any buildings forming part of that monument shall be subject to any directions given by the Commissioners in their capacity as guardians thereof.

Establish-
ment of
Board of
trustees
and duties
of the
Board.

2.—(1) For the purpose of managing the Museum there shall be established a Board of trustees (in this Act referred to as "the Board") who shall be a body corporate by the name of the Trustees of the National Maritime Museum with perpetual succession and a common seal.

(2) The Board shall be constituted and their proceedings shall be determined in accordance with the provisions contained in the Second Schedule to this Act.

(3) The Board shall have the general management and control of the Museum and for that purpose may—

- (a) make such regulations as they think necessary for securing the due administration of the Museum and preserving the objects collected therein, including regulations requiring payment to be made for admission to the Museum;
- (b) exchange, sell or otherwise dispose of any duplicate objects vested in them for the purposes of the Museum, and with the consent of the Treasury exchange, sell or otherwise dispose of any objects so vested which the Board consider to be not required for the purposes of the Museum;
- (c) with any moneys which, in accordance with the provisions of this Act, are available for the purpose, purchase any object which in the opinion of the Board it is desirable to acquire for the Museum;
- (d) on such terms and subject to such conditions as the Board think fit lend any objects vested in them for the purposes of the Museum to any gallery, museum or exhibition approved for the purposes of this provision by the Treasury;

- (e) subject to the consent of the Treasury transfer or lend to any Government Department or to the trustees or other persons having the management of any gallery, museum or other institution in Great Britain which is in receipt of moneys provided by Parliament, any objects vested in the Board for the purposes of the Museum which, in the opinion of the Board, would more properly be under the control or management of that Department or of those trustees or other persons, as the case may be ;
- (f) subject to the provisions of this Act, do such other things as appear to them necessary or expedient for furthering the interests and increasing the utility of the Museum :

Provided that the powers conferred by this section of selling or otherwise disposing of, or lending or transferring, any object, shall not be exercised in any manner inconsistent with any condition attached to any gift or bequest by virtue or in consequence of which that object was vested in the Board for the purposes of the Museum.

3. All objects—

- (a) which at the time of the constitution of the Board form part of the Naval Museum of the Royal Naval College at Greenwich ;
- (b) which immediately before the constitution of the Board are vested by virtue of the deeds referred to in the first column of the Third Schedule to this Act in all or any of the trustees named in the second column of that Schedule ;
- (c) which are expressly given or bequeathed to the public or to the nation or to the Board for the purposes of the Museum ;
- (d) which are given or bequeathed by words showing an intention that the gifts should inure to, or for the benefit of the Museum ;
- (e) which are acquired by purchase or otherwise for the purposes of the Museum ;

Vesting in the Board of objects given to, acquired for, or transferred to Museum.

shall vest in the Board and be held by the Board for the purposes of the Museum.

Power of other institutions to transfer or lend objects to the Museum.

4. If it appears to any Government Department or to the trustees or other persons having the management of any gallery, museum or other institution in Great Britain which is in receipt of moneys provided by Parliament, that any objects under the control or management of the Department or of the trustees or other persons respectively would more properly form part of the collection in the Museum, the Department, trustees or other persons, as the case may be, may, with the consent of the Treasury, either transfer those objects to the Museum or lend them to the Board on such terms and subject to such conditions as may be agreed between the Department, trustees or other persons and the Board :

Provided that the powers conferred by this section shall not be exercised in any manner inconsistent with any condition attached to any gift or bequest by virtue of which any object was placed under the control or management of the Department, trustees or other persons in question.

Staff.

5.—(1) There shall be a Director of the Museum who shall be appointed by the Treasury and shall hold office on such terms and subject to such conditions as the Treasury may direct, and shall, subject to the control and direction of the Board, be charged with the care of the Museum and of the objects collected there.

(2) The Board may, subject to the consent of the Treasury as to number and conditions of service, appoint such officers and servants as the Board think fit; and there shall be paid to the Director of the Museum and to any officers so appointed such salaries or remuneration as the Treasury may determine.

Financial provisions.

6.—(1) Subject to the provisions of this section, any moneys received by the Board shall be payable into the Exchequer.

(2) Any moneys received by the Board on the sale, exchange or disposal of any objects vested in them for the purposes of the Museum, and any moneys received by the Board by way of gift or bequest, and such other moneys received by the Board, if any, as the Treasury may from time to time direct may, instead of being payable into the Exchequer, be retained by the Board and may be invested by them, and may, together with

any interest thereon, be expended by the Board, as and when they think fit, in the purchase of objects for the Museum, or, with the consent of the Treasury, otherwise for the purposes of the Museum :

Provided that no moneys received by the Board by way of gift or bequest shall be expended by the Board in any manner inconsistent with any condition attached to the gift or bequest.

(3) Any expenses incurred by the Board in carrying this Act into effect, including any salaries or remuneration paid to the Director or to any officers appointed by the Board shall, except so far as defrayed in accordance with the provisions of subsection (2) of this section out of moneys received by the Board, be defrayed out of moneys provided by Parliament.

(4) Any expenses incurred by the Commissioners of Works in carrying this Act into effect shall be defrayed out of moneys provided by Parliament.

7. The provisions of the Charitable Trusts Acts, 1853 to 1925, shall not apply to the Museum.

Exemption of
Museum from
Charitable
Trusts Acts.

8. This Act may be cited as the National Maritime Museum Act, 1934.

Short title.

SCHEDULES.

FIRST SCHEDULE.

Section 1.

LANDS TO BE VESTED IN THE COMMISSIONERS OF WORKS AND USED FOR THE PURPOSES OF THE MUSEUM.

All that land containing eleven and one half acres or thereabouts bounded as near as may be on the north by Romney Road on the west by land now in the occupation of The Seaman's Hospital Society on the south by Greenwich Park and on the east by Park Row in the parish of Greenwich in the county of London together with all the buildings on the said land formerly occupied by the Royal Hospital School.

Section 2.

SECOND SCHEDULE.

CONSTITUTION AND PROCEEDINGS OF THE BOARD.

1. The Board shall consist of such persons as may be appointed by the Treasury, and every member of the Board shall hold office for such time as may be specified in his appointment.

2. Any person ceasing to be a member of the Board shall be eligible for reappointment.

3. If a member of the Board becomes, in the opinion of the Treasury, unfit to continue in office or incapable of performing his duties, the Treasury shall forthwith declare his office to be vacant and shall notify the fact in such manner as the Treasury thinks fit, and thereupon the office shall become vacant.

4. The powers of the Board may be exercised notwithstanding any vacancy in their number.

5. The Board may make rules for regulating the proceedings, including quorum, of the Board.

Section 3.

THIRD SCHEDULE.

DEEDS RELATING TO CERTAIN OBJECTS TRANSFERRED
FROM TRUSTEES THEREIN MENTIONED TO
THE BOARD.*Deeds.**Trustees.*

Declaration of Trust dated the fourteenth day of October, nineteen hundred and twenty-seven, made in contemplation of the institution of a museum for the public exhibition of articles of naval or nautical interest.

The Right Hon. James Richard Earl Stanhope, D.S.O., M.C.
Admiral Sir George Price Webley Hope, K.C.B., K.C.M.G.
Sir Lionel Earle, K.C.B., K.C.V.O., C.M.G.
Roger Charles Anderson, F.S.A.
Geoffrey Arthur Romaine Calender, F.S.A.

*Deeds.**Trustees.*3RD SCH.
—cont.

Declaration of Trust dated the seventeenth day of August, nineteen hundred and twenty-eight, made in contemplation of the presentation of the collection known as the Macpherson Collection for retention in a museum for the public exhibition of articles of naval or nautical interest.

Sir James Caird, Bart.
The Right Hon. James Richard
•Earl Stanhope, D.S.O., M.C.
Admiral Sir George Price
Webley Hope, K.C.B.,
K.C.M.G.
Sir Lionel Earle, K.C.B.,
K.C.V.O., C.M.G.
Roger Charles Anderson, F.S.A.
Geoffrey Arthur Romaine Cal-
lender, F.S.A.

Agreement made the seventh day of July, nineteen hundred and thirty-one, between Roger Charles Anderson, F.S.A., and the trustees mentioned in the said agreement, with respect to the Anderson Collection described in the schedule to the said agreement.

The Right Hon. James Richard
Earl Stanhope, D.S.O., M.C.
Admiral Sir George Price
Webley Hope, K.C.B.,
K.C.M.G.
Sir Lionel Earle, K.C.B.,
K.C.V.O., C.M.G.
Roger Charles Anderson, F.S.A.
Geoffrey Arthur Romaine Cal-
lender, F.S.A.
Sir James Caird, Bart.

Trust Deed made the twenty-eighth day of December, nineteen hundred and thirty-one, between John Durham Denis de Vitre, Clerk in Holy Orders, and the trustees mentioned in the said deed, with respect to the objects specified in the schedule to the said deed.

The Right Hon. James Richard
Earl Stanhope, D.S.O., M.C.
Admiral Sir George Price
Webley Hope, K.C.B.,
K.C.M.G.
Sir Lionel Earle, K.C.B.,
K.C.V.O., C.M.G.
Roger Charles Anderson, F.S.A.
Sir James Caird, Bart.
Geoffrey Arthur Romaine Cal-
lender, F.S.A.



CHAPTER 44.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-five, and to appropriate the Supplies granted in this Session of Parliament.

[31st July 1934.]

Most Gracious Sovereign,

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

GRANT OUT OF CONSOLIDATED FUND.

Issue of
£320,149,442
out of the
Consoli-
dated Fund.

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

Power for
the Trea-
sury 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 three hundred and twenty million one hundred and forty-nine thousand four hundred and forty-two pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than

the thirty-first day of March, one thousand nine hundred and thirty-five and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills. 40 & 41 Vict.
c. 2.

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

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

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

APPROPRIATION OF GRANTS.

3. All sums granted by this Act and the other Acts mentioned in Schedule (A) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the said schedule, in the aggregate, to the sum of five hundred and twenty-nine million seventy-nine thousand six hundred and seventy-five pounds, fifteen shillings and sevenpence 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. Appropriation of sums voted for supply services.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

In addition to the sums hereby granted out of the Consolidated Fund, there may be applied out of any money directed under section two of the Public Accounts and Charges Act, 1891, to be applied as appropriations in aid of the grants for the services and purposes specified 54 & 55 Vict.
c. 24.

in Schedule (B) annexed hereto the sums respectively set forth in the last column of the said schedule.

Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for the navy services, army services and air services respectively be not exceeded.

4.—(1) So long as the aggregate expenditure on naval, military and air services respectively is not made to exceed the aggregate sums appropriated by this Act for those services respectively, any surplus arising on any vote for those services, either by an excess of the sum realised on account of appropriations in aid of the vote over the sum which may be applied under this Act as appropriations in aid of that vote, or by saving of expenditure on that vote, may, with the sanction of the Treasury, be temporarily applied either in making up any deficiency in the sums realised on account of appropriations in aid of any other vote in the same department, or in defraying expenditure in the same department which is not provided for in the sums appropriated to the service of the department by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course.

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the naval, military and air services for the year, in order that any temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

Sanction for navy, army and air expenditure for 1932 unprovided for.

22 & 23
Geo. 5. c. 50.

5. Whereas under the powers given for the purpose by the Appropriation Act, 1932, surpluses arising on certain votes for the navy, army and air services respectively have been applied as shown in the statement set out in Schedule (C) to this Act:

It is enacted that the application of those surpluses as shown in the said statement is hereby sanctioned.

Declaration required in certain cases before receipt of sums appropriated.

6.—(1) A person shall not receive any payment out of a grant which may be made in pursuance of this Act for half-pay or army, navy, air force, or civil non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant

of the Treasury before one of the persons prescribed by the warrant :

Provided that the Treasury may dispense with the production of a declaration under this section in respect of any payment if either—

- (a) such a declaration has been subscribed within a period of twelve calendar months preceding the date of the payment, or such longer period as the Treasury may in any particular case allow; or
- (b) the payment is made through a banker who has entered into an undertaking in such form as may be approved by the Treasury with respect to the notification of circumstances coming to the knowledge of the banker which might affect the right to such payments of the person to whom the payment is made.

(2) Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanour.

7. This Act may be cited for all purposes as the Short title. Appropriation Act, 1934.

A B S T R A C T

O F

SCHEDULES (A) and (B) to which this
Act refers.

SCHEDULE (A.)

Section 3.

	£	s.	d.	
Grants out of the Consolidated Fund -	-	-	-	529,079,675 15 7

Section 3.
SCHED. (B.)
Appropriations of
Grants.

SCHEDULE (B.)—APPROPRIATIONS OF GRANTS.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
	£	s.	d.	£	s.	d.
1932 and 1933.						
Part 1. Civil Departments Excesses, 1932 - -	7,366	15	7	938	10	1
„ 2. Civil and Revenue Departments (Supplementary), 1933	2,313,167	0	0	15,480	0	0
	2,320,533	15	7	16,418	10	1
1934						
Part 3. Navy - -	56,550,000	0	0	2,084,576	0	0
„ 4. Army - -	39,600,000	0	0	5,773,000	0	0
Army (Ordnance Factories) -	100	0	0	2,692,100	0	0
„ 5. Air Force - -	17,561,000	0	0	2,604,600	0	0
£	113,711,100	0	0	13,154,276	0	0
Part 6. Civil, Class I -	2,066,841	0	0	2,926,722	0	0
„ 7. Civil, Class II -	8,151,026	0	0	697,527	0	0
„ 8. Civil, Class III -	16,295,805	0	0	2,234,673	0	0
„ 9. Civil, Class IV -	53,027,695	0	0	5,922,273	0	0
„ 10. Civil, Class V -	147,883,843	0	0	9,752,012	0	0
„ 11. Civil, Class VI -	12,130,478	0	0	3,095,455	0	0
„ 12. Civil, Class VII -	8,256,279	0	0	1,226,790	0	0
„ 13. Civil, Class VIII -	46,702,855	0	0	14,864	0	0
„ 14. Civil, Class IX -	45,454,155	0	0	6,458,520	0	0
TOTAL, CIVIL £	339,974,977	0	0	32,328,836	0	0
Part 15. Revenue Departments, &c. -	73,073,065	0	0	2,950,448	0	0
GRAND TOTAL £	529,079,675	15	7	48,449,978	10	1

SCHEDULE (A.)

SCHED. (A.)

GRANTS OUT OF THE CONSOLIDATED FUND.

For the service of the year ended on the 31st day of March 1933—	£	s.	d.
Under Act 24 Geo. 5. c. 3 - - -	7,366	15	7
For the service of the year ending on the 31st day of March 1934—			
Under Act 24 Geo. 5. c. 3 - - -	2,313,167	0	0
For the service of the year ending on the 31st day of March 1935—			
Under Act 24 Geo. 5. c. 3 - - -	206,609,700	0	0
Under this Act - - - - -	320,149,442	0	0
TOTAL - - - - -	529,079,675	15	7

SCHEDULE (B.)—PART 1.

SCHED. (B.)
PART 1.
Civil
Departments
Excesses,
1932.

CIVIL DEPARTMENTS EXCESSES, 1932.

SUMS GRANTED TO MAKE GOOD EXCESSES ON CERTAIN GRANTS
FOR CIVIL DEPARTMENTS FOR THE YEAR ENDED 31ST MARCH, 1933.

	Sums not exceeding					
	Supply Grants.	Appropriations in Aid.				
CLASS III.	£	s.	d.	£	s.	d.
County Courts - -	10	0	0	938	10	1
CLASS VI.						
Office of Commissioners of Crown Lands - -	82	14	9	—		
Ministry of Agriculture and Fisheries - -	7,274	0	10	—		
£	7,366	15	7	938	10	1

SCHED. (B.)
PART 2.
Civil and
Revenue
Departments
(Supple-
mentary),
1933.

SCHEDULE (B.)—PART 2.

CIVIL AND REVENUE DEPARTMENTS (SUPPLEMENTARY),
1933.

SCHEDULE of SUPPLEMENTARY SUMS granted to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1934, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL.		
CLASS I.		
For the Salaries and Expenses of the Department of His Majesty's Most Honourable Privy Council - - -	700	*—700
For the Salaries and Expenses of the Charity Commission for England and Wales - - - - -	600	*—600
For the Salaries of the Office of the Lord Privy Seal - - - - -	642	—
CLASS II.		
For the Salaries and Expenses of the Department of His Majesty's Secretary of State for Foreign Affairs -	10	11,290
For a Contribution towards the Expenses of the League of Nations and for other expenses in connection therewith, including British Representation before the Permanent Court of International Justice - - - - -	9,000	—
For sundry Dominion Services, including certain Grants in Aid, and for expenditure in connection with Ex-Service Men in the Irish Free State, and for a Grant in Aid to the Irish Free State in respect of Compensation to Transferred Officers - - - - -	272,000	—
Carried forward - - - - -	£ 282,952	9,990

* Deficit.

SCHEDULE (B.)—PART 2—*continued.*

SCHED. (B.)
PART 2.
Civil and
Revenue
Departments
(Supple-
mentary),
1933.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL— <i>cont.</i>	£	£
Brought forward - -	282,952	9,990
For a grant to the Empire Marketing Fund, including a Grant in Aid - -	30,000	—
For a Contribution towards the Cost of the Department of His Majesty's Secretary of State for India in Council, including a Grant in Aid, and a Grant in Aid of the defence of India - -	1,501,100	—
CLASS III.		
For the Salaries and Expenses of the Office of Land Registry - - -	10	6,850
CLASS VI.		
For a Subsidy on Sugar and Molasses manufactured from Beet grown in Great Britain - - - -	450,000	—
For the Salaries and Expenses of the Ministry of Transport under the Ministry of Transport Act, 1919; Expenses of the Railway Rates Tribunal under the Railways Act, 1921; Expenses under the London Traffic Act, 1924, and the London Passenger Transport Act, 1933; Expenses in respect of Advances under the Light Railways Act, 1896; Expenses of maintaining Holyhead Harbour, the Caledonian Canal, Crinan Canal, and Menai Bridge; Advances to meet Deficit in Ramsgate Harbour Fund and for Expenditure in connection with the Severn Barrage Investigation - -	10	10,140
Carried forward - £	2,264,072	26,980

SCHED. (B.)
PART 2.
Civil and
Revenue
Departments
(Supple-
mentary),
1933.

SCHEDULE (B.)—PART 2—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
CIVIL— <i>cont.</i>		
Brought forward - - -	2,264,072	26,980
For the Salaries and Expenses of the Fishery Board for Scotland, including Expenses of Marine Superintendence, and a Grant in Aid of Piers or Quays -	1,085	—
CLASS VII.		
For the Salaries and Expenses of the Office of the Commissioners of His Majesty's Works and Public Buildings - - -	28,000	*—12,000
CLASS VIII.		
For Superannuation, Compensation, Compassionate and Additional Allowances and Gratuities under sundry Statutes; Compassionate Allowances, Gratuities and Supplementary Pensions awarded by the Treasury and, under the Government of Ireland Act, 1920, by the Civil Service Committee - - -	20,000	—
REVENUE DEPARTMENTS.		
For the Salaries and Expenses of the Post Office, including Telegraphs and Telephones - - - - -	10	500
Total, Civil and Revenue Departments £	2,313,167	15,480

* Deficit.

SCHEDULE (B.)—PART 3.

SCHED. (B.)
PART 3.
Navy.

NAVY.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1935; viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For wages, &c., to 93,222 officers, seamen, and boys, and royal marines, and civilians employed on fleet services - - - -	12,633,000	51,150
2. For victualling and clothing for the navy, including the cost of victualling establishments at home and abroad - - - -	3,165,700	616,822
3. For medical services, including the cost of medical establishments at home and abroad - - - -	366,200	70,255
4. For the fleet air arm - - - -	1,338,000	—
5. For educational services - - - -	195,800	61,120
6. For scientific services - - - -	461,500	62,960
7. For the royal naval reserve, the royal fleet reserve and the royal naval volunteer reserve, &c. -	348,000	190
8. Sect. 1. For the personnel for ship-building, repairs, maintenance, &c., at dockyards and naval yards at home and abroad - - - -	6,426,000	45,258
„ Sect. 2. For the matériel for ship-building, repairs, maintenance, &c., at dockyards and naval yards at home and abroad - - -	4,844,000	533,140
„ Sect. 3. For contract work for ship-building, repairs, &c. - - - -	9,407,500	34,500
Carried forward - - - £	39,185,700	1,475,395

SCHED. (B.)
PART 3.
Navy.

SCHEDULE (B.)—PART 3—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	39,185,700	1,475,395
No.		
9. For naval armaments - - -	4,053,200	280,685
10. For works, buildings and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants and other charges connected therewith - - -	2,277,000	212,800
11. For various miscellaneous effective services - - - - -	603,300	59,900
12. For the Admiralty Office - -	1,089,000	11,965
13. For non-effective services (naval and marine)—officers - - -	3,190,000	16,058
14. For non-effective services (naval and marine)—men - - - - -	5,044,000	24,860
15. For civil superannuation, compensation allowances and gratuities -	1,107,800	2,913
TOTAL, NAVY SERVICES £	56,550,000	2,084,576

SCHEDULE (B.)—PART 4.

SCHED. (B.)
PART 4.
Army.

ARMY.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the ARMY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on 31st day of March 1935; viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the pay, &c., of His Majesty's Army (to a number not exceeding 149,500) at home and abroad (exclusive of His Majesty's Indian Possessions other than Aden) -	9,478,000	2,374,000
2. For the Army Reserve (to a number not exceeding 119,500), the Supplementary Reserve (to a number not exceeding 24,534), the Territorial Army (to a number not exceeding 169,559), the Officers' Training Corps, and Colonial Militia, &c. - - - - -	4,724,000	39,000
3. For medical services - - - - -	910,000	36,200
4. For educational establishments -	844,000	121,000
5. For quartering and movements -	1,298,000	701,000
6. For supplies, road transport and remounts - - - - -	3,895,000	279,000
7. For clothing - - - - -	1,025,000	100,000
8. For general stores - - - - -	1,181,000	150,000
9. For warlike stores, including technical establishments - - - - -	3,004,000	553,000
Carried forward - - - - -	£ 26,359,000	4,353,200

SCHED. (B.)
PART 4.
Army.

SCHEDULE (B.)—PART 4—*continued.*

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - - -	26,359,000	4,353,200
No.	10. For works, buildings, and lands, including military and civilian staff and other charges in connection therewith - - -	3,303,000	190,000
	11. For miscellaneous effective services -	948,000	224,000
	12. For the War Office - - -	808,000	8,000
	13. For rewards, half-pay, retired pay, widows' pensions and other non-effective charges for officers - -	3,496,000	470,100
	14. For the Royal Hospital, Chelsea; out-pensions, rewards for distinguished service, widows' pensions, and other non-effective charges for warrant officers, non-commissioned officers, men, &c. - - -	4,465,000	521,000
	15. For civil superannuation, compensation and additional allowances, gratuities, injury grants, &c. -	221,000	6,700
	TOTAL, ARMY SERVICES - £	39,600,000	5,773,000
ARMY (ROYAL ORDNANCE FACTORIES).			
	For the Royal ordnance factories, the cost of productions of which will be charged to the army, navy, air force, &c. - - -	100	2,652,100
	Together with a sum to be transferred from the Supplies Suspense Account - - -	—	40,000
	TOTAL ARMY SERVICES } (INCLUDING ORDNANCE } FACTORIES) - - - }	£ 39,600,100	8,465,100

SCHEDULE (B.)—PART 5.

SCHED. (B.)
PART 5.
Air.

AIR.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the AIR SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1935, viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the pay, &c., of 31,000 of all ranks of the Royal Air Force (exclusive of those serving in His Majesty's Indian Possessions, other than Aden) - - -	4,210,000	588,000
2. For quartering, stores (except technical), supplies and transportation - - - - -	1,490,000	90,000
3. For technical and warlike stores (including experimental and research services) - - - -	7,220,000	1,529,000
4. For works, buildings, repairs, and lands, including civilian staff and other charges connected therewith	1,675,000	140,000
5. For medical services - - - -	295,000	17,000
6. For technical training and educational services - - - -	373,000	11,000
7. For auxiliary and reserve forces (to a number not exceeding 12,750 of all ranks of the Royal Air Force Reserve, 527 of all ranks of the Special Reserve and 1,449 of all ranks of the Auxiliary Air Force and Auxiliary Air Force Reserve)	394,000	100
8. For Civil Aviation - - - -	513,000	160,000
9. For the meteorological and miscellaneous effective services - -	341,000	26,000
10. For the Air Ministry - - - -	657,000	5,500
11. For rewards, half-pay, retired pay, pensions, and other non-effective services - - - - -	393,000	38,000
TOTAL AIR SERVICES - £	17,561,000	2,604,600

SCHED. (B.)
PART 6.
Civil.
Class I.

SCHEDULE (B.)—PART 6.

CIVIL.—CLASS I.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1935, viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the salaries and expenses of the offices of the House of Lords -	50,990	12,080
2. For the salaries and expenses of the House of Commons (including a supplementary sum of £9,500) -	338,518	7,500
3. For expenses under the Representation of the People Acts, 1918 to 1928 - - - - -	255,000	—
4. For the salaries and other expenses in the department of His Majesty's Treasury and subordinate departments - - - - -	322,227	10,208
5. For the salaries and expenses of the department of His Majesty's most Honourable Privy Council - -	12,336	3,660
6. For the salaries of the office of the Lord Privy Seal - - - - -	2,698	—
7. For the salaries and expenses of the Charity Commission for England and Wales - - - - -	40,325	2,400
8. For the salaries and expenses of the Civil Service Commission - -	23,044	38,600
9. For the salaries and expenses of the department of the Comptroller and Auditor General - - -	144,360	7,554
Carried forward - - - £	1,189,498	82,002

SCHEDULE (B.)—PART 6—*continued.*SCHED. (B.)
PART 6.
Civil.
Class I.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	1,189,498	82,002
No. 10. For making good the deficiency on the Income Account of the Fund for Friendly Societies - - -	5,624	—
11. For the salaries and expenses of the department of the Government Actuary - - - - -	32,425	2,700
12. For the salaries and expenses of the department of the Government Chemist - - - - -	72,756	680
13. For a grant in aid of the Government Hospitality Fund - -	6,000	—
14. For the salaries and expenses of the Import Duties Advisory Committee - - - - -	57,265	—
15. For the salaries and expenses of the Mint, including the expenses of coinage (Imperial, Colonial and Foreign), and the expenses of the preparation of medals, dies for postage and other stamps, and His Majesty's seals - - - -	175,000	2,781,000
16. For the salaries and expenses of the National Debt Office - - -	1,397	25,260
17. For the salaries and expenses of the National Savings Committee -	105,359	—
18. For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - - - -	36,837	560
19. For the salaries of the establishment under the Public Works Loan Commission and the expenses of the Commission - - - -	100	20,990
Carried forward - - - £	1,682,261	2,913,192

SCHED. (B.)
PART 6.
Civil.
Class I.

SCHEDULE (B.)—PART 6—*continued.*

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - - -	1,682,261	2,913,192
No.	20. For making the payment due to the Local Loans Fund in respect of advances in Northern Ireland -	69,000	—
	21. For the salaries and other expenses of Royal Commissions, Committees, and Special Inquiries, &c., including provision for Shorthand; and the expenses of surplus stores, &c. liquidation - - - -	34,500	1,110
	22. For certain miscellaneous expenses, including certain grants in aid and bonus on certain statutory salaries - - - - -	7,033	10,950
	23. For His Majesty's foreign and other secret services - - - - -	180,000	—
	24. For the salaries and expenses of the Scottish Office; expenses under the Private Legislation Procedure (Scotland) Act, 1899; a subsidy for transport services to the Western Highlands and Islands; a grant in lieu of Land Tax; and contributions towards the expenses of Probation and of Remand Homes - -	86,501	1,470
	25. For repayment to the Civil Contingencies Fund of certain Miscellaneous advances - - - - -	7,546	—
	TOTAL, CIVIL, CLASS I - £	2,066,841	2,926,722

SCHEDULE (B.)—PART 7.

SCHED. (B.)
PART 7.
Civil.
Class II.

CIVIL.—CLASS II.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1935, viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the salaries and expenses of the department of His Majesty's Secretary of State for Foreign Affairs - - - - -	179,248	107,256
2. For the expenses in connection with His Majesty's embassies, missions and consular establishments abroad, and other expenditure chargeable to the Consular Vote; certain special grants and payments, including a grant in aid; sundry services arising out of the War; and a loan to the European Commission of the Danube -	1,296,492	395,554
3. For a contribution towards the expenses of the League of Nations and for other expenses in connection therewith, including British Representation before the Permanent Court of International Justice - - - - -	163,400	—
Carried forward - £	1,639,140	502,810

SCHED. (B.)
PART 7.
Civil.
Class II.

SCHEDULE (B.)—PART 7—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	1,639,140	502,810
No. 4. For the salaries and expenses of the department of His Majesty's Secretary of State for Dominion Affairs - - - - -	53,618	4,410
5. For Sundry Dominion services, including certain grants in aid, and for expenditure in connection with ex-service men in the Irish Free State, and for a grant in aid to the Irish Free State in respect of compensation to transferred officers (including a supplementary sum of £33,000) - - - - -	695,455	13,956
6. In substitution for payments due from the Government of the Irish Free State - - - - -	2,295,224	—
7. For the expenses connected with Oversea Settlement, and expenses arising out of the Empire Settlement Act, 1922 (including a supplementary sum of £20,000) -	41,725	22,500
8. For the salaries and expenses of the department of His Majesty's Secretary of State for the Colonies	148,519	2,351
9. For sundry Colonial and Middle Eastern services under His Majesty's Secretary of State for the Colonies, including certain non-effective services and grants in aid	647,800	151,500
Carried forward - £	5,521,481	697,527

SCHEDULE (B.)—PART 7—*continued.*SCHED. (B.)
PART 7.
Civil.
Class II.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	5,521,481	697,527
No. 10. For a grant in aid of the Colonial Development Fund - - -	500,000	—
11. For a contribution towards the cost of the department of His Majesty's Secretary of State for India in Council, including a grant in aid and a grant in aid of the defence of India - - - - -	1,613,374	—
12. For certain salaries and expenses of the Imperial War Graves Commission, including purchase of land in the United Kingdom, and a grant in aid of the Imperial War Graves Commission Fund formed under Royal Charter, 21 May 1917, and a contribution towards an endowment fund - - -	516,171	—
TOTAL, CIVIL, CLASS II - £	8,151,026	697,527

SCHED. (B.)
PART 8.
Civil.
Class III.

SCHEDULE (B.)—PART 8.

CIVIL.—CLASS III.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1935, viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the salaries and expenses of the office of His Majesty's Secretary of State for the Home Department and subordinate offices, including liquidation expenses of the Royal Irish Constabulary and contributions towards the expenses of probation - - - - -	470,573	50,052
2. For the expenses of the maintenance of criminal lunatics in the Broadmoor Criminal Lunatic Asylum -	65,932	4,430
3. For the salaries of the Commissioner and Assistant Commissioners of the Metropolitan Police, and of the Receiver for the Metropolitan Police District; bonus to Metropolitan Police Magistrates; the contribution towards the expenses of the Metropolitan Police; the salaries and expenses of the Inspectors of Constabulary; and other grants in respect of Police Expenditure, including a grant in aid of the Police Federation, and a contribution towards the expenses of the International Criminal Police Commission (including a supplementary sum of £227,000) -	10,629,865	315
Carried forward - - -	£ 11,166,370	54,797

SCHEDULE (B.)—PART 8—*continued.*SCHED. (B.)
PART 8.
Civil.
Class III.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	11,166,370	54,797
No. 4. For the salaries and expenses of the office of the Prison Commissioners and of the prisons in England and Wales - - - - -	1,027,000	188,750
5. For grants in respect of the expenses of the managers of approved schools in England and Wales; the expenses of local authorities in respect of children and young persons committed to their care; and the expenses of the councils of counties and county boroughs in respect of remand homes - - -	220,650	12,000
6. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal as are not charged on the Consolidated Fund, including bonus on certain statutory salaries and a grant in aid, and the salaries and expenses of pensions appeals tribunals -	100	489,393
7. For the salaries and expenses connected with the County Courts, including bonus to County Court Judges - - - - -	100	751,848
8. For the salaries and expenses of the office of Land Registry - - -	100	191,450
9. For the salaries and expenses of the office of Public Trustee - - -	100	240,484
Carried forward - - - £	12,414,420	1,928,722

SCHED. (B.)
PART 8.
Civil.
Class III.

SCHEDULE (B.)—PART 8—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	12,414,420	1,928,722
No. 10. For the salaries and expenses of the law officers department; the salaries and expenses of the departments of His Majesty's Procurator-General and of the Solicitor for the Affairs of His Majesty's Treasury, and of the department of the Director of Public Prosecutions; the costs of prosecutions, of other legal proceedings, and of Parliamentary Agency - - - -	118,154	36,750
11. For certain miscellaneous legal expenses, for the salaries and expenses of arbitrators, &c., under the Acquisition of Land (Assessment of Compensation) Act, 1919, and for a grant in aid of the expenses of the Law Society -	40,508	6,950
12. For the salary and expenses of the Inspector of Constabulary; grants in respect of Police expenditure and a grant in aid of the Police Federation in Scotland (including a supplementary sum of £30,500) -	1,104,477	—
13. For the salaries and expenses of the Prisons Department for Scotland and of the prisons under their control, including the maintenance of criminal lunatics, defectives, and inmates of the State inebriate reformatory, and the preparation of judicial statistics - - -	121,839	12,660
Carried forward - - - £	13,799,398	1,985,082

SCHEDULE (B.)—PART 8—*continued.*SCHED. (B.)
PART 8.
Civil.
Class III.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	13,799,398	1,955,082
No. 14. For grants in respect of the expenses of the Managers of Approved Schools, and of the expenses of Education Authorities in Scotland in respect of Children and Young Persons committed to their care -	49,740	3,510
15. For the salaries and expenses of the office of the Scottish Land Court, including bonus to members of the Court - - - - -	8,595	390
16. For the salaries and expenses of the Lord Advocate's department, and other law charges, the salaries and expenses of the Courts of Law and Justice, and of pensions appeals tribunals in Scotland, and bonus on certain statutory salaries - - - - -	43,457	144,300
17. For the salaries and expenses of the offices in His Majesty's General Register House, Edinburgh - -	100	64,401
18. For the cost of certain Northern Ireland services, including expenditure in connection with ex-service officers and men in Northern Ireland, and bonus on certain statutory salaries - - - -	8,942	6,700
Carried forward - - - £	13,910,232	2,204,383

SCHED. (B.)
PART 8.
Civil.
Class III.

SCHEDULE (B.)—PART 8—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	13,910,232	2,204,383
No. 19. For such of the salaries and ex- penses of the Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland, and of the Land Registry of Northern Ireland, as are not charged on the Consolidated Fund, and other expenses - - -	18,465	30,020
20. For the salaries and expenses of the Land Purchase Commission, Northern Ireland, including the payment of land purchase annu- ties in Northern Ireland and the expenses of certain land purchase services in the Irish Free State reserved as an imperial liability -	2,367,108	270
TOTAL, CIVIL, CLASS III - £	16,295,805	2,234,673

SCHEDULE (B.)—PART 9.

SCHED. (B.)
PART 9.
Civil.
Class IV.

CIVIL.—CLASS IV.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1935, viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the salaries and expenses of the Board of Education, and of the various establishments connected therewith, including sundry grants in aid (including a supplementary sum of £1,506,000) - - -	43,610,018	5,151,800
2. For the salaries and other expenses of the British Museum, including a grant in aid (including a supplementary sum of £42,911) - - -	212,048	28,874
3. For the salaries and other expenses of the British Museum (Natural History), including a grant in aid	101,133	2,025
4. For the salaries and expenses of the Imperial War Museum, including a grant in aid of purchases - - -	10,995	750
5. For the salaries and expenses in respect of the London Museum, Lancaster House, including a grant in aid - - - -	5,575	1,040
6. For the salaries and expenses of the National Gallery and of the Tate Gallery, Millbank - - -	23,934	1,826
Carried forward - - - £	43,963,703	5,186,315

SCHED. (B.)
PART 9.
Civil.
Class IV.

SCHEDULE (B.)—PART 9—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	43,963,703	5,186,315
No. 7. For the salaries and expenses of the National Portrait Gallery, including a grant in aid for the purchase of portraits - - - - -	7,885	1,245
8. For the salaries and expenses of the Wallace Collection - - -	10,751	1,036
9. For sundry grants in aid of scientific investigation, &c., and other grants - - - - -	197,573	9,705
10. For grants in aid of the expenses of certain Universities, Colleges, Medical Schools, &c., in Great Britain, and for a grant in aid of the British Post Graduate Medical School - - - - -	1,920,000	—
11. For public education in Scotland, and for the Royal Scottish Museum, Edinburgh, including sundry grants in aid (including a supplementary sum of £206,250) -	6,913,185	718,666
12. For the salaries and expenses of the National Gallery, Scotland, the Scottish National Portrait Gallery, and the Museum of Antiquities, including certain grants in aid - - - - -	9,916	289
13. For the salaries and expenses of the National Library, Scotland, including a grant in aid - - -	1,709	5,017
14. For the salaries and other expenses of the National Maritime Museum	2,973	—
TOTAL, CIVIL, CLASS IV	£ 53,027,695	5,922,273

SCHEDULE (B.)—PART 10.

SCHED. (B.)
PART 10.
Civil.
Class V.

CIVIL.—CLASS V.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1935, viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the salaries and expenses of the Ministry of Health, including grants and other expenses in connection with Housing, certain grants to local authorities, &c., grants in aid in respect of benefits and expenses of administration under the National Health Insurance Acts, certain expenses in connection with the Widows', Orphans' and Old Age Contributory Pensions Acts, and other services (including a supplementary sum of £321,000) - - -	19,960,924	1,636,500
2. For the salaries and expenses of the Board of Control, including expenses under the Lunacy and Mental Treatment Acts and the Mental Deficiency Acts, and grants in respect of the maintenance of certain ex-service mental patients	140,747	25,828
3. For the salaries and expenses of the department of the Registrar-General of Births, &c. - - -	96,322	23,400
Carried forward - - - £	20,197,993	1,685,728

SCHED. (B.)
PART 10.
Civil.
Class V.

SCHEDULE (B.)—PART 10—*continued.*

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - - -	20,197,993	1,685,728
No.	4. For the salaries and expenses of the audit staff under the National Health Insurance Acts, 1924 to 1932 - - - - -	163,045	3,910
	5. For the salaries and expenses of the Registry of Friendly Societies -	45,856	5,350
	6. For the payment of Old Age Pensions, for certain administrative expenses in connection therewith, and for pensions under the Blind Persons Act, 1920 - - -	41,822,000	9,000
	7. For the Treasury Pensions Account in accordance with the provision of the Widows', Orphans' and Old Age Contributory Pensions Act, 1929 - - - - -	13,000,000	—
	8. For the salaries and expenses of the Ministry of Labour and Subordinate Departments, including sums payable by the Exchequer to the Unemployment Fund, grants to associations, local authorities and others under the Unemployment Insurance, Labour Exchanges and other Acts; expenses of the Industrial Court; contribution towards the expenses of the International Labour Organisation (League of Nations); expenses of training and removal of workers and their dependants; grants for assisting the voluntary provision of occupation for unemployed persons; and sundry services, including services arising out of the war - - - - -	65,404,000	7,822,000
	Carried forward - - - £	140,632,894	9,525,988

SCHEDULE (B.)—PART 10—*continued.*SCHED. (B.)
PART 10.
Civil.
Class V.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	140,632,894	9,525,988
No. 9. For grants to local authorities, &c., made prior to the 31st day of August 1929, towards employment schemes; and for grants in respect of schemes approved under Part II of the Development (Loan Guarantees and Grants) Act, 1929, including adjustments of grant in certain cases - - -	4,200,000	—
10. For the salaries and expenses of the Department of Health for Scotland, including grants and other expenses in connection with housing, certain grants to local authorities, &c., grant in aid of the Highlands and Islands medical service, grants in aid of benefits and expenses of administration under the National Health Insurance Acts; certain expenses in connection with the Widows', Orphans' and Old Age Contributory Pensions Acts, and other services (including a supplementary sum of £36,700) - - -	3,019,120	223,834
11. For the salaries and expenses of the General Board of Control for Scotland, including expenses under the Lunacy (Scotland) and Mental Deficiency (Scotland) Acts, and grants in respect of the maintenance of certain ex-service mental patients - - -	16,177	490
12. For the salaries and expenses of the department of the Registrar General of Births, &c., in Scotland -	15,652	1,700
TOTAL, CIVIL, CLASS V	£ 147,883,843	9,752,012

SCHED. (B.)
PART 11.
Civil.
Class VI.

SCHEDULE (B.)—PART 11.

CIVIL—CLASS VI.

SCHEDULE OF SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1935, viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments, including certain Services arising out of the War -	215,706	432,907
2. For the salaries and expenses of the Board of Trade under the Bankruptcy Acts, 1914 and 1926, and the Economy (Miscellaneous Provisions) Act, 1926 - - -	100	158,557
3. For the salaries and expenses of certain services transferred from the Mercantile Marine Fund and other services connected with the Mercantile Marine, including the Coastguard, General Register and Record Office of Shipping and Seamen and Merchant Seamen's Fund Pensions - - - -	349,723	210,701
4. For the salaries and expenses of the Department of Overseas Trade, including grants in aid of the Imperial Institute and the Travel and Industrial Development Association of Great Britain and Ireland - - - - -	370,580	149,360
Carried forward - - - £	936,109	951,525

SCHEDULE (B.)—PART 11—*continued.*SCHED. (B.)
PART 11.
Civil.
Class VI.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	936,109	951,525
No. 5. For guarantees in respect of exports of goods wholly or partly produced or manufactured in the United Kingdom and for the salaries and expenses of the Export Credits Guarantee Department - -	100	257,122
6. For the salaries and expenses of the Mines Department of the Board of Trade - - - - -	205,200	23,430
7. For the salaries and expenses of the office of Commissioners of Crown Lands, including bonus to Commissioner and Secretary -	32,300	—
8. For the salaries and expenses of the Ministry of Agriculture and Fisheries, and of the Royal Botanic Gardens, Kew, including grants and grants in aid in respect of agricultural education and research, eradication of diseases of animals, and fishery research; and grants, grants in aid, loans, and expenses in respect of improvement of breeding, &c., of live stock, land settlement, cultivation, improvement, drainage, &c., regulation of agricultural wages, agricultural credits, co-operation, and marketing, fishery development; also for loans for the purchase of herring drift nets and assistance in respect of expenditure on fitting-out herring drifters and sundry other services (including a supplementary sum of £11,930) - -	2,246,064	465,685
Carried forward - £	3,419,773	1,697,762

SCHED. (B.)
PART II.
Civil.
Class VI.

SCHEDULE (B.)—PART II—*continued.*

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - - -	3,419,773	1,697,762
No.	9. For a subsidy on sugar and molasses manufactured from beet grown in Great Britain - - - - -	3,300,000	—
	10. For the expenses of the survey of Great Britain and of minor services connected therewith -	153,835	106,295
	11. For a grant in aid of the Forestry Fund - - - - -	450,000	—
	12. For the salaries and expenses of the Ministry of Transport, under the Ministry of Transport Act, 1919; expenses of the Railway Rates Tribunal under the Railways Act, 1921; expenses under the London Traffic Act, 1924, the London Passenger Transport Act, 1933, and the Road and Rail Traffic Act, 1933; expenses in respect of advances under the Light Railways Act, 1896; expenses of maintaining Holyhead Harbour, the Caledonian Canal, Crinan Canal and Menai Bridge; advances to meet deficit in Ramsgate Harbour Fund - - - -	111,957	502,381
	Carried forward - £	7,435,565	2,306,438

SCHEDULE (B.)—PART 11—*continued.*SCHED. (B.)
PART 11.
Civil.
Class VI.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£'
Brought forward - -	7,435,565	2,306,438
No. 13. For a grant in aid of the Development Fund - - - -	490,000	—
14. For grants to public utility undertakings in Great Britain - -	950,000	—
15. For the salaries and expenses of the Department of Scientific and Industrial Research, including the Geological Survey of Great Britain and Museum of Practical Geology, and a grant in aid - - - -	576,290	167,607
16. For the salaries and expenses of the State Management Districts, including the salaries of the central office, and the cost of provision and management of licensed premises - - - -	100	518,900
17. For the salaries and expenses of the Department of Agriculture for Scotland, including grants for land improvement, agricultural education, research and marketing, loans to co-operative societies, a grant under the Agricultural Credits (Scotland) Act, 1929, and certain grants in aid - - - -	638,136	85,852
Carried forward - -	10,090,091	3,078,797

SCHED. (B.)
PART 11.
Civil.¹
Class VI.

SCHEDULE (B.)—PART 11—*continued.*

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - -	10,090,091	3,078,797
No.	18. For the salaries and expenses of the Fishery Board for Scotland, including expenses of marine superintendence, and a grant in aid of piers or quays, also for loans for the purchase of herring drift nets and assistance in respect of expenditure on fitting-out herring drifters (including a supplementary sum of £43,000) - -	172,887	16,658
	19. For payments in respect of milk used for manufacture in England and Wales and Northern Ireland, payments for improving the quality of the milk supply in England and Wales, and contributions towards certain expenses of the Milk Marketing Board in England and Wales - - - - -	1,556,500	—
	20. For payments in respect of milk used for manufacture in Scotland, payments for improving the quality of the milk supply in Scotland, and contributions towards certain expenses of milk marketing boards in Scotland - - - - -	317,000	—
	TOTAL, CIVIL, CLASS VI	£ 12,136,478	3,095,455

SCHEDULE (B.)—PART 12.

SCHED. (B.)
PART 12.
Civil.
Class VII.

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 1935, viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For expenditure in respect of Art and Science buildings, Great Britain (including a supplementary sum of £10) - - - - -	323,175	27,440
2. For expenditure in respect of Houses of Parliament buildings -	139,720	1,000
3. For expenditure in respect of Employment Exchange and Insurance buildings, Great Britain (including Ministries of Labour and Health and the Department of Health for Scotland) - -	686,800	5,140
4. For expenditure in respect of miscellaneous legal buildings, including the whole additional cost of a new Sheriff Court House at Edinburgh - - - - -	162,735	1,250
Carried forward - - - £	1,312,430	34,830

SCHED. (B.)
PART 12.
Civil.
Class VII.

SCHEDULE (B.)—PART 12—*continued.*

		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
Brought forward - - -		1,312,430	34,830
No.			
5.	For expenditure in respect of Osborne - - - - -	12,740	6,850
6.	For the salaries and expenses of the office of the Commissioners of His Majesty's Works and Public Buildings - - - - -	594,570	153,070
7.	For expenditure in respect of sundry public buildings in Great Britain, not provided for on other Votes, including Historic Buildings, Ancient Monuments, Brompton Cemetery and certain Housing Estates - - - - -	1,123,155	155,650
7A.	For the cost of erection of a Memorial to the memory of the late Field Marshal Earl Haig - - - - -	10,700	—
8.	For expenditure in respect of public buildings overseas - - - - -	95,290	12,000
9.	For expenditure in respect of royal palaces, including a grant in aid -	81,015	10,200
10.	For expenditure in respect of Customs and Excise, Inland Revenue, Post Office and Telegraph buildings in Great Britain, certain Post Offices abroad, and for certain expenses in connection with boats and launches belonging to the Customs and Excise Department - - - - -	1,336,275	24,780
Carried forward - - - £		4,566,175	397,380

SCHEDULE (B.)—PART 12—*continued.*SCHED. (B.)
PART 12.
Civil.
Class VII.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	4,566,175	397,380
No. 11. For expenditure in respect of royal parks and pleasure gardens - -	196,485	51,950
12. For rates and contributions in lieu of rates, &c., in respect of property in the occupation of the Crown for the Public Service, and for rates on buildings occupied by Representatives of British Dominions and of Foreign Powers; and to pay the salaries and expenses of the Rating of Government Property Department, and a grant in aid of the expenses of the London Fire Brigade - - - -	2,025,246	23,985
13. For stationery, printing, paper, binding, and printed books for the public service; to pay the salaries and expenses of the Stationery Office; and for sundry miscellaneous services, including reports of Parliamentary Debates - -	1,408,018	749,825
14. For the expense of constructing a new harbour of refuge at Peterhead - - - -	26,000	—
15. For expenditure in respect of public works and buildings in Ireland -	34,355	3,650
TOTAL, CIVIL, CLASS VII £	8,256,279	1,226,790

SCHED. (B.)
PART 13.
Civil.
Class VIII.

SCHEDULE (B.)—PART 13.

CIVIL.—CLASS VIII.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1935, viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For War pensions and allowances (including cost of treatment) to merchant seamen and fishermen and their dependants and the administrative expenses connected therewith - - - - -	302,721	—
2. For the salaries and expenses of the Ministry of Pensions, and for sundry contributions in respect of the administration of the Ministry of Pensions Act, 1916, the War Pensions Acts, 1915 to 1921, and sundry services -	43,100,000	14,500
3. For the expenses of pensions, compensation allowances and gratuities awarded to retired and disbanded members and staff of the Royal Irish Constabulary, and to widows and children of such members, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances and certain extra-statutory payments - -	1,578,055	—
4. For superannuation, compensation, compassionate and additional allowances and gratuities under sundry Statutes; compassionate allowances, gratuities, and supplementary pensions awarded by the Treasury and, under the Government of Ireland Act, 1920, by the Civil Service Committee -	1,722,079	364
TOTAL, CLASS VIII -	£ 46,702,855	14,864

SCHEDULE (B.)—PART 14.

SCHED. (B.)
PART 14.
Civil.
Class IX.

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 1935, viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For grants to local authorities in England and Wales, authorised by Part VI of the Local Government Act, 1929, and the Local Government (General Exchequer Contributions) Act, 1933 - - -	39,725,000	5,775,000
2. For grants to local authorities in Scotland authorised by the Local Government (Scotland) Act, 1929, and the Local Government (General Exchequer Contributions) Act, 1933 - - - - -	5,729,155	683,520
TOTAL, CLASS IX - £	45,454,155	6,458,520

SCHED. (B.)
PART 15.
Revenue
Depart-
ments, &c.

SCHEDULE (B.)—PART 15.

REVENUE DEPARTMENTS, &c.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several REVENUE DEPARTMENTS, &c., herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March, 1935, viz. :—

No.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. For the salaries and expenses of the Customs and Excise Department -	5,435,100	204,100
2. For the salaries and expenses of the Inland Revenue Department -	7,174,965	210,000
3. For the salaries and expenses of the Post Office, including Telegraphs and Telephones - - - -	60,463,000	2,536,348
TOTAL, REVENUE DEPARTMENTS -	£ 73,073,065	2,950,448

SCHEDULE (C.)—PART I.

SCHED. (C.)
PART I.
Navy
Services.
Section 5.

NAVY SERVICES, 1932, 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. Wages, &c., of Officers, Seamen, Boys and Royal Marines and Civilians employed on Fleet Services.	10,800 15 2	—	—	1,723 5 11
2. Victualling and Clothing -	—	52,467 11 11	145,836 5 10	—
3. Medical Establishments and Services.	—	951 11 6	20,422 19 2	—
4. Fleet Air Arm - - -	—	—	—	—
5. Educational Services - -	—	—	8,187 10 8	2,770 3 9
6. Scientific Services - -	—	7,179 4 5	27,830 13 9	—
7. Royal Naval Reserves - -	—	225 8 7	3,673 15 6	—
8. Shipbuilding, Repairs, Maintenance, &c.				
Section I.—Personnel -	—	—	56,935 18 2	5,332 15 0
Section II.—Matériel -	—	165,881 9 6	439,846 9 2	—
Section III.—Contract Work	232,028 17 2	3,819 14 10	—	—
9. Naval Armaments - - -	—	60,476 13 8	229,791 2 2	—
10. Works, Buildings and Repairs	62,998 10 0	65,451 11 5	—	—
11. Miscellaneous Effective Services.	—	—	67,936 17 11	11,284 0 3
12. Admiralty Office - - -	—	—	17,866 3 9	252 5 2
13. Non-effective Services (Naval and Marine)—Officers.	35,734 2 9	—	—	3,814 17 11
14. Non-effective Services (Naval and Marine)—Men.	19,811 10 8	—	—	5,757 11 1
15. Civil Superannuation, Compensation Allowances and Gratuities.	17,093 6 5	40 4 7	—	—
Balances Irrecoverable and Claims Abandoned.	2,455 4 11	—	—	—
	380,922 7 1	356,493 10 5	1,018,327 16 1	30,934 19 1
	Total Deficits : £737,415 17s. 6d.		Total Surpluses : £1,049,262 15s. 2d.	
	Net Surplus : £311,846 17s. 8d.			

SCHED. (C.)
PART II.
Army
Services.
Section 5.

SCHEDULE (C.)—PART II.

ARMY SERVICES, 1932, 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 -	2,672 5 9	—	—	33,222 13 9
2. Territorial Army and Reserve Forces.	—	6,337 4 4	55,429 7 3	—
3. Medical Services - - -	—	3,170 3 1	21,296 3 1	—
4. Educational Establishments -	22,380 5 1	11,066 19 5	—	—
5. Quarters and Movements -	—	—	28,153 18 9	55,810 4 3
6. Supplies, Road Transport and Remounts.	—	33,935 11 3	241,926 19 9	—
7. Clothing - - - -	—	43,011 16 4	61,265 8 5	—
8. General Stores - - -	—	39,886 8 7	132,806 12 5	—
9. Warlike Stores - - -	—	152,008 18 11	49,478 19 0	—
10. Works, Buildings and Lands	23,079 15 0	—	—	1,086 10 9
11. Miscellaneous Effective Ser- vices.	2,004 3 0	4,971 18 5	—	—
12. War Office - - - -	—	—	10,991 5 4	763 7 2
13. Half-pay, Retired Pay and other Non-Effective Charges for Officers.	—	9,153 6 5	51,930 3 5	—
14. Pensions and other Non- effective Charges for War- rant Officers, Non-commis- sioned Officers, men and others.	—	—	60,914 7 10	68,061 15 11
15. Civil Superannuation, Com- pensation and Gratuities.	7,254 2 2	—	—	93 10 11
Balances Irrecoverable and Claims Abandoned.	2,537 7 1	—	—	—
	59,927 18 1	303,542 6 9	714,193 5 3	159,038 2 9
	Total Deficits : £363,470 4s. 10d.		Total Surpluses : £873,231 8s. 0d.	
	Net Surplus : £509,761 3s. 2d.			

SCHEDULE (C.)—PART III.

SCHED. (C.)
PART III.
Air
Services.
Section 5.

AIR SERVICES, 1932, 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 Air Force.	—	6,974 6 5	70,117 8 4	—
2. Quarters-Stores (except Technical), Supplies and Transport.	—	15,207 9 9	134,420 10 9	—
3. Technical and Warlike Stores (including • Experimental and Research Services).	—	16,741 2 6	14,737 17 11	—
4. Works, Buildings and Lands	—	4,718 15 5	131,183 12 9	—
5. Medical Services - - -	—	—	6,140 0 2	2,661 15 9
6. Technical Training and Educational Services.	—	171 3 9	4,650 4 0	—
7. Auxiliary and Reserve Forces	5,950 9 3	31 2 9	—	—
8. Civil Aviation - - -	6,313 9 1	—	—	17,008 5 11
9. Meteorological Services -	—	528 17 0	8,526 19 4	—
Miscellaneous Effective Services.	—	—	10,466 10 3	413 4 8
10. Air Ministry - - -	—	—	6,421 10 4	1,022 1 4
11. Half-Pay, Pensions and other Non-effective Services.	9,555 9 0	—	—	1,300 17 6
Balances Irrecoverable and Claims Abandoned.	249 12 5	—	—	—
	22,068 19 9	44,372 17 7	386,664 13 10	22,406 5 2
	Total Deficits : £66,441 17s. 4d.		Total Surpluses : £409,070 19s. 0d.	
	Net Surplus : £342,629 1s. 8d.			

CHAPTER 45.

An Act to prohibit bodies corporate from purporting to act as solicitors.

[31st July 1934.]

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

Application
of penal
provisions
to body
corporate.

1.—(1) If any act is done by a body corporate or by any director, officer, or servant thereof, of such a nature or in such a manner as to be calculated to imply that the body corporate is qualified, or recognised by law as qualified, to act as a solicitor, the body corporate shall be liable on summary conviction to a fine not exceeding one hundred pounds for each such offence, and, in the case of an act done by a director, officer, or servant of the corporation, he also shall be liable on summary conviction to a fine not exceeding ten pounds for each such offence.

22 & 23
Geo. 5. c. 37.
23 & 24
Geo. 5. c. 21.

(2) For the removal of doubt it is hereby declared that in sections forty-five, forty-seven, forty-eight and forty-nine, and in subsection (1) of section fifty-one of the Solicitors Act 1932 and in sections thirty-six, thirty-seven and thirty-nine of the Solicitors (Scotland) Act 1933 (which provisions prohibit the doing of certain acts by and on behalf of unqualified practitioners) references to unqualified persons and references to persons include references to bodies corporate.

(3) Subsection (1) of this section shall not apply to Scotland.

Short title,
construc-
tion and
extent.

2.—(1) This Act may be cited as the Solicitors Act, 1934; and this Act, as it applies to England, and the Solicitors Acts 1932 and 1933 shall be construed as one and may be cited together as the Solicitors Acts 1932 to 1934; and this Act, as it applies to Scotland, and the Solicitors (Scotland) Act 1933 shall be construed as one and may be cited together as the Solicitors (Scotland) Acts 1933 and 1934.

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



CHAPTER 46.

An Act to amend the law with respect to customs
in the Isle of Man. [31st July 1934.]

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

1.—(1) The customs duty payable on arc lamp
carbons under section thirteen of the Act of 1926 shall, instead of being at the rate of one shilling per pound weight, be at the rate of five shillings per pound weight in the case of carbons exceeding fourteen millimetres in diameter and seven shillings and sixpence per pound weight in the case of other carbons.

Increase of
duty on arc
lamp
carbons.
16 & 17
Geo. 5. c. 27.

(2) This section shall be deemed to have had effect as from the eighth day of June nineteen hundred and thirty-four.

2.—(1) The customs duty payable on insulin and its salts under section thirteen of the Act of 1926 shall cease to be charged, and Part I of the first Act of 1932, as amended by any other enactment, shall have effect as if insulin and its salts were included in the First Schedule to that Act.

Repeal of
duty on
insulin.
22 & 23
Geo 5. c. 16.

(2) This section shall be deemed to have had effect as from the date on which the Finance Act, 1934, came into operation.

24 & 25
Geo. 5. c. 32.

3.—(1) There shall be payable on the removal or importation into the Isle of Man of patent leather not forming part of another article, and of goods composed wholly of patent leather, a duty of customs equal to fifteen per cent. of the value of the goods:

Duty on
patent
leather.

Provided that this section shall not apply to any goods which fall within some class or description of goods on which an additional duty is for the time being chargeable under section two of the second Act of 1932, as amended by any other enactment, if the

22 & 23
Geo. 5. c. 41.

aggregate amount of the additional duty and the general ad valorem duty exceeds fifteen per cent. of the value of the goods.

23 & 24
Geo. 5. c. 40. (2) Sections nine and ten of the Act of 1933 and any other enactment relating to those sections shall have effect as if the duty chargeable under this section were chargeable under the said section nine.

22 & 23
Geo. 5. c. 53. (3) The foregoing provisions of this section shall be deemed not to be in force at any time when the agreement between His Majesty's Government in the United Kingdom and His Majesty's Government in Canada, set out in Part I of the First Schedule to the Ottawa Agreements Act, 1932, is not in force within the meaning of that Act.

(4) This section shall be deemed to have had effect as from the eighth day of June, nineteen hundred and thirty-four.

Continuation of certain annual duties.

4. Subject as hereinafter provided, the duties of customs imposed on goods removed or imported into the Isle of Man, being goods of the descriptions set out in the first column of the following table, by the respective enactments set out in the second column of that table shall continue to be payable as from the first day of August, nineteen hundred and thirty-four, until the first day of August, nineteen hundred and thirty-five :—

TABLE.

Description of Goods.	Enactment imposing Duty.
Ale and beer - - - -	Section 8 of the second Act of 1932.
15 & 16 Geo. 5. c. 56. 17 & 18 Geo. 5. c. 20. 18 & 19 Geo. 5. c. 38. Cinematograph films - -	Section 6 of the Act of 1925, as amended by section 12 of the Act of 1927 and section 14 of the Act of 1928.
14 & 15 Geo. 5. c. 24. Cocoa - - - -	Section 4 of the Act of 1924.
Clocks and watches and component parts of clocks and watches.	Section 6 of the Act of 1925, as amended by section 5 of the Act of 1933.

Description of Goods.	Enactment imposing Duty.	
Hops and extracts, essences and other similar preparations (other than hop oil) made from hops.	Section 5 of the Act of 1925.	
Hop oil - - - - -	Section 3 of the Act of 1929.	20 & 21 Geo. 5. c. 1.
Matches - - - - -	Section 1 of the Act of 1933.	
Motor cars, including motor bicycles and motor tricycles, and their accessories and component parts.	Section 6 of the Act of 1925, as amended by section 6 of the Act of 1926 and section 11 of the Act of 1927.	
Musical instruments, including gramophones, pianolas and other similar instruments; and accessories and component parts of musical instruments, and records and other means of reproducing music.	Section 6 of the Act of 1925, as amended by section 5 of the Act of 1933.	
Silk and artificial silk and articles made wholly or in part of silk or artificial silk.	Section 7 of the Act of 1925, as amended by section 8 of the Act of 1926, section 9 of the second Act of 1932 and section 4 of the Act of 1933.	
Spirits - - - - -	Section 2 of the Act of 1930.	20 & 21 Geo. 5. c. 42.
Sweets - - - - -	Section 2 of the Act of 1929 as amended by section 3 of the Act of 1933.	
Tea - - - - -	Section 7 of the second Act of 1932.	
Tobacco - - - - -	Section 19 of the first Act of 1932.	
Wines - - - - -	Section 1 of the Act of 1927 as amended by section 8 of the Act of 1933.	

Provided that, where any enactment set out in the second column of the foregoing Table confers power on the Governor to make orders varying or repealing the duties of customs payable on the goods referred to in that enactment or imposing a new duty on such goods, the

provisions of that enactment relating to the said power shall continue in force until the said first day of August, nineteen hundred and thirty-five, and the foregoing provisions of this section shall have effect subject to any orders made in pursuance of any such power which are for the time being in force.

Provisions as to goods becoming or ceasing to be exempt from general ad valorem duty.

5.—(1) When any goods, being goods chargeable on their removal or importation into the Isle of Man with the general ad valorem duty and an additional duty, cease to be so chargeable with the general ad valorem duty, or ceased before the passing of this Act to be so chargeable with that duty, the order of the Governor directing the additional duty to be charged shall cease to have effect, or be deemed to have ceased to have effect, as the case may be, as respects those goods:

Provided that nothing in this subsection shall affect the provisions of subsection (4) of section nine of the Act of 1933.

(2) The power conferred on the Governor by subsection (3) of section one of the first Act of 1932 and by section one of the second Act of 1932 to make orders directing that goods shall be added to, or shall cease to be included in, the First Schedule to the first Act of 1932 shall include power to make such amendments in the said Schedule as are consequential on any such direction as aforesaid.

Amendment as to duties on Irish Free State goods.

6. Section nineteen of the Act of 1933 (which imposes duties on certain Irish Free State goods) shall have effect, and shall be deemed as from the sixteenth day of December nineteen hundred and thirty-three, to have had effect, as if Part I of the Fifth Schedule to that Act had been repealed and the Schedule to this Act had been substituted for the said Part I, and as if in paragraph 4 of Part II of the said Fifth Schedule the words "any goods" had been substituted for the words "cattle, sheep or lambs."

Short title.

7. This Act may be cited as the *Isle of Man (Customs) Act, 1934.*

SCHEDULE.

Section 6.

PROVISIONS TO BE SUBSTITUTED FOR PART I OF THE
FIFTH SCHEDULE TO THE ACT OF 1933.

Class or description of goods.	Rate of duty.	Period for which duty chargeable.
1. Live cattle :—		16th December, 1933, to 1st August, 1935.
(a) under 6 months old - -	£1 5s. per head -	
(b) 6 months old but under 15 months old.	£2 10s. per head -	
(c) 15 months old but under 2 years old.	£4 per head -	
(d) 2 years old and upwards not being cattle known as mincers.	£6 per head -	
(e) 2 years old and upwards being cattle known as mincers.	£3 per head -	
2. Live sheep and live lambs - -	10s. per head -	
3. Other animals - - - -	40 per cent. ad valorem.	
4. Meat :—		
(a) Mutton or lamb :—		
Carcases - - - -	10s. per carcass -	
Sides - - - -	5s. per side -	
Other kinds - - - -	40 per cent. ad valorem.	
(b) Pig's meat :—		
Carcases - - - -	Such a rate of duty as will amount to 16s. per cwt. or to 40 per cent. of the value of the goods whichever is the greater.	
Other kinds (not being bacon or ham).	40 per cent. ad valorem.	
(c) Beef and veal - - - -	} 40 per cent. ad valorem.	
Edible offals - - - -		
(d) Other Meat (not being bacon or ham).	30 per cent. ad valorem.	

Class or description of goods.	Rate of duty.	Period for which duty chargeable.
5. Poultry:—		
(a) Dead:—		
Fowls, ducks and geese -	1 <i>d.</i> per lb. - -	} 16th December, 1933, to 1st August, 1935.
Turkeys - - - -	4 <i>d.</i> per lb. - -	
Other kinds - - - -	30 per cent. ad valorem.	
(b) Live - - - -	30 per cent. ad valorem.	
6. Game, whether live or dead -	30 per cent. ad valorem.	

CHAPTER 47.

An Act to provide as respects Dominion Stocks an alternative to the third of the conditions prescribed by the Treasury under section two of the Colonial Stock Act, 1900.

[31st July 1934.]

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

Alternative to Treasury condition as respects Dominion Stocks. 63 & 64 Vict. c. 62.

1.—(1) The third of the conditions prescribed by the order of the Treasury dated the sixth day of December, nineteen hundred, and made under section two of the Colonial Stock Act, 1900 (which provides that certain stocks with respect to which prescribed conditions have been observed shall be trustee securities), shall be deemed to have been observed with respect to any stock issued by the Government of a Dominion if either the requirement therein specified has been complied with, or if—

(a) His Majesty's Government in the Dominion has undertaken that legislation which appears to His Majesty's Government in the United Kingdom to alter any of the provisions affecting

the stock to the injury of stockholders or to involve a departure from the original contract in regard to the stock, shall not be submitted for the Royal Assent except after agreement with His Majesty's Government in the United Kingdom, and that if attention is drawn to any such legislation as aforesaid after the passing thereof by the Parliament of the Dominion, His Majesty's Government in the Dominion will take the necessary steps to ensure such amendment as may be requested by His Majesty's Government in the United Kingdom; and

(b) that undertaking has been confirmed by an Act of the Parliament of the Dominion.

(2) In this Act the expression "Dominion" has the same meaning as in the Statute of Westminster, 1931.

22 & 23
Geo. 5. c. 4.

2. This Act may be cited as the Colonial Stock Act, 1934, and this Act and the Colonial Stock Acts, 1877 to 1900, may be cited together as the Colonial Stock Acts, 1877 to 1934.

Short title
and citation.

CHAPTER 48.

An Act to grant money for the purpose of certain local loans out of the Local Loans Fund, and for other purposes relating to local loans.

[31st July 1934.]

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

1.—(1) There may be issued by the National Debt Commissioners for the purposes of local loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole the sum of eighteen million pounds.

Grants for
public
works.

(2) The sums so issued shall be issued during a period ending on the day on which a further Act granting money for the purposes of those loans comes into operation and in accordance with the provisions of the National Debt and Local Loans Act, 1887.

50 & 51 Vict.
c. 16.

Certain
debts not
to be
reckoned
as assets of
local loans
fund.

2. Whereas it is expedient that the principal of the several local loans specified in the tables contained in Part I and Part II of the Schedule to this Act should, to the extent specified in the last column of those tables, not be reckoned as assets of the local loans fund established under the National Debt and Local Loans Act, 1887 :

Now, therefore, the principal of the said loans to the extent aforesaid shall be written off from the assets of the local loans fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

Remission
of arrears
of principal
and interest
in respect of
Eyemouth
Harbour
loan.

3. Whereas in pursuance of an agreement made in the year eighteen hundred and ninety-two the sum of ten thousand pounds was advanced by the Public Works Loan Commissioners to the Eyemouth Harbour Trustees on the security of the harbour revenues with the collateral security of the Fishery Board for Scotland :

1 Edw. 7.
c. 35.

And whereas by an arrangement confirmed by section three of the Public Works Loans Act, 1901, the liability of the Eyemouth Harbour Trustees in respect of the said loan was extinguished without prejudice to the liability of the Fishery Board for Scotland to repay the said loan, and, in consequence thereof, the said collateral security is the sole security for the repayment of the said loan :

And whereas the terms of the said collateral security are embodied in a memorandum of agreement between the Secretary for Scotland and the Public Works Loan Commissioners, dated the eleventh day of March, eighteen hundred and ninety-two, whereby a portion of the surplus herring brand fees as defined in clause three of the said memorandum was pledged in security for the repayment of the said loan with interest by the instalments and at the times mentioned in the security given by the Eyemouth Harbour Trustees for the said loan, and it was provided that the said portion of the surplus herring brand fees of any one year should only be

applicable to the repayment of the one-fiftieth part of principal and interest on outstanding principal falling due under the security for the said loan in the same year, and should not be applicable to the repayment of arrears of principal :

And whereas the said portion of the surplus herring brand fees so pledged as aforesaid was during the year ending the thirty-first day of March, nineteen hundred and thirty-three, and the year ending the thirty-first day of March, nineteen hundred and thirty-four, insufficient to discharge in full the instalments of principal with interest which fell due under the security for the said loan in those years, and the principal sum of four hundred pounds with interest amounting to one hundred and twenty-seven pounds four shillings, now remains unpaid, and under the terms of the said memorandum of agreement is irrecoverable :

Now, therefore, the said principal sum of four hundred pounds shall be extinguished, and the said arrears of interest amounting to one hundred and twenty-seven pounds four shillings shall be remitted.

4. This Act may be cited as the Public Works Loans Act, 1934. Short title.

SCHEDULE.

Section 2.

PART I.

LOAN BY THE PUBLIC WORKS LOAN COMMISSIONERS UNDER THE HARBOURS AND PASSING TOLLS, &C. ACT, 1861.

Name of Borrower.	Amount of Loan.	Amount to be written off.
Eyemouth Harbour Trustees - - -	£ 10,000	£ 400

PART II.

LOANS BY THE PUBLIC WORKS LOAN COMMISSIONERS
UNDER THE AGRICULTURAL CREDITS ACT, 1923.

Name of Borrower.	Amount of Loan.	Amount to be written off.
	£	£ s. d.
Mr. Peter Beekie - - - - -	510	26 13 3
Mr. William Bell, Junior - - - - -	7,905	1,841 4 0
Mr. Richard Thomas Bolt - - - - -	3,750	575 5 7
Mr. Thomas Bradridge - - - - -	3,637	899 16 6
Miss Clara Dows - - - - -	3,117	2,147 1 11
Mrs. Mary Steele Gilruth - - - - -	4,000	395 18 11
Mr. Septimus Hay - - - - -	2,520	932 16 3
Mr. John Hamilton Howell - - - - -	2,175	32 13 3
Mr. Robert Jack - - - - -	5,000	23 13 5
Mr. Wilfred Leonard Marsh - - - - -	6,750	1,041 2 11
Mr. James Miller - - - - -	4,000	536 14 11
Mr. Herbert William Nicholds - - - - -	2,512	858 15 9
Mr. Hugh Waterson - - - - -	2,700	140 0 0

CHAPTER 49.

An Act to enable effect to be given to a Convention for the Regulation of Whaling, signed at Geneva on behalf of His Majesty on the twenty-fourth day of September, nineteen hundred and thirty-one; to prohibit the taking or treating of whales within the coastal waters of the United Kingdom; and for purposes connected with the matters aforesaid. [31st July 1934.]

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

1. The provisions of this Act apply only in relation to whales known as whalebone whales or baleen whales:—

1. Provided that if, for the purpose of enabling effect to be given to any convention relating to other whales

Description of whales to which the Act applies.

which is signed on behalf of His Majesty after the commencement of this Act, it appears to His Majesty to be necessary so to do, His Majesty may by Order in Council direct that, subject to such exceptions, adaptations and modifications (if any) as may be specified in the Order, the provisions of this Act shall apply in relation to those other whales or to such descriptions thereof as may be so specified.

2. It shall be unlawful for any ship to be used within the coastal waters of the United Kingdom for taking or treating whales, and if any ship is so used, the master shall be liable 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.

Prohibition of catching or treating whales within United Kingdom waters.

3.—(1) If any person belonging to a British ship to which this Act applies, while outside the coastal waters of the United Kingdom, kills or takes, or attempts to kill or to take,—

Protection for certain classes of whales.

(a) a right whale, or

(b) an immature whale, or

(c) a female whale which is accompanied by a calf,

that person and the master and (subject to the following provisions of this Act) the owner and the charterer (if any) of the ship shall each be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding two hundred pounds and an additional fine not exceeding the value of the products (if any) obtained or obtainable from the whale in question, or to both such imprisonment and such fines.

(2) For the purposes of this section a whale of any description shall be deemed to be immature if it is of less than such length as may be prescribed in relation to whales of that description :

Provided that the length prescribed for the purposes of this section in relation to blue whales shall not be less than sixty feet, and the length so prescribed in relation to fin whales shall not be less than fifty feet.

(3) In this section —

(a) the expression “calf” includes a suckling whale;

- (b) the expression "right whale" means a whale known by any of the names set out in Part I of the Schedule to this Act;
- (c) the expression "blue whales" means whales known by any of the names set out in Part II of the Schedule to this Act;
- (d) the expression "fin whales" means whales known by any of the names set out in Part III of the Schedule to this Act.

Whaling ships and whale-oil factories to be licensed.

4.—(1) Without prejudice to the provisions of the last foregoing section, it shall be unlawful for any British ship to which this Act applies to be used outside the coastal waters of the United Kingdom for taking or treating whales, or for any factory situate in Great Britain to be used for treating whales, unless the owner or the charterer of the ship, or the occupier of the factory, is the holder of a licence in force under this Act authorising the ship or the factory, as the case may be, to be so used.

(2) If any ship or factory is used for taking or treating whales in contravention of this section, the master and (subject to the following provisions of this Act) the owner and the charterer (if any) of the ship, or the manager and (subject as aforesaid) the occupier of the factory, as the case may be, shall each be liable, in respect of each whale taken or treated in contravention of this section, to imprisonment for a term not exceeding three months, or to a fine not exceeding two hundred pounds and an additional fine not exceeding the value of the products (if any) obtained or obtainable from the whale, or to both such imprisonment and such fines.

Grant of licences

5.—(1) On application made in the prescribed manner by the owner or charterer of any British ship to which this Act applies, or by the occupier of any factory situate in Great Britain, and on payment of such fee as may be prescribed, the licensing authority shall, subject to the following provisions of this Act, grant to the applicant a licence in the prescribed form authorising that ship or factory to be used for taking whales or for treating whales, as the case may require.

(2) The fee prescribed in respect of the grant of a licence under this section shall not exceed—

(a) two hundred pounds in the case of a licence authorising the use of a ship or factory for treating whales; or

(b) one hundred pounds in the case of a licence authorising the use of a ship for taking whales.

(3) A licence granted under this section shall, unless previously cancelled under this Act, continue in force for one year from the day specified in the licence as the day on which it takes effect.

(4) The licensing authority may, if they think fit, refuse to grant a licence under this section to any person who has been convicted of an offence under this Act.

6.—(1) There shall be attached to every licence under this Act authorising the use of a ship for taking whales a condition that the remuneration of the gunners and crew of the ship must, so far as it is calculated by reference to the results of their work, be calculated by reference to the size, species, oil-yield and value of the whales taken, and in such manner as to exclude remuneration in respect of any whale which is of less than such length as may be prescribed for the purposes of this section, or the taking of which is prohibited by this Act.

Conditions
attached to
licences.

(2) There shall be attached to every licence under this Act authorising the use of a ship or factory for treating whales, the following conditions, that is to say:—

(a) that there must be recorded in the prescribed manner and by the prescribed person—

(i) with respect to each whale treated in the ship or factory, the date and place of taking, the species and the sex of the whale, and such measurements and other biological information (including information as to the contents of its internal organs) as may be prescribed; and

(ii) the prescribed particulars as to the number of whales treated in the ship or factory, and as to the yield of oil of different grades, and the quantities of meal, guano and

other products derived, from those whales;
and

- (b) that the ship or factory must be equipped with plant of a type approved by the licensing authority for the extraction of oil from the blubber, flesh and bones of whales, and that steps must be taken to ensure that the plant is kept in good order and operated efficiently; and
- (c) that, except in the case of a whale or part of a whale intended to be used for human food, the oil must be extracted, by boiling or otherwise, from all whale blubber, from the heads and tongues of whales and from their tails as far forward as the outer opening of the lower intestine; and
- (d) in the case of a factory, that adequate arrangements must be made for utilising residual products.

(3) There shall be attached to every licence under this Act the condition that the records required by the licence to be kept must be transmitted, at such times and in such manner as may be prescribed, to the licensing authority.

(4) There may be attached to any licence under this Act such conditions (if any), in addition to the conditions required by the foregoing provisions of this section, as appear to the licensing authority to be necessary or expedient for the purpose of preventing, so far as practicable,—

- (a) any wastage of whales or whale products; or
- (b) the taking of whales during certain seasons;

and any conditions attached to such a licence as aforesaid for the purpose of preventing the taking of whales during certain seasons, may specify different seasons in relation to different parts of the world or different descriptions of whales.

(5) Notwithstanding anything in the foregoing provisions of this section, no condition involving the substitution of one type of plant for another shall be attached to a licence under this section unless at least twelve months' notice of the intention to impose the condition has been given by the licensing authority in

such manner as that authority think best for informing persons concerned.

(6) The licensing authority may refuse to grant a licence under this Act in respect of a ship or factory until the authority are satisfied, from an inspection of the ship or factory or by such other evidence as they may require, that any condition affecting the structure or equipment of the ship or factory which it is proposed to attach to the licence has been complied with.

(7) If any condition attached to a licence under this Act is contravened or not complied with, then, in the case of a licence granted in respect of a ship, the master and (subject to the following provisions of this Act) the owner and the charterer, if any, of the ship, or, in the case of a licence granted in respect of a factory, the manager and (subject as aforesaid) the occupier of the factory, shall each be liable to imprisonment for a term not exceeding three months, or to a fine not exceeding two hundred pounds, or to both such imprisonment and such fine; and the court by whom the offender is convicted may, if the court think fit, cancel any licence granted under this Act to the offender, being a licence which is for the time being in force in respect of the ship or factory, as the case may be, and that licence shall thereupon cease to be in force.

(8) Without prejudice to the provisions of the last foregoing subsection, if any person fails to keep any record in accordance with the conditions attached to a licence under this Act or knowingly makes in any record which he is required by such conditions to keep, a statement false in any material particular, he shall be liable 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.

7.—(1) Notwithstanding anything in this Act, the Board of Trade may grant to any person a special permit authorising that person to kill, take and treat whales for purposes of scientific research or for other exceptional purposes, subject to such restrictions as to number, and subject to such other conditions, as the Board think fit, and the killing, taking or treating of whales in accordance with a permit in force under this section shall be exempt from the operation of the foregoing provisions of this Act.

Permits to take and treat whales for scientific purposes.

(2) The Board of Trade may at any time revoke a permit granted by them under this section.

Powers of
whale
fishery
inspectors.

8.—(1) For the purpose of enforcing the provisions of this Act, a whale fishery inspector, on producing on demand evidence of the fact that he is such an inspector,—

- (a) may board or enter any ship or factory which he has reason to believe is used for taking or for treating whales, and inspect the ship or factory and its plant and equipment; and
- (b) may, in the case of such a ship as aforesaid, require the master and crew, or any of them, or in the case of such a factory as aforesaid, require the occupier or manager thereof and the employees therein or any of them, to produce all such licences, records and other documents as the inspector considers it necessary to inspect, and to answer all such inquiries as he considers it necessary to make; and
- (c) may take copies of, or extracts from, any documents produced to him.

(2) Any whale fishery inspector specially authorised in writing in that behalf by the Board of Trade may go on board any British ship to which this Act applies which is used for treating whales, and shall, during such period as may be specified in his authority, be entitled to remain on board the ship, to be provided with subsistence and accommodation therein and to be present at all operations in connection with the treating of whales on board the ship.

A whale fishery inspector shall, in respect of each day during which he is provided in pursuance of this subsection with subsistence and accommodation on board a ship, pay to the master of the ship such sum as may be prescribed by regulations made by the licensing authority with the approval of the Treasury.

(3) Every person who refuses to produce to a whale fishery inspector any document which he is required under this section to produce, or refuses to answer, or answers falsely, any inquiry duly made of him by such an inspector, or otherwise obstructs, or refuses facilities to, such an inspector in the discharge of his functions under this section, shall be liable to a fine not exceeding one hundred pounds.

(4) In this section the expression "whale fishery inspector" means—

- (a) any person appointed by, or under the authority of, the Board of Trade to be such an inspector;
- (b) any commissioned officer of any of His Majesty's ships on full pay. •

9.—(1) If any person with intent to deceive—

- (a) forges or uses, or lends to or allows to be used by any other person, a licence or permit under this Act, or forges an entry in any record kept under this Act; or
- (b) makes or has in his possession any document so closely resembling a licence or permit under this Act as to be calculated to deceive;

Forgery of documents.

he shall be liable 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.

(2) For the purposes of this section, in its application to England and Northern Ireland, the expression "forges" has the same meaning as in the Forgery Act, 1913.

3 & 4 Geo. 5.
c. 27.

10.—(1) In any proceedings taken by virtue of this Act against the owner or charterer of a ship or against the occupier of a factory in respect of any act or omission on the part of another person, it shall be a good defence for the owner, charterer or occupier, as the case may be, to prove that the act or omission took place without his knowledge or connivance and was not facilitated by any negligence on his part.

Legal proceedings.

(2) Proceedings in respect of offences under this Act may be taken in manner provided by the Summary Jurisdiction Acts :

Provided that, notwithstanding anything to the contrary in those Acts, proceedings taken by virtue of this Act against any person for an offence committed at sea, may be commenced at any time within six months from the date on which that person first lands in the United Kingdom after the commission of the offence.

(3) In any proceedings a document purporting to be a licence or permit granted under this Act shall, until

the contrary is proved, be presumed to be such a licence or permit, as the case may be.

(4) Proceedings against any person for the purposes of this Act may be taken before the court having jurisdiction in the place where that person is for the time being.

Application to non-British ships registered in colonies &c.

11. His Majesty may by Order in Council direct that any provision of this Act which is expressed to apply only to British ships shall, subject to such exceptions, adaptations or modifications (if any) as may be specified in the Order, apply also to other ships, being ships registered in, or licensed under the law of, any colony or British protectorate, or any territory in respect of which a mandate on behalf of the League of Nations has been accepted by His Majesty and is being exercised by His Majesty's Government in the United Kingdom.

Exemption of whaling operations carried on in coastal waters of certain British possessions, &c.

12. His Majesty may by Order in Council direct that subject to such conditions, if any, as may be specified in the Order, any of the foregoing provisions of this Act which restricts the taking or killing of whales or the use of ships shall not apply in relation to anything done within the coastal waters of—

(a) a country or part of His Majesty's dominions to which this Act may be extended by virtue of the next following section, or

(b) a British protected state,

if there is in force, as respects those coastal waters, a provision of the local law which appears to His Majesty substantially to correspond with the aforesaid provision of this Act.

Extension to British possessions, &c.

13.—(1) His Majesty may by Order in Council direct that the provisions of this Act shall extend, with such exceptions, adaptations or modifications, if any, as may be specified in the Order, to the Isle of Man, any of the Channel Islands, Newfoundland or any colony.

53 & 54
Vict. c. 37.

(2) The Foreign Jurisdiction Act, 1890, shall have effect as if the provisions of this Act were included among the enactments which, by virtue of section five of that Act, may be extended by Order in Council to foreign countries in which for the time being His Majesty has jurisdiction.

14.—(1) The Board of Trade may make arrangements whereby licences and permits which the Board are authorised to grant under this Act are issued and revoked on behalf, and in the name, of the Board by officers of the Ministry of Agriculture and Fisheries, by officers of the Fishery Board for Scotland and by such other persons, and at such places within or outside the United Kingdom, as the Board of Trade may determine, and any licence or permit issued or revoked in pursuance of such arrangements shall be deemed for the purposes of this Act to be a licence or permit, as the case may be, granted or revoked by the Board of Trade.

Exercise of Board of Trade's powers by other persons.

(2) Anything required or authorised under this Act to be done by, to or before the Board of Trade may, subject to any arrangements in force under subsection (1) of this section, be done by, to or before the President of the Board, a secretary, under-secretary or assistant secretary of the Board, or any person authorised in that behalf by the President of the Board.

15.—(1) The provisions of any Act for the regulation of the whaling industry passed by the Parliament of a Dominion to which this section applies or by the Indian legislature shall, so far as those provisions purport to have extra-territorial operation as respects ships registered in that Dominion or in any territory administered by His Majesty's Government in that Dominion, or, as the case may be, in British India, be deemed to have such operation.

Powers of certain Dominions and India to legislate extra-territorially as respects their ships.

(2) The Dominions to which this section applies are the Commonwealth of Australia and the Dominion of New Zealand.

16. The expenses incurred for the purposes of this Act by the licensing authority or by the Minister of Agriculture and Fisheries, the Fishery Board for Scotland or any other person acting under the authority of the Board of Trade (including sums required to pay the remuneration and expenses of whale fishery inspectors) shall be defrayed out of moneys provided by Parliament; and all fees received under this Act by the licensing authority or by any such other authority or person as is mentioned in the foregoing provisions of this section, and (subject to the provisions of section five of the

Expenses, and application of fees and fines.

4 & 5 Geo. 5. Criminal Justice Administration Act, 1914, and of any
c. 58. corresponding enactment of the Parliament of Northern
Ireland) all fines recovered by virtue of this Act, shall
be paid into the Exchequer of the United Kingdom.

Interpreta-
tion, and
saving for
certain
enactments.

17.—(1) In this Act the following expressions have
the meanings hereby respectively assigned to them, that
is to say:—

“British ship to which this Act applies” means a
British ship which is not registered in—

(a) any of the following Dominions, that
is to say, the Dominion of Canada, the
Commonwealth of Australia, the Dominion
of New Zealand, the Union of South Africa,
and the Irish Free State ; or

(b) a territory administered by His
Majesty’s Government in any of the Domin-
ions aforesaid ; or

(c) India :

“coastal waters” means, in relation to any country
or territory, waters within a distance of three
nautical miles from any point on the coast of
any part of that country or territory, as the
case may be, measured from low water mark of
ordinary spring tides :

“factory” does not include a ship :

“the licensing authority” means—

(a) in relation to a factory situate in
England, the Minister of Agriculture and
Fisheries ; or

(b) in relation to a factory situate in
Scotland, the authority having power to
grant licences under the Whale Fisheries
(Scotland) Act, 1907 ; or

(c) in relation to a ship, the Board of
Trade :

“master,” in relation to any ship, includes the
person for the time being in command or charge
of the ship and, in relation to a ship used for
treating whales, includes the person for the
time being in charge of the operations on board
the ship in connection with such treatment :

7 Edw. 7.
c. 41.

“prescribed” means prescribed by regulations of the licensing authority:

“ship” has the same meaning as in the Merchant Shipping Act, 1894. 57 & 58 Vict.
c. 60.

(2) The provisions of this Act shall be without prejudice to the provisions of the Whale Fisheries (Scotland) Acts, 1907 and 1922, and of the Whale Fisheries (Ireland) Act, 1908. 8 Edw. 7.
c. 31.

18.—(1) Regulations prescribing lengths of whales for the purposes of any of the provisions of this Act, may also prescribe the manner in which the lengths are to be measured. Incidental
provision as
to regula-
tions and
orders.

(2) Regulations of the Board of Trade shall not be made for the purposes of this Act except after consultation between the Board of Trade, on the one hand, and the Minister of Agriculture and Fisheries and the Secretary of State for Scotland, on the other hand.

(3) Any Order in Council made under the foregoing provisions of this Act may be varied or revoked by a subsequent Order in Council.

19.—(1) This Act may be cited as the Whaling Industry (Regulation) Act, 1934. Short title
and com-
mencement.

(2) This Act shall come into operation on such date as His Majesty may by Order in Council appoint.

SCHEDULE.

Section 3.

NAMES OF WHALES.

PART I.

Right Whales.

Atlantic right whale.	North Atlantic right whale.
Arctic right whale.	North Cape whale.
Biscayan right whale.	Pacific right whale.
Bowhead.	Pigmy right whale.
Greenland right whale.	Southern pigmy right whale.
Greenland whale.	Southern right whale.
Nordkaper.	

PART II.

Blue Whales.

Blue whale.	Sulphur bottom.
Sibbald's rorqual.	

PART III.

Fin Whales.

Common finback.	Fin whale.
Common finner.	Herring whale.
Common rorqual.	Razorback.
Finback.	True fin whale.

CHAPTER 50.

An Act to amend the Road Traffic Act, 1930, and section thirty-four of the Road and Rail Traffic Act, 1933, and for purposes incidental thereto. [31st July 1934.]

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

PART I.

REGULATION OF MOTOR VEHICLES.

General speed limit of thirty miles per hour in built up areas.

1.—(1) Subject to the provisions of this Act, it shall not be lawful for any person to drive a motor vehicle on a road in a built up area at a speed exceeding thirty miles per hour.

For the purposes of this Act a length of road shall be deemed to be a road in a built up area—

- (a) if a system of street lighting furnished by means of lamps placed not more than two hundred yards apart is provided thereon, unless a direction that it shall be deemed not to be a road in a built up area is in force under this section; or

(b) if a direction that it shall be deemed to be a road in a built up area is in force under this section;

PART I.
—cont.

and not otherwise.

(2) If any person acts in contravention of the foregoing subsection he shall be deemed to be guilty of an offence under section ten of the Road Traffic Act, 1930 (in this Act referred to as the principal Act).

20 & 21
Geo. 5 c. 43.

(3) The Minister may by order increase or reduce the rate of speed fixed by subsection (1) of this section (either as originally enacted or as varied by an order under this subsection) as the limit of speed to be observed under this section:

Provided that an order under this subsection shall be of no effect unless and until it has been approved by a resolution passed by each House of Parliament.

(4) A direction that a length of road shall be deemed not to be a road in a built up area notwithstanding that such a system of lighting as aforesaid is provided thereon, or that a length of road shall be deemed to be a road in a built up area notwithstanding that such a system of lighting as aforesaid is not provided thereon, may be given—

(a) as respects any length of road elsewhere than in the London Traffic Area as constituted by the London Traffic Act, 1924, by the local authority, by means of an order made by them after giving public notice of their intention to make an order under this subsection and after consultation with the chief officer of police and with the consent of the Minister;

14 & 15
Geo. 5. c. 34.

(b) as respects any length of road in the said London Traffic Area, by means of an order made by the Minister after giving public notice of his intention to make an order under this subsection and after consultation with the London and Home Counties Traffic Advisory Committee;

and a direction so given may be revoked by a subsequent order made in the like manner.

(5) If the Minister is satisfied that the local authority have failed to give a direction that a length of road shall be deemed not to be a road in a built up area in

PART I.
—cont.

a case in which such a direction ought to have been given, or have failed to revoke a direction that a length of road shall be deemed to be a road in a built up area in a case in which the direction ought to have been revoked, he may make an order giving or revoking the direction, as the case may be :

Provided that, before exercising his powers under this subsection, the Minister shall give to the local authority notice of his intention of exercising those powers and, if within such period as may be specified in the notice the local authority represent to him that the direction ought not to be given, or ought not to be revoked, as the case may be, he shall hold a local inquiry, and the provisions of section forty-seven of the Road and Rail Traffic Act, 1933, shall apply in relation to the inquiry as if it were an inquiry held for the purposes of that Act.

23 & 24
Geo. 5. c. 53.

(6) A direction given by an order under the last foregoing subsection may be revoked by a subsequent order made in the like manner.

(7) It shall be the duty of the local authority—

(a) to erect and maintain the prescribed traffic signs in such positions as may be requisite in order to give effect to general or other directions given by the Minister for the purpose of securing that adequate guidance is given to drivers of motor vehicles as to the places where a length of road begins, and ceases, to be a road in a built up area, or as to a direction being in force as respects a length of road that it shall be deemed to be, or not to be, a road in a built up area; and

(b) to alter or remove traffic signs as may be requisite in order to give effect to such directions as aforesaid, either in consequence of the making of an order by the Minister under subsection (5) of this section or otherwise;

and if the local authority make default in executing any works required for the performance of the duty imposed upon them by this subsection, the Minister may himself

execute the works and recover summarily as a civil debt from the local authority the expenses incurred by him in so doing.

PART I.
—cont.

(8) The power conferred on the Minister by subsection (2) of section forty-eight of the principal Act to prescribe the size, colour, and type of traffic signs shall include power to make regulations providing for the illumination of traffic signs to be erected under this section, or for the attachment of reflectors thereto.

(9) In this section the expression “local authority” means, as respects any length of road in the following areas, the following authorities respectively, that is to say, in the administrative county of London as regards the city of London the common council of the city of London and as regards a metropolitan borough the council thereof, in a county borough, in a non-county borough possessing a separate police force or having a population according to the last published census of over twenty thousand, and in an urban district having such a population as aforesaid, the council thereof, and elsewhere the council of the county.

(10) This section shall continue in force until the thirty-first day of December, nineteen hundred and thirty-nine, and no longer, unless Parliament otherwise determines:

Provided that on the expiration of this section subsection (2) of section thirty-eight of the Interpretation Act, 1889, shall apply as if this section had been repealed by another enactment taking effect at the time of the expiration thereof.

52 & 53
Vict. c. 63.

2.—(1) The First Schedule to this Act shall be substituted for the First Schedule to the principal Act, and references to that Schedule in any enactment shall be construed accordingly.

Amend-
ments of
s. 10 of,
and First
Schedule
to, the
principal
Act.

(2) In subsection (1) of section ten of the principal Act the words “and if any person acts in contravention of this section he shall be guilty of an offence” shall cease to have effect, and after the said subsection (1) the following subsection shall be inserted:

“(1A) A person convicted of driving a motor vehicle on a road at a speed exceeding a speed limit imposed by or under any enactment shall in respect of that offence be liable on summary

PART I.
—cont.

conviction to a fine not exceeding twenty pounds, and in the case of a second or subsequent conviction to a fine not exceeding fifty pounds.

The provisions of this subsection shall have effect in substitution for any provision made by or under any other enactment relating to a speed limit for determining the punishment by way of fine or imprisonment to which a person convicted of driving a motor vehicle as aforesaid is to be liable in respect of that offence."

(3) The following subsections shall be substituted for subsections (2) and (3) of the said section ten :

"(2) A first or second conviction for driving a motor vehicle on a road at a speed exceeding a speed limit imposed by or under any enactment shall not render the person convicted liable to be disqualified for holding or obtaining a licence.

(3) A person prosecuted for driving a motor vehicle on a road at a speed exceeding a speed limit imposed by or under any enactment shall not be liable to be convicted solely on the evidence of one witness to the effect that in the opinion of the witness the person prosecuted was driving the vehicle at a speed exceeding that limit."

(4) The following proviso shall be substituted for proviso (a) to subsection (4) of the said section ten :—

"(a) the Minister shall not have power by regulation under this subsection to vary the speed limit imposed on motor vehicles by section one of the Road Traffic Act, 1934, as respects the driving thereof on a road in a built up area, or to impose on motor vehicles, in the case of which no speed limit is provided by the First Schedule to that Act, any speed limit as respects the driving thereof on a road not in a built up area; and "

(5) The references in subsections (5) and (6) of the said section ten to an offence under the said section, and the reference in subsection (6) thereof to an infringement of the provisions of the said section, shall be deemed to include references to driving a motor vehicle on a road at a speed exceeding a speed limit imposed by or under any enactment.

3. The provisions of any enactment, or of any statutory rule or order, imposing a speed limit on motor vehicles shall not apply to any vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes, if the observance of those provisions would be likely to hinder the use of the vehicle for the purpose for which it is being used on that occasion.

PART I.
—cont.
Exemption
of fire
engines, &c.,
from speed
limits.

4. Two years shall be substituted for six months as the maximum term of imprisonment to which a person shall be liable on conviction on indictment for an offence under section eleven of the principal Act (which relates to reckless or dangerous driving).

Penalty for
reckless or
dangerous
driving.

5.—(1) The court before which a person is convicted of driving a motor vehicle on a road at a speed exceeding a speed limit imposed by or under any enactment, or of an offence under section twelve of the principal Act (which relates to careless driving), shall, unless for any special reason the court thinks fit to order otherwise, order particulars of the conviction to be endorsed on any licence to drive a motor vehicle granted under Part I of the principal Act held by the person convicted.

Exceeding
speed limits
and careless
driving
(endorse-
ment of
licence and
disqualifi-
cation).

(2) The following subsection shall be substituted for subsection (2) of the said section twelve:—

“(2) A first or second conviction for an offence under this section shall not render the offender liable to be disqualified for holding or obtaining a licence for a longer period than, in the case of a first conviction, one month, or, in the case of a second conviction, three months:

Provided that, where within the three years next before the date on which he is convicted for an offence under this section the offender has been convicted for an offence under section eleven of this Act, that conviction shall be treated for the purposes of this subsection as if it had been a conviction for an offence under this section.”

(3) The following subsection shall be substituted for subsection (5) of section eight of the principal Act:—

“(5) Where an order has been made in respect of a person under this Part of this Act, or the corresponding provisions of any Act repealed by this Act, requiring the endorsement of any licence

PART I.
—cont.

held by him, he shall be entitled, either on applying for the grant of a licence under this Part of this Act or, subject to a payment of a fee of five shillings and subject to surrender of any subsisting licence, on application at any time, to have issued to him a new licence free from endorsements—

- (a) if he has, during a continuous period of three years or upwards since the order was made, had no such order made against him, or no such order other than an order made more than one year before the date of his application and by reason only of a conviction for the offence of driving a motor vehicle at a speed exceeding a speed limit; or
- (b) where the order was made by reason only of such a conviction as aforesaid and immediately before the order was made he was the holder of, or was entitled to have issued to him, a licence free from any endorsement or free from any endorsement except of particulars in relation to such a conviction as aforesaid, if he has during a continuous period of one year or upwards since the order was made had no order requiring endorsement made against him :

Provided that in reckoning the said continuous periods of three years and one year respectively, any period during which the applicant was by virtue of the order disqualified for holding or obtaining a licence shall be excluded.”

Tests of competence to drive of new applicants for licences and of offenders ordered to be tested.

6.—(1) A licence to drive a motor vehicle shall not be granted under Part I of the principal Act to any applicant unless he satisfies the licensing authority that he has either—

- (a) at some time passed the prescribed test of competence to drive; or
- (b) at some time before the first day of April, nineteen hundred and thirty-four, held such a licence, or a driver's licence under the Motor Car Act, 1903, authorising him to drive vehicles of the class or description which he would be authorised by the licence applied for to drive.

(2) The provisions of subsection (3) of section five of the principal Act (which relates to the grant of provisional licences for the purpose of enabling persons to learn to drive a motor vehicle with a view to passing a test under that section) shall have effect as if the reference therein to a test included a reference to a test for the purposes of this section.

(3) The court before which a person is convicted of an offence under section eleven of the principal Act (which relates to reckless or dangerous driving), or under section twelve of the principal Act (which relates to careless driving), may, whether he has previously passed the prescribed test of competence to drive or not and whether or not the court makes an order under section six of the principal Act disqualifying him for holding or obtaining a licence to drive a motor vehicle, order him to be disqualified for holding or obtaining a licence to drive a motor vehicle until he has, since the date of the order, passed that test.

(4) The provisions of the principal Act which have effect where an order disqualifying a person for holding or obtaining a licence is made shall have effect in relation to a disqualification by virtue of an order under this section subject to the following modifications—

- (a) notwithstanding the provisions of subsection (6) of section four, or of subsection (4) of section seven, the person disqualified shall (unless he is disqualified for holding or obtaining a licence otherwise than by virtue of an order under this section) be entitled to obtain and to hold a provisional licence to be granted (where the person disqualified is the holder of a licence, by the licensing authority by which that licence was granted) under subsection (3) of section five of the principal Act, and to drive a motor vehicle in accordance with the conditions subject to which the provisional licence is granted;
- (b) subsection (3) of section seven (which relates to applications to the court to remove disqualifications) shall not apply, but the disqualification shall be deemed to have expired on production to the licensing authority of evidence in the

PART I.
—*cont.*

prescribed form that the person disqualified has, since the order was made, passed the prescribed test;

- (c) on the return to the person disqualified of any licence to drive a motor vehicle held by him, or on the issue to him of such a licence, there shall be added to the endorsed particulars of the disqualification a statement that the person disqualified has, since the order was made, passed the prescribed test.

(5) The Minister may make regulations with respect to the nature of tests of competence to drive for the purposes of this section, to the qualifications, selection and appointment of persons by whom they may be conducted and to the revocation of any appointment, to evidence of the results thereof and generally with respect thereto, and in particular, but without prejudice to the generality of the foregoing provisions, regulations made under this section may provide—

- (a) for requiring a person submitting himself for a test to provide a vehicle for the purposes thereof;
- (b) for requiring a person submitting himself for a test to pay to the person conducting the test such fee, not exceeding ten shillings, as may be specified in the regulations;
- (c) for ensuring that a person submitting himself for a test and failing to pass that test shall not be eligible to submit himself to another test by the same or any other person before the expiration of a prescribed period, except under an order made by a court of summary jurisdiction under the power conferred by the next succeeding subsection;

and different regulations may be made with respect to tests of competence to drive different classes or descriptions of vehicles.

(6) A court of summary jurisdiction acting for the petty sessional division in which a person who has submitted himself for a test of competence to drive resides shall have power on the application of that person to determine whether the test was properly conducted in accordance with the regulations, and, if it

appears to the court that the test was not so conducted, the court may order that the applicant shall be eligible to submit himself to another test before the expiration of the period prescribed for the purposes of paragraph (c) of the last foregoing subsection, and may order that any fee payable by the applicant in respect of the test shall not be paid or, if it has been paid, shall be repaid.

PART I.
—cont.

(7) The Minister may make regulations providing for dispensing, in the case of persons not resident in Great Britain, with the requirements of subsection (1) of this section.

(8) In this section the expression "licence to drive a motor vehicle" means a licence to drive a motor vehicle granted under Part I of the principal Act.

7.—(1) An order varying the periods of time prescribed in section nineteen of the principal Act (which relates to the time for which drivers of certain vehicles may remain continuously on duty) may be made under subsection (3) of the said section so as to have effect only as respects a particular class of public service vehicles, or only as respects public service vehicles when used in particular circumstances.

Amendment
of ss. (3) of
s. 19 of the
principal
Act.

(2) Where an application is made under the said subsection (3) as respects drivers of stage carriages when used either—

- (a) on regular services under a road service licence to which a condition requiring the observance of a timetable is attached; or
- (b) on regular services in respect of which no road service licence is required;

then, if it is shown to the satisfaction of the Industrial Court and the Minister that the conditions under which the services are operated are such as to secure that the periods deemed to be continuous periods for the purposes of the said section during which the vehicles are driven include times in which the drivers are able to obtain rest and refreshment, the Industrial Court, in advising on the application, and the Minister in giving his determination thereon, may have regard to those conditions.

PART I.

—cont.

Prohibition
of sale of
vehicles in,
or alteration
thereof to, a
condition
not comply-
ing with
regulations
as to con-
struction,
&c.

8.—(1) Subject to the provisions of this section it shall not be lawful to sell, or to supply, or to offer to sell or supply, a motor vehicle or trailer for delivery in such a condition that the use thereof on a road in that condition would be unlawful by virtue of the provisions of section three of the principal Act.

(2) Subject to the provisions of this section it shall not be lawful to alter a motor vehicle or trailer so as to render its condition such that the use thereof on a road in that condition would be unlawful by virtue of the provisions of the said section three.

(3) If a motor vehicle or trailer is sold, supplied, offered, or altered, in contravention of the provisions of this section, any person who so sells, supplies, offers, or alters it, or causes or permits it to be so sold, supplied, offered, or altered, shall be guilty of an offence.

(4) A person shall not be convicted for an offence under this section in respect of the sale, supply, offer, or alteration of a motor vehicle or trailer if he proves that it was sold, supplied, offered, or altered, as the case may be, for export from Great Britain, or that he had reasonable cause to believe that the vehicle or trailer would not be used on a road in Great Britain, or would not be so used until it had been put into a condition in which it might lawfully be so used.

Extension of
power to
regulate
use of
appliances
for
signalling
approach by
sound.

9. The power conferred on the Minister by section thirty of the principal Act to make regulations with respect to the use of appliances fitted to motor vehicles for signalling their approach shall extend to the making, in relation to appliances for signalling by sound, of different regulations as respects different times of the day or night and as respects roads in different localities, and of regulations prohibiting their use at any times, and on or in any roads or localities, specified in the regulations.

PART II.

AMENDMENTS AS TO PROVISION AGAINST THIRD-PARTY
RISKS.

Duty of
insurers
to satisfy

10.—(1) If, after a certificate of insurance has been delivered under subsection (5) of section thirty-six of the principal Act to the person by whom a policy has been

effected, judgment in respect of any such liability as is required to be covered by a policy under paragraph (b) of subsection (1) of section thirty-six of the principal Act (being a liability covered by the terms of the policy) is obtained against any person insured by the policy, then, notwithstanding that the insurer may be entitled to avoid or cancel, or may have avoided or cancelled, the policy, the insurer shall, subject to the provisions of this section, pay to the persons entitled to the benefit of the judgment any sum payable thereunder in respect of the liability, including any amount payable in respect of costs and any sum payable in respect of interest on that sum by virtue of any enactment relating to interest on judgments.

PART II.
—*cont.*
judgments
against
persons
insured in
respect of
third-party
risks.

(2) No sum shall be payable by an insurer under the foregoing provisions of this section—

- (a) in respect of any judgment, unless before or within seven days after the commencement of the proceedings in which the judgment was given, the insurer had notice of the bringing of the proceedings; or
- (b) in respect of any judgment, so long as execution thereon is stayed pending an appeal; or
- (c) in connection with any liability, if before the happening of the event which was the cause of the death or bodily injury giving rise to the liability, the policy was cancelled by mutual consent or by virtue of any provision contained therein, and either—

(i) before the happening of the said event the certificate was surrendered to the insurer, or the person to whom the certificate was delivered made a statutory declaration stating that the certificate had been lost or destroyed, or

(ii) after the happening of the said event, but before the expiration of a period of fourteen days from the taking effect of the cancellation of the policy, the certificate was surrendered to the insurer, or the person to whom the certificate was delivered made such a statutory declaration as aforesaid, or

PART II.
—cont.

(iii) either before or after the happening of the said event, but within the said period of fourteen days, the insurer has commenced proceedings under this Part of this Act in respect of the failure to surrender the certificate.

(3) No sum shall be payable by an insurer under the foregoing provisions of this section, if, in an action commenced before, or within three months after, the commencement of the proceedings in which the judgment was given, he has obtained a declaration that, apart from any provision contained in the policy, he is entitled to avoid it on the ground that it was obtained by the non-disclosure of a material fact, or by a representation of fact which was false in some material particular, or, if he has avoided the policy on that ground, that he was entitled so to do apart from any provision contained in it:

Provided that an insurer who has obtained such a declaration as aforesaid in an action shall not thereby become entitled to the benefit of this subsection as respects any judgment obtained in proceedings commenced before the commencement of that action, unless before or within seven days after the commencement of that action he has given notice thereof to the person who is the plaintiff in the said proceedings specifying the non-disclosure or false representation on which he proposes to rely, and any person to whom notice of such an action is so given shall be entitled, if he thinks fit, to be made a party thereto.

(4) If the amount which an insurer becomes liable under this section to pay in respect of a liability of a person insured by a policy exceeds the amount for which he would, apart from the provisions of this section, be liable under the policy in respect of that liability, he shall be entitled to recover the excess from that person.

(5) In this section the expression "material" means of such a nature as to influence the judgment of a prudent insurer in determining whether he will take the risk, and, if so, at what premium and on what conditions, and the expression "liability covered by the terms of the policy" means a liability which is covered by the policy or which would be so covered but for the fact that the insurer is entitled to avoid or cancel, or has avoided or cancelled, the policy.

PART II.
—cont.

(6) In this Part of this Act references to a certificate of insurance in any provision relating to the surrender, or the loss or destruction, of a certificate of insurance shall, in relation to policies under which more than one certificate is issued, be construed as references to all the certificates, and shall, where any copy has been issued of any certificate, be construed as including a reference to that copy.

11. Where a certificate of insurance has been delivered under subsection (5) of section thirty-six of the principal Act to the person by whom a policy has been effected, the happening in relation to any person insured by the policy of any such event as is mentioned in subsection (1), or subsection (2), of section one of the Third Parties (Rights against Insurers) Act, 1930, shall, notwithstanding anything in that Act, not affect any such liability of that person as is required to be covered by a policy under paragraph (b) of subsection (1) of section thirty-six of the principal Act, but nothing in this section shall affect any rights against the insurer conferred by that Act on the person to whom the liability was incurred.

Bankruptcy
&c. of insured persons
not to affect certain
claims by
third parties.
20 & 21
Geo. 5. c. 25.

12. Where a certificate of insurance has been delivered under subsection (5) of section thirty-six of the principal Act to the person by whom a policy has been effected, so much of the policy as purports to restrict the insurance of the persons insured thereby by reference to any of the following matters:—

Avoidance
of restrictions
on scope of
policies
covering
third-party
risks.

- (a) the age or physical or mental condition of persons driving the vehicle; or
- (b) the condition of the vehicle; or
- (c) the number of persons that the vehicle carries; or
- (d) the weight or physical characteristics of the goods that the vehicle carries; or
- (e) the times at which or the areas within which the vehicle is used; or
- (f) the horse power or value of the vehicle; or
- (g) the carrying on the vehicle of any particular apparatus; or

PART II.
—cont.
10 & 11
Geo. 5. c. 72.

(h) the carrying on the vehicle of any particular means of identification other than any means of identification required to be carried by or under the Roads Act, 1920;

shall, as respects such liabilities as are required to be covered by a policy under paragraph (b) of subsection (1) of section thirty-six of the principal Act, be of no effect:

Provided that nothing in this section shall require an insurer to pay any sum in respect of the liability of any person otherwise than in or towards the discharge of that liability, and any sum paid by an insurer in or towards the discharge of any liability of any person which is covered by the policy by virtue only of this section shall be recoverable by the insurer from that person.

Duty of
persons
against
whom
claims are
made to
give inform-
ation as to
insurance.

13.—(1) Any person against whom a claim is made in respect of any such liability as is required to be covered by a policy under paragraph (b) of subsection (1) of section thirty-six of the principal Act shall, on demand by or on behalf of the person making the claim, state whether or not he was insured in respect of that liability by any policy having effect for the purposes of Part II of the principal Act, or would have been so insured if the insurer had not avoided or cancelled the policy, and, if he was or would have been so insured, give such particulars with respect to that policy as were specified in the certificate of insurance delivered in respect thereof under subsection (5) of section thirty-six of the principal Act.

(2) If, without reasonable excuse, any person fails to comply with the provisions of this section, or wilfully makes any false statement in reply to any such demand as aforesaid, he shall be guilty of an offence.

Duty to
surrender
certificate
on cancella-
tion of
policy.

14. Where a certificate of insurance has been delivered under subsection (5) of section thirty-six of the principal Act to the person by whom a policy has been effected and the policy is cancelled by mutual consent or by virtue of any provision in the policy, the person to whom the certificate was delivered shall, within seven days from the taking effect of the cancellation, surrender the certificate to the insurer or, if it has been lost or destroyed, make a statutory declaration to that effect, and if he fails so to do he shall be guilty of an offence.

15. The foregoing provisions of this Part of this Act shall apply in relation to securities having effect for the purposes of Part II of the principal Act as they apply in relation to policies of insurance, and in relation to any such security as aforesaid, references in the said provisions to being insured, to a certificate of insurance, to an insurer, and to persons insured, shall be construed respectively as references to the having in force of the security, to the certificate of security, to the giver of the security, and to the persons whose liability is covered by the security.

PART II.
—cont.

Application of this Part to securities given under Part II of the principal Act.

16.—(1) Where medical or surgical treatment or examination is immediately required as a result of bodily injury (including fatal injury) to any person caused by, or arising out of, the use of a motor vehicle on a road, and the treatment or examination so required (in this section referred to as “emergency treatment”) is effected by a registered medical practitioner, the person who was using the vehicle at the time of the event out of which the bodily injury arose shall, on a claim being made in accordance with the provisions of the next succeeding section, pay to the practitioner, or, where emergency treatment is effected by more than one practitioner, to the practitioner by whom it is first effected—

Payments and insurance in respect of emergency treatment of injuries arising from the use of motor vehicles on roads.

- (a) a fee of twelve shillings and sixpence in respect of each person in whose case the emergency treatment is effected by him; and
- (b) a sum, in respect of any distance in excess of two miles which he must cover in order to proceed from the place whence he is summoned to the place where the emergency treatment is carried out by him and to return to the first-mentioned place, equal to sixpence for every complete mile and additional part of a mile of that distance.

(2) Where emergency treatment is first effected in a hospital (that is to say, an institution, not being an institution carried on for profit, which provides medical or surgical treatment for in-patients) the provisions of the foregoing subsection with respect to the payment of a fee shall, so far as applicable, have effect with the substitution of references to the hospital for references to a registered medical practitioner.

PART II.
—cont.

(3) Liability incurred under this section by the person using a vehicle shall, where the event out of which it arose was caused by the wrongful act of another person, be treated for the purposes of any claim to recover damage by reason of that wrongful act as damage sustained by the person using the vehicle.

(4) In paragraph (b) of subsection (1) of section thirty-six of the principal Act, the reference to liability in respect of death or bodily injury shall be deemed to include a reference to liability to make a payment under this section in respect of emergency treatment required as a result of bodily injury, and the proviso to that paragraph shall not have effect as respects liability to make a payment under this section.

Provisions
as to
claims for,
and supple-
mentary
provisions
as to,
payments
for
emergency
treatment.

17.—(1) A chief officer of police shall, if so requested by a person who alleges that he is entitled to claim a payment under the last foregoing section, furnish to that person any information at the disposal of the chief officer as to the identification marks of any motor vehicle which that person alleges to be a vehicle out of the use of which the bodily injury arose, and as to the identity and address of the person who was using the vehicle at the time of the event out of which it arose.

(2) A claim for a payment under the last foregoing section may be made at the time when the emergency treatment is effected, by oral request to the person who was using the vehicle, and if not so made must be made by request in writing served on him within seven days from the day on which the emergency treatment was effected.

(3) A request in writing must be signed by the claimant or, in the case of a hospital, by an executive officer thereof, must state the name and address of the claimant, the circumstances in which the emergency treatment was effected, and that it was first effected by the claimant, or, in the case of a hospital, in the hospital.

(4) A request in writing may be served by delivering it to the person who was using the vehicle, or by sending it in a pre-paid registered letter addressed to him at his usual or last-known address.

(5) A sum payable under the last foregoing section shall be recoverable as if it were a simple contract debt

due from the person who was using the vehicle to the practitioner or the hospital.

PART II.
—cont.

(6) A payment made under the last foregoing section to a practitioner or hospital shall operate as a discharge, to the extent of the amount paid, of any liability of the person who was using the vehicle, or of any other person, to pay any sum in respect of the expenses or remuneration of the practitioner or hospital of or for effecting the emergency treatment.

(7) A payment under the last foregoing section shall not be deemed to be a payment by an authorised insurer or owner for the purposes of subsection (2) of section thirty-six of the principal Act.

PART III.

AMENDMENT OF LAW RELATING TO HIGHWAYS.

18.—(1) Crossings for foot-passengers may be established on roads in accordance with the provisions of this section. Foot-passenger crossings.

(2) The Minister may make regulations with respect to the precedence of vehicles and foot-passengers respectively, and generally with respect to the movement of traffic (including foot-passengers), at and in the vicinity of a crossing (including regulations prohibiting foot-passenger traffic on the carriage-way within one hundred yards of a crossing), and with respect to the indication of the limits of a crossing by marks on the roadway or otherwise, and to the erection of traffic signs in connection therewith.

(3) Different regulations may be made under this section in relation to different traffic conditions and, in particular, but without prejudice to the generality of the foregoing words, different regulations may be made in relation to crossings in the vicinity of, and at a distance from, a junction of roads, and to traffic which is controlled by the police, and by traffic signals, and by different kinds of traffic signals, and which is not controlled.

(4) Within such period after the commencement of this section as the Minister may by order determine, the council of every borough, urban district and county

PART III.
—cont.

shall, after consultation with the chief officer of police and after giving public notice that they propose so to do, submit to the Minister either a scheme containing proposals for the establishment of crossings in the borough, or in the urban district, or in the rural districts in the county, as the case may be, or if it appears to them that the establishment of crossings in the borough, or in the urban district, or in any rural district in the county, as the case may be, is unnecessary, a statement of the reasons why they consider the establishment of crossings therein to be unnecessary, and in any case in which such a statement as aforesaid has been submitted the Minister may, if it appears to him that crossings ought to be established in the borough or district to which the statement relates and after giving to the council by whom the statement was submitted an opportunity of making representations, require the council to submit a scheme in relation thereto.

(5) A scheme submitted under the last foregoing subsection shall specify either the positions of the proposed crossings, or the lengths of road, or the areas, in which they are to be established and the number proposed for any length of road or area, and the Minister may, if he thinks fit, approve the scheme with or without modification.

(6) A scheme under this section may be varied from time to time, or may be revoked, by a subsequent scheme submitted and approved as aforesaid, or by an order made by the Minister after giving to the council by whom the scheme was submitted an opportunity of making representations.

(7) It shall be the duty of the council by whom a scheme was submitted to execute any works (including the placing, erection, maintenance, alteration, and removal of marks and traffic signs) required in connection with the establishment of crossings in accordance with the provisions of the scheme for the time being in force, or with the indication thereof in accordance with the regulations having effect as respects the crossings, or required in consequence of a variation or revocation of the scheme, and if the council make default in the execution of any such works, the Minister may execute the works and recover summarily as a civil debt from the council the expenses incurred by him in so doing.

(8) If any person contravenes any of the provisions of a regulation having effect as respects a crossing, he shall in respect of each offence be liable to a fine not exceeding such amount (being five pounds or less) as may be specified by regulations made under this section as the maximum fine in relation to a breach of that regulation.

(9) In this section the expression “crossing” means a crossing for foot-passengers established in accordance with the provisions for the time being in force of a scheme submitted and approved under this section and indicated in accordance with the regulations having effect as respects that crossing, and for the purposes of a prosecution for a contravention of any of the provisions of a regulation having effect as respects a crossing the crossing shall be deemed to be established and indicated as aforesaid unless the contrary is proved.

(10) This section, in its application to the London Traffic Area constituted under the London Traffic Act, 1924, shall have effect subject to such adaptations as may be specified in an order made by the Minister.

Any order made for the purposes of this subsection may be varied by a subsequent order and shall be laid before both Houses of Parliament as soon as may be after it is made, and shall not have effect until it has lain upon the Table of each House of Parliament for a period of not less than twenty-eight days during which the House has sat, and if either House during that period presents an Address to His Majesty praying that the order may be annulled, the order shall not come into force, but without prejudice to the making of a new order.

19.—(1) The Minister may by regulations provide, in the case of bicycles not propelled by mechanical power and other vehicles to or on which red reflectors are attached or carried, that the provisions of the Road Transport Lighting Act, 1927, which exempt any such vehicles from the obligation to show a red light to the rear shall not have effect unless there is also exhibited on the vehicle a white surface in accordance with the regulations.

Provisions
as to
reflectors on
bicycles, &c.
17 & 18
Geo. 5. c. 37.

(2) If any person sells, or offers for sale, any appliance adapted for use as a reflector to be carried

PART III.
—cont.

on a vehicle in accordance with the provisions of the Road Transport Lighting Act, 1927, or of any regulations made thereunder, not being a reflector which complies with the conditions prescribed under section nine of that Act, he shall be liable, in the case of a first offence, to a fine not exceeding five pounds, and in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

Restriction
on carriage
of persons
on bicycles

20.—(1) It shall not be lawful for more than one person to be carried on a road on a bicycle not propelled by mechanical power unless it is constructed or adapted for the carriage of more than one person.

(2) If any person is carried on such a bicycle in contravention of the provisions of the foregoing subsection, each of the persons carried shall be liable in the case of a first conviction to a fine not exceeding five pounds, and in the case of a second or subsequent conviction to a fine not exceeding ten pounds.

(3) In this section references to a person carried on a bicycle shall include references to a person riding the bicycle.

Regulations
as to brakes
on pedal
cycles.

21. The power conferred on the Minister by paragraph (a) of subsection (1) of section fifty-nine of the principal Act to make regulations for regulating the number, nature, and use of brakes in the case of vehicles drawn by horses shall extend to the making of such regulations in the case of bicycles and tricycles not being motor vehicles.

Regulations
as to the
removal
from roads
of vehicles
abandoned,
&c.

22.—(1) The following paragraph shall be substituted for paragraph (c) of subsection (1) of section fifty-nine of the principal Act (which empowers the Minister to make regulations for the purposes therein specified):—

“(c) for making provision for the removal from roads, and safe custody, of vehicles which have broken down, or which have been permitted to remain at rest on a road in such a position or in such condition or in such circumstances as to be likely to cause danger to other persons using the road, or to appear to have been abandoned, and of the loads carried thereby.”

(2) The following subsection shall be inserted at the end of the said section fifty-nine :—

PART III.
—cont.

“(3) Expenses payable out of a police fund incurred in the execution of duties imposed by regulations made under paragraph (c) of subsection (1) of this section shall be recoverable summarily by or on behalf of the chief officer of police as a civil debt from the owner of the vehicle, and sums so recovered shall be paid into the police fund.”

23.—(1) Notwithstanding the powers conferred upon the councils of non-county boroughs and urban and rural districts by or in pursuance of sections one hundred and sixty-one and two hundred and seventy-six of the Public Health Act, 1875, or otherwise, and upon parish meetings and parish councils in rural parishes, who have, in pursuance of section seven of the Local Government Act, 1894, adopted the provisions of the Lighting and Watching Act, 1833, the council of a county may, if they consider that any county road or part thereof should be illuminated or better illuminated, enter into and carry into effect an agreement for the supply for that purpose of gas, electricity, or other means of illumination, with the road lighting authority, or with any other authority or person having power in that behalf, and may provide such lamps, lamp-posts, and other materials and apparatus as they may think necessary for the purposes of this section :

Power of
county
councils to
light roads.
38 & 39 Vict.
c. 55.
56 & 57 Vict.
c. 73.
3 & 4 Will. 4.
c. 90.

Provided that nothing in this section shall be deemed to be in derogation of the powers conferred as aforesaid upon the councils of non-county boroughs and urban and rural districts or upon parish meetings or councils in rural parishes.

(2) Before exercising the power conferred on them by this section, a county council shall give notice to the road lighting authority specifying the road, or part of a road, which in the opinion of the county council should be illuminated or better illuminated and any particular requirement in that behalf which in their opinion ought to be satisfied, and shall not exercise the said power unless the road lighting authority have at the expiration of a reasonable time after receipt of the notice, failed to provide such illumination or better illumination as is requisite for

PART III. the adequate lighting of the road or part of a road, or to
 —*cont.* comply with any reasonable requirement of the county
 council in that behalf.

Any question arising under this subsection as to what lighting is adequate, or as to what length of time is reasonable, or as to whether any requirement is reasonable, shall be determined by the Minister.

(3) Subject as hereinafter provided, all expenses incurred by the council of a county under this section shall be expenses for general county purposes :

Provided that a road lighting authority who have, in any year ending on the thirty-first day of March, provided lighting for the county roads in their area shall, if they so request, be entitled to receive from the council of the county the amount raised by that council in that area in respect of expenses incurred by them under this section in that year, unless the council of the county have in that year exercised the power conferred on them by this section in respect of a road, or part of a road, in that area.

(4) In this section the expression “road lighting authority” means, as respects any county road or part thereof, the council or meeting on whom any of the powers referred to in subsection (1) of this section are conferred as respects that road or that part thereof.

PART IV.

PUBLIC SERVICE VEHICLES AND LICENCES OF DRIVERS OF HEAVY GOODS VEHICLES.

Public Service Vehicles.

Classification of public service vehicles. 24. The following paragraphs shall be substituted for paragraphs (a) and (b) of subsection (1) of section sixty-one of the principal Act (which relates to the classification of public service vehicles) :—

“ (a) Stage carriages; that is to say motor vehicles carrying passengers for hire or reward at separate fares and not being express carriages as hereinafter defined;

(b) Express carriages; that is to say motor vehicles carrying passengers for hire or reward at

separate fares none of which is less than one shilling or such greater sum as may be prescribed:

PART IV.
—cont.

for the purposes of this paragraph—

(i) a composite fare for more than one journey shall not be regarded as representing the aggregate of fares of any less amount; and

(ii) no account shall be taken of any fare which is charged in the case of children, or of workmen, or of students, if a fare of one shilling, or of such greater sum as may be prescribed, or more, is charged for the like service in the case of all passengers not falling within any of those descriptions; ”.

25.—(1) For the purposes of the proviso to subsection (2) of section sixty-one of the principal Act, a vehicle shall be deemed to be used on a special occasion for the conveyance of a private party where it is used on a journey in relation to which the following conditions are satisfied, and not otherwise (that is to say) :—

Amendment
as to use of
vehicles on
special
occasions
for the
conveyance
of private
parties.

- (a) arrangements for the bringing together of all the passengers for the purpose of making the journey as a party must have been made by some person, not being the holder of the public service vehicle licence in respect of the vehicle or a person acting on behalf of the holder of such a licence or a person who receives any remuneration in respect of those arrangements;
- (b) the journey must be made without previous advertisement to the public of the arrangements therefor;
- (c) all the passengers must, in the case of a journey to a particular destination, be carried to, or to the vicinity of, that destination, or, in the case of a tour, be carried for the greater part of the journey;
- (d) no differentiation of fares for the journey on the basis of distance or of time must be made;
- (e) in the case of a journey to a particular destination the passengers must not include any person

PART IV.
—cont.

who frequently, or as a matter of routine, travels, at or about the time of day at which the journey is made, to that destination from a place from or through which the journey is made;

- (f) the holder of the public service vehicle licence in respect of the vehicle must, within the prescribed time, make or cause to be made a record containing the prescribed particulars in relation to the matters referred to in the foregoing conditions and otherwise in relation to the journey, so however that the regulations shall not require particulars of fares or prices to be recorded; and
- (g) the driver of the vehicle must carry a work ticket containing such particulars as may be prescribed for the purpose of enabling the record of the journey made under the last foregoing paragraph to be traced and identified.

(2) The driver of a vehicle shall, on demand by a police constable in uniform, or by a person authorised by any traffic commissioners, on production if so required of that person's authority, produce a work ticket carried by him under this section for inspection by the constable or person authorised, and if the driver fails so to do he shall be guilty of an offence.

(3) The person by whom a record is required by this section to be made shall preserve it for a period of six months from the date on which it is made, and shall, if required so to do at any time during that period, produce it for inspection by any person authorised by any traffic commissioners, on production if so required of that person's authority, and if he fails so to do he shall be guilty of an offence.

(4) If, with intent to deceive, any person alters an entry in a record made under this section he shall be guilty of a misdemeanour and shall be liable—

- (a) on conviction on indictment to imprisonment for a term not exceeding two years;
- (b) on summary conviction to imprisonment for a term not exceeding four months or to a fine not exceeding one hundred pounds or to both such imprisonment and fine.

26. Where, under a transaction effected by or on behalf of a member of a society on the one hand and the society or another member thereof on the other hand, a person is carried as a passenger in a motor vehicle in such circumstances that he would be deemed to be carried for hire or reward if the transaction were effected otherwise than as aforesaid, then, notwithstanding any rule of law, he shall for the purposes of the principal Act and of this Act be deemed to be carried for hire or reward.

PART IV.

—cont.

Arrangements between members of societies for carriage in motor vehicles.

In this section the expression "society" means any association of persons whether incorporated or not.

27. Notwithstanding anything in subsection (1) of section sixty-four of the principal Act, it shall not be obligatory on the commissioners to hold a public sitting for the hearing or determination of an application for the grant or backing of a road service licence where it appears from the particulars submitted that the services which it is proposed to provide will not be operated on more than six days in any period of twelve months and that passengers will not be carried on any journey included in those services otherwise than at day return fares.

Amendment as to public sittings of traffic commissioners.

28.—(1) Where from the particulars submitted on an application for a road service licence made to the traffic commissioners of any traffic area it appears that the applicant proposes to provide a service on a route running through another traffic area (in this section referred to as "a corridor area") in which the following conditions will be observed, that is to say, that passengers will not be taken up or set down therein, or permitted to alight therein for the purpose of sight-seeing, or for any other purpose requiring the vehicle to be halted for a period of more than fifteen minutes, the commissioners may grant a licence subject to observance of those conditions, and a licence so granted shall be valid in the corridor area as if it had been backed in the prescribed manner by the commissioners of the corridor area.

Road service licences for corridor areas.

(2) The commissioners, before granting a licence having validity under the foregoing subsection, shall consult the commissioners of the corridor area as to the route to be followed in the corridor area in connection with the provision of the service under the licence, and

PART IV. may attach to the licence such conditions as they may
—*cont.* think fit with respect to the route to be so followed.

Interpreta-
tion and
amendment
of certain
provisions
as to charges
for use of
parking
places.

29.—(1) For removing doubts it is hereby declared that the powers conferred on a local authority by subsections (2) and (3) of section ninety of the principal Act (which relate to the appointment of a parking place as a station for public service vehicles and confer amongst other powers a power to make certain charges) are in addition to, and not in substitution for, the powers conferred on a local authority by section sixty-eight of the Public Health Act, 1925 (which relates to the provision of parking places and confers amongst other powers a power to make regulations as to certain charges).

(2) A local authority shall have power to make charges for the use of a parking place, not being part of a street, as a station for public service vehicles.

The charges to be made under this subsection as respects any vehicles shall be such reasonable charges as may be fixed by the local authority, so however, that if the public service vehicle licence holder in respect of any vehicles using the parking place as a station considers that the charges fixed are unreasonable, then, in default of agreement between the licence holder and the local authority for a reduction thereof, the charges in respect of those vehicles shall be such as may be determined by the Minister.

Lost
property.
55 & 56
Vict. c. 55.

30. Such of the provisions of section four hundred and twelve of the Burgh Police (Scotland) Act, 1892, and of any local Act, as relate to the safe custody and re-delivery or disposal of property accidentally left in a vehicle, or to fixing charges made in respect thereof, shall cease to have effect so far as regards property left in a public service vehicle.

Drivers' Licences (Heavy Goods Vehicles).

Licences of
drivers of
heavy goods
vehicles.

31.—(1) A person shall not drive a heavy goods vehicle on a road unless he is licensed for the purpose under this section, or is licensed under Part IV of the principal Act to drive all types of single-deck public service vehicles, and a person shall not employ any person, who is not so licensed, to drive a heavy goods vehicle on a road, and if any person acts in contravention of this section he shall be guilty of an offence.

(2) The person who is the chairman of the traffic commissioners of any traffic area, including any person for the time being appointed by the Minister to act as deputy to the chairman, shall have the power and be charged with the duty of granting licences under this section and is in this section referred to as “the licensing authority”, and an application for a licence shall be made to the licensing authority of the traffic area in which the applicant for the licence resides.

This section shall have effect as respects the Metropolitan traffic area with the substitution of a reference to the traffic commissioner of that area for the reference to the chairman of the traffic commissioners.

(3) Such fees as the Minister may prescribe shall be charged by licensing authorities in respect of the grant of licences, and any fees received by them shall be paid into the Road Fund in such manner as the Treasury may direct.

(4) A licence may be limited to such class or classes of vehicles as may be specified in the licence.

(5) Subject to the provisions of the next succeeding subsection, the licensing authority may require an applicant for a licence to satisfy him as to the applicant's competence to drive by subsection to a test, and to provide a vehicle for the purposes of the test.

(6) On the first application for a licence by a person who satisfies the licensing authority that in the course of the year ending on the first day of April, nineteen hundred and thirty-four, he has been, during any period or periods of, or amounting in the aggregate to, six months, in the habit of driving a heavy goods vehicle, and on payment of the prescribed fee, the licensing authority shall grant the licence, and the provisions of the last foregoing subsection shall not apply in relation to such an application.

(7) A licence shall, unless previously revoked, continue in force for three years from the date on which it is expressed to take effect, but may at any time be suspended or revoked by the licensing authority of the area in which it was granted upon the ground that, by reason of his conduct as a driver of a motor vehicle or of physical disability, the holder is not a fit person to hold such a

PART IV. licence, and during any time of suspension a licence shall
—cont. be of no effect.

(8) Any person who, being the holder of, or an applicant for, a licence, feels aggrieved by the refusal or failure of the licensing authority to grant, or by the suspension or revocation of, a licence, or by any limitation imposed thereon, may by notice in writing to the licensing authority require him to reconsider the matter, and shall on a reconsideration be entitled to be heard either personally or by his representative.

Any person who is so aggrieved as aforesaid, or who is dissatisfied with the decision of the licensing authority on reconsideration of the matter, may appeal to a court of summary jurisdiction acting for the petty sessional division in which the applicant resides, and on any such appeal the court may make such order as it thinks fit and any order so made shall be binding on the licensing authority.

(9) Where the applicant for a licence, who is at the date of his application the holder of a licence, appeals under this section on the ground of refusal or failure to grant the licence, the existing licence shall continue in force until the appeal has been disposed of, notwithstanding that the licence would otherwise have expired.

(10) Section ninety-four of the principal Act (which confers on the Minister power to make regulations for the purpose of Part IV of that Act) shall have effect as if references therein to drivers, and to classes, of public service vehicles included references to drivers, and to classes, of heavy goods vehicles.

(11) This section shall not apply to the driving of, or to the employment of a person to drive, a vehicle in any case where the excise duty in respect of the vehicle under section thirteen of the Finance Act, 1920, is chargeable at the rate applicable to vehicles specified in sub-paragraph (a) of paragraph 4 of the Second Schedule to that Act, for any of the agricultural or other ancillary purposes for which exclusively the vehicle must be used if the duty is to remain chargeable at that rate.

10 & 11
Geo. 5. c. 18.

(12) In this section the expression "licence" means a licence to drive a heavy goods vehicle granted under

this section, and the expression "heavy goods vehicle" means a vehicle of any of the following classes which is constructed or adapted for hauling or carrying goods or burden of any description, that is to say, a heavy locomotive, a light locomotive, a motor tractor, a heavy motor-car, and a motor-car so constructed that a trailer may by partial superimposition be attached thereto in such a manner as to cause a substantial part of the weight of the trailer to be borne thereby.

PART IV.
—cont.

32.—(1) Subsection (1) of the last foregoing section shall not have effect as respects the driving of a heavy goods vehicle by a person who, at the date of the commencement of that subsection, is the holder of a licence to drive a motor vehicle granted under Part I of the principal Act, or as respects the employment of such a person to drive such a vehicle, so long as that licence remains in force.

Transitional provisions as to certain drivers' licences.

(2) With a view to spreading the work of granting licences to drive a heavy goods vehicle and licences to drive or act as conductor of a public service vehicle, the licensing authority, or the commissioners, as the case may be, may, on an application for such a licence made within four years from the passing of this Act, direct that any licence granted on the application shall, notwithstanding anything in the provisions of this Act or of the principal Act relating to the expiry of licences by the effluxion of time, unless previously revoked, continue in force during such period, being a period of not less than one nor more than three years from the date on which the licence is expressed to take effect, as the licensing authority or the commissioners, as the case may be, may at the time of the granting of the licence determine.

PART V.

LEGAL PROCEEDINGS, MISCELLANEOUS AND GENERAL.

33.—(1) Notwithstanding any enactment prescribing the time within which proceedings may be brought before a court of summary jurisdiction, proceedings for an offence under section one hundred and twelve of the principal Act, or under section thirty-four of the Road and Rail Traffic Act, 1933 (which respectively relate

Provisions as to certain legal proceedings.

PART V. to the forgery of licences and other matters), may be
—cont. so brought—

- (a) within a period of six months from the date of the commission of the alleged offence; or
- (b) within a period which exceeds neither three months from the date on which it came to the knowledge of the prosecutor that the offence had been committed nor one year from the date of the commission of the offence;

whichever period is the longer.

(2) Particulars of a conviction endorsed on a licence to drive a motor vehicle granted under Part I of the principal Act may be produced as prima facie evidence of the conviction.

(3) Where a person is prosecuted for driving a motor vehicle on a road at a speed exceeding a speed limit imposed by or under any enactment, or for an offence under section eleven of the principal Act (which relates to reckless or dangerous driving), or section twelve of the principal Act (which relates to careless driving), or section fifteen of the principal Act (which relates to driving when under the influence of drink or drugs), then, if at the time of the alleged offence he is the holder of a licence to drive a motor vehicle granted under Part I of the principal Act, he shall either cause it to be delivered to the clerk of the court not later than the day before the date appointed for the hearing, or send it by registered letter duly addressed to the clerk and posted at such a time that in the ordinary course of post it would be delivered not later than that day, or have it with him at the hearing and, if he is convicted of the offence, the court may require the licence to be produced to it.

(4) If default is made in the production of a licence pursuant to a requirement under the last foregoing subsection, the holder shall be guilty of an offence, and the licence shall be suspended from the time of the requirement until it is produced to the court.

(5) The provisions of subsections (3) and (4) of this section shall have effect, in the case of licences to which they apply, in substitution for the provisions of paragraph (a) of subsection (2) of section eight of the principal Act.

34. Upon the trial of a person who is indicted for manslaughter in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under section eleven of the principal Act (which relates to reckless or dangerous driving) to find him guilty of that offence, whether or not the requirements of section twenty-one of the principal Act (which relates to notice of prosecutions) have been satisfied as respects that offence.

PART V.
—*cont.*
Power to convict for reckless or dangerous driving on trial for manslaughter.

35.—(1) Where a person is charged before a court of summary jurisdiction with an offence under section eleven of the principal Act (which relates to reckless or dangerous driving) and the court is of the opinion that the offence is not proved, then, at any time during the hearing or immediately thereafter, the court may, without prejudice to any other powers possessed by the court, direct or allow a charge for an offence under section twelve of the principal Act (which relates to careless driving) to be preferred forthwith against the defendant and may thereupon proceed with that charge, so however that he or his solicitor or counsel shall be informed of the new charge and be given an opportunity, whether by way of cross-examining any witness whose evidence has already been given against the defendant or otherwise, of answering the new charge, and the court shall, if it considers that the defendant is prejudiced in his defence by reason of the new charge being so preferred, adjourn the hearing.

Power to proceed on charge for careless driving on hearing of charge for reckless or dangerous driving.

(2) A defendant in whose case the requirements of section twenty-one of the principal Act (which relates to notice of prosecutions) have been satisfied, or do not apply, as respects the alleged offence under section eleven of the principal Act, may be convicted on a charge preferred under the foregoing subsection, notwithstanding that those requirements have not been satisfied as respects the alleged offence under section twelve of the principal Act.

36. For the purposes of section forty-nine of the principal Act a traffic sign (being a sign for regulating by means of light signals the movement of traffic) placed on or near a road shall be deemed to be of the prescribed size, colour, and type, or of another character authorised by the Minister under section forty-eight of the

Light signals (presumption of compliance with statutory requirements).

PART V.

—*cont.*

Inclusion in
indictment
in Scotland
of certain
summary
offences,

principal Act, and to have been lawfully so placed, unless the contrary is proved.

37.—(1) A contravention of any provision of the principal Act or of this Act which is directed by the principal Act to be prosecuted under the Summary Jurisdiction Acts and which, if it had been triable on indictment, could competently have been libelled as an additional or an alternative charge in an indictment charging a person with culpable homicide in respect of the driving or attempted driving or use of a motor vehicle, or with a contravention of section eleven, or of section fifteen, of the principal Act may, notwithstanding such direction as aforesaid, be so libelled and may be tried accordingly.

(2) This section shall extend to Scotland only.

Amendment
of s. 116 of
principal
Act.

38.—(1) Section one hundred and sixteen of the principal Act (which makes provision for the compensation of officers of local authorities who suffer loss by virtue of the principal Act or of anything done in pursuance or in consequence thereof) shall have effect, and shall be deemed always to have had effect, only in relation to loss suffered by virtue of section one hundred and five of the principal Act, or of section one hundred and twenty-two of the principal Act so far as regards the repeal by that section of enactments and provisions relating to the licensing of public service vehicles by local authorities, or of anything done in pursuance or in consequence thereof.

(2) The amendments specified in the second column of the Second Schedule to this Act shall be made in the provisions of the principal Act specified in the first column of that Schedule, and the principal Act shall be deemed always to have had effect as if it had been originally enacted as so amended.

(3) Where an agreement has been made under section one hundred and five of the principal Act, and, in the case of an agreement entered into subject to confirmation or approval, confirmed or approved, before the first day of April, nineteen hundred and thirty-four, and compensation has (whether before that date or not) been granted for a loss as being, having regard to that agreement, a loss suffered by virtue of the said

section or of things done in pursuance or in consequence thereof, sums payable under the Fourth Schedule to the principal Act by way of compensation for that loss shall be paid out of the Road Fund notwithstanding anything in the foregoing provisions of this section.

PART V.
—cont.

39. Section eight of the Metropolitan Public Carriage Act, 1869, as amended, extended, or applied by, or by any order made under, any subsequent enactment (including section fifty-one of the London Passenger Transport Act, 1933), shall have effect, as respects licences granted under the said section eight after the date appointed for the coming into operation of this section, with the substitution of three years for one year as the period during which a licence granted under the said section is, if not revoked or suspended, to be in force:

Amend-
ments as
to licences
of drivers
and conduc-
tors of
hackney
carriages,
and of
certain stage
carriages, in
the Metro-
polis.
32 & 33 Vict.
c. 115.
23 & 24 Geo.
5. c. 14.

Provided that, with a view to spreading the work of granting such licences, where an application for the grant of such a licence is made within four years from the passing of this Act, the authority by whom the power of granting the licence is exercisable may direct that any licence granted on the application shall, if not revoked or suspended, continue in force during such period, being a period of not less than one nor more than three years from the date on which the licence is expressed to take effect, as the authority may at the time of the granting of the licence determine.

40. The amendments specified in the second column of the Third Schedule to this Act (which relate to consequential and minor matters) shall be made in the enactments specified in the first column of that Schedule.

Conse-
quential
and minor
amend-
ments.

41. This Act shall apply to Scotland, subject to the following modifications—

Application
to Scotland.

(1) For subsection (9) of section one, the following subsection shall be substituted:—

“(9) In this section, the expression ‘local authority’ means as respects any length of road the county or town council responsible for the maintenance and management thereof.”

(2) For subsection (5) of section two the following subsection shall be substituted:—

“(5) Any reference in subsection (6) of section ten of the principal Act to an offence

PART V.
—cont.

under the said section or to an infringement of the provisions thereof, and any reference in subsection (8) of section one hundred and nineteen of the principal Act to an offence against that Act or against section ten thereof, shall be deemed to include a reference to driving a motor vehicle on a road at a speed exceeding a speed limit imposed by or under any enactment.”

- (3) Subsections (5) and (6) of section six shall have effect as if for the words “ a court of summary jurisdiction ” and the words “ the court ” wherever they occur, there were substituted the words “ the sheriff,” and as if for the words “ acting for the petty sessional division in which ” there were substituted the words “ within whose jurisdiction.”
- (4) Subsection (1) of section ten shall have effect as if the words “ by virtue of any enactment relating to interest on judgments ” were omitted therefrom.
- (5) Subsection (4) of section eighteen shall have effect as if for the councils therein mentioned there were substituted, as regards a burgh the town council of which is responsible for the maintenance and management of all or any of the highways therein, that town council, and, as regards a county inclusive of any burgh other than as aforesaid situate therein, the county council, and any reference to a borough, an urban district or a rural district in a county shall be construed accordingly :

Provided that a classified road in any such burgh as aforesaid not being a large burgh and crossings thereon may be included in a scheme submitted by the council of the county in which such burgh is situate, and shall not be included in any scheme submitted by the town council of such burgh.

- (6) A county council shall, before arriving at a decision as to the exercise of any power conferred

on them by this Act with regard to a classified road in a burgh, consult with the town council of such burgh.

PART V.
—cont.

(7) Subsection (7) of section one, subsection (7) of section eighteen and the new subsection directed by subsection (2) of section twenty-two to be inserted in section fifty-nine of the principal Act shall have effect as if the word “ summarily ” were omitted therefrom.

(8) For section twenty-three the following section shall be substituted:—

“(1) A county council shall have the like powers with regard to the lighting of any road in the landward area of the county not included in a special lighting district as they have with regard to roads so included, and the expenditure incurred by a county council in the exercise of the powers conferred by this section shall be defrayed out of a rate to be levied in equal proportions on owners and occupiers throughout the landward area of the county exclusive of any special lighting district.

(2) In this section the expression ‘ special lighting district ’ means a special lighting district formed in pursuance of section forty-four of the Local Government (Scotland) Act, 1894.

57 & 58
Vict. c. 58.

(3) Section forty-nine of the Lanarkshire County Council Order, 1925, is hereby repealed.”

(9) Subsection (8) of section thirty-one shall have effect as if for the appeal therein mentioned there were substituted an appeal to the sheriff within whose jurisdiction the applicant resides.

(10) Section thirty-five shall not apply.

(11) The expression “ plaintiff ” shall mean pursuer and the expression “ manslaughter ” shall mean culpable homicide.

PART V.
—cont.

(12) For the purposes of this section the expressions “classified road” and “large burgh” have the like meanings as in the Local Government (Scotland) Act, 1929.

Short title, citation, construction, commencement and extent.

42.—(1) This Act may be cited as the Road Traffic Act, 1934, and shall be construed as one with the principal Act, and Parts I, II, III and IV respectively of this Act shall be construed as one with Parts I, II, III and IV respectively of the principal Act, and this Act and the principal Act and the Road Traffic (Amendment) Act, 1931, may be cited together as the Road Traffic Acts, 1930 to 1934.

(2) In this Act, unless the context otherwise requires, any reference to any other enactment shall be construed as a reference to that enactment as amended by any subsequent enactment, including this Act.

(3) This Act shall come into operation on such day or days as the Minister may appoint, and the Minister may fix different days for different purposes and different provisions of this Act.

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

SCHEDULES.

Section 2.

FIRST SCHEDULE.

LIMITS OF SPEED.

Class of Vehicle.	Maximum Speed, Miles per Hour.
1. <i>Passenger vehicles</i> , that is to say, vehicles constructed solely for the carriage of passengers and their effects :—	
(1) If the vehicle is a heavy motor car or is adapted to carry more than seven passengers, exclusive of the driver, and is not drawing a trailer, and if the first condition as to tyres is satisfied	- - - - 30

Class of Vehicle.	Maximum Speed, Miles per Hour.	1st Sch. —cont.
(2) If the vehicle is adapted to carry not more than seven passengers exclusive of the driver, and is not a heavy motor car, and is drawing a two-wheeled trailer, and if the first condition as to tyres is satisfied -	30	
(3) Invalid carriages - - - - -	20	
(4) In any other case (except a vehicle as respects which the first condition as to tyres is satisfied, and which is adapted to carry not more than seven passengers exclusive of the driver, and which is not drawing a trailer) - - - - -	20	

2. *Goods vehicles*, that is to say, vehicles constructed or adapted for use for the conveyance of goods or burden of any description:—

(1) When not drawing a trailer—

- (a) Motor cars and motor cycles, if the first condition as to tyres is satisfied; and motor cars not exceeding one ton in weight unladen and motor cycles, if the second condition as to tyres is satisfied - 30
- (b) Motor cars exceeding one ton in weight unladen, if the second condition as to tyres is satisfied - - - - - 20
- (c) Heavy motor cars, if the first condition as to tyres is satisfied and the vehicle—
- (i) is constructed or adapted for the conveyance of horses and their attendants and used solely for that purpose; or
- (ii) does not exceed five tons in weight unladen and is not fitted with a body and is not carrying any load other than that required for the purposes of testing - - - - - 30
- (d) Other heavy motor cars, if the first or the second condition as to tyres is satisfied - 20

1st Sch.
—cont.

Class of Vehicle.	Maximum Speed, Miles per Hour.
(2) When drawing a trailer—	
(a) if the first condition as to tyres is satisfied, or if the trailer is attached to the drawing vehicle by partial superimposition in such manner as to cause a substantial part of the weight to be borne by the vehicle and the second condition as to tyres is satisfied	20
(b) if the trailer is not so attached to the drawing vehicle as aforesaid and the second condition as to tyres is satisfied	12
(3) If neither the first nor the second condition as to tyres is satisfied - - - -	5
3. <i>Locomotives and motor tractors</i> —	
(1) Heavy locomotives - - - -	5
(2) Light locomotives—	
(a) when not drawing a trailer or not drawing more than two trailers, if the first or the second condition as to tyres is satisfied - - - -	12
(b) in any other case - - - -	5
(3) Motor tractors—	
(a) when not drawing a trailer, if the first or the second condition as to tyres is satisfied - - - -	20
(b) when drawing a single trailer—	
(i) if the first condition as to tyres is satisfied - - - -	20
(ii) if the second condition as to tyres is satisfied - - - -	12
(c) in any other case - - - -	5
For the purposes of this Schedule—	
(a) satisfaction of the first condition as to tyres means that all the wheels of the vehicle in question and, where the vehicle is drawing a trailer or trailers, of the trailer or trailers, are fitted with pneumatic tyres;	
(b) satisfaction of the second condition as to tyres means that the first condition as to tyres is not satisfied but that each of the wheels aforesaid is fitted with one or other of the following types of tyre, namely pneumatic, soft or elastic.	

SECOND SCHEDULE.

Section 38.

AMENDMENTS OF SECTION 116 OF, AND THE FOURTH
SCHEDULE TO, THE PRINCIPAL ACT.

Section one hundred and sixteen. In subsection (1), for the words "this Act", where those words occur for the second time, there shall be substituted the words "section one hundred and five of this Act, or of section one hundred and twenty-two of this Act so far as regards the repeal by that section of enactments and provisions relating to the licensing of public service vehicles by local authorities".

In subsection (2), for the words "this Act", where those words occur for the last time, there shall be substituted the words "the provisions of this Act referred to in the foregoing subsection".

Fourth Schedule - In paragraph 9, for the words "by virtue of this Act, or of anything done in pursuance or in consequence of this Act" there shall be substituted the words "by virtue of the matters referred to in subsection (1) of section one hundred and sixteen of this Act".

For paragraph 14, there shall be substituted the following paragraph :—

"14. (1) In the case of sums payable under this Schedule by way of compensation for loss suffered by virtue of section one hundred and five of this Act or of anything done in pursuance or in consequence thereof,—

- (a) payment of the said sums shall be made by the local authority by whom the officer was employed at the date when the agreement under the said section was made;
- (b) the ultimate incidence of the liability in respect of the said sums shall be upon the parties to the agreement, or upon such of them,

2ND SCH.
—cont.

and in the case of more than one in such proportions, as may be determined by agreement between them or, in case of difference, by an arbitrator to be appointed by the Minister, and accordingly the local authority making the payment shall be entitled to recover from any other of the said parties, at such time or times as may be determined as aforesaid, any sums in respect of which that party is determined as aforesaid to be ultimately liable.

(2) Sums payable under this Schedule by way of compensation for loss suffered by virtue of section one hundred and twenty-two of this Act or of anything done in pursuance or in consequence thereof shall be paid out of the Road Fund."

Section 40

THIRD SCHEDULE.

CONSEQUENTIAL AND MINOR AMENDMENTS.

Enactment to be amended.	Amendment.
—	—
The principal Act.	
Section twenty-seven.	In subsection (4), the references to the erection and maintenance of weighbridges or other machines shall be deemed to include references to the provision and operation of weighbridges or other machines.
	In subsection (5), the references to the erection of weighbridges or other machines shall be deemed to include references to the provision of weighbridges or other machines.

Enactment to be
amended.

Amendment.

3RD SCH.
—cont.

- Section thirty-five - At the end of subsection (4), there shall be inserted the words “ or to any vehicle
“ at any time when it is being driven
“ for police purposes by or under the
“ direction of a police constable, or by
“ a person employed by a police
“ authority, or employed by the said
“ receiver, or on a journey to or from
“ any place undertaken for salvage
“ purposes pursuant to Part IX of
“ the Merchant Shipping Act, 1894.”
- Section forty-eight In subsection (2), after the word
“ erection ” there shall be inserted the
words “ or retention.”

In subsection (3), after the words “ no
traffic signs ” there shall be in-
serted the words “ (other than traffic
“ signs placed by a council or local
“ authority in pursuance of an obliga-
“ tion imposed by or under this Act
“ or the Road Traffic Act, 1934) ”
- Section forty-nine - After the words “ to be followed by
traffic ” there shall be inserted the
words “ and being of the prescribed
“ size, colour, and type, or of another
“ character authorised by the Minister
“ under the last preceding section ”;
and the words “ in accordance with
“ the provisions of the last preceding
“ section ” shall be omitted.
- Section fifty-seven - In subsection (2), after the words
“ removal of ” there shall be inserted
the words “ footpaths and grass
verges by the side of the road and ”;
and after the words “ foot passengers ”
there shall be inserted the words
“ and the erection, maintenance,
“ alteration, and removal of traffic
“ signs ”.
- In subsection (3), after the word
“ erection ” there shall be inserted the
words “ provision, maintenance, or
operation ”.

3RD SCH.
—cont.Enactment to be
amended.

Amendment.

Section fifty-seven
—cont. After subsection (4), there shall be
inserted the following subsection :—

“ (4a) Advances may be made out of the Road Fund towards any expenses incurred by a council or local authority, on whom any obligation is imposed by or under this Act, or the Road Traffic Act, 1934, in relation to the erection, maintenance, alteration, or removal of traffic signs, in the discharge of that obligation.”

In subsection (5), for the words “ and (4) ”, there shall be substituted the words “ (4) and (4a) ”.

Section seventy-two In subsection (2), after the word “ and ” there shall be inserted the words “ (except in so far as compliance with “ the provisions of the licence may “ have been dispensed with by the “ commissioners of the traffic area in “ which the vehicle is being used) ”.

Section seventy-four In subsection (1), after the word “ revoke ” there shall be inserted the words “ or suspend ”.

Section eighty - The said section shall have effect, as respects licences granted after the date appointed for the coming into operation of this provision, with the substitution for subsection (1) of the following subsections :—

“ (1) A public service vehicle licence shall, unless previously revoked, continue in force for one year from the date on which it is expressed to take effect.

(1a) A licence to drive or act as conductor of a public service vehicle shall, unless previously revoked, continue in force for three years from the date on which it is expressed to take effect.”

Enactment to be amended.	Amendment.	3RD SCH. —cont.
Section eighty— <i>cont.</i>	At the end of subsection (2), there shall be inserted the following proviso :— “ Provided also that the Minister may by regulations direct that, as respects licences to provide a road service of a kind specified in the regulations granted after a date therein specified, this subsection shall have effect with the substitution for the words ‘ one year ’ of the words ‘ three years.’ ”	
Section eighty-one -	In subsection (1), in paragraph (b), after the word “ grant ” where that word first occurs, there shall be inserted the words “ or variation ”.	
Section one hundred and seven.	In subsection (3) for the word “ prescribed ” there shall be substituted the word “ determined ”.	
Section one hundred and twelve.	In subsection (2), after the words “ other person ”, there shall be inserted the words “ or the variation of any licence, “ or for the purpose of preventing the “ grant or variation of any licence, or “ of procuring the imposition of any “ condition or limitation in relation “ to a licence ”.	
Section one hundred and nineteen.	In subsection (3), after the word “ erection ” in both places where it occurs there shall be inserted the words “ or provision.”	
Section one hundred and twenty-one.	In subsection (1), for the definition of “ Chief officer of police ” there shall be substituted the following words “ ‘ Police authority ’, ‘ chief officer of police,’ and ‘ police fund ’ have the “ same meanings, respectively, as in “ the Police Pensions Act, 1921.”	

3RD SCH.
—cont.Enactment to be
amended.

Amendment.

Section one hundred
and twenty-one—
cont.

At end of subsection (1), there shall be inserted the words “ ‘ Salvage ’ means “ the preservation of a vessel which is “ wrecked, stranded, or in distress, or “ the lives of persons belonging to, or “ the cargo or apparel of, such a “ vessel.”

In subsection (2), after the words “ while being driven as aforesaid ”, there shall be inserted the words “ or in “ relation to motor vehicles used for “ salvage purposes pursuant to Part “ IX of the Merchant Shipping Act, “ 1894 ”; and the reference to the provisions of the First Schedule to the principal Act shall be construed as if it included a reference to the provisions of any enactment, or of any statutory rule or order, imposing a speed limit on motor vehicles.

The Road and Rail Traffic Act, 1933.

Section thirty-four - In subsection (3), after the words “ variation of a licence ”, there shall be inserted the words “ or for the “ purpose of preventing the grant or “ variation of any licence, or of “ procuring the imposition of any “ condition or limitation in relation to “ a licence ”.

Section thirty-six - In subsection (1), the words “ stage carriage ” and the words “ express carriage ” shall be repealed, and at the end of the subsection there shall be inserted the words “ and the expressions “ ‘ stage carriage ’ and ‘ express “ carriage ’ have the same meanings, “ respectively, as in the Road Traffic “ Act, 1934.”

CHAPTER 51.

An Act to provide for temporarily securing to producers of milk, by means of payments out of moneys provided by Parliament, a minimum return in respect of milk used in the manufacture of milk products; for conditionally requiring repayment to the Exchequer of the amount of such payments; for making, out of moneys so provided, payments for the purposes of improving the quality of the milk supply and increasing the demand for milk; for regulating the manner in which milk is described for the purposes of advertisement and sale; for imposing and conferring certain duties and powers on boards administering milk marketing schemes; and for purposes connected with the matters aforesaid. [31st July 1934.]

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

Payments from and to the Exchequer in respect of milk used for manufacture.

1. Where, by means of such evidence as may be prescribed, the board administering a milk marketing scheme satisfy the Minister—

Exchequer payments in respect of milk sold for manufacture.

- (1) that any quantity of milk produced in the area to which the scheme applies, being milk delivered in accordance with—

(a) a contract for the sale of milk by a registered producer otherwise than to, or through the agency of, the board, or

(b) a contract for the sale of milk by the board, either in their own right or as agents for a registered producer,

has, in any of the twenty-four consecutive months falling between the end of March, nineteen hundred and thirty-four, and the beginning

of April, nineteen hundred and thirty-six, been used (elsewhere than at a farm) in manufacturing any milk product; and

- (2) that by virtue of the terms of the contract the net cost per gallon of the milk to the purchaser is less than the standard price for that month;

then, if the cheese-milk price for that month, as certified in accordance with this Act, is less than the standard price for that month, the Minister shall, out of moneys provided by Parliament, pay to the board, in respect of each gallon comprised in that quantity of milk, a sum equal to the difference between the said cheese-milk price or the net cost per gallon of the milk to the purchaser (whichever is the greater) and the said standard price.

Exchequer payments in respect of milk used for manufacture by milk marketing boards.

2.—(1) Where, by means of such evidence as may be prescribed, the board administering a milk marketing scheme satisfy the Minister that any quantity of milk produced by a registered producer in the area to which the scheme applies has, in any of the twenty-four consecutive months falling between the end of March, nineteen hundred and thirty-four, and the beginning of April, nineteen hundred and thirty-six, been used by the board in manufacturing any milk product, then if both the cheese-milk price for that month, as certified in accordance with this Act, and the appropriate manufacturing milk price are less than the standard price for that month, the Minister shall, out of moneys provided by Parliament, pay to the board, in respect of each gallon comprised in that quantity of milk, a sum equal to the difference between the said cheese-milk price or the said manufacturing milk price (whichever is the greater) and the said standard price.

(2) In this section the expression “the appropriate manufacturing milk price,” in relation to any milk which has, in any month, been used by the board administering a milk marketing scheme in manufacturing any particular milk product, means such sum as may be certified by the Minister to represent the net sum per gallon for which the milk so used by the board could, if it had been available for purchase otherwise than by the board, have been bought wholesale by any other person for use in that month in manufacturing that milk product.

(3) Whenever the board administering a milk marketing scheme request the Minister to deliver to

them a certificate for the purposes of this section in relation to milk used by the board in any month, it shall be the duty of the Minister to deliver that certificate to the board.

3.—(1) Where, by means of such evidence as may be prescribed, the board administering a milk marketing scheme satisfy the Minister that any quantity of milk produced by a registered producer in the area to which the scheme applies has, in any of the twenty-four consecutive months falling between the end of March, nineteen hundred and thirty-four, and the beginning of April, nineteen hundred and thirty-six, been used by him in manufacturing cheese at a farm in his occupation, then if the cheese-milk price for that month, as certified in accordance with this Act, is less than the standard price for that month, the Minister shall, out of moneys provided by Parliament, pay to the board, in respect of each gallon comprised in that quantity of milk, a sum equal to the difference between the two prices aforesaid :

Exchequer
payments
in respect
of milk
converted
into cheese
at farms.

Provided that, as respects any particular milk marketing scheme, the Minister may from time to time by order direct that no sums shall be payable under this section to the board in respect of milk which has, in any month to which the order applies, been used by a registered producer in manufacturing cheese at a farm, unless the board satisfy the Minister that, at the beginning of that month, the registered producer had in his possession, in the area to which the scheme applied, not less than such number of milch cows as may be specified in the order; and the Minister may by order vary or revoke any previous order made by him under this proviso.

(2) An order under the proviso to the foregoing subsection may be made so as to apply to a specified month, or to a specified month and also to every subsequent month until the order is varied or revoked, and shall be made not less than fourteen days before the commencement of the month or of the first month, as the case may be, to which it is to apply :

Provided that, within four weeks from the commencement of this Act, an order may be made so as to apply to the month of April, nineteen hundred and

thirty-four, and any subsequent month down to, and including, the month of September, nineteen hundred and thirty-four.

Definition of "cheese-milk price" and "standard price," and certification of cheese-milk price.

4.—(1) For the purposes of this Act—

- (a) the cheese-milk price for any month shall be the excess over one penny three-farthings of the average of the prices per pound at which cheese such as is commonly known at the commencement of this Act as "New Zealand finest white" and "Canadian finest white" was sold wholesale in Great Britain during the immediately preceding month; and
- (b) the standard price for each of the six consecutive months falling between the end of March in any year and the beginning of the next following October shall be fivepence, and the standard price for each of the six consecutive months falling between the end of September in any year and the beginning of the next following April shall be sixpence.

(2) The Minister of Agriculture and Fisheries and the Secretary of State for Scotland, acting in conjunction, shall—

- (a) as soon as may be after the commencement of this Act, certify the cheese-milk price for the month of April, nineteen hundred and thirty-four, and for each subsequent month down to and including the month of August, nineteen hundred and thirty-four; and
- (b) as soon as may be after the beginning of the month of September, nineteen hundred and thirty-four, and of each subsequent month falling before April, nineteen hundred and thirty-eight, certify the cheese-milk price for that month.

(3) Every certificate given for the purposes of this section shall state the method by which the cheese-milk price certified in the certificate has been computed, and the Minister of Agriculture and Fisheries and the Secretary of State for Scotland shall cause the certificate to be published, as soon as may be, in such manner as they think best for informing persons concerned.

5.—(1) Where, in the case of any milk marketing scheme, any quantity of milk produced in the area to which the scheme applies—

Payments to Ex-chequer in respect of milk used in manufacturing milk products.

- (a) having been sold by a registered producer otherwise than to, or through the agency of, the board, or sold by the board either in their own right or as agents for a registered producer, is, in any of the twenty-four consecutive months falling between the end of March, nineteen hundred and thirty-six, and the beginning of April, nineteen hundred and thirty-eight, used (elsewhere than at a farm) in manufacturing any milk product; or
- (b) having been produced by a registered producer, is, in any such month as aforesaid, used by the board in manufacturing any milk product;

then if the cheese-milk price for that month, as certified in accordance with this Act, exceeds the standard price for that month by more than one penny, the board shall, subject to the following provisions of this section, pay at the prescribed time to the Minister, in respect of each gallon comprised in that quantity of milk, a sum equal to the difference between the said standard price, increased by one penny, and the said cheese-milk price.

(2) If, in the case of any of the twenty-four consecutive months falling between the end of March, nineteen hundred and thirty-six, and the beginning of April, nineteen hundred and thirty-eight, the cheese-milk price for the month, as certified in accordance with this Act, exceeds by more than one penny the standard price for the month, then, subject to the provisions of the next following subsection, the board administering any milk marketing scheme shall, at such time as may be prescribed, pay to the Minister the sum arrived at by multiplying the difference between the said standard price, increased by one penny, and the said cheese-milk price, by whichever of the following numbers is the greater, that is to say:—

- (a) one twenty-fourth of the total number of gallons of milk produced by registered producers in the area to which the scheme applies, being milk—
 - (i) which has, in the period between the end of March, nineteen hundred and thirty-four, and the beginning of April, nineteen

hundred and thirty-six, been used by those registered producers in manufacturing cheese at farms in their respective occupations; and

(ii) in respect of which sums have become payable under section three of this Act by the Minister to the board; or

(b) the total number of gallons of milk produced in that area by registered producers, being milk which has, in that month, been used by them in so manufacturing cheese as aforesaid.

(3) Subject to the following provisions of this Act which relate to the revocation of schemes, a board shall not be liable under this section—

(a) to pay any sum in respect of milk used in manufacturing cream, butter, cheese, milk powder or condensed milk, if no sum has become payable under the foregoing provisions of this Act to that board in respect of milk used in manufacturing cream, butter, cheese, milk powder or condensed milk, as the case may be; or

(b) to pay any sum in excess of the aggregate of the sums (if any) which have become payable to that board under the foregoing provisions of this Act.

(4) All sums payable under this section by a board to the Minister may be recovered by him as a debt due from that board to the Crown, and, when received by the Minister, shall be paid into the Exchequer.

Exchequer payments to Government of Northern Ireland in respect of milk used for manufacture.

6.—(1) The Minister of Agriculture and Fisheries shall, as and when the Treasury may direct, pay out of moneys provided by Parliament to the Government of Northern Ireland—

(a) in respect of the year beginning on the first day of April, nineteen hundred and thirty-four, sums not exceeding in the aggregate two hundred thousand pounds; and

(b) in respect of the year beginning on the first day of April, nineteen hundred and thirty-five, such sum, if any, as may be agreed between the Treasury and the Government of Northern Ireland,

with a view to securing, in the case of milk produced in Northern Ireland which has, in any month of that year, been used in manufacturing cream or butter at premises registered under any Act of the Parliament of Northern Ireland relating to the marketing of dairy produce, that the sum per gallon payable in respect of that milk to the respective producers thereof is not less than the standard price for that month.

(2) The Secretary of State concerned with agriculture in Northern Ireland shall, with respect to each of the twenty-four consecutive months falling between the end of March, nineteen hundred and thirty-six, and the beginning of April, nineteen hundred and thirty-eight, certify to the Treasury—

- (a) the total number of gallons of milk produced in Northern Ireland which have, in that month, been used in manufacturing cream or butter at premises registered under any Act of the Parliament of Northern Ireland relating to the marketing of dairy produce; and
- (b) the average price per gallon paid or payable in respect of that milk to the respective producers thereof;

and if the certificate shows that the said average price exceeds the standard price for that month by more than one penny, there shall, subject as hereinafter provided, become payable by the Government of Northern Ireland to the Exchequer of the United Kingdom, in respect of each gallon of that milk, a sum equal to the difference between the said standard price, increased by one penny, and the said average price :

Provided that there shall not be payable under this subsection a sum exceeding in the aggregate the amount of the sums paid under subsection (1) of this section to the Government of Northern Ireland.

(3) Any sum payable under this section by the Government of Northern Ireland shall be deducted from the Northern Ireland residuary share of reserved taxes.

7.—(1) It shall be the duty of the board administering any milk marketing scheme to comply with such directions (if any) as may be given by the Minister, being directions which appear to him, after consultation with the Treasury, to be necessary for ascertaining the amount,

Provisions
for enforce-
ing pay-
ments due to
Exchequer.

and securing the payment, of all sums payable under the foregoing provisions of this Act by the board to the Minister.

(2) Within the prescribed period after the end of each of the twenty-four consecutive months falling between the end of March, nineteen hundred and thirty-six, and the beginning of April, nineteen hundred and thirty-eight, the board administering any milk marketing scheme shall send to the Minister a return in the prescribed form, signed by the person for the time being authorised to act as secretary of the board and by two members thereof, stating—

- (a) the quantity of milk in respect of the use of which in that month sums are payable by the board to the Minister under subsection (1) of section five of this Act; and
- (b) the quantity of milk produced by registered producers in the area to which the scheme applies, being milk which has, in that month, been used by those registered producers in manufacturing cheese at farms in their respective occupations;

and if the board fail to send such a return to the Minister in accordance with the requirements of this subsection, they shall be guilty of an offence, and shall, for each such offence, be liable on summary conviction to a fine not exceeding one hundred pounds, and to a further fine not exceeding one hundred pounds for every day on which the offence continues after conviction therefor.

(3) With a view to ascertaining whether any, and if so what, sums are payable under the foregoing provisions of this Act to the Minister by the board administering a milk marketing scheme, any person authorised in writing in that behalf by the Minister may, at any reasonable time, enter any premises occupied by the board and request any person whom he finds in the premises to produce to him such documents, and give him such other information, as he considers necessary.

(4) Every person who—

- (a) knowingly makes any false statement in giving any information which he is required for the purposes of the foregoing provisions

of this Act to give to the Minister or to a person authorised under subsection (3) of this section, or

- (b) obstructs any person so authorised as aforesaid in the exercise of his powers under subsection (3) of this section, or
- (c) fails, without reasonable excuse, to produce any document, or give any information, which he is requested under subsection (3) of this section to produce or give, or
- (d) being registered as a producer under any milk marketing scheme, fails, without reasonable excuse, to give to the board any information which he is required under the scheme so to give, or knowingly makes any false statement in giving any such information to the board,

shall be guilty of an offence and 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 such imprisonment and such fine :

Provided that paragraph (d) of this subsection shall not apply in relation to any information which a producer registered under a milk marketing scheme is required to give to the board with respect to the production, sale or use of any milk after the end of March, nineteen hundred and thirty-eight.

8.—(1) Every milk marketing scheme which provides for revoking any other such scheme shall contain provisions for securing that, for the purposes of the foregoing provisions of this Act,—

Provisions
as to revo-
cation of
schemes.

- (a) any sum which, at any time before the revocation takes effect, has become payable under the said provisions by the Minister to the board administering the scheme to be revoked (hereinafter referred to as “the existing board”), or by that board to the Minister, shall be treated as if it had, at that time, become payable, as the case may be, to or by the board by whom the revoking scheme is to be administered (hereinafter referred to as “the new board”); and

(b) any sum paid in pursuance of the said provisions by the Minister to the existing board or by the existing board to the Minister shall be deemed to have been paid to or by the new board, as the case may be.

21 & 22
Geo. 5. c. 4.

(2) Where a milk marketing scheme administered by a board to whom any sums have become, or are to be deemed to have become, payable under the foregoing provisions of this Act is revoked before the beginning of April, nineteen hundred and thirty-eight, by order of the Minister under paragraph 2 of Part II of the First Schedule to the Agricultural Marketing Act, 1931, then, for the purpose of the winding up of the Board, the amount of the said sums (less the amount of any sums which, immediately before the revocation takes effect, have been, or are to be deemed to have been, paid under the said provisions by the board to the Minister) shall be deemed to be a debt due from the board to the Crown and provable by the Minister; and if, within one month from the date on which the revocation takes effect, the Minister publishes in the Gazette a notice stating that, by reason that proceedings are pending or for any other reason, the amount of the sums payable under the foregoing provisions of this Act to the board has not been ascertained, no distribution of the assets of the board shall be made in the winding up until the said amount has been ascertained.

(3) If, in a case where a milk marketing scheme is revoked in the manner mentioned in the last foregoing subsection, it appears to the Minister that the revocation of the scheme was demanded by the registered producers for the purpose of evading any liability to make payments to the Minister which, but for the revocation, the board might have incurred by virtue of the foregoing provisions of this Act, the Minister, within one month from the date on which the revocation takes effect, may by order direct that, notwithstanding any limitation imposed by the scheme on the amount which a contributor is 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, that amount shall be increased to such extent as appears to the Minister, after consultation with the Treasury, to be

necessary for enabling any debt due under the last foregoing subsection from the board to the Crown to be paid in full.

Provisions for improving the quality of the milk supply.

9.—(1) During a period of four consecutive years beginning on a day appointed by the Minister of Agriculture and Fisheries and the Secretary of State for Scotland, acting in conjunction, the said Minister or Secretary of State may, subject as hereinafter provided and in accordance with arrangements made by him and approved by the Treasury, expend out of moneys provided by Parliament such sums as he thinks fit, with the object of securing so far as practicable that the milk supplied for human consumption in England or in Scotland, as the case may be, is pure and free from the infection of any disease :

Payments
for securing
pure milk
supply.

Provided that—

- (a) the Minister of Agriculture and Fisheries shall not make any arrangements for the purposes of this subsection except after consultation with the Minister of Health; and
- (b) not more than seven hundred and fifty thousand pounds in the aggregate shall be expended under this subsection.

(2) Not later than the end of the period mentioned in the foregoing subsection, the Minister may, after consultation with the boards administering any milk marketing schemes approved by him which are for the time being in force, make an order for securing that where the board administering any milk marketing scheme approved by him are satisfied, with respect to any quantity of milk produced after the end of that period in the area to which the scheme applies, that it has been produced by a registered producer in such circumstances as the Minister may prescribe in the order with the object mentioned in the foregoing subsection, the board shall pay to that registered producer, in respect of each gallon comprised in that quantity of milk, such sum not exceeding one penny as may be specified in the order.

Any order made under this subsection may be varied or revoked by a subsequent order made in like manner as the original order.

(3) The Minister of Agriculture and Fisheries or the Secretary of State for Scotland shall, as soon as may be after any arrangements made by him have been approved for the purposes of this section by the Treasury, lay particulars of the arrangements before each House of Parliament.

Amend-
ment of
12 & 13
Geo. 5. c. 54.

10.—(1) The following section shall have effect in substitution for section three of the Milk and Dairies (Amendment) Act, 1922 :—

“ 3.—(1) The Minister of Health, after consultation with the Minister of Agriculture and Fisheries, may by order—

- (a) prescribe, in relation to milk of any description, such designation (hereinafter referred to as a ‘special designation’) as he considers appropriate; and
- (b) as respects any special designation, provide for the granting by the Minister of Health or local authorities of licences (hereinafter referred to as ‘milk licences’) authorising the use of that special designation; and
- (c) prescribe the periods for which, and the conditions (including conditions as to the payment of fees) subject to which, milk licences in general or milk licences of any particular class are to be granted;
- (d) provide for the revocation or suspension of a milk licence in the event of a breach of any condition subject to which the licence was granted; and
- (e) provide for entitling any person aggrieved by the refusal, suspension or revocation of a milk licence by a local authority to appeal to the Minister of Health; and
- (f) provide for such matters as are necessary for giving effect to, or are incidental to, or consequential on, any provisions contained in the order by virtue of the foregoing provisions of this subsection.

“(2) No person shall, for the purpose of the sale or advertisement of any milk,—

(a) use a special designation in any manner calculated to suggest that it refers to that milk, unless there is in force a milk licence authorising the use of that designation in connection with that milk; or

(b) refer to that milk by any such description, not being a special designation, as is calculated falsely to suggest either that the cows from which the milk is derived are free from the infection of tuberculosis or of any other disease, or that the milk is tested, approved or graded by any competent person.

“(3) In any proceedings taken by virtue of paragraph (b) of the last foregoing subsection, it shall lie on the defendant to prove the truth of any suggestion which, in the opinion of the court, his acts or conduct as proved by the prosecution are or is calculated to convey.”

(2) Section fourteen of the Milk and Dairies (Amendment) Act, 1922, (which provides that, in the application of that Act to Scotland, references to the Department of Health for Scotland shall be substituted in the Act for references to the Minister of Health) shall have effect as if at the end of paragraph (a) of that section there were inserted the words “and the Department of Agriculture for Scotland shall be substituted for the Minister of Agriculture and Fisheries.”

(3) Any order under section three of the Milk and Dairies (Amendment) Act, 1922, which is in force immediately before the commencement of this Act shall continue in force until revoked.

Provisions for increasing the demand for milk.

11.—(1) If the board administering a milk marketing scheme satisfy the Minister that, throughout any period determined by him, they have so exercised their powers under the scheme as to give effect to any arrangements, previously submitted by the board to, and approved by, the Minister, for increasing the demand for milk, the Minister may, subject as hereinafter provided, pay to

Contributions from Exchequer towards expenses of milk marketing boards.

that board out of moneys provided by Parliament such sum as he thinks fit, not exceeding one half of the amount of the expenses which are shown to his satisfaction to have been incurred by the board in giving effect to those arrangements in that period :

Provided that—

- (a) no sums shall be payable under this subsection in respect of any such expenses incurred by a board as appear to the Minister to be attributable to any time after the end of the period of two years from the date on which the first arrangements submitted by that or any other board are approved for the purposes of this section; and
- (b) not more than one million pounds in the aggregate shall be expended under this subsection.

(2) In ascertaining for the purposes of this section the amount of the expenses incurred by the board administering a milk marketing scheme in giving effect to such arrangements as aforesaid in any period, there shall be treated as part of those expenses such sum as may be certified by the Minister, with the approval of the Treasury, to be properly payable by way of compensation to that board by reason of the fact that milk has, in pursuance of the arrangements, been sold at reduced prices for consumption by such classes of persons and in such manner as may be specified in the arrangements.

(3) The Minister shall, as soon as may be after any arrangements have been approved by him for the purposes of this section in connection with a milk marketing scheme, lay particulars of the arrangements before each House of Parliament.

General and supplementary provisions.

Extension of
functions
of milk
marketing
boards.

12.—(1) 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 the month of April, nineteen hundred and thirty-four, or any subsequent month, been used (elsewhere than at a farm) in manufacturing any milk product; or

- (b) having been produced by a registered producer, has, in any such month as aforesaid, been used by the board in manufacturing a milk product ; or
- (c) having been produced by a registered producer, has, in any such month as aforesaid, been used by that registered 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 for the purposes of the last foregoing section ;

then, without prejudice to the effect of any order under section nine of this Act, the board may, notwithstanding anything in the scheme and 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.

(2) For the removal of doubts 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 such milk, as the case may be, different prices by reference to the different purposes for which it is sold or used.

(3) 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, and if any registered producer deals with any milk in contravention of any determination made by the board

under this subsection, then, subject to any provisions of the scheme which prescribe procedure in connection with the imposition and recovery of penalties, the board shall impose on, and recover from, that producer such monetary penalty as the board think just, not exceeding one hundred pounds or such greater sum (if any) as may be prescribed by the scheme in relation to such a contravention as aforesaid :

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.

(4) 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 (2) of section seventeen of the Agricultural Marketing Act, 1933, 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.

23 & 24
Geo.5.c. 31.

(5) 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,—

- (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.

(6) The provisions of any milk marketing scheme shall have effect as if the functions of the board under this Act were functions of the board under the scheme.

13.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say :—

Interpreta-
tion.

“milk” means cows’ milk ;

“milk marketing scheme” means a scheme under the Agricultural Marketing Act, 1931, for regulating the marketing of milk ;

“milk product” means cream, butter, cheese, milk powder or condensed milk ;

“the Minister,” “the board,” “registered producer” and “the Gazette” have the same meanings respectively as in the Agricultural Marketing Act, 1931 ;

“prescribed” means prescribed by regulations made, with the approval of the Treasury, by the Minister of Agriculture and Fisheries and the Secretary of State for Scotland, acting in conjunction.

(2) For the purposes of this Act a farm shall be deemed to include the farm house 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.

14.—(1) This Act may be cited as the Milk Act, 1934.

Short title
and com-
mencement.

(2) This Act shall come into operation on the fifteenth day of August, nineteen hundred and thirty-four.

CHAPTER 52.

An Act to make permanent certain temporary enactments relating to the relief of the poor in Scotland ; and to make further provision with regard to such relief. [31st July 1934.]

BE it enacted by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows :—

Certain
temporary
enactments
anent poor
relief made
permanent.
11 & 12
Geo. 5. c. 64.
13 & 14
Geo. 5. c. 6.
14 & 15
Geo. 5. c. 9.
15 & 16
Geo. 5. c. 35.
17 & 18
Geo. 5. c. 3.

1.—(1) The Poor Law Emergency Provisions (Scotland) Act, 1921, as amended by section three of the Local Authorities (Emergency Provisions) Act, 1923, by section one of the Poor Law Emergency Provisions Continuance (Scotland) Act, 1924, by section one of the Poor Law Emergency Provisions Continuance (Scotland) Act, 1925, and by this Act shall, with the exception of subsection (4) of section two of the said Act of 1921, become a permanent Act and accordingly so much of any Act in force at the commencement of this Act as limits the duration of the said Act of 1921 shall cease to have effect.

(2) Sections one and five of the Poor Law Emergency Provisions (Scotland) Act, 1927, as amended by this Act, shall become permanent enactments and accordingly so much of any Act in force at the commencement of this Act as limits the duration of the said sections shall cease to have effect.

Amend-
ments of
11 & 12
Geo. 5.
c. 64 and
17 & 18
Geo. 5. c. 3.

2.—(1) Section one of the Poor Law Emergency Provisions (Scotland) Act, 1921, as made permanent by this Act (which section relates to poor relief to destitute able-bodied persons out of employment) shall be read and have effect as if in subsection (1) thereof for the words from “so however” to the end of the subsection there were substituted the words “who are unable to obtain employment” and as if there were omitted from subsection (2) thereof the words “except those relating to the recovery of expenses from the parish of settlement.”

(2) Section one of the Poor Law Emergency Provisions (Scotland) Act, 1927, as made permanent by this Act (which section relates to relief to dependants of persons involved in a trade dispute), shall be read and have effect as if in subsection (3) thereof the words “except those relating to the recovery of expenses from the parish of settlement and to applications to the sheriff by persons refused relief” were omitted.

(3) Section three of the Poor Law Emergency Provisions (Scotland) Act, 1927 (which relates to the giving of relief on loan), shall cease to have effect.

3.—(1) Section seventy-two of the principal Act and section three of the Poor Law (Scotland) Act, 1898 (which sections relate to the removal of poor persons to their areas of settlement), shall cease to have effect, and, subject as hereinafter provided, it shall be the duty of a local authority to afford relief to all poor persons in their area whether such persons have a settlement therein or elsewhere, and accordingly a poor person shall, notwithstanding that his settlement shall have been ascertained to be in an area other than the area in which he is at the time, have the like right to relief in all respects from the local authority of the last-mentioned area as if his settlement were in that area.

Local authority to relieve all poor persons in their area and to recover expenses from area of settlement, &c.
61 & 62 Vict. c. 21.

(2) Nothing in section seventy-one of the principal Act shall entitle a local authority to recover in respect of expenditure on the relief of a poor person from the local authority of the area to which such poor person shall ultimately be found to belong any amount in excess of the amount which it would have cost the last-mentioned authority to relieve him had it been the duty of that authority to afford him relief. Any dispute as to the amount recoverable under the said section as amended by this subsection, shall, on the application of either authority, be determined by the Department, whose decision shall be final.

(3) Where the settlement of a poor person in receipt of relief from a local authority (hereinafter referred to as the "relieving authority") has been ascertained to be in the area of another local authority, the relieving authority may, with the sanction of the Department, make an order for the removal of such person to the area in which he has his settlement:

Provided that—

- (i) no such order shall be made in the case of a person who, by reason of sickness or infirmity, is incapable of being removed, or who has resided within the area of the relieving authority for a period of not less than one year immediately preceding his application for relief; and
- (ii) the sanction of the Department to any such order shall not be given unless the Department are of opinion that, having regard to the whole circumstances of the case, the removal is reasonable and proper.

(4) An order for the removal of a poor person made in pursuance of this section shall be intimated by the relieving authority to the local authority of the area ascertained to be the area of the poor person's settlement and, if within fourteen days after such intimation, the last-mentioned local authority shall not remove such poor person, it shall be lawful for the relieving authority to cause him to be removed to the area of his settlement at the expense of the local authority of that area.

(5) Nothing in this section shall affect the operation of any enactment relating to the removal of poor persons born in England, Northern Ireland, or the Isle of Man.

Statement of grounds of refusal of relief, &c., to be furnished on application.

4.—(1) Where any person who is dissatisfied with a decision refusing to afford him relief, or refusing to afford him relief otherwise than by admission to a poorhouse, makes application to the local authority within seven days after intimation to him of such decision, for a written statement of the grounds thereof, the local authority shall forthwith furnish him with such statement.

(2) Whenever any such decision as aforesaid is intimated to an applicant for relief, the intimation shall be accompanied by a statement informing him of the provisions of the foregoing subsection and of his right to, and the manner in which he may, appeal against such decision.

Interim relief directed by sheriff to be outdoor relief.

5. Interim relief or support directed by the sheriff in pursuance of section seventy-three of the principal Act to be afforded or continued to any person shall, except where such person otherwise desires, be afforded by way of outdoor relief, and, except as aforesaid, an offer to admit such person to a poorhouse shall not be deemed to be compliance with the sheriff's direction :

Provided that this section shall not apply as respects any person to whom the affording of outdoor relief is prohibited by the provisions of section fifty-three of, and Part II of the Eighth Schedule to, the Unemployment Act, 1934.

24 & 25
Geo. 5. c. 29.

Department may award interim relief on complaint of inadequate relief.

6.—(1) It shall be lawful for the Department at any time after a complaint as to the inadequacy of the relief granted to any person is lodged with them under section seventy-four of the principal Act to award to him such interim relief as to the Department shall seem just, and the local authority shall comply with any such award.

(2) An award of interim relief to any person under this section shall cease to have effect on the final determination of any action brought by or on behalf of such person relative to the relief granted to him by the local authority, and shall be recalled by the Department if, upon inquiry, they are satisfied that the grounds of the complaint are not well founded or that such grounds have been removed, or if the Department have declared that there is a just cause of action and the person to whom the interim relief has been awarded has, in the opinion of the Department, unreasonably delayed to raise such action.

(3) Section seventy-four of the principal Act, in so far as it relates to interim aliment, shall cease to have effect, and accordingly the words in that section from "and it shall be lawful" to the end of the section shall be repealed.

7.—(1) Subject to any regulations which may be made by the Department, a local authority may make provision for the instruction and training of persons to or in respect of whom poor relief is being afforded and who are of the age of eighteen years or upwards, with a view to rendering such persons fit for entry into or return to regular employment, and to that end may themselves provide and maintain courses of instruction and training for such persons or may contribute towards the cost of the provision and maintenance of such courses by another local authority or by any other body, but it shall not be lawful for a local authority to make attendance at any such course a condition of the receipt of relief.

Training
of and per-
formance of
work by
poor per-
sons.

(2) Subject to any regulations which may be made by the Department, any able-bodied person applying for or in receipt of outdoor relief may, as a condition of receiving or continuing to receive such relief, be required by the local authority to perform work suited to the person's age, sex, strength and aptitude if the authority consider it expedient so to require in the particular case :

Provided that no person shall be required to perform any work otherwise than at a work centre provided under this section or at or in connection with any institution maintained by the authority for the purposes of the principal Act, and on a certificate by a medical officer of the authority that he is physically fit to perform

the work, which certificate may, in the case of a person who has a regular medical attendant, be given only after consultation with such medical attendant wherever there is a reasonable opportunity of consulting with him.

(3) A local authority shall have power to provide and maintain work centres for such persons as may be required by the authority to perform work in accordance with the provisions of the last foregoing subsection.

(4) Any power conferred by this section to provide courses of instruction and training and work centres shall be construed as including power to acquire land, to construct buildings, to provide and maintain plant and equipment and to do such other things as may be necessary for the purposes of this section.

19 & 20
Geo. 5. c. 25.

(5) A local authority shall have power to borrow for the purpose of meeting any expenditure of a capital nature incurred by them under this section, and the provisions of section twenty-three of the Local Government (Scotland) Act, 1929, shall apply to the power hereby conferred.

(6) Expenditure incurred by a local authority under this section shall be defrayed in like manner as expenditure for the relief of the poor.

Classifica-
tion of
indoor poor.

8. A local authority shall, if required by the Department, provide or make arrangements for the provision of suitable and separate accommodation for each or any of such classes of indoor poor as may be prescribed by regulations made by the Department.

Regulations
as to work
in poor-
houses.

9.—(1) Regulations may be made by the Department providing for the performance by inmates of poorhouses of work suited to their age, sex, strength and aptitude:

Provided that the regulations shall secure that no inmate shall be required to perform any work otherwise than in or about, or in connection with, the poorhouse of which he is an inmate, and on a certificate by a medical officer of the local authority that he is physically fit to perform it.

(2) All rules and regulations made by local authorities under section sixty-four of the principal Act for the management of poorhouses or the discipline and treatment of the inmates thereof shall, in so far as they

are inconsistent with regulations made under this section, cease to have effect.

10. A local authority may make arrangements for the lodging, boarding, or maintenance otherwise than in a poorhouse of children under the age of sixteen years who are orphans, or who have been deserted by, or are separated from, their parents, so however that any arrangements so made shall be subject to such regulations as the Department may make with respect thereto.

Boarding-out of children.

11.—(1) In affording outdoor relief to any person a local authority shall disregard—

(a) the first five shillings of his sick pay from a friendly society or trade union;

(b) the first seven shillings and sixpence of his benefit under the National Health Insurance Acts, 1924 to 1932;

(c) the whole of any maternity benefit under the last-mentioned Acts, exclusive of any increase of such benefit by way of additional benefit and of any second maternity benefit within the meaning of those Acts; and

(d) the first one pound of any wounds or disability pension of which he, or any other person whose resources the authority take into account in relieving him, is in receipt.

Outdoor relief to members of friendly societies, &c.

(2) Where a person to whom a local authority have afforded outdoor relief shows to the satisfaction of the Department that the authority, in affording such relief, have failed in any respect to comply with the provisions of the foregoing subsection, then, notwithstanding anything in section seventy-five of the principal Act, he shall be entitled to recover from the authority such sum as the Department may certify to be the difference in amount between the relief afforded to him and the relief which he would have received had the authority duly complied with the provisions of the said subsection.

(3) Subsection (1) of section one hundred and five of the National Health Insurance Act, 1924, is hereby repealed, and the Transitional Payments (Determination of Need) Act, 1932, so far as it applies to the granting of

14 & 15
Geo. 5. c. 38.
22 & 23
Geo. 5. c. 54.

outdoor relief under the enactments relating to the poor law, shall have effect as if rule (a) in subsection (1) of section one were omitted.

(4) This section, so far as it relates to wounds or disability pensions and to the Transitional Payments (Determination of Need) Act, 1932, shall come into operation on such date as the Secretary of State may appoint.

Power of Department to make regulations with respect to certain matters relating to relief.

12. The Department shall make regulations with respect to :

- (a) the duties of inspectors of poor and other officers of a local authority in relation to applications for relief, the investigation of the circumstances of applicants for relief, the affording of relief to poor persons and the visiting of persons who are in receipt of outdoor relief; and
- (b) the records to be kept by local authorities with regard to the administration of the relief of the poor.

Regulations to be laid before Parliament.

13. All regulations made by the Department under this Act shall be laid before both Houses of Parliament as soon as may be after they are made, and if an address is presented to His Majesty by either House of Parliament within the subsequent twenty-one days on which that House has sat next after any such regulations are laid before it, praying that the regulations may be annulled, the regulations shall be annulled and shall thenceforth be void but without prejudice to the validity of anything previously done thereunder or to the making of new regulations.

Residence in approved school under 22 & 23 Geo. 5. c. 47 to be excluded for purposes of ascertaining settlement.

14. The time during which a person is detained in an approved school under the Children and Young Persons (Scotland) Act, 1932, shall be excluded in the computation of time for all purposes relating to the settlement of that person.

Adopted child to be treated for purposes of poor relief as lawful child of adopter.
20 & 21 Geo. 5. c. 37.

15. An adopted child within the meaning of the Adoption of Children (Scotland) Act, 1930, shall be treated for all purposes relating to poor relief as being the lawful child of the person or persons by whom he is adopted, and as not being the child of any other person.

16. The amendments specified in the second column of the Schedule to this Act, being minor and consequential amendments of the principal Act, shall be made in the sections of that Act specified in the first column of that Schedule. Minor and consequential amendments.

17.—(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.

“Local authority” means the local authority charged with the administration of the principal Act and includes a combination of such authorities;

“The Department” means the Department of Health for Scotland;

“The principal Act” means the Poor Law (Scotland) Act, 1845; 8 & 9 Vict. c. 83.

“Wounds or disability pension” means any retired pay or pension to which section sixteen of the Finance Act, 1919, applies. 9 & 10 Geo. 5. c. 32.

(2) Any reference in this Act, or in the enactments made permanent by this Act, to any other enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended by any subsequent enactment, including this Act.

18.—(1) This Act may be cited as the Poor Law (Scotland) Act, 1934. Short title, construction, extent and commencement.

(2) This Act shall be read and construed as one with the principal Act.

(3) This Act shall apply to Scotland only, and, save as otherwise expressly provided, shall come into operation on the first day of September, nineteen hundred and thirty-four.

Section 16.

SCHEDULE.**MINOR AND CONSEQUENTIAL AMENDMENTS.**

Sections of Poor
Law (Scotland)
Act, 1845,
to be amended.

Amendment.

- Section 55 - The words from "inquire into" to "division of a parish, and" and the proviso to the section shall be omitted.
- Section 70 - The words "in accordance with any regulations made by the Department of Health for Scotland under the Poor Law (Scotland) Act, 1934" shall be inserted after the words "such applications, shall", and the word "interim", and the words from "until the parish or combination" to "determined or", shall be omitted.

CHAPTER 53.

An Act to consolidate certain enactments relating
to County Courts. [31st July 1934.]

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

PART I.**CONSTITUTION AND ADMINISTRATION.***County Courts and Districts.*

County
courts to be
held for
districts.

1.—(1) For the purposes of this Act, England (excluding the City of London) shall be divided into districts, and a court shall be held under this Act for each of the said districts at one or more places therein, and throughout the whole of each district the court so held for the district shall have such jurisdiction and

powers as are conferred by this Act and any other enactment for the time being in force.

PART I.
—cont.

(2) Every court so held shall be called a county court and shall be a court of record and shall have a seal.

2.—(1) Subject to any alterations made in pursuance of this Act, county courts shall continue to be held for the districts and at the places and by the names appointed at the commencement of this Act under the enactments repealed by this Act.

Delimita-
tion of dis-
tricts.

(2) The Lord Chancellor may from time to time by order—

- (a) alter the number and boundaries of districts and the places at which courts are to be held;
- (b) discontinue the holding of any court, consolidate any two or more districts, or divide any district;
- (c) specify the name under which, and the places in which, a court is to be held in any district:

Provided that no order shall be made under this subsection with respect to a Duchy of Lancaster district except with the consent of the Chancellor of that Duchy.

(3) Any order made under this section for the discontinuance of the holding of any court may make provision with respect to proceedings commenced in that court before the order comes into operation.

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

3.—(1) In this Act the expression “Duchy of Lancaster district” means a district wholly or partly within that Duchy, being a district the judge of which is not judge of any other district wholly outside that Duchy, or, in a case where there is more than one judge of the district, being a district no judge of which is judge of any other district wholly outside that Duchy:

Definition
of Duchy of
Lancaster
districts.

Provided that the Lord Chancellor may by order provide that a district adjacent to the said Duchy shall be treated for the purpose of this subsection as if it were wholly or partly within that Duchy.

(2) The Lord Chancellor may, with the consent of the Chancellor of the said Duchy, revoke any order made under this section.

PART I.

—*cont.*Appoint-
ment of
judges for
districts.*Judges.*

4.—(1) There shall be at least one judge for each district, and the Lord Chancellor shall from time to time appoint to be judges such number of fit persons as is necessary :

Provided that—

- (a) when the judge of a Duchy of Lancaster district ceases to be the judge thereof, whether by reason of his vacating office or by reason of any alteration in the distribution of the districts among the judges made under subsection (4) of this section, the appointment of his successor shall, unless it is made under the said subsection (4), be made by the Chancellor of that Duchy and not by the Lord Chancellor ; and
- (b) the number of judges shall not at any time exceed sixty.

(2) The distribution of the districts among the judges, as existing at the commencement of this Act, shall continue, subject to any alterations made under this section.

(3) The Lord Chancellor may from time to time direct that there shall be two judges for a district, and may make such regulations as to their respective sittings, or otherwise as to the division of their duties, as he thinks fit, and each of the judges when acting in pursuance of any such direction shall have all such powers as he would have had if he had been sole judge for the district.

(4) The Lord Chancellor may from time to time alter the distribution of the districts among the judges, and for that purpose may—

- (a) direct that any judge shall cease to be the judge of any district, or shall be transferred from all or any of the districts for which he is judge to any other district ;
- (b) appoint any judge to be judge for any district in addition to the district for which he is already judge ;
- (c) direct that any judge shall sit as an additional judge in any district.

(5) The Lord Chancellor shall not exercise his powers under either of the last two foregoing subsections with respect to a Duchy of Lancaster district except with the consent of the Chancellor of that Duchy.

PART I.
—cont.

(6) Any judge shall be capable of acting for any other judge within or without any district for which that other judge has been appointed.

5.—(1) No person shall be qualified to be appointed a judge unless he is a barrister-at-law of at least seven years' standing. Qualifica-
tions of
judges.

(2) Before appointing any person to be a judge, the Lord Chancellor or the Chancellor of the Duchy of Lancaster, as the case may be, shall take steps to satisfy himself that the health of that person is satisfactory.

6. No judge, so long as he holds office as such, shall— Disqualifi-
cations of
judges.

(a) be capable of being elected, or of sitting as, a member of the House of Commons; or

(b) practise at the bar, or be directly or indirectly concerned as a conveyancer, notary public or solicitor; or

(c) act as arbitrator or referee for any remuneration to himself.

7.—(1) The Lord Chancellor or, in the case of a judge of a Duchy of Lancaster district, the Chancellor of that Duchy, may, if he thinks fit, remove a judge for inability or misbehaviour. Removal
and retire-
ment of
judges.

(2) A judge shall vacate his office at the end of the completed year of service in the course of which he attains the age of seventy-two years :

Provided that where the Lord Chancellor considers it desirable in the public interest to retain any judge in office after that judge attains the said age, he may from time to time authorise the continuance of that judge in office up to such later age (not exceeding seventy-five years) as he thinks fit.

8.—(1) There shall be paid to every judge a salary of one thousand five hundred pounds a year. Salaries and
allowances
of judges.

(2) Every salary payable as aforesaid shall—

(a) be charged on and paid out of the Consolidated Fund or the growing produce thereof; and

PART I.
—cont.

- (b) begin from the date of appointment and accrue due from day to day; and
- (c) be payable at such intervals not exceeding three months as the Treasury may from time to time determine.

(3) The Lord Chancellor may allow to any judge such sum as the Lord Chancellor in each case, with the approval of the Treasury, thinks reasonable for the purpose of defraying the travelling expenses of the judge, regard being had to the size and circumstances of the district for which he is judge or in which he is directed under this Act to sit as judge.

Pensions of
judges.

9.—(1) The Lord Chancellor may from time to time recommend to the Treasury that there shall be paid to any judge an annual sum by way of pension calculated in accordance with the provisions of Part I of the First Schedule to this Act—

- (a) if his office is vacated in pursuance of subsection (2) of section seven of this Act; or
- (b) if the Lord Chancellor is satisfied by means of a medical certificate that, by reason of infirmity of mind or body, he is incapable of discharging the duties of his office, and that the incapacity is likely to be permanent; or
- (c) if he retires after fifteen years' service, and at the time of retirement has attained the age of sixty-five years.

(2) A person to whom a pension has been granted under this section before he has attained the age of seventy-two years in consequence of such incapacity as aforesaid shall, until he has attained that age, be liable to be called upon by the Lord Chancellor to resume the duties of a judge of county courts with the salary attached thereto, and, if (being in a competent state of health) he declines when so called upon to resume those duties, or declines or neglects to execute those duties satisfactorily, he shall forfeit his right to the pension so granted to him.

(3) Whenever a person has resumed his duties as aforesaid, the payment of the pension granted to him shall be suspended during the period of his resumed service, but at the end of that period the pension shall again be payable and be recalculated in accordance

with the provisions of Part I of the said First Schedule, and for that purpose the period of his resumed service shall be added to the period of his former service.

PART I.
—cont.

(4) The decision of the Treasury shall be final on any question arising as to—

- (a) the application of any of the provisions of this section to any person; or
- (b) the amount of any pension under this section; or
- (c) the reckoning of any service for the purpose of calculating such a pension.

(5) Any pension under this section shall be charged on and paid out of the Consolidated Fund or the growing produce thereof, and shall be paid quarterly or otherwise in every year as the Treasury may determine.

10. His Majesty may include, in any commission of the peace for any borough, city, county, riding, or division of a county where a county court is held, the judge for the time being of that court, and thereupon every person duly appointed to be the judge of that court shall (whether he has ceased to hold office as such or not) be deemed to be included in the commission as if he had been personally named therein.

Inclusion of judges in commissions of the peace.

Deputy Judges.

11.—(1) In the event of the illness or unavoidable absence of a judge, it shall be lawful for him to appoint a person to act as his deputy during the illness or absence:

Appointment of deputy judges.

Provided that—

- (a) on the making of any such appointment, notice of the fact and of the name of the deputy shall be forthwith given to the Lord Chancellor; and
- (b) no deputy so appointed shall be entitled to act for more than fourteen days at any time, except with the approval of the Lord Chancellor; and
- (c) if the judge is unable to make any such appointment, the Lord Chancellor may make it.

PART I.
—cont.

(2) It shall also be lawful for a judge, with the approval of the Lord Chancellor or, in the case of a judge of a Duchy of Lancaster district, with the approval of the Chancellor of that Duchy, to appoint a person to act as his deputy for any period or periods not exceeding in the aggregate two months in any consecutive period of twelve months.

(3) Where, in the absence of a judge, a person appointed to act as his deputy is by reason of illness or otherwise incapable of performing his duties as deputy, the Lord Chancellor may appoint another person to act as deputy of that judge.

(4) When a judge vacates his office from any cause whatsoever and no deputy has been appointed, the Lord Chancellor or, in the case of a judge of a Duchy of Lancaster district, the Chancellor of that Duchy, may appoint a deputy for any period not exceeding three months if the office so long remains vacant.

(5) A deputy judge may be appointed to act for a judge in all or any of the districts for which the judge was appointed, or at all or any of the places at which the court for any such district is held.

Qualifica-
tions of
deputy
judges and
right to
practise.

12.—(1) No person shall be qualified to be appointed to act as deputy of a judge unless he—

- (a) has previously held the office of judge; or
- (b) is a barrister-at-law of at least seven years' standing.

(2) No person appointed to act as the deputy of a judge (other than the judge of the Westminster County Court of Middlesex) shall, during the period for which he so acts or is entitled so to act, practise as a barrister in any county court or other court within the district in which he so acts or is entitled so to act.

Removal of
deputy
judges.

13. The Lord Chancellor, or, in the case of a deputy of a judge of a Duchy of Lancaster district (other than a deputy appointed by the Lord Chancellor), the Chancellor of that Duchy, may, if he thinks fit, remove a deputy judge for inability or misbehaviour.

Remunera-
tion of
deputy
judges.

14.—(1) Where a deputy has been appointed in the case of the illness of any judge, the Lord Chancellor may, with the approval of the Treasury, allow the deputy such remuneration as he thinks fit.

(2) Every deputy who is—

- (a) appointed to act for a judge who subsequently, during the period of the appointment, vacates his office from any cause whatsoever; or
- (b) appointed under subsection (4) of section eleven of this Act to act during a vacancy in the office of a judge;

shall receive in respect of the period for which he acts as deputy during the vacancy such remuneration as the Lord Chancellor may, with the approval of the Treasury, in any case determine.

15.—(1) Every deputy judge shall, during the period for which he is appointed, have all the powers and privileges, and perform all the duties of the judge for whom he is appointed to act. Powers of deputy judges.

(2) Where the hearing of any proceedings duly commenced before a deputy judge is adjourned, or judgment is reserved therein, the deputy judge shall, notwithstanding that before the hearing is resumed or judgment is delivered the period of his appointment expires or a successor is appointed to the judge for whom he was acting as deputy, have power to resume the hearing and determine the proceedings, or to deliver as the judgment of the court the judgment which he has reserved, as the case may be.

(3) The appointment of a deputy of a judge shall not be avoided by the vacation of office by that judge from any cause whatsoever, and the acts of the deputy done thereafter shall be as valid as if the judge had not vacated office, and the deputy shall continue to act in every court to which he was appointed until—

- (a) the Lord Chancellor, or, in the case of a deputy of a judge for a Duchy of Lancaster district (not being a deputy appointed by the Lord Chancellor), the Chancellor of that Duchy, otherwise orders; or
- (b) a successor to the judge is appointed.

Registrars.

16.—(1) Subject to the provisions of this section, there shall be a registrar for each district, who shall be appointed by the Lord Chancellor. Appoint-ment of registrars.

PART I.
—cont.

(2) The Lord Chancellor may, if he thinks fit, appoint a person to be registrar for two or more districts.

(3) The Lord Chancellor may, if he thinks fit, in the case of a populous district, appoint two persons to execute jointly the office of registrar for the district and may, in any case where joint registrars are appointed, give directions with respect to the division between them of the duties of the office, and may, as he thinks fit, on the death, resignation or removal of a joint registrar, either appoint another person to be joint registrar in his place or give directions that the continuing registrar shall act as sole registrar.

Whole-time
registrars.

17. If in any case the Lord Chancellor thinks it expedient so to do, having regard to the amount of business to be performed by any registrar in pursuance of this Act and to the amount of business (if any) to be performed by him as district registrar of the High Court, he may, with the concurrence of the Treasury, direct that that registrar shall not directly or indirectly engage in practice as a solicitor or carry on any employment of such a nature as will, in the opinion of the Lord Chancellor, prevent him from properly performing his duties as registrar.

Qualifica-
tions of
registrars.

18.—(1) No person shall be qualified to be appointed a registrar unless he is a solicitor of at least seven years' standing.

(2) The Lord Chancellor shall, before giving any direction under which a person will on appointment as registrar be, or under which a person holding the office of registrar will become, a whole-time registrar, take steps to satisfy himself that the health of the person concerned is satisfactory.

(3) Nothing in this section shall disqualify any registrar appointed before the fourteenth day of July, nineteen hundred and twenty-four, from continuing to hold his office.

Removal
and retire-
ment of
registrars
and notice
of vacancies.

19.—(1) The Lord Chancellor may, if he thinks fit, remove a registrar from his office.

(2) A whole-time registrar shall vacate his office at the end of the completed year of service in the course of which he attains the age of seventy-two years :

Provided that, where the Lord Chancellor considers it desirable in the public interest to retain any registrar in office after that registrar attains the said age, he may, with the approval of the Treasury, from time to time authorise the continuance of that registrar in office up to such later age, not exceeding seventy-five years, as he thinks fit.

PART I.
—cont.

(3) Notice of a vacancy occurring in the office of registrar for a district shall be forthwith given to the Lord Chancellor by the judge for that district.

20.—(1) Every registrar shall be paid such salary, to be either exclusive or inclusive of the remuneration of any officers of the court and of any other expenses of his office, as the Lord Chancellor may from time to time, with the consent of the Treasury, direct. Salary of registrars.

(2) Where the salary is inclusive of any such remuneration or expenses as aforesaid, the Lord Chancellor may, if he thinks fit and subject to the consent of the Treasury, specify what part of the salary is applicable to the payment of the said remuneration or expenses.

21.—(1) The provisions of the Superannuation Acts shall apply to whole-time registrars subject to the modifications specified in subsections (2), (3), (4) and (5) of this section: Pensions of whole-time registrars.

Provided that, if a whole-time registrar who was, immediately before his appointment as such, an assistant registrar or a civil servant, gives notice, in such form and within such period after his appointment as may be prescribed by order of the Lord Chancellor—

- (a) in the case of an assistant registrar, of his desire to continue subject to the provisions of this Act relating to the pensions of persons in court service; or
- (b) in the case of a civil servant, of his desire to continue subject to the statutory provisions relating to the pensions of civil servants;

he shall, for the purposes of pension, be deemed not to be a whole-time registrar but to be a person employed in court service or a civil servant, as the case may be.

PART I.
—*cont.*

(2) The superannuation allowance on retirement shall be in accordance with the provisions of Part II of the First Schedule to this Act instead of in accordance with the provisions of the Superannuation Acts.

9 Edw. 7.
c. 10.
4 & 5 Geo. 5.
c. 86.

(3) The following provisions of the Superannuation Act, 1909, shall not apply, that is to say, section two (as amended by section two of the Superannuation Act, 1914), section three and subsection (2) of section six.

22 Vict.
c. 26.

(4) Section ten of the Superannuation Act, 1859, shall not apply, but a superannuation allowance shall not be granted under this section to a person who is under the age of seventy-two years, unless—

(a) the Treasury are satisfied by means of a medical certificate that he is incapable from infirmity of mind or body of discharging the duties of his office and that the infirmity is likely to be permanent; or

(b) he has served fifteen years as a registrar and has attained the age of sixty-five years.

(5) A whole-time registrar shall, for the purposes of the Superannuation Acts, be deemed to have served in the permanent Civil Service of the State notwithstanding that he has not been admitted to office with a certificate from the Civil Service Commissioners.

(6) For the purposes of this section, the period of service of a whole-time registrar shall be reckoned as from the date on which he became such a registrar.

Residence of
registrars.

22. A registrar shall not reside outside the district for which he is registrar, except with the consent of the Lord Chancellor and subject to such conditions as the Lord Chancellor may impose.

Records of
proceedings
to be kept by
registrars.

23.—(1) The registrar for every district shall keep or cause to be kept such records of and in relation to proceedings in the court for that district as the Lord Chancellor may by regulations prescribe.

(2) Any entry in a book or other document required by the said regulations to be kept for the purposes of this section, or a copy thereof purporting to be signed

and certified as a true copy by the registrar, shall at all times without further proof be admitted in any court or place whatsoever as evidence of the entry and of the proceeding referred to thereby and of the regularity of that proceeding.

PART I.
—cont.

Deputy and Assistant Registrars and other Officers.

24.—(1) The registrar for any district may from time to time, with the approval of the judge for that district, appoint a deputy to act for him at any time when he is prevented by illness or unavoidable absence from acting in his office : Deputy registrars.

Provided that where the registrar is unable to make such an appointment, the judge may make it.

(2) The appointment of a deputy of a registrar under the foregoing provisions of this section shall not be avoided by the vacation of office by the registrar from any cause whatsoever, but the acts of the deputy done thereafter shall be as valid as if the registrar had not vacated office, and the deputy shall continue to act until a successor to the registrar is appointed.

(3) Where a registrar vacates his office from any cause whatsoever and has not appointed a deputy, the judge may provisionally appoint a deputy to act for any period not exceeding three months.

(4) Any person appointing a deputy under this section may at his pleasure remove that deputy from office.

(5) Every deputy who is—

(a) appointed to act for a registrar who subsequently, during the period of the appointment, vacates his office from any cause whatsoever; or

(b) provisionally appointed under subsection (3) of this section to act during a vacancy in the office of registrar;

shall receive in respect of the period for which he acts as deputy during the vacancy such remuneration as the Lord Chancellor may, with the approval of the Treasury, direct.

PART I.
—cont.

(6) Where a deputy has been appointed in the case of the illness or unavoidable absence of a whole-time registrar, the Lord Chancellor may, with the approval of the Treasury, allow to the registrar such sums in respect of the remuneration and expenses of the deputy as he thinks fit.

Assistant
registrars.

25.—(1) The Lord Chancellor may, with the concurrence of the Treasury as to numbers and salaries, appoint in connection with any court such assistant registrars as he considers necessary for carrying out the work of the court, and may, if he thinks fit, remove any such assistant registrar from his office.

(2) Where there is an assistant registrar, the Lord Chancellor may direct which of the powers and duties of the registrar are to be exercised and performed by the assistant registrar.

Powers and
liabilities of
deputy and
assistant
registrars.

26. A deputy registrar while acting under his appointment, and an assistant registrar while exercising the powers or performing the duties specified in a direction of the Lord Chancellor given under the last foregoing section, shall have the same powers and be subject to the same liabilities as if he were the registrar.

Qualification of
deputy and
assistant
registrars.

27. No person shall be qualified to be appointed a deputy registrar or an assistant registrar unless he is a solicitor of at least seven years' standing.

Appoint-
ment and
removal of
subordinate
officers.

28.—(1) Subject as hereinafter provided, the Lord Chancellor may, with the concurrence of the Treasury as to numbers and salaries, appoint in connection with any court such clerks, bailiffs, ushers and messengers as he considers necessary for the purpose of carrying out the work of the court, and may from time to time direct what duties shall be performed by those officers respectively, and may, if he thinks fit, remove any such officer from his office :

Provided that where the registrar is paid a salary inclusive of the remuneration of any such officers (whether the part of the salary applicable to the payment of that remuneration is specified under section twenty of this Act or not), those officers shall be appointed and be removable by the registrar.

(2) Where a bailiff is appointed by the registrar, his appointment, notwithstanding that no direction has been given in his case by the Lord Chancellor under the next following section, shall not be vacated by the death or removal of the registrar, but his acts done thereafter shall be as valid as if the registrar had not died or been removed and had authorised those acts, and he shall continue to act until he is dismissed.

PART I.
—cont.

29.—(1) Subject to the provisions of this section, employment in court service shall, in the case of a person as respects whom a direction in that behalf is given by the Lord Chancellor with the concurrence of the Treasury, be deemed for all purposes to be employment in the civil service of the State, and, if a certificate has been issued to such a person by the Civil Service Commissioners, allowances may in his case be granted accordingly under the Superannuation Acts :

Status and
pensions of
persons
employed in
court
service.

Provided that, except so far as the Treasury in any case direct, no account shall be taken for the purposes of this section of court service before the issue of the certificate.

(2) Employment in court service shall, in relation to a person in whose case a direction has been given under this section, be deemed to be employment in a public department within the meaning of section four of the Superannuation Act, 1887, as amended by section three of the Superannuation Act, 1914.

50 & 51
Vict. c. 67.

(3) The provisions of this section shall have effect notwithstanding anything in any contract made between a registrar or a high bailiff and any other person.

(4) For the purposes of this Act, the expression "court service" means employment as an assistant registrar, or as a clerk, bailiff, usher or messenger in the service of a court, and includes employment in those capacities simultaneously with employment as a clerk in the service of a district registry of the High Court.

Miscellaneous Provisions as to Officers.

30.—(1) No officer of a court shall, either by himself or his partner, be directly or indirectly engaged as solicitor or agent for any party in any proceedings in that court.

Officers of
court not
to act as
solicitors
therein.

PART I.
—cont.

(2) Every person who contravenes the provisions of this section shall, for each offence, be liable on summary conviction to a fine not exceeding fifty pounds.

Penalty for
assaulting
officers.

31. If any person assaults an officer of a court while in the execution of his duty, he shall be liable, either on an order made by the judge in that behalf or on summary conviction, to a fine not exceeding five pounds, and a bailiff of the court may take him into custody, with or without warrant, and bring him before the judge.

Misconduct
of officers.

32.—(1) If any officer of a court is charged—

- (a) with extortion or misconduct while acting under colour of the process of the said court; or
- (b) with not duly paying or accounting for any money levied by him under the authority of this Act;

it shall be lawful for the judge to inquire into the matter in a summary way.

(2) For the purpose of any such inquiry, the judge may summon and enforce the attendance of all necessary parties in like manner as the attendance of witnesses in any case may be enforced.

(3) On any such inquiry the judge may make such order as he thinks just for the repayment of the money extorted or the due payment of the money levied, and for the payment of damages and costs, and also, if he thinks fit, may impose such fine upon the officer, not exceeding ten pounds for each offence, as appears to him to be adequate.

(4) If it is found by the judge that any officer, while employed in putting this Act or any of the powers thereof in execution, has wilfully and corruptly exacted or accepted any fee or reward whatsoever, other than such fees as are for the time being allowed by or under this Act, that officer shall, in addition to being liable for damages as in this section before provided, be for ever incapable of being employed under this Act in any office of profit or emolument:

Provided that this subsection shall not apply in the case of an officer appointed by the Lord Chancellor, unless the finding of the judge is confirmed by the Lord Chancellor.

PART I.
—cont.

Court Buildings and Offices.

33.—(1) Where, in any place in which a county court is held, there is a building, being a town hall, court-house or other public building belonging to any local or other public authority, that building shall, with all necessary rooms, furniture and fittings therein, be used for the purpose of holding the court, without any charge for rent or other payment, except the reasonable and necessary charges for lighting, warming and cleaning the building when used for the purpose aforesaid.

Use of public
buildings
for the
holding of
courts.

(2) Where any such building is used for the purpose of holding any court, the sittings of the court shall be so arranged as not to interfere with the business of the local or other public authority usually transacted in the building or with any purpose for which the building may be used by virtue of any local Act.

(3) This section shall not apply to any place in which a building was erected before the first day of January, eighteen hundred and eighty-nine, for the purpose of holding and carrying on the business of a county court.

34.—(1) The Commissioners of Works, on the representation of the Lord Chancellor made with the approval of the Treasury, shall from time to time build, purchase, hire or otherwise provide such court-house, offices and buildings as may be necessary for carrying on the business of any county court, and cause the court-house, offices and buildings to be furnished, cleaned, lighted and warmed.

Provision of
court-houses
by Commis-
sioners of
Works.

(2) For the purpose of any such purchase, the Lands Clauses Acts (except so much thereof as relates to the purchase of land otherwise than by agreement) are hereby incorporated with this Act, and in construing those Acts for the purposes of this Act, this Act shall be deemed to be the special Act and the Commissioners of Works shall be deemed to be the promoters of the undertaking.

PART I.
—cont.

(3) The duties of the Commissioners of Works under this section shall be exercised, notwithstanding anything in the last foregoing section of this Act, as respects any place to which that section applies, if it appears to the said Commissioners, on the representation of the Lord Chancellor made with the approval of the Treasury, that there is no town hall, courthouse, or other public building in that place which is suitable for the purpose of holding and carrying on the business of the court.

(4) For the purpose of providing a courthouse, offices and buildings under this section, it shall be lawful for the said Commissioners, with the approval of the Lord Chancellor, to contribute, on such terms as the Treasury may approve, to the expenses incurred by any local or other public authority in erecting or re-constructing a town hall, courthouse or other public building.

*Sittings.*Ordinary
sittings.

35.—(1) The judge for each district shall attend and hold the court at each of the places at which the court is required by or under this Act to be held within the district, and at such times as the judge may appoint, so however that the court shall be held at every such place once at least in every month or at such other intervals as the Lord Chancellor may in each case order.

(2) Notice of the days on which the court will be held shall be posted in some conspicuous place in the court-house and in the office of the registrar, and no other notice thereof shall be necessary.

(3) Whenever any day so appointed for the holding of the court is altered, notice of the intended alteration and of the time when it will take effect shall be posted in some such conspicuous place as aforesaid.

Adjourn-
ment of
court.

36.—(1) A judge may from time to time adjourn any court held by him.

(2) Where, by reason of death or unavoidable absence, a judge is not present at any sitting of a court, the registrar, after exercising any powers which he is authorised to exercise by or under this Act or any

other enactment, shall adjourn the court to such day as he thinks convenient, and enter in the minute book the cause of the adjournment. PART I.
—cont.

37.—(1) A judge may, and if so required by the Lord Chancellor shall, appoint additional courts to be held, and may appoint any such additional court to be held at any place within the district at which an office is kept open by the registrar. Additional
courts.

(2) Subject to county court rules, the registrar at any such additional court may, notwithstanding that the judge is not present, exercise any powers which he is authorised by or under this Act or any other enactment to exercise, and adjourn the court.

38. A judge may, with the consent of the parties to any proceedings, hear and determine the proceedings or any question arising therein at any place either within or without any district for which he is judge. Extra-
ordinary
sittings.

39.—(1) No judge shall be obliged to hold any court during the month of September in any year unless he is ordered by the Lord Chancellor so to do. Closing of
courts.

(2) If any judge desires to hold courts in the month of September and to be relieved from the obligation to hold courts during some other period of the year, the judge may, with the sanction of the Lord Chancellor, close the courts of which he is judge for any periods approved by the Lord Chancellor not exceeding in the aggregate four weeks in any year.

PART II.

JURISDICTION AND TRANSFER OF PROCEEDINGS.

Actions of Contract and Tort.

40.—(1) A county court shall have jurisdiction to hear and determine any action founded on contract or on tort where the debt, demand or damage claimed is not more than one hundred pounds, whether on balance of account or otherwise : General
jurisdiction
in actions
of contract
and tort.

PART II.
—cont.

Provided that a county court shall not, except as in this Act provided, have jurisdiction to hear and determine—

- (a) any action for the recovery of land; or
- (b) any action in which the title to any hereditament or to any toll, fair, market or franchise is in question; or
- (c) any action for libel, slander, seduction or breach of promise of marriage.

(2) A county court shall have jurisdiction to hear and determine any action where the debt or demand claimed consists of a balance not exceeding one hundred pounds after a set-off of any debt or demand claimed or recoverable by the defendant from the plaintiff, being a set-off admitted by the plaintiff in the particulars of his claim or demand.

Money recoverable by statute.

41. A county court shall have jurisdiction to hear and determine any action for the recovery of any penalty, expenses, contribution or other like demand which is recoverable by virtue of any enactment for the time being in force, if—

- (a) it is not expressly provided by that or any other enactment that the demand shall be recoverable only in some other court; and
- (b) the amount claimed in the action does not exceed one hundred pounds :

Provided that for the purposes of this section the expression “penalty” shall not include a fine to which any person is liable on conviction on indictment or on summary conviction.

Abandonment of part of claim to give court jurisdiction.

42.—(1) Where a plaintiff has a cause of action for more than one hundred pounds in which, if it were not for more than one hundred pounds, a county court would have jurisdiction, the plaintiff may abandon the excess, and thereupon a county court shall have jurisdiction to hear and determine the action, so, however, that the plaintiff shall not recover in the action an amount exceeding one hundred pounds.

(2) Where a court has jurisdiction to hear and determine an action by virtue of this section, the judgment

of the court in the action shall be in full discharge of all demands in respect of the cause of action, and entry of the judgment shall be made accordingly.

PART II.
—cont.

43. If, with respect to any action assigned for the time being to the King's Bench Division of the High Court, the parties to the action agree, by a memorandum signed by them or by their respective solicitors, that a county court specified in the memorandum shall have jurisdiction in the action, that court shall have jurisdiction to hear and determine the action accordingly.

Jurisdiction by agreement in actions assigned to King's Bench Division.

44.—(1) Where there is commenced in a county court—

Transfer of actions of contract or tort from county court to High Court.

- (a) any action founded on contract wherein the plaintiff claims a sum exceeding twenty pounds; or
- (b) any action founded on tort wherein the plaintiff claims a sum exceeding ten pounds;

the defendant may give notice that he objects to the action being tried in the court.

(2) Where such a notice is given, the judge shall order that the action be transferred to the High Court, if—

- (a) the defendant gives security approved by the registrar for the amount claimed and the costs of trial in the High Court, not exceeding in the aggregate the sum of one hundred and fifty pounds; and
- (b) the judge certifies that in his opinion some important question of law or fact is likely to arise.

45.—(1) In any action commenced in the High Court to which this section applies, any party may at any time apply to the High Court or a judge thereof for an order that the claim and counterclaim (if any) or, if the only matter remaining to be tried is a counterclaim, the counterclaim, shall be transferred—

Transfer of actions of contract or tort from High Court to county court.

- (a) to any county court in which the action might have been commenced if the subject matter and the amount thereof had been within the jurisdiction of the court; or

PART II.
—*cont.*

- (b) if the only matter remaining to be tried is a counterclaim, to any county court in which the counterclaim might have been commenced if it had been an action and the subject matter thereof had been within the jurisdiction of the court; or
- (c) to any county court which the High Court or judge may deem the most convenient to the parties;

and the High Court or judge may thereupon, if the Court or judge thinks fit, order that the claim or counterclaim or both (as the case may be) be so transferred accordingly.

(2) This section applies to any action where—

- (a) the plaintiff's claim is founded either on contract or on tort and the amount claimed or remaining in dispute in respect thereof does not exceed one hundred pounds, whether the action could or could not have been commenced in a county court, and whether the defendant does or does not set up, or intend to rely on, a counterclaim, and whether the counterclaim (if any) is founded on contract or on tort, and whether the amount claimed on the counterclaim (if any) exceeds or does not exceed one hundred pounds; or
- (b) the only matter remaining to be tried between the parties is a counterclaim founded either on contract or on tort and the amount claimed or remaining in dispute in respect of the counterclaim does not exceed one hundred pounds, whether the counterclaim, if it had been an action, could or could not have been commenced in a county court:

Provided that this section shall not apply to any action to which section fifty-four or section fifty-eight of this Act applies.

Transfer
from High
Court to
county court
of actions of

46.—(1) Where any action founded on tort is commenced in the High Court, the defendant may, on an affidavit made by himself or by any person on his behalf showing that the plaintiff has no visible means of paying

the costs of the defendant should a verdict not be found for the plaintiff, apply to the High Court or a judge thereof for an order to transfer the action to a county court.

PART II.
—cont.
tort where
plaintiff
impecu-
nious.

(2) On any such application, the High Court or judge, unless the plaintiff satisfies the Court or judge that he has such means as aforesaid, may, if the Court or judge having regard to all the circumstances of the case thinks fit so to do, make an order that, unless the plaintiff within a time to be limited in the order gives security for the defendant's costs to the satisfaction of the Court or a judge, the action shall be transferred to such county court, to be named in the order, as the Court or judge may deem the most convenient to the parties.

47.—(1) Where an action is commenced in the High Court which could have been commenced in a county court, then, subject to the provisions of subsection (3) and subsection (4) of this section—

Costs of
actions of
contract or
tort com-
menced in
High Court
which could
have been
commenced
in county
court.

(a) if the plaintiff recovers a sum less—

(i) in the case of an action founded on contract, than forty pounds; or

(ii) in the case of an action founded on tort, than ten pounds;

he shall not be entitled to any costs of the action; and

(b) if the plaintiff recovers—

(i) in the case of an action founded on contract, a sum of forty pounds or upwards but less than one hundred pounds; or

(ii) in the case of an action founded on tort, a sum of ten pounds or upwards but less than fifty pounds;

he shall not be entitled to any more costs of the action than those to which he would have been entitled if the action had been brought in a county court.

(2) Where a plaintiff is entitled to costs on a county court scale only, the taxing master shall have the same power of directing on what county court scale and under what column in the scale costs are to be allowed, and of

PART II.
—*cont.*

allowing any items of costs, as the judge would have had if the action had been brought in a county court.

(3) In any such action as aforesaid, whether founded on contract or tort, the High Court or a judge thereof (or where the matter is tried before a referee or officer of the Supreme Court, that referee or officer), if satisfied—

- (a) that there was sufficient reason for bringing the action in the High Court; or
- (b) that the defendant or one of the defendants objected to the transfer of the action to a county court;

may make an order allowing the costs or any part of the costs thereof on the High Court scale or on such one of the county court scales and under such one of the columns in the scale as he may direct.

(4) If in any action the claim is for a debt or liquidated demand only for a sum of twenty pounds or upwards, and—

- (a) the defendant pays the amount claimed or a sum of not less than twenty pounds within the time limited in that behalf by the endorsement made on the writ in accordance with the rules of the Supreme Court; or
- (b) the plaintiff, within twenty-eight days after the service of the writ, or within such further time as may be allowed by the High Court or a judge thereof, obtains judgment in default of appearance or of defence for a sum of twenty pounds or upwards; or
- (c) the plaintiff, within twenty-eight days after the service of the writ, or within such further time as may be allowed by the High Court or a judge thereof, obtains, under any rule of the Supreme Court providing for summary judgment without trial, an order empowering him to sign judgment for a sum of twenty pounds or upwards, either unconditionally or unless that sum is paid into court or to the plaintiff's solicitor;

the plaintiff shall, unless otherwise ordered by the High Court or a judge thereof, be entitled to costs on such scale as may be prescribed by the rules of the Supreme Court.

(5) This section applies only to the costs of the proceedings in the High Court, and shall have effect subject to the provisions of section fifty-nine of this Act.

PART II.
—cont.

(6) This section shall not apply in the case of any proceedings by the Crown.

Recovery of Land and Cases where Title in Question.

48.—(1) A county court shall have jurisdiction to hear and determine any action for the recovery of land where neither the value of the land in question nor the rent payable in respect thereof exceeds the sum of one hundred pounds by the year.

Jurisdiction
in actions
for recovery
of land.

(2) References in any enactment to section one hundred and thirty-eight or one hundred and thirty-nine of the County Courts Act, 1888, or to any provision which was repealed by that Act and re-enacted in either of those sections, shall be construed as a reference to this section.

51 & 52 Vict.
c. 43.

49.—(1) Where an action for the recovery of land is commenced in a county court, the defendant or his landlord may, within such time as may be prescribed by county court rules, apply to a judge of the High Court at chambers for a summons to the plaintiff to show cause why the action should not be transferred to the High Court on the ground that the title to land of greater annual value than one hundred pounds would be affected by the decision in the action.

Transfer of
actions for
recovery
of land
from county
court to
High Court.

(2) On the hearing of any such summons, the judge of the High Court, if satisfied that such a title as aforesaid would be so affected, may order that the action be transferred to the High Court.

(3) Where, in an action for the recovery of land commenced in a county court, no application is made to the High Court in accordance with this section, or where such an application is made but no order is made for the transfer of the action, the county court shall have jurisdiction to hear and determine the action notwithstanding the provisions of this Act relating to actions in which the title to hereditaments comes in question.

PART II.
—cont.
Transfer of
actions for
recovery of
land from
High Court
to county
court.

50.—(1) In any action commenced in the High Court to which this section applies, any party may at any time apply to the High Court or a judge thereof for an order that the action be transferred to any county court—

- (a) in which the action could have been commenced; or
- (b) which the High Court or judge may deem the most convenient to the parties:

and the High Court or judge may thereupon, if the Court or judge thinks fit, order that the action be transferred accordingly.

(2) This section applies to any action where—

- (a) the plaintiff's claim is for recovery of land, with or without a claim for rent or mesne profits, by a landlord against a tenant, or any person holding or claiming by, through, or under a tenant, whose term—
 - (i) has expired or has been duly determined by notice to quit; or
 - (ii) has become liable to forfeiture for non-payment of rent; and
- (b) the action could have been commenced in a county court.

Jurisdiction
where title
in question.

51. A county court shall have jurisdiction to hear and determine any action in which the title to any hereditament comes in question, being an action which would otherwise be within the jurisdiction of the court—

- (a) in the case of an easement or licence, if neither the value nor the rent of the hereditament in respect of which the easement or licence is claimed, or on, through, over or under which the easement or licence is claimed, exceeds the sum of one hundred pounds by the year; or
- (b) in any other case, if neither the value of the hereditament in question nor the rent payable in respect thereof exceeds the sum of one hundred pounds by the year.

Equity Proceedings.

PART II.

—cont.

Equity
jurisdiction.

52.—(1) A county court shall have all the jurisdiction of the High Court to hear and determine any of the following proceedings, that is to say—

- (a) proceedings for the administration of the estate of a deceased person, where the estate does not exceed in amount or value the sum of five hundred pounds;
- (b) proceedings for the execution of any trust or for a declaration that a trust subsists, where the estate or fund subject or alleged to be subject to the trust does not exceed in amount or value the sum of five hundred pounds;
- (c) proceedings for foreclosure or redemption of any mortgage or for enforcing any charge or lien, where the amount owing in respect of the mortgage, charge or lien does not exceed the sum of five hundred pounds;
- (d) proceedings for the specific performance, or for the rectification, delivery up or cancellation, of any agreement for the sale, purchase or lease of any property, where, in the case of a sale or purchase, the purchase money, or, in the case of a lease, the value of the property, does not exceed the sum of five hundred pounds;
- (e) proceedings relating to the maintenance or advancement of an infant, where the property of the infant does not exceed in amount or value the sum of five hundred pounds;
- (f) proceedings for the dissolution or winding up of any partnership (whether or not the existence of the partnership is in dispute), where the whole assets of the partnership do not exceed in amount or value the sum of five hundred pounds;
- (g) proceedings for relief against fraud or mistake, where the damage sustained or the estate or fund in respect of which relief is sought does not exceed in amount or value the sum of five hundred pounds.

(2) In all such proceedings as aforesaid the judge shall, in addition to any other powers and authorities possessed by him, have all the powers and authorities for the purposes of this Act of a judge of the Chancery Division of the High Court.

PART II.
—cont.

(3) Without prejudice to the generality of the foregoing provisions of this section, a county court shall have jurisdiction (including power to receive payment of money or securities into court) under the enactments set out in the first column of the Second Schedule to this Act in the cases respectively mentioned in the second column of that Schedule.

Jurisdiction
by agree-
ment in
certain
equity pro-
ceedings.

53.—(1) If, as respects any proceedings to which this section applies, the parties agree, by a memorandum signed by them or by their respective solicitors or agents, that a county court specified in the memorandum shall have jurisdiction in the proceedings, that court shall, notwithstanding anything in any enactment, have jurisdiction to hear and determine the proceedings accordingly.

15 & 16
Geo. 5. c. 18.

(2) This section applies to any proceedings in which a county court would have jurisdiction by virtue of the last foregoing section of this Act or subsection (3) of section one hundred and thirteen of the Settled Land Act, 1925, but for the limitation of the jurisdiction of the court provided in those enactments.

Transfer of
equity pro-
ceedings
from High
Court to
county
court.

54.—(1) Where there is commenced in the High Court any action or matter to which this section applies, any party thereto may apply to the High Court or a judge thereof for an order that the action or matter be transferred to a county court, and thereupon the Court or judge may, if it or he thinks fit, order that the action or matter be transferred to any county court which the Court or judge may deem the most convenient to the parties.

(2) This section applies to any action or matter which is assigned for the time being to the Chancery Division of the High Court and is, by virtue of any enactment for the time being in force, within the jurisdiction of a county court.

Admiralty Proceedings.

Districts for
admiralty
purposes.

55.—(1) If at any time it appears expedient to the Lord Chancellor that any county court should have admiralty jurisdiction, it shall be lawful for him by order—

(a) to appoint that court to have, as from such date as may be specified in the order, such admiralty

jurisdiction as is hereafter provided in this Act; and

PART II.
—cont.

- (b) to assign to that court as its district for admiralty purposes any part or parts of any county court district or of two or more county court districts:

Provided that no court except the Mayor's and City of London court shall have admiralty jurisdiction in the City of London.

(2) Where a district has been so assigned to a court as its district for admiralty purposes, the parts of the sea (if any) adjacent to that district to a distance of three miles from the shore thereof shall be deemed to be included in that district, and the judge and all officers of the court shall have jurisdiction and authority for those purposes throughout that district as if it were the district of the court for all purposes.

(3) Subject to any alterations made in pursuance of this section, the county courts appointed under the County Courts Admiralty Jurisdiction Act, 1868, to have admiralty jurisdiction at the commencement of this Act shall continue to have such admiralty jurisdiction as is hereafter provided in this Act throughout the districts respectively assigned to them for admiralty purposes at the commencement of this Act.

31 & 32 Vict.
c. 71.

(4) Any order made under this section may be varied from time to time or revoked, as appears expedient, by a subsequent order made thereunder.

(5) Where an order is made under this section for the discontinuance of the admiralty jurisdiction of any county court, whether wholly or within a part of the district assigned to it for admiralty purposes, provision may be made in the order with respect to any admiralty proceedings commenced in that court before the order comes into operation.

56.—(1) An admiralty county court shall, in relation to admiralty matters, have jurisdiction to hear and determine any of the following claims:—

Jurisdiction
in admiralty
proceedings.

- (a) any claim for damage received by a ship;
(b) any claim for damage done by a ship;
(c) any claim in the nature of salvage for services rendered to a ship (including, subject to the

PART II.

—cont.

57 & 58 Vict.
c. 60.
10 & 11
Geo. 5. c. 80.

provisions of sections five hundred and forty-four and five hundred and forty-five of the Merchant Shipping Act, 1894, services rendered in saving life from a ship) and any claim under section eleven of the Air Navigation Act, 1920, or any Order in Council made thereunder;

- (d) any claim in the nature of towage;
- (e) any claim for necessaries supplied to a foreign ship, and, unless it is shown to the court that at the time of the institution of the proceedings any owner or part owner of the ship was domiciled in England, any claim for any necessaries supplied to a ship elsewhere than in the port to which the ship belongs;
- (f) subject to the provisions of sections one hundred and sixty-five and one hundred and sixty-seven of the Merchant Shipping Act, 1894, any claim by a seaman of a ship for wages earned by him on board the ship, whether due under a special contract or otherwise, and any claim by the master of a ship for wages earned by him on board the ship and for disbursements made by him on account of the ship;
- (g) any claim—
 - (i) arising out of an agreement relating to the use or hire of a ship; or
 - (ii) relating to the carriage of goods in a ship; or
 - (iii) in tort in respect of goods carried in a ship;

and the jurisdiction of the court to hear and determine any claim mentioned in this subsection shall, save as provided by paragraph (e) thereof, be exercisable wherever the owners or part owners of any ship or aircraft in respect of which the claim is brought may be domiciled:

Provided that, subject to the provisions of this section, no county court shall have jurisdiction to hear and determine any claim mentioned in this subsection for an amount exceeding three hundred pounds, except in the case of a claim mentioned in paragraph (c) of this subsection where the value of the property saved does not exceed one thousand pounds.

PART II.
—cont.

(2) If, as respects any proceedings as to any such claim as is herebefore in this section mentioned, the parties agree, by a memorandum signed by them or by their respective solicitors or agents, that an admiralty county court specified in the memorandum shall have jurisdiction in the proceedings, that court shall, notwithstanding anything in the proviso to the last foregoing subsection, have jurisdiction to hear and determine the proceedings accordingly.

(3) The provisions of this section which confer admiralty jurisdiction in respect of claims for damage shall be construed as extending to claims for loss of life or personal injuries.

(4) The jurisdiction conferred by this section may be exercised either in proceedings in rem or in proceedings in personam.

(5) Nothing in this section, or in the last foregoing section of this Act or any order made thereunder, shall be taken to confer on a county court the jurisdiction of a prize court within the meaning of the Naval Prize Acts, 1864 to 1916.

(6) Nothing in this section shall be taken to affect the jurisdiction of any county court to hear and determine any proceedings in which it has jurisdiction by virtue of sections forty or forty-two of this Act.

(7) In this section, unless the context otherwise requires, the expression "ship" includes any description of vessel whatsoever.

(8) Section five hundred and fifty-five of the Merchant Shipping Act, 1894, shall have effect as if there were inserted after the word "agreement" the words "or by a county court in England."

57.—(1) The High Court, on the application of any party to admiralty proceedings pending in a county court, may, if it thinks fit, after notice has been given to the other party, order that the proceedings be transferred to the High Court and order security for costs or impose such other terms as the Court thinks fit.

Transfer of admiralty proceedings from county court to High Court.

(2) If, during the progress of any admiralty proceedings in a county court, it appears to the county court that the proceedings could be more conveniently

PART II.
—cont.

prosecuted in the High Court, the county court may order that the proceedings be transferred to the High Court.

Transfer of
admiralty
proceedings
from High
Court to
county
court.

58.—(1) In any action commenced in the High Court to which this section applies—

- (a) any party may at any time apply to the High Court or a judge thereof for an order that the claim and counterclaim (if any) or, if the only matter remaining to be tried is a counterclaim, the counterclaim, shall be transferred to an admiralty county court; and
- (b) the High Court or judge may thereupon, if it or he thinks fit, order that the claim and counterclaim (if any) or, if the only matter remaining to be tried is a counterclaim, the counterclaim, be transferred to any admiralty county court which the Court or judge may deem the most convenient to the parties.

(2) This section applies to any action where the plaintiff's claim is any such claim as is mentioned in subparagraph (iii), (iv), (v), (vi), (vii), (viii) or (xii) of paragraph (a) of subsection (1) of section twenty-two of the Supreme Court of Judicature (Consolidation) Act, 1925, and the amount claimed or remaining in dispute in respect thereof does not exceed the amount by which the jurisdiction of an admiralty county court in respect of the claim is limited—

- (a) whether the action could or could not have been commenced in a county court; and
- (b) whether the defendant does or does not set up or intend to rely on a counterclaim; and
- (c) whether the counterclaim (if any), if it had been a claim in an action, would or would not have been within the jurisdiction of a county court.

(3) Where an action is transferred to a county court under this section, any vessel or other property, which has been arrested in the action before the transfer, shall, notwithstanding the transfer, remain in the custody of the Admiralty Marshal who shall, subject to any directions of the High Court, comply with any orders made by the county court with respect to that vessel or property.

15 & 16
Geo. 5. c. 49.

59.—(1) The following provisions of this section shall have effect in relation to the exercise by the High Court of the admiralty jurisdiction of that Court.

PART II.
—cont.

(2) If in any claim for salvage services the plaintiff does not recover more than three hundred pounds, he shall not be entitled to recover any costs of the proceedings unless it is certified by the Court or a judge that the case was a fit one to be tried otherwise than in a county court.

Costs of certain admiralty proceedings commenced in High Court which could have been commenced in county court.

(3) If in any claim arising out of an agreement relating to the use or hire of a ship, or any claim relating to the carriage of goods in a ship, or any claim in tort in respect of goods carried in a ship, the plaintiff recovers a less amount than twenty pounds, he shall not be entitled to any costs of the proceedings unless it is certified by the Court or a judge that there was sufficient reason for bringing the proceedings in the High Court.

(4) If in any such claim as is mentioned in subsection (3) of this section the plaintiff recovers a less amount than three hundred pounds, he shall not be entitled to any more costs than those to which he would have been entitled if the proceedings had been brought in a county court, unless it is certified by the Court or a judge that there was sufficient reason for bringing the proceedings in the High Court.

Probate Proceedings.

60.—(1) Where, on an application made under section one hundred and fifty of the Supreme Court of Judicature (Consolidation) Act, 1925, through the principal probate registry for the grant or revocation of probate or administration, a registrar of that registry is satisfied by affidavit—

Jurisdiction in probate proceedings.

- (a) that the personal estate of the person in respect of whose estate the application is made, exclusive of what he was possessed of or entitled to as a trustee and not beneficially, but without any deduction on account of his debts, was at the time of his death under the value of two hundred pounds; and
- (b) that at that time he was not seised or entitled beneficially of or to any real estate of the value of three hundred pounds or upwards;

PART II.
—cont.

the judge of the county court having jurisdiction in the place of abode of the deceased shall have the jurisdiction of the High Court in respect of any contentious matter arising in connection with the said grant or revocation.

(2) The statements in the affidavit aforesaid as to the place of abode and state of the property of the deceased shall, subject as hereinafter provided, be conclusive for the purpose of authorising the exercise of the jurisdiction conferred on a judge of a county court by the foregoing provisions of this section and the grant or revocation of probate or administration in compliance with the order of the judge :

Provided that, where it is shown to the judge of a county court before whom any matter is pending under this section that the place of abode or state of the property of the deceased has not been correctly stated in the affidavit, and, if correctly stated, would not have authorised him to exercise jurisdiction in the matter, he shall stay all further proceedings in the matter in his court and make such order as to the costs of the proceedings as he thinks just, and any party may apply to the High Court for the grant or revocation in question.

Transfer of probate proceedings from High Court to county court.

61. Where in any contentious matter arising out of an application for the grant or revocation of probate or administration made through the principal probate registry, the High Court is satisfied that the state of the property and the place of abode of the deceased were such as to give jurisdiction in the matter to a county court, the High Court may order that the matter be transferred to that county court.

Effect of order of judge in probate proceedings.

62. Where an order is made by a judge of a county court for the grant or revocation of probate or administration in pursuance of any jurisdiction conferred upon him by the last two foregoing sections of this Act—

(a) the registrar of the county court shall transmit to the registrar of such district probate registry as he thinks convenient a certificate under the seal of the court certifying that the order has been made; and

- (b) on the application of a party in favour of whom the order has been made, a probate or administration in compliance with the order shall be issued from the district probate registry, or, as the case may require, the probate or letters of administration theretofore granted shall be recalled or varied by the district probate registrar according to the effect of the order.

PART II.
--cont.

Miscellaneous Provisions as to Jurisdiction.

63.—(1) Where, in any action or matter commenced in a county court, any counterclaim or set off and counterclaim of any defendant involves matter beyond the jurisdiction of a county court, any party to the action or matter may, within such time as may be prescribed by rules of the Supreme Court, apply to the High Court or a judge thereof for an order that the whole proceedings, or the proceedings on the counterclaim or set off and counterclaim, be transferred to the High Court.

Jurisdiction
as to
counter-
claims.

(2) On any such application the High Court or judge may, as it or he thinks fit, order either—

- (a) that the whole proceedings be transferred to the High Court; or
- (b) that the whole proceedings be heard and determined in the county court; or
- (c) that the proceedings on the counterclaim or set off and counterclaim be transferred to the High Court and that the proceedings on the plaintiff's claim and the defence thereto other than the set off (if any) be heard and determined in the county court:

Provided that, where an order is made under paragraph (c) of this subsection, and judgment on the claim is given for the plaintiff, execution thereon shall, unless the High Court or a judge thereof at any time otherwise orders, be stayed until the proceedings transferred to the High Court have been concluded.

(3) If no application is made under this section within the time prescribed as aforesaid, or if on such an application it is ordered that the whole proceedings be heard and determined in the county court, the county

PART II.
—cont.

court shall have jurisdiction to hear and determine the whole proceedings, notwithstanding any enactment to the contrary.

Procedure where proceedings beyond jurisdiction are commenced in county court.

64. Where any proceedings are commenced in a county court in which a county court has no jurisdiction, the court shall, unless it is given jurisdiction by an agreement made under the provisions of section forty-three or section fifty-three or subsection (2) of section fifty-six of this Act, order that the proceedings be transferred to the High Court :

Provided that where, on the application of any defendant, it appears to the court that the plaintiff or one of the plaintiffs knew or ought to have known that the court had no jurisdiction in the proceedings, the court may, if it thinks fit, instead of ordering that the proceedings be transferred as aforesaid, order that they be struck out.

Transfer of proceedings from High Court to county court by agreement.

65. If, where proceedings have been commenced in the High Court, an agreement is made under the provisions of section forty-three or section fifty-three or subsection (2) of section fifty-six of this Act, that a county court shall have jurisdiction in those proceedings, the High Court or a judge thereof shall, on the application of any party to the proceedings, order that the proceedings be transferred to that county court.

Transfer of interpleader proceedings from High Court to county court.

66. If it appears to the High Court or a judge thereof that any proceedings in the High Court by way of interpleader, in which the amount or value of the matter in dispute does not exceed the sum of five hundred pounds, may be more conveniently heard and determined in a county court, the High Court or judge may at any time order that the proceedings be transferred to any county court in which proceedings might have been brought by any party to the interpleader against any other party thereto if there had been a trust to be executed concerning the matter in question.

Division of causes of action.

67. It shall not be lawful for any plaintiff to divide any cause of action for the purpose of bringing two or more actions in one or more of the county courts.

No action on judgment of other courts.

68. No action shall be brought in a county court on any judgment of the High Court or of any other court in England.

69. Where any action is brought in any court other than the High Court which could have been brought in a county court, and judgment is recovered for a sum less than ten pounds, the plaintiff shall not recover any more costs of the action than those to which he would have been entitled if the action had been brought in a county court.

PART II.

—cont.

Costs of actions commenced in courts other than High Court which could have been commenced in county court.

Exercise of Jurisdiction and Ancillary Jurisdiction.

70. Any jurisdiction and powers conferred on any county court by this or any other Act may be exercised by any judge of the court or by any deputy of any such judge or, to the extent authorised by this or any other Act or by county court rules, by any registrar of the court or any person authorised as aforesaid to discharge the functions of the registrar of the court.

Persons who may exercise jurisdiction of court.

71. Every county court, as regards any cause of action for the time being within its jurisdiction, shall in any proceedings before it—

General ancillary jurisdiction.

- (a) grant such relief, redress or remedy or combination of remedies, either absolute or conditional; and
- (b) give such and the like effect to every ground of defence or counterclaim equitable or legal (subject to the provisions of section sixty-three of this Act);

as ought to be granted or given in the like case by the High Court and in as full and ample a manner.

72. A judge shall, whether within a district for which he is judge or not, have jurisdiction in any proceedings pending in any of the courts of which he is judge to make any order or to exercise on an ex-parte application any authority or jurisdiction which, if it related to an action or proceeding pending in the High Court, might be made or exercised by a judge of the High Court in chambers.

Ancillary powers of judge.

PART II.
—cont.*General Provisions as to Transfer of Actions.*

Costs in
cases trans-
ferred from
one court to
another.

73. Where an action, counterclaim or matter is ordered to be transferred—

- (a) from the High Court to a county court; or
- (b) from a county court to the High Court; or
- (c) from one county court to another county court;

the costs of the whole proceedings both before and after the transfer shall, subject to any order made by the court which ordered the transfer, be in the discretion of the court to which the proceedings are transferred, and that court shall have power to make orders with respect thereto and as to the scales or columns on or under which the costs of the several parts of the proceedings are to be taxed, and the costs of the whole proceedings shall be taxed in that court :

Provided that, as regards so much of the proceedings in any action transferred from the High Court to a county court as take place in the High Court before the transfer—

- (i) the costs thereof shall be subject to the provisions of section forty-seven of this Act; and
- (ii) the powers of the High Court or judge thereof under subsection (3) of that section to make an order allowing costs on the High Court scale, or on or under any county court scale or column, shall, subject to any order of the High Court or the judge by whom the transfer was ordered, be exercisable by the judge of the county court.

Procedure
on transfer
of cases
from High
Court.

74.—(1) Where an action, counter-claim or matter is ordered to be transferred from the High Court to a county court—

- (a) any party may lodge with the registrar of the county court named in the order, or cause to be lodged with him, the order and the writ, or copies thereof, and such other documents (if any) as the High Court or a judge thereof may direct; and
- (b) the proper officer of the Supreme Court shall, on the application of that party and on production of the order and the filing of a copy thereof, send by post to the registrar of the county

court all pleadings, affidavits and other documents filed in the High Court relating to the action, counter-claim or matter.

PART II.
—cont.

(2) On the documents aforesaid being so lodged or sent, the action and counter-claim (if any) or the counter-claim or matter shall be transferred to the said county court, and subject to county court rules all further proceedings therein shall be taken and tried as if the action, counter-claim or matter had been originally commenced in that county court, and the county court shall have jurisdiction to deal therewith, notwithstanding any enactment to the contrary :

Provided that the transfer shall not affect any right of appeal in the High Court or to the Court of Appeal from the order directing the transfer, or the right to enforce in the High Court any judgment signed, or order made, in that Court before the transfer.

PART III.

PROCEDURE.

Parties.

75.—(1) Subject to the provisions of any enactment limiting the jurisdiction of a county court, whether by reference to the subject matter of the proceedings to be brought or the amount sought to be recovered in the proceedings or otherwise, proceedings by the Crown may be instituted in a county court, and accordingly the power of the Attorney General, and any power conferred by any enactment upon a Government department or upon an officer of the Crown as such, to institute proceedings by the Crown shall include power to institute such proceedings in a county court.

Proceedings
by the
Crown.

(2) Subject as hereinafter provided, all rules of law and enactments regulating the removal or transfer of proceedings from a county court to the High Court and the transfer of proceedings in the High Court to a county court shall apply respectively to the removal or transfer of proceedings by the Crown in a county court and to the transfer of proceedings by the Crown in the High Court instituted by writ of summons :

Provided that an order for the transfer to a county court of any proceedings by the Crown in the High Court shall not be made without the consent of the Crown.

(3) Nothing in this section shall apply to proceedings affecting His Majesty in His private capacity.

PART III.

—cont.

Executors
and admin-
istrators.

76. Any executor or administrator may sue and be sued in a county court in like manner as if he were a party in his own right, and judgment and execution shall be such as in the like case would be given or issued in the High Court.

Infants.

77. Any person under the age of twenty-one years may prosecute any action in a county court for any sum of money not exceeding one hundred pounds which may be due to him for wages or piece work, or for work as a servant, in the same manner as if he were of full age.

Persons
jointly
liable.

78.—(1) Where a plaintiff has a demand recoverable under this Act against two or more persons jointly liable, it shall be sufficient to serve any of those persons with process, and judgment may be obtained and execution issued against any person so served, notwithstanding that others jointly liable may not have been served or sued or may not be within the jurisdiction of the court.

(2) Where judgment is obtained against any person as aforesaid and is satisfied by that person, he shall be entitled to recover in the court contribution from any other person jointly liable with him.

Bankruptcy
of plaintiff.

79.—(1) The bankruptcy of the plaintiff in any action in a county court which the trustee might maintain for the benefit of the creditors shall not cause the action to abate if, within such reasonable time as the court orders, the trustee elects to continue the action and to give security for the costs thereof.

(2) The hearing of the action may be adjourned until such an election is made.

(3) Where the trustee does not elect to continue the action and to give such security as aforesaid within the time limited by the order, the defendant may avail himself of the bankruptcy as a defence to the action.

*Arrest in Admiralty Proceedings.*Arrest in
admiralty
proceedings.

80.—(1) If, in any admiralty proceedings in a county court, evidence is given to the satisfaction of the judge, or, in his absence, the registrar, that it is probable that the vessel, aircraft or property to which the proceedings relate

will be removed out of the jurisdiction of the court before the plaintiff's claim is satisfied, the judge or registrar, as the case may be, may issue a warrant for the arrest and detention of the vessel, aircraft or property, unless or until bail to the amount of the claim made in the proceedings and the reasonable costs of the plaintiff in the proceedings be entered into and perfected according to county court rules by or on behalf of the defendant.

PART III.
—cont.

(2) Except as in this section expressly provided, and notwithstanding anything in section seventy-one of this Act, no vessel, aircraft or property shall be arrested or detained in admiralty proceedings in a county court otherwise than in execution.

Witnesses and Evidence.

81.—(1) Any person summoned in pursuance of county court rules as a witness in a county court who—

Penalty for
neglecting
witness
summons.

(a) refuses or neglects, without sufficient cause, to appear or to produce any documents required by the summons to be produced; or

(b) refuses to be sworn or give evidence;

shall forfeit such fine not exceeding ten pounds as the judge may direct:

Provided that no person so summoned shall forfeit a fine as aforesaid unless there has been paid or tendered to him at the time of the service of the summons such sum in respect of his expenses (including in such cases as may be prescribed compensation for loss of time) as may be prescribed for the purposes of this section.

(2) Any person present in court who is required to give evidence but refuses to be sworn or give evidence shall forfeit such a fine as aforesaid.

(3) The judge may at his discretion direct that the whole or any part of any such fine, after deducting the costs, shall be applicable towards indemnifying the party injured by the refusal or neglect.

82.—(1) The High Court shall, on application made in manner prescribed by rules of the Supreme Court, have the same power to issue a commission, request or order to examine witnesses abroad for the purpose of proceedings in a county court as it has for the purpose of an action or matter in the High Court.

Examina-
tion of
witnesses
abroad.

PART III.
—*cont.*

(2) Where such an application is made, the High Court may, if it thinks fit, order that the proceedings be transferred to the High Court.

Evidence of
prisoners.

83.—(1) In any proceedings pending before a county court, the judge may, if he thinks fit, upon application on affidavit by any party, issue an order under his hand for bringing up before the court any person (hereafter in this section referred to as a "prisoner") confined in any place under any sentence or under commitment for trial or otherwise, to be examined as a witness in the proceedings:

Provided that no such order shall be made with respect to a person confined under process in any civil action or matter.

(2) The prisoner mentioned in any such order shall be brought before the court under the same custody, and shall be dealt with in the same manner in all respects, as a prisoner required by a writ of habeas corpus to be brought before the High Court and examined therein as a witness:

Provided that the person having the custody of the prisoner shall not be bound to obey the order unless there is tendered to him a reasonable sum for the conveyance and maintenance of a proper officer or officers and of the prisoner in going to, remaining at, and returning from the court.

Persons who
may take
affidavits
for use in
county
court.

84.—(1) An affidavit to be used in a county court may be sworn before—

- (a) the judge or registrar of any court; or
- (b) any justice of the peace; or
- (c) an officer of any court appointed by the judge of that court for the purpose;

as well as before any person authorised to take affidavits under the Commissioners for Oaths Acts, 1889 to 1891.

(2) An affidavit sworn before a judge or registrar or before any such officer as aforesaid, may be sworn without the payment of any fee.

Evidence in
admiralty
proceedings.

85.—(1) In any admiralty proceedings, evidence taken before a registrar of an admiralty county court, in accordance with the directions of a judge or pursuant

to county court rules, shall be received as evidence in any other admiralty county court, saving all just exceptions.

PART III.
—cont.

(2) The registrar of any admiralty county court shall, for the purpose of the examination of any witness within the district assigned to that court for admiralty purposes, have all the power of an examiner of the High Court, and evidence taken by him in that capacity shall be received as evidence in the High Court, saving all just exceptions.

Right of Audience and Mode of Trial.

86. In any proceedings in a county court any of the following persons may address the court, namely—

Right of
Audience.

- (a) any party to the proceedings;
- (b) a barrister retained by or on behalf of any party;
- (c) a solicitor acting generally in the proceedings for a party thereto, but not a solicitor retained as an advocate by a solicitor so acting;
- (d) any other person allowed by leave of the court to appear instead of any party:

Provided that—

- (i) the right of a solicitor to address the court shall not be excluded by reason only that he is in the permanent and exclusive employment of any other solicitor; and
- (ii) a court may refuse to hear a person claiming to address the court as a solicitor, unless that person has signed and delivered to the court a statement of his name and place of business and the name of the firm (if any) of which he is a member.

87. Subject to the provisions of this Act, the judge of a county court shall be the sole judge in all proceedings brought in the court, and shall determine all questions of fact as well as of law:

Trial by
judge or
registrar.

Provided that, subject to county court rules, the registrar may, on the application of the parties and by leave of the judge, hear and determine any proceedings in which the sum claimed or the amount involved does not exceed ten pounds.

PART III.

—cont.

Assessors.

88.—(1) In any proceedings the judge may, if he thinks fit on the application of any party, summon to his assistance, in such manner as may be prescribed, one or more persons of skill and experience in the matter to which the proceedings relate who may be willing to sit with the judge and act as assessors.

(2) The remuneration of assessors for sitting as aforesaid shall be at such rate as may be prescribed, and shall be costs in the proceedings unless otherwise ordered by the judge.

(3) Where any person is proposed to be summoned as an assessor, objection to him, either personally or in respect of his qualification, may be taken by any party in the prescribed manner.

Power of
judge to
refer to
arbitration.

89.—(1) The judge may, with the consent of the parties to any proceedings, order the proceedings to be referred to arbitration (whether with or without other matters within the jurisdiction of the court in dispute between the parties) to such person or persons and in such manner and on such terms as he thinks just and reasonable.

(2) No such reference shall be revocable by any party except with the consent of the judge.

(3) On any such reference the award of the arbitrator, arbitrators or umpire shall be entered as the judgment in the proceedings and shall be as binding and effectual to all intents as if given by the judge :

Provided that the judge may, if he thinks fit, on application made to him at the first court held after the expiration of one week after the entry of the award, set aside the award, or may, with the consent of the parties, revoke the reference or order another reference to be made in the manner aforesaid.

(4) In this section the expression “award” includes an interim award.

Power of
judge to
refer to
registrar or
referee.

90.—(1) Subject to county court rules, the judge may refer to the registrar or a referee for inquiry and report—

(a) any proceedings which require any prolonged examination of documents or any scientific or local investigation which cannot, in the opinion of the judge, conveniently be made before him ;

- (b) any proceedings where the question in dispute consists wholly or in part of matters of account;
- (c) with the consent of the parties, any other proceedings;
- (d) subject to any right to have particular cases tried with a jury, any question arising in any proceedings.

PART III.
—cont.

(2) Where any proceedings or question are referred as aforesaid, the judge may direct how the reference shall be conducted, and may remit any report for further inquiry and report, and on consideration of any report or further report may give such judgment or make such order in the proceedings as may be just.

(3) The judge may, after deciding or reserving any question of liability, refer to the registrar any mere matter of account which is in dispute between the parties, and after deciding the question of liability, may give judgment on the registrar's report.

Juries.

91.—(1) In the following proceedings in a county court the trial shall be without a jury, namely—

Trial by
jury.

- (a) admiralty proceedings;
- (b) proceedings arising under the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933;
- (c) appeals under section twenty-two of the Housing Act, 1930.

20 & 21
Geo. 5. c. 39.

(2) In all other proceedings in a county court the trial shall be without a jury unless the court otherwise orders on an application made in that behalf by any party to the proceedings in such manner and within such time before the trial as may be prescribed.

(3) In a case where the court is satisfied on any such application—

- (a) that a charge of fraud against the party making the application is in issue; or
- (b) that a claim in respect of libel, slander, malicious prosecution, false imprisonment, seduction or breach of promise of marriage is in issue;

the court shall order the proceedings to be tried with a jury, unless the court is of opinion that the trial requires

PART III.
—cont.

any prolonged examination of documents or accounts or any scientific or local investigation which cannot conveniently be made with a jury.

(4) In any other case the court on any such application may, as it thinks fit, either order the proceedings to be tried with a jury or dismiss the application.

Summoning
of jurors.

92.—(1) On the first occasion in any year on which an order is made by a county court for the trial of any proceedings with a jury, the registrar of that court shall obtain copies of the last published registers of electors for all such registration units as are comprised in whole or in part within the district of the court.

(2) For the purpose of complying with the order aforesaid, and with any other order made by the court during the same year for the trial of proceedings with a jury, the registrar shall cause the prescribed number of persons, being persons who are shown by the registers aforesaid to be residing or occupying property within the district of the court and who are marked in those registers as jurors or special jurors in pursuance of section one of the Juries Act, 1922, to be summoned to attend on the jury at the time and place specified in the summons :

12 & 13
Geo. 5. c. 11.

Provided that no person shall be summoned to attend on a jury in the same county court more than twice in the same year.

(3) A summons issued in pursuance of this section may be served either by post or in such other manner as may be prescribed.

(4) If any person duly summoned to attend on a jury in a county court fails to attend at the time and place mentioned in the summons, he shall forfeit such sum not exceeding five pounds as the court may direct :

Provided that any person summoned as aforesaid to attend on a jury shall be excused from attending on that jury if he satisfies the court in the prescribed manner—

(a) that he has within the six months next before the service of the summons attended on a jury in some other court; or

(b) that there is any other good reason why he should be excused from attending on the jury.

93.—(1) At any county court where proceedings are to be tried with a jury, eight jurymen shall be impanelled and sworn as occasion requires to give their verdicts in the proceedings brought before them, and being once sworn need not be re-sworn in each trial.

PART III.
—cont.
Impanelling,
swearing,
verdict and
remunera-
tion of jury.

(2) Any party to any such proceedings shall be entitled to challenge all or any of the jurors in like manner as he would be entitled in the High Court.

(3) A jury shall be required to give an unanimous verdict.

(4) The amount to be paid to the registrar in pursuance of county court rules for payment of a jury shall be eight shillings.

94. Where, for the purpose of disposing of any proceedings which are being tried in a county court by the judge with a jury, it is necessary to ascertain the law of any other country which is applicable to the facts of the case, any question as to the effect of the evidence given with respect to that law shall, instead of being submitted to the jury, be decided by the judge alone.

Duty of
judge to
determine
foreign law
in jury
trials.

Judgments and Orders.

95. Every judgment and order of a county court shall, except as provided by this or any other Act or county court rules, be final and conclusive between the parties.

Finality of
judgments
and orders.

96.—(1) Where a judgment is given or an order is made by a county court under which a sum of money of any amount is payable, whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise, the court may, as it thinks fit, order the money to be paid either—

Payment of
judgments
and orders.

(a) in one sum, whether forthwith or within such period as the court may fix; or

(b) by such instalments payable at such times as the court may fix.

(2) If at any time it appears to the satisfaction of the judge that any party to any proceedings is unable from any cause to pay any sum recovered against him (whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise) or any instalment thereof, the judge may, in his discretion, suspend or stay any judgment or order given or made in

PART III. the proceedings for such time and on such terms as the
 —*cont.* judge thinks fit, and so from time to time until it appears
 that the cause of inability has ceased.

(3) All moneys payable under a judgment or order shall be paid into court:

Provided that where no order is made as to payment by instalments, the money shall, if the court so directs, be paid by one party to the other party or his solicitor, subject to the lien, if any, of that solicitor.

Set-off in
cases of
cross judg-
ments in
county
courts and
High Court.

97.—(1) Where one person has obtained a judgment or order in a county court against another person, and that other person has obtained a judgment or order against the first-mentioned person in the same or in another county court or in the High Court, either such person may, in accordance with rules of court, give notice in writing to the court or the several courts as the case may be, and may apply to the court or any of the said courts in accordance with rules of court for leave to set off any sums, including costs, payable under the several judgments or orders.

(2) Upon any such application, the set-off may be allowed in accordance with the practice for the time being in force in the High Court as to the allowance of set-off and in particular in relation to any solicitor's lien for costs.

(3) Where the cross judgments or orders have not been obtained in the same court, a copy of the order made on any such application shall be sent by the proper officer of the court to which the application is made to the proper officer of the other court.

Register of
judgments
and orders.

98.—(1) A register of—

(a) every judgment (other than a judgment in admiralty proceedings) entered in a county court for the sum of ten pounds and upwards; and

(b) every such other judgment or order (including a judgment or order in admiralty proceedings) as may be prescribed;

shall be kept in such manner and in such place as may be prescribed.

(2) The Lord Chancellor may make regulations as to the keeping of the said register, and in this section the expression "prescribed" means prescribed by those regulations.

(3) The power of the Lord Chancellor to make the said regulations shall include power to make provision by the regulations—

PART III.
—cont.

(a) for exempting from registration any judgment or order which is proved, in such manner and within such time as may be prescribed, to have been satisfied or complied with either wholly or to such an extent that the sum (if any) owing in respect thereof is less than ten pounds; and

(b) for cancelling the registration of any judgment or order which is proved in manner aforesaid to have been wholly satisfied or complied with.

(4) There shall be charged to persons desirous of inspecting the said register such fees for the inspection thereof as may be fixed by the Lord Chancellor with the concurrence of the Treasury.

(5) The proceeds of the said fees shall be applied in such manner as the Treasury may direct in paying the expenses incurred in maintaining the register, and the surplus thereof, after providing for the payment of those expenses, shall be paid to the credit of the Consolidated Fund.

General Rules of Procedure.

99.—(1) The rule committee hereinafter mentioned may make county court rules regulating the practice of the courts and forms of proceedings therein and prescribing scales of costs to be paid to counsel and solicitors. County court rules.

(2) The power of making county court rules shall extend to all matters of procedure or practice, or matters relating to or concerning the effect or operation in law of any procedure or practice, in any case within the cognizance of county courts as to which rules of the Supreme Court have been or might lawfully be made for cases within the cognizance of the High Court.

(3) Without prejudice to the generality of the foregoing provisions of this section, the power of making county court rules shall extend to—

(a) prescribing the court in which proceedings are to be commenced and the procedure to be adopted where proceedings are commenced in one court which should under the rules have been commenced in another court;

PART III
—cont.24 & 25
Geo. 5. c. 17.

- (b) prescribing the circumstances in which proceedings may be transferred from one court to another and the procedure consequent on any such transfer;
- (c) regulating or providing for any matters which were regulated or provided for by the county court rules in force on the seventeenth day of May, nineteen hundred and thirty-four;
- (d) regulating or providing for any other matter which was regulated or provided for, before the date on which the County Courts (Amendment) Act, 1934, came into operation, by the enactments set out in the Third Schedule to this Act.

(4) The rules made under paragraphs (a) and (b) of the last foregoing subsection may make different provision as respects different kinds of proceedings and may make special provision as respects proceedings in courts for districts in or adjacent to the County of London and as respects proceedings by or against judges and officers of the courts.

(5) The rule committee shall consist of five judges of county courts appointed by the Lord Chancellor and three other persons so appointed, one of whom shall be a barrister, one a registrar and the other a solicitor.

(6) The Lord Chancellor may from time to time fill up any vacancies among the members of the rule committee.

(7) Any rules made by the rule committee shall be certified under the hands of the members of the committee, or any three or more of them, and submitted to the Lord Chancellor, who may allow or disallow or alter them.

(8) Any rules so made, as allowed or altered by the Lord Chancellor, shall (subject to the concurrence of the authority for the time being empowered to make rules of court under the Supreme Court of Judicature (Consolidation) Act, 1925, as provided in section two hundred and six of that Act) come into force on such day as the Lord Chancellor may direct.

Application
of practice
of High
Court.

100. In any case not expressly provided for by or in pursuance of this Act, the general principles of practice in the High Court may be adopted and applied to proceedings in a county court.

PART IV.

REPLEVIN.

101.—(1) The sheriff shall have no power or responsibility with respect to replevin bonds or replevins, but the registrar for the district in which any goods subject to replevin are taken shall have power, subject to the provisions of this Part of this Act, to approve of replevin bonds and to grant replevins and to issue all necessary process in relation thereto, and any such process shall be executed by a bailiff of the court.

Replevins to be granted by registrar on security being given.

(2) The registrar shall, at the instance of the party whose goods have been seized, cause the goods to be replevied to that party on his giving such security as is provided in this Part of this Act.

102.—(1) It shall be a condition of any security given under the last foregoing section of this Act that the replevisor will—

Amount and conditions of security.

- (a) commence an action of replevin against the seizer in the High Court within one week from the date when the security is given; or
- (b) commence such an action in a county court within one month from the said date.

(2) In either case—

- (a) the replevisor shall give security, to be approved by the registrar having power in the matter, for such an amount as the registrar thinks sufficient to cover both the probable costs of the action and either—
 - (i) the alleged rent or damage in respect of which the distress has been made; or
 - (ii) in a case where the goods replevied have been seized otherwise than under colour of distress, the value of the goods; and
- (b) it shall be a further condition of the security that the replevisor will—
 - (i) prosecute the action with effect and without delay and;
 - (ii) make a return of the goods, if the return thereof is ordered in the action.

PART IV.
—cont.

(3) In a case where the action is to be brought in the High Court, it shall be a further condition of the security that the replevisor will, unless he obtains judgment by default, prove to that court that he had good ground for believing either—

- (a) that the title to some hereditament, the rent or value whereof exceeded twenty pounds by the year, or to some toll, market, fair or franchise was in question; or
- (b) that the alleged rent or damage in respect of which the distress was made, or the value of the goods seized, exceeded twenty pounds.

Removal of
action of
replevin to
High Court
at instance
of defend-
ant.

103.—(1) Any action of replevin brought in a county court shall be removed into the High Court by writ of certiorari if the defendant makes an application in that behalf to the High Court or a judge thereof and gives security approved by a master of the Supreme Court for such amount, not exceeding one hundred and fifty pounds, as the master thinks fit.

(2) It shall be a condition of any security given under this section that the defendant will defend the action with effect, and will, unless the action is discontinued or dismissed for want of prosecution, prove before the High Court that the defendant had good ground for believing either—

- (a) that the title to some hereditament, the rent or value whereof exceeded twenty pounds by the year, or to some toll, market, fair or franchise was in question; or
- (b) that the alleged rent or damage in respect of which the distress was made, or the value of the goods seized, exceeded twenty pounds.

(3) Where an action is removed to the High Court under this section, the provisions of section seventy-three of this Act shall apply as if the action had been transferred.

PART V.

APPEALS, CERTIORARI, PROHIBITION AND MANDAMUS.

General.

104. Subject to the provisions of any other Act relating to county courts, no judgment or order of any judge of county courts, nor any proceedings brought before him or pending in his court, shall be removed by appeal, motion, certiorari or otherwise into any other court whatever, except in the manner and according to the provisions in this Act mentioned.

Removal of actions from county court prohibited except as provided in Act.

Appeals.

105. If any party to any proceedings in a county court is dissatisfied with the determination or direction of the judge in point of law or equity or upon the admission or rejection of any evidence, the party aggrieved by the judgment, direction, decision or order of the judge may appeal therefrom to the Court of Appeal in such manner and subject to such conditions as may be for the time being provided by the rules of the Supreme Court:

General provisions as to appeals.

Provided that, without the leave of the judge, there shall be no appeal—

- (a) in any action founded on contract or on tort (other than an action for the recovery of land or an action in which the title to any hereditament has come in question) where the debt or damage claimed does not exceed twenty pounds; nor
- (b) in any action of replevin where the amount of rent, or the damage or value of the goods seized, does not exceed twenty pounds; nor
- (c) in proceedings in interpleader where the money claimed, or the value of the goods or chattels claimed or the proceeds thereof, does not exceed twenty pounds.

106.—(1) If any party to any admiralty proceedings in a county court is dissatisfied with a determination of the judge on a question of fact, the party aggrieved by the judgment or order of the judge may appeal therefrom to the Court of Appeal :

Appeals in admiralty proceedings.

PART V.
—*cont.*

Provided that, without the leave of the judge, there shall be no appeal under this subsection unless the amount claimed in the proceedings exceeds one hundred pounds.

(2) Nothing in the foregoing provisions of this section shall be taken to affect the right of any party to admiralty proceedings in a county court to appeal to the Court of Appeal under the last foregoing section of this Act, and any such party may appeal under that section in like manner and subject to the like conditions as a party to an action founded on contract or tort.

(3) On an appeal by a party to any admiralty proceedings, the Court of Appeal, if it appears to it expedient that any sale ordered to be made of the vessel, aircraft or property to which the proceedings relate should be conducted in the High Court instead of in the county court, may direct the transfer of the proceedings for sale, with or without the transfer of the subsequent proceedings, to the High Court.

(4) Where, on an appeal by a party to any admiralty proceedings which have been heard in a county court with the assistance of assessors, any party makes application to the Court of Appeal in that behalf, the Court shall summon Trinity masters to assist on the hearing of the appeal if the Court is of opinion that such assistance is necessary or desirable.

Agreement
not to
appeal.

107.—(1) No appeal shall lie from any judgment, direction, decision or order of a judge of county courts if, before the judgment, direction, decision or order is given or made, the parties agree, in writing signed by themselves or their solicitors or agents, that it shall be final.

(2) No such agreement shall require a stamp.

Judge's note
on appeal.

108.—(1) At the hearing of any proceedings in a county court in which there is a right of appeal, the judge shall, at the request of any party, make a note—

- (a) of any question of law or equity raised at the hearing; and
- (b) of the facts in evidence in relation thereto; and
- (c) of his decision thereon and of his determination of the proceedings.

(2) Where such a note has been taken, the judge shall (whether notice of appeal has been served or not), on the application of any party to the proceedings, and on payment by that party of such fee as may be prescribed by the fees orders, furnish him with a copy of the note, and shall sign the copy, and the copy so signed shall be used at the hearing of the appeal.

PART V.
—cont.

109. On the hearing of an appeal, the Court of Appeal may draw any inference of fact and either—

Powers of Court of Appeal on appeal from county courts.

- (a) order a new trial on such terms as the court thinks just; or
- (b) order judgment to be entered for any party; or
- (c) make a final or other order on such terms as the court thinks proper to ensure the determination on the merits of the real questions in controversy between the parties.

110. No appeal shall lie from the decision of the Court of Appeal on any appeal from a county court on a point of law arising in any probate proceedings.

Decision of Court of Appeal on probate appeals to be final.

Certiorari, Prohibition and Mandamus.

111.—(1) The High Court or a judge thereof may order the removal into the High Court, by writ of certiorari or otherwise, of any proceedings commenced in a county court, if the High Court or judge thereof thinks it desirable that the proceedings should be heard and determined in the High Court.

Certiorari.

(2) Where any proceedings are removed into the High Court under this section, the provisions of section seventy-three of this Act shall apply as if the action had been transferred.

(3) Any such removal shall be upon such terms as to payment of costs, giving security or otherwise as the High Court or a judge thereof thinks fit to impose.

112.—(1) Where an application is made to the High Court or a judge thereof for a writ of prohibition addressed to any county court, the matter shall be finally disposed of by order, and no pleadings or further proceedings in prohibition shall be allowed.

Prohibition.

PART V.
—cont.

(2) Upon any such application, the judge of the county court shall not be served with notice thereof, and shall not, except by the order of a judge of the High Court—

(a) be required to appear or be heard thereon; or

(b) be liable to any order for the payment of the costs thereof;

but the application shall be proceeded with and heard in the same manner in all respects as an appeal duly brought from a decision of the judge, and notice of the application shall be given to or served upon the same parties as in the case of an order made or refused by a judge in a matter within his jurisdiction.

Stay of proceedings in case of certiorari or prohibition.

113.—(1) The grant by the High Court or a judge thereof of an order or summons to show cause why a writ of certiorari or prohibition should not issue to a county court shall, if the High Court or judge thereof so directs, operate as a stay of the proceedings in question until the determination of the order or summons, or until the High Court or judge thereof otherwise orders.

(2) While any proceedings are stayed as aforesaid, the judge of the county court shall from time to time adjourn the hearing thereof to such day as he thinks fit.

Order in lieu of mandamus.

114.—(1) No writ of mandamus shall issue to a judge or officer of a county court for refusing to do any act relating to the duties of his office.

(2) Any party requiring such an act to be done may apply to the High Court upon affidavit for an order or summons calling upon the judge or officer, and also the party to be affected by the act, to show cause why the act should not be done.

(3) If after the service of such an order or summons good cause is not shown, the High Court may by order direct the act to be done and the judge or officer of the county court, upon being served with the order, shall obey it on pain of attachment.

Refusal of writ to be final.

115. Where the High Court or a judge thereof has refused to grant a writ of certiorari or prohibition to a county court, or an order under the last foregoing section of this Act, no other court or judge shall grant the writ or order :

Provided that nothing in this section shall—

- (a) affect any right of appeal from the decision of the High Court or a judge thereof to the Court of Appeal, or any right of appeal from the decision of a judge of the High Court to the High Court; or
- (b) prevent a second application being made for the writ or order on grounds different from those on which the first application was founded.

PART V.
—cont.

PART VI.

EXECUTION AND COMMITTALS.

Warrants of Execution.

116.—(1) Any sum of money payable under a judgment or order of a county court may be recovered, in case of default or failure of payment thereof forthwith or at the time or times and in the manner thereby directed, by execution against the goods and chattels of the party against whom the judgment or order was obtained.

Execution of judgments or orders for sum of money.

(2) The registrar, on the application of the party prosecuting any such judgment or order, shall issue a warrant of execution in the nature of a writ of fieri facias whereby the registrar shall be empowered to levy or cause to be levied by distress and sale of the goods and chattels, wherever they may be found within the district of the court (whether within or without a franchise as defined in section thirty-four of the Sheriffs Act, 1887), the money payable under the judgment or order and the costs of the execution.

50 & 51 Vict.
c. 55.

(3) The precise time of the making of an application to the registrar to issue such a warrant shall be entered by him in the book prescribed for the purpose under section twenty-three of this Act, and on the warrant, and when more than one such warrant is issued they shall be executed in the order of the times so entered.

(4) It shall be the duty of every constable within his jurisdiction to assist in the execution of every such warrant.

117.—(1) Where the court has made an order for payment of any sum of money by instalments, execution on the order shall not be issued until after the default in payment of some instalment according to the order.

Execution of orders for payment by instalments.

PART VI.
—cont.

(2) On any such default, execution or successive executions may issue for the whole of the said sum of money and costs then remaining unpaid, or for such part thereof as the court may order, either at the time of making the original order or at any subsequent time.

Execution
to be
superseded
on payment.

118.—(1) In or upon every warrant of execution issued from a county court against the goods or chattels of any person, the registrar shall cause to be inserted or endorsed the sum of money and costs adjudged, and the fees for the execution of the warrant.

(2) If the person against whom the execution is issued, before the actual sale of the goods and chattels, pays or causes to be paid or tendered to the registrar of the court from which the warrant issued, or to the bailiff holding the warrant, the sum of money and costs inserted or endorsed as aforesaid, or such part thereof as the person entitled thereto agrees to accept in full satisfaction, together with the fees inserted or endorsed as aforesaid, the execution shall be superseded, and the goods and chattels of the first-mentioned person shall be discharged and set at liberty.

Power to
suspend
execution.

119. If at any time it appears to the satisfaction of the judge that any party to any proceedings is unable from any cause to pay any sum recovered against him (whether by way of satisfaction of the claim or counterclaim in the proceedings or by way of costs or otherwise), or any instalment thereof, the judge may, in his discretion, stay any execution issued in the proceedings for such time and on such terms as the judge thinks fit, and so from time to time until it appears that the cause of inability has ceased.

Execution
of warrants
of possession.

120. For the purpose of executing a warrant to give possession of any premises, it shall not be necessary to remove any goods or chattels from those premises.

Seizure of Goods, &c., and Custody thereof.

Goods which
may be
seized.

121. Every bailiff or officer executing any warrant of execution issued from a county court against the goods or chattels of any person may by virtue thereof seize—

(a) any of the goods and chattels of that person, except the wearing apparel and bedding of that person or his family, and the tools and

implements of his trade, to the value of five pounds, which shall to that extent be protected from seizure; and

PART VI.
—cont.

- (b) any money, bank notes, bills of exchange, promissory notes, bonds, specialties or securities for money belonging to that person.

122. Goods seized in execution under process of a county court shall, until the sale thereof—

Custody
of goods
seized.

- (a) be deposited by the bailiff in some fit place; or
(b) remain in the custody of a fit person approved by the registrar to be put in possession by the bailiff; or
(c) be safeguarded in such other manner as the registrar directs.

123. The registrar shall hold any bills of exchange, promissory notes, bonds, specialties or other securities for money seized in execution under process of a county court as security for the amount directed to be levied by the execution, or for so much thereof as has not been otherwise levied or raised, for the benefit of the plaintiff, and the plaintiff may sue in the name of the defendant, or in the name of any person in whose name the defendant might have sued, for the recovery of the sum secured or made payable thereby, when the time of payment thereof arrives.

Disposal of
bills of ex-
change, &c.
seized.

124. If any person rescues or attempts to rescue any goods seized in execution under process of a county court, he shall be liable, either on an order made by the judge in that behalf or on summary conviction, to a fine not exceeding five pounds, and any bailiff of the court may take him into custody, with or without warrant, and bring him before the judge.

Penalty for
rescuing
goods seized.

Sale of goods seized.

125. No goods seized in execution under process of a county court shall be sold for the purpose of satisfying the warrant of execution until the expiration of a period of at least five days next following the day on which the goods have been so seized unless—

Period to
elapse
before sale.

- (a) the goods are of a perishable nature; or
(b) the person whose goods have been seized so requests in writing.

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—*cont.*Goods not to
be sold except
by brokers or
appraisers.

126. No goods seized in execution under process of a county court shall be sold for the purpose of satisfying the warrant of execution except by one of the brokers or appraisers appointed under this Part of this Act.

Appoint-
ment of
brokers,
appraisers,
&c.

127.—(1) The registrar may from time to time as he thinks fit appoint such number of persons for keeping possession, and such number of sworn brokers and appraisers for the purpose of selling or valuing any goods, chattels or effects seized in execution under process of the court, as appears to him to be necessary.

(2) The registrar may direct security to be taken from any broker, appraiser or other person so appointed for such sum and in such manner as he thinks fit for the faithful performance of his duties without injury or oppression.

(3) The judge or registrar may dismiss any broker, appraiser or other person so appointed.

(4) There shall be payable to brokers and appraisers so appointed in respect of their duties, out of the produce of goods distrained or sold, such fees as may be prescribed by the fees orders.

Power to
authorise
bailiffs to
act as
brokers and
appraisers.

128.—(1) The judge may appoint in writing any bailiff of the court to act as a broker or appraiser for the purpose of selling or valuing any goods, chattels or effects seized in execution under process of the court.

(2) A bailiff so appointed may, without other licence in that behalf, perform all the duties which sworn brokers or appraisers may perform under this Act.

Sales under
executions
to be public
unless
otherwise
ordered.

129.—(1) Where any goods are to be sold under an execution for a sum exceeding twenty pounds (including legal incidental expenses), the sale shall, unless the court from which the warrant of execution issued otherwise orders, be made by public auction and not by bill of sale or private contract, and shall be publicly advertised by the registrar on, and during three days next preceding, the day of sale.

(2) Where any goods are seized in execution and the registrar has notice of another execution or other executions, the court shall not consider an application for leave

to sell privately until the prescribed notice has been given to the other execution creditor or creditors, who may appear before the court and be heard on the application.

PART VI.
—cont.

130. Where any goods in the possession of an execution debtor at the time of seizure by a registrar or other officer charged with the enforcement of a warrant or other process of execution issued from a county court are sold by that registrar or other officer without any claim having been made to them—

Protection of registrar selling goods under execution without notice of claim by third party.

- (a) the purchaser of the goods so sold shall acquire a good title to those goods; and
- (b) no person shall be entitled to recover against the registrar or other officer, or anyone lawfully acting under his authority, for any sale of the goods, or for paying over the proceeds thereof prior to the receipt of a claim to the said goods, unless it is proved that the person from whom recovery is sought had notice, or might by making reasonable inquiry have ascertained, that the goods were not the property of the execution debtor:

Provided that—

- (i) nothing in this section shall affect the right of any claimant, who may prove that at the time of sale he had a title to any goods so seized and sold, to any remedy to which he may be entitled against any person other than the registrar or other officer; and
- (ii) the provisions of this section shall have effect subject to the provisions of sections forty and forty-one of the Bankruptcy Act, 1914, and sections two hundred and sixty-eight and two hundred and sixty-nine of the Companies Act, 1929.

4 & 5 Geo. 5.
c. 59.

19 & 20
Geo. 5. c. 23.

Claims in respect of Goods seized.

131.—(1) When a writ against the goods of any person has issued from the High Court and a warrant against the goods of the same person has issued from a county court, the right to the goods seized shall be determined by the priority of the time of the delivery

Priority of High Court and county court executions.

PART VI.
—cont.

of the writ to the sheriff to be executed, or of the application to the registrar for the issue of the warrant to be executed.

(2) A sheriff shall on demand inform a registrar of a county court, by writing signed by any clerk in the office of the under-sheriff, of the precise time of the delivery of any such writ to him, and a bailiff of a county court shall on demand show his warrant to any sheriff's officer.

(3) Any writing purporting to be signed as aforesaid and the endorsement on any such warrant shall respectively be sufficient justification to any registrar or sheriff acting thereon.

Sale of
goods where
claim made
thereto.

132.—(1) Where a claim is made to or in respect of any goods seized in execution under process of a county court, the claimant may—

(a) deposit with the bailiff either—

(i) the amount of the value of the goods claimed; or

(ii) the sum which the bailiff is allowed to charge as costs for keeping possession of the goods until the decision of the judge can be obtained on the claim; or

(b) give the bailiff in the prescribed manner security for the value of the goods claimed.

(2) For the purpose of this section, the amount of the value of the goods claimed shall, in case of dispute, be fixed by appraisal, and where that amount is deposited as aforesaid it shall be paid by the bailiff into court to abide the decision of the judge upon the claim.

(3) In default of the claimant complying with the foregoing provisions of this section, the bailiff shall sell the goods as if no such claim had been made, and shall pay into court the proceeds of the sale to abide the decision of the judge.

Inter-
pleader by
registrar.

133.—(1) If a claim is made to or in respect of any goods or chattels seized in execution under process of a county court, or in respect of the proceeds or value thereof, the registrar may, as well before as after any action brought against him, issue a summons calling before the court the party at whose instance the process issued and the party making the claim.

PART VI.
—cont.

(2) Upon the issue of the summons, any action brought in any county court or other court in respect of the claim or of any damage arising out of the execution of the warrant shall be stayed.

(3) On the hearing of the summons, the judge shall adjudicate upon the claim, and shall also adjudicate between the parties or either of them and the registrar upon any claim to damages arising or capable of arising out of the execution of the warrant by the registrar, and shall make such order in respect of any such claim and the costs of the proceedings as he thinks fit.

134.—(1) Section one of the Landlord and Tenant Act, 1709, shall not apply to goods seized in execution under process of a county court, but the following provisions of this section shall apply in substitution therefor.

Claims for rent where goods seized in execution.
8 Anne c. 18.

(2) The landlord of any tenement in which any goods are seized as aforesaid may claim the rent of the tenement in arrear at the date of the seizure, at any time within the five days next following that date, or before the removal of the goods, by delivering to the bailiff or officer making the levy a claim in writing, signed by himself or his agent, stating—

- (a) the amount of rent claimed to be in arrear; and
- (b) the period in respect of which the rent is due.

(3) Where such a claim is made, the bailiff or officer making the levy shall in addition thereto distrain for the rent so claimed and the cost of the distress, and shall not, within five days next after the distress, sell any part of the goods seized, unless—

- (a) the goods are of a perishable nature; or
- (b) the person whose goods have been seized so requests in writing.

(4) The bailiff shall afterwards sell under the execution and distress such of the goods as will satisfy—

- (a) first, the costs of and incidental to the sale;
- (b) next, the claim of the landlord not exceeding—
 - (i) in a case where the tenement is let by the week, four weeks' rent;

PART VI.
—cont.

- (ii) in a case where the tenement is let for any other term less than a year, the rent of two terms of payment;
- (iii) in any other case, one year's rent; and
- (c) lastly, the amount for which the warrant of execution issued.

(5) If any replevin is made of the goods seized, the bailiff shall nevertheless sell such portion thereof as will satisfy the costs of and incidental to the sale under the execution and the amount for which the warrant of execution issued.

(6) In any event the surplus of the sale, if any, and the residue of the goods shall be returned to the execution debtor.

(7) The fees of the registrar and broker for keeping possession, appraisalment and sale under any such distress shall be the same as would have been payable if the distress had been an execution of the court, and no other fees shall be demanded or taken in respect thereof.

(8) Nothing in this section shall affect the provisions of section thirty-five of the Bankruptcy Act, 1914, except that the reference therein to section one hundred and sixty of the County Courts Act, 1888, shall be construed as a reference to this section.

Transfer of Proceedings for Execution.

Execution
out of juris-
diction of
court.

135.—(1) Where a warrant of execution has been issued from a county court (hereafter in this section referred to as a "home court") against the goods and chattels of any person and the goods and chattels are out of the jurisdiction of that court, the registrar of that court may send the warrant of execution to the registrar of any other county court within the jurisdiction of which the goods and chattels are or are believed to be, with a warrant thereon endorsed or thereto annexed requiring execution of the original warrant.

(2) On the receipt of the warrant, the registrar of the other county court shall act in all respects as if the original warrant of execution had been issued by the

court of which he is registrar and shall within the prescribed time—

PART VI.
—cont.

- (a) report to the registrar of the home court what he has done in the execution of the warrant; and
- (b) pay over all moneys received in pursuance of the warrant.

(3) Where a warrant of execution is sent by the registrar of a home court to the registrar of another court for execution under the provisions of this section, the judge of that other court shall have the same power as the judge of the home court of staying the execution under section one hundred and nineteen of this Act as respects any goods or chattels within the jurisdiction of that other court.

136.—(1) A judge of the High Court, if satisfied that a person, against whom judgment for an amount exceeding twenty pounds has been obtained (whether by way of satisfaction of a claim or counterclaim or by way of costs or otherwise) in a county court, has no goods or chattels which can be conveniently seized to satisfy the judgment, may, if he thinks fit, and on such terms as to costs as he may direct, order a writ of certiorari to issue to remove the judgment into the High Court.

Removal of judgment to High Court for purpose of execution.

(2) When a judgment is so removed, it shall have the same force and effect and the same proceedings may be had thereon as if it were a judgment of the High Court :

Provided that no action shall be brought upon the judgment.

(3) This section applies to orders obtained in a county court as it applies to judgments so obtained.

137. Where a vessel, aircraft or property would or might be sold under an execution to enforce a judgment or order given or made by a county court in admiralty proceedings, and the owner of the vessel, aircraft or property desires that the sale should be conducted in the High Court instead of in the county court, he shall be entitled, on giving security for costs, and subject to such other provisions as may be prescribed, to obtain an order of the county court for transfer of the proceedings for sale, with or without (as the judge of the county court thinks

Transfer of execution in admiralty proceedings.

PART VI. fit) the transfer of any subsequent proceedings, to the
—cont. High Court.

Transfer from High Court of applications to attach debts or levy execution against member of firm.

138.—(1) Where an application is made to the High Court—

- (a) for the attachment of a debt not exceeding one hundred pounds to answer a judgment or order; or
- (b) for leave to issue execution for a debt not exceeding one hundred pounds against a person as being a member of a firm against which a judgment or order has been obtained;

the High Court or a judge thereof may make an order either—

- (i) transferring the matter to; or
- (ii) directing that any issue necessary for determining the matter shall be tried in;

such county court to be named in the order as the court or judge may deem the most convenient to the parties.

(2) Where, under the foregoing provisions of this section, an order is made directing an issue to be tried in a county court, the order shall define the issue to be tried, and any party may lodge or cause to be lodged the order, together with the affidavits (if any) filed in matter, and such other documents (if any) as the High Court or judge may direct, with the registrar of the county court named in the order.

(3) On the documents aforesaid being so lodged the issue shall, subject to county court rules, be tried in the county court so named, and the judge of that county court, after the issue has been so tried, shall certify the result of the trial and send his certificate to the High Court, together with the documents aforesaid and any report which he may think fit to make as to costs or otherwise.

Committals.

Power to commit for contempt.

139. If any person—

- (a) wilfully insults the judge of a county court, or any juror or witness, or any officer of the

court during his sitting or attendance in court, or in going to or returning from the court; or

PART VI.
—cont.

(b) wilfully interrupts the proceedings of a county court or otherwise misbehaves in court;

any officer of the court, with or without the assistance of any other person, may, by order of the judge, take the offender into custody and detain him until the rising of the court, and the judge may, if he thinks fit—

- (i) by a warrant under his hand commit the offender for any period not exceeding seven days to any prison to which he has power to commit; or
- (ii) impose upon the offender a fine not exceeding five pounds for every offence.

140.—(1) Whenever any order or warrant for the committal of any person to prison is made or issued by a county court (whether in pursuance of this or any other Act or of county court rules), the order or warrant shall be directed to the registrar of the court, who shall thereby be empowered to take the body of the person against whom the order is made or warrant issued.

Issue and execution of orders of committal.

(2) It shall be the duty of every constable within his jurisdiction to assist in the execution of every such order or warrant.

(3) The governor of the prison mentioned in any such order or warrant shall be bound to receive and keep the person therein mentioned until he is lawfully discharged.

141. Any person committed to prison by the judge of any county court, in pursuance of this or any other Act or of county court rules, shall be committed to such prison as may from time to time be directed in the case of that court by order of the Secretary of State.

Prisons to which committals may be made.

142. If at any time it appears to the satisfaction of a judge of a county court that any debtor arrested or confined in prison by order of the court is unable from any cause to pay any sum recovered against him (whether by way of satisfaction of a claim or counterclaim or by way of costs or otherwise), or any instalment thereof, and ought to be discharged, the judge may order his discharge upon such terms (including liability to re-arrest if the terms are not complied with) as the judge thinks fit.

Power of judge to order discharge.

PART VI.

—cont.

Execution
of com-
mittal
orders out
of jurisdic-
tion of
court.

143.—(1) Where any order or warrant for the committal of any person to prison has been made or issued (whether in pursuance of this or any other Act or of county court rules) by a county court (hereafter in this section referred to as a “home court”) and that person is out of the jurisdiction of that court, the registrar may send the order or warrant to the registrar of any other county court within the jurisdiction of which that person is or is believed to be, with a warrant thereon endorsed or thereto annexed requiring execution of the original order or warrant.

(2) On receipt of the warrant, the registrar of the other county court shall act in all respects as if the original order or warrant had been issued by the court of which he is registrar and shall within the prescribed time—

(a) report to the registrar of the home court what he has done in the execution of the order or warrant; and

(b) pay over all moneys received in pursuance of the order or warrant.

(3) Where a person is apprehended under the order or warrant, he shall be forthwith conveyed, in custody of the officer apprehending him, to the prison of the court within the jurisdiction of which he was apprehended and kept therein—

(a) in a case where he is apprehended under a warrant of attachment, until further order of the home court; and

(b) in a case where he is apprehended under any other order or warrant, until the expiration of the period mentioned in the order or warrant, unless sooner discharged by law.

(4) It shall be the duty of every constable within his jurisdiction to assist in the execution of any such order or warrant.

(5) Where an order of commitment under the Debtors Act, 1869, is sent by the registrar of a home court to the registrar of another court for execution under the provisions of this section, the judge of that other court shall have the same power as the judge of the home court of ordering the discharge of the debtor under the last foregoing section of this Act.

Responsibility and Protection of Officers.

PART VI.

—cont.

144. Every registrar shall be responsible for the acts and defaults of himself and of the bailiffs appointed to assist him in like manner as the sheriff of any county in England is responsible for the acts and defaults of himself and his officers.

Registrar to have same responsibility as sheriff.

145.—(1) Where a bailiff of a county court, being employed to levy any execution against goods and chattels, loses the opportunity of levying the execution by reason of neglect, connivance or omission, any party aggrieved thereby may complain to the judge of that court.

Liability of bailiff for neglect to levy an execution.

(2) On any such complaint the judge, if the neglect, connivance or omission is proved to his satisfaction, shall order the bailiff to pay such damages as it appears that the complainant has sustained by reason thereof, not exceeding in any case the sum for which the execution issued.

146. No officer of a county court in executing any warrant of a court, and no person at whose instance any such warrant is executed, shall be deemed a trespasser by reason of any irregularity or informality—

Irregularity in executing warrants.

- (a) in any proceeding on the validity of which the warrant depends; or
- (b) in the form of the warrant or in the mode of executing it;

but any person aggrieved may bring an action for any special damage sustained by him by reason of the irregularity or informality against the person guilty thereof:

Provided that no costs shall be recovered in such an action unless the damages awarded exceed forty shillings.

147.—(1) No action shall be commenced against any bailiff for anything done in obedience to a warrant issued by the registrar, unless—

Actions against bailiffs acting under warrants.

- (a) a demand for inspection of the warrant and for a copy thereof is made or left at the office of the bailiff by the party intending to bring the action, or his solicitor or agent, in writing signed by the person making the demand; and
- (b) the bailiff refuses or neglects to comply with the demand within six days after it is made.

PART VI.
—cont.

(2) If an action is commenced against a bailiff in a case where such a demand has been made and not complied with, judgment shall be given for the bailiff if the warrant is produced or proved at the trial, notwithstanding any defect of jurisdiction or other irregularity in the warrant: but the registrar who issued the warrant may be joined as a defendant in the action, and if the registrar is so joined and judgment is given against him, the costs to be recovered by the plaintiff against the registrar shall include such costs as the plaintiff is liable to pay to the bailiff.

(3) In this section (except in paragraph (a) of subsection (1) thereof) the expression "bailiff" includes any person acting by the order and in aid of a bailiff.

Warrants
evidence of
authority.

148. In any action commenced against a person for anything done in pursuance of this Act, the production of the warrant of the court shall be deemed sufficient proof of the authority of the court previous to the issue of the warrant.

PART VII.

ADMINISTRATION ORDERS.

Power to
make ad-
ministration
order when
debts less
than £50.

149.—(1) Where a debtor—

- (a) is unable to pay forthwith the amount of a judgment obtained against him in a county court; and
- (b) alleges that his whole indebtedness amounts to a sum not exceeding fifty pounds, inclusive of the debt for which the judgment was obtained;

that court may make an order (hereafter in this Part of this Act referred to as an "administration order") providing for the administration of his estate.

(2) Where, in the opinion of the court in which the judgment was obtained, it would be inconvenient that that court should administer the estate, it shall cause a certificate of the judgment to be forwarded to the county court for the district in which the debtor resides or the majority of the creditors reside, and thereupon the latter county court shall have all the powers which it would have under this Part of this Act, had the judgment been obtained in it.

(3) An administration order shall not be invalid by reason only that the total amount of the debts is found

at any time to exceed fifty pounds, but in that case the court may, if it thinks fit, set aside the order.

PART VII.
—cont.

(4) An administration order may provide for the payment of the debts of the debtor by instalments or otherwise, and either in full or to such extent as to the court under the circumstances of the case appears practicable, and subject to any conditions as to his future earnings or income which the court may think just.

(5) An administration order shall be carried into effect in such manner as may be prescribed by general rules made under this Part of this Act.

150. Where an administration order has been made the following provisions shall have effect:—

Notice of
order and
proof of
debts.

- (a) Notice of the order shall be sent to the registrar of county court judgments, and be posted in the office of the county court for the district in which the debtor resides, and sent to every creditor notified by the debtor, or who has proved:
- (b) Any creditor of the debtor, on proof of his debt before the registrar, shall be entitled to be scheduled as a creditor of the debtor for the amount of his proof:
- (c) Any creditor may, in the manner prescribed by general rules made under this Part of this Act, object to any debt scheduled, or to the manner in which payment is directed to be made by instalments:
- (d) Any person who, after the date of the order, becomes a creditor of the debtor shall, on proof of his debt before the registrar, be scheduled as a creditor of the debtor for the amount of his proof, but shall not be entitled to any dividend under the order until the creditors who are scheduled as having been creditors before the date of the order have been paid to the extent provided by the order.

151.—(1) Subject to the provisions of the two sections next following, when an administration order is made, no creditor shall have any remedy against the person or property of the debtor in respect of any debt which the debtor has notified to a county court or which has been scheduled to the order, except with the leave of that county court, and on such terms as that court may impose.

Effect of
administra-
tion order.

PART VII.
—cont.

(2) Any county court or other inferior court in which proceedings are pending against the debtor in respect of any debt so notified or scheduled shall, on receiving notice of the administration order, stay the proceedings, but may allow costs already incurred by the creditor, and such costs may, on application, be added to the debt.

Execution
by registrar.

152. Where it appears to the registrar of the county court at any time while an administration order is in force that property of the debtor exceeds in value ten pounds, he shall, at the request of any creditor, and without fee, issue execution against the debtor's goods :

Provided that the household goods, wearing apparel, and bedding of the debtor or his family, and the tools and implements of his trade to the value in the aggregate of twenty pounds, shall to that extent be protected from seizure.

Right of
landlord to
distrain
notwith-
standing
order.

153. A landlord or other person to whom any rent is due from a debtor in respect of whom an administration order is made, may at any time, either before or after the date of the order, distrain upon the goods or effects of the debtor for the rent due to him from the debtor, with this limitation, that if the distress for rent is levied after the date of the order, it shall be available only for six months' rent accrued due prior to the date of the order and shall not be available for rent payable in respect of any period subsequent to the date when the distress was levied, but the landlord or other person to whom the rent may be due from the debtor may prove under the order for the surplus due for which the distress may not have been available.

Appropriation of
money paid
under order.

154. Money paid into court under an administration order shall be appropriated—

- (a) first in satisfaction of the costs of the plaintiff in the action in respect of which the order was made;
- (b) next in satisfaction of the costs of administration (which shall not exceed two shillings in the pound on the total amount of the debts); and
- (c) then in liquidation of debts in accordance with the order.

Default in
payment of
instalments.

155. If the debtor makes default in payment of any instalment payable in pursuance of an administration order, he shall, unless the contrary is proved, be

deemed to have had since the date of the order the means to pay the sum in respect of which he has made default and to have refused or neglected to pay that sum.

PART VII.
—cont.

156. When the amount received under an administration order is sufficient to pay each creditor scheduled to the order to the extent thereby provided, and the costs of the plaintiff in the action in respect of which the order was made and the costs of the administration, the order shall be superseded, and the debtor shall be discharged from his debts to the scheduled creditors.

Discharge of
order.

157.—(1) The Lord Chancellor may from time to time, with the concurrence of the President of the Board of Trade, make general rules for carrying into effect the objects of this Part of this Act :

Rules for
purposes of
Part VII.

Provided that the said rules shall not extend the jurisdiction of the court.

(2) All rules made under this section shall be laid before Parliament within three weeks after they are made, if Parliament is then sitting, or, if Parliament is not then sitting, within three weeks after the beginning of the then next session of Parliament, and shall have effect as if enacted by this Act.

PART VIII.

FUNDS IN COURT.

158. The Lord Chancellor, with the concurrence of the Treasury, may make rules regulating the deposit, payment, delivery and transfer in, into and out of a county court of money and securities which belong to suitors, or are otherwise capable of being deposited in or paid or transferred into a county court or are under the custody of a county court, and regulating the evidence of such deposit, payment, delivery or transfer, and the manner in which money and securities in court are to be dealt with, and in particular—

Rules as to
funds in
county
courts.

- (a) regulating the placing of money in court (with such exceptions as may be prescribed) to deposit accounts or investment accounts and prescribing the rate of interest on money placed to such accounts, so however that the rate of interest on money placed to a deposit account shall be equal to the rate of interest for the time being payable on deposits in the Post Office Savings Bank;

PART VIII.
—cont.

- (b) requiring registrars to pay from time to time to the Accountant-General all money in court which is not required by them for meeting current demands, and requiring the Accountant-General to pay to the Commissioners all money received by him under the rules which is not required by him for meeting current demands;
- (c) requiring the annual publication of lists of accounts which have not been dealt with for such period as may be prescribed (not being less than fifteen years in the case of deposit and investment accounts or five years in the case of other accounts), and requiring the closing of any account included in any such list if the money standing to the credit of the account is not claimed within such period after the publication of the list as may be prescribed;
- (d) regulating the investment of money paid to the Commissioners under the rules and (subject to the provisions of this Part of this Act) prescribing the manner in which the interest received by the Commissioners on money so invested is to be dealt with;
- (e) regulating the payment or crediting of interest on money placed to deposit accounts and investment accounts respectively;
- (f) prescribing the smallest amount which is to be placed to an investment account (unless ordered by the court to be invested notwithstanding the smallness of the amount), the smallest amount which is to be placed to or remain in a deposit account and the smallest amount of money placed to a deposit account on which interest is to be credited;
- (g) prescribing the time at which money in court is to be placed to a deposit account or investment account, and at which interest on money placed to any such account is to begin and cease, and the mode of computing any such interest;
- (h) prescribing the circumstances in which interest on money placed to a deposit account or investment account, or interest on any securities in court, is

to be placed to a deposit account or an investment account; PART VIII.
—cont.

- (i) prescribing the manner in which money is to be furnished to registrars by the Accountant-General, and to the Accountant-General by the Commissioners, for the purpose of enabling registrars and the Accountant-General to comply with orders of court as to the payment of money out of court;
- (j) prescribing the accounts to be kept by registrars for the purposes of the rules;
- (k) providing for the vesting of money and securities in court in the holders of such offices as may be prescribed and their successors in office without any conveyance, assignment or transfer;
- (l) providing for the discharge of the functions of the Accountant-General under the rules by deputy;
- (m) prescribing the manner in which money or securities in court before the rules come into operation are to be dealt with, and providing for the transition to the provisions of the rules from the provisions of the following enactments, that is to say, sections seventy-one and one hundred and seventy-three of the County Courts Act, 1888, the County Courts (Investment) Act, 1900, paragraphs 4, 5, 6 and 7 of the Second Schedule to the Workmen's Compensation Act, 1925, and subsections (3) and (5) of section two hundred and five of the Supreme Court of Judicature (Consolidation) Act, 1925;
- (n) providing for such matters as are incidental to or consequential on the foregoing provisions of this section or are necessary for giving effect to those provisions.

63 & 64 Vict.
c. 47.
15 & 16
Geo. 5. c. 84.

159. The County Court Funds Rules shall not apply to the Mayor's and City of London Court, but the Lord Chancellor may make separate rules for that court regulating or making provision for any matter which may be regulated, or for which provision may be made, by the County Court Funds Rules, with the substitution of the Chamberlain of the City of London for the Accountant-General and the Commissioners.

Rules as to
funds in
Mayor's and
City of
London
Court.

PART VIII.

—*cont.*Rules to be
laid before
Parliament.

160. Any rules made under this Part of this Act shall be laid before both Houses of Parliament as soon as may be after they are made and shall cease to have effect if either House, within the next subsequent twenty-eight days on which that House has sat after the date on which the rules are laid before it, resolves that the rules shall be annulled, but without prejudice to anything previously done thereunder or to the making of new rules.

Liability of
Consoli-
dated Fund
for funds in
court.

161.—(1) If the Lord Chancellor, whether on a representation made to him by any person interested or not, certifies that the Accountant-General—

(a) has failed to pay any money received by him under the County Court Funds Rules, or to transfer or deliver any securities vested in him under those rules whether solely or jointly with any other person, being money or securities required by any order of a county court to be paid, transferred or delivered by him; or

(b) has been guilty of any default with respect to any such money or securities;

the Treasury shall cause to be paid out of the Consolidated Fund or the growing produce thereof such sum as may be certified by the Lord Chancellor to be necessary for the purpose of paying the money so required to be paid, or of replacing the securities so required to be transferred or delivered, or of making good such default.

(2) If at any time the money in the hands of the Commissioners under the County Court Funds Rules is insufficient to pay any amount payable by them in pursuance of those rules, the Treasury shall either direct the Commissioners to realise a sufficient portion of the securities purchased by them under the rules and to apply the proceeds of such realisation in paying the amount so payable by them, or cause the required sum to be issued to the Commissioners out of the Consolidated Fund or the growing produce thereof.

(3) If in any year the aggregate sum received by the Commissioners by way of interest on the money invested by them under the County Court Funds Rules exceeds the aggregate amount of the interest due to be paid or credited in respect of that year on money placed to deposit

and investment accounts, the surplus, or such part thereof as the Treasury may direct, shall either be paid into the Exchequer or be applied as an appropriation in aid of the moneys provided by Parliament for the salaries and expenses connected with the county courts, and if in any year the said sum is less than the said amount, the deficiency shall, if not otherwise provided for, be made good out of the Consolidated Fund or the growing produce thereof.

PART VIII.
—*cont.*

162. All moneys standing to the credit of accounts which are closed in pursuance of the County Court Funds Rules shall be paid to the Commissioners and applied by them in redemption of debt :

Provision
as to
closed
accounts.

Provided that where, after any account has been closed as aforesaid, any person proves to the satisfaction of the court on behalf of which the account was kept that, if the account had not been closed, he would have been entitled to the money standing to the credit of the account or any part thereof, the court shall make an order for the payment to that person of the money to which he would have been entitled, together (if the court so directs) with all or any part of the interest on that money which would have been credited to the account if the account had not been closed, and the amount required to comply with the order of the court shall, if not otherwise provided for, be paid out of the Consolidated Fund or the growing produce thereof to the Accountant-General.

163. The Accountant-General and the Commissioners shall keep such accounts of their transactions under the County Court Funds Rules as the Treasury may direct, and those accounts shall be examined from time to time by the Comptroller and Auditor General, and copies of the accounts certified by the Comptroller and Auditor General, together with his report thereon, shall be laid by the Lord Chancellor before both Houses of Parliament.

Accounts to
be kept for
purpose of
County
Court Funds
Rules.

164.—(1) Where in any cause or matter in the King's Bench Division of the High Court, or in an admiralty action in the Probate, Divorce and Admiralty Division of that Court, money is in any manner recovered by or on behalf of, or adjudged or ordered to be paid to or for the benefit of, a person who is an infant or of unsound mind, the High Court or a judge thereof may

Transfer to
county
court of
money re-
covered
in High
Court by
infants, &c.

PART VIII. order the money or any part thereof to be paid into or
—*cont.* transferred to the county court of the district in which
that person resides or such other county court as the
High Court or judge may order.

(2) On the making of any such order, the money or the part thereof to which the order relates shall be paid or transferred according to the order, and shall, subject to any special order or direction of the High Court or a judge thereof, and to county court rules and to the County Court Funds Rules, or the Mayor's and City of London Court Funds Rules, as the case may be, be invested, applied or otherwise dealt with for the benefit of the person to whom the order relates in such manner as the county court in its discretion thinks fit.

(3) The provisions of this section shall apply to money which in proceedings under the Fatal Accidents Acts, 1846 to 1908, is recovered by or adjudged or ordered to be paid to the widow of the person killed as they apply to money recovered by or adjudged or ordered to be paid to an infant.

(4) Where before the first day of October, nineteen hundred and twenty-five, money recovered in any cause or matter in the King's Bench Division of the High Court by or on behalf of a person who is an infant or of unsound mind has been paid to the Public Trustee, it shall be lawful for the Public Trustee to pay that money, or so much of it as remains in his possession, into the county court of the district in which that person resides, and money so transferred shall be invested, applied or dealt with in the same manner as if it had been paid into the county court under subsection (2) of this section.

Amendment
of certain
enactments.
15 & 16
Geo. 5. c. 19.

165. Section sixty-three of the Trustee Act, 1925, and paragraphs 1 and 3 of the Second Schedule to the Workmen's Compensation Act, 1925, shall have effect as if references to rules of court included references to the County Court Funds Rules or the Mayor's and City of London Court Funds Rules, as the case may be.

Interpre-
tation of
Part VIII.

166. In this Part of this Act the following expressions have the meanings hereby respectively assigned to them:—

“The Accountant-General” means the Accountant-General of the Supreme Court;

“The Commissioners” means the National Debt Commissioners; PART VIII.
—cont.

“County Court Funds Rules” means rules made under section one hundred and fifty-eight of this Act;

“Mayor’s and City of London Court Funds Rules” means rules made under section one hundred and fifty-nine of this Act;

“Money in court” and “securities in court” means money or securities, as the case may be, deposited, paid, delivered or transferred in or into a county court in pursuance of this or any other Act or in pursuance of county court rules;

“Prescribed” means prescribed by the County Court Funds Rules.

PART IX.

MISCELLANEOUS AND GENERAL.

Financial Provisions.

167.—(1) The Lord Chancellor may from time to time, with the concurrence of the Treasury, make orders as to the fees to be paid on any proceedings which are for the time being authorised to be taken in a county court. Fees orders.

(2) Every such order shall be laid before both Houses of Parliament within ten days from the commencement of the session next after the making thereof.

(3) A copy of the fees orders for the time being in force shall be posted in some conspicuous place in every court-house and registrar’s office.

168. In default of the payment of any fees as provided by the fees orders for the time being in force, payment thereof shall be enforced, by order of the court, in like manner as payment of any debt adjudged by the court to be paid. Enforcement of liability for fees.

PART IX.
—cont.Enforce-
ment of
fines.

169. Payment of any fine imposed by any court under this Act may be enforced upon the order of the judge—

- (a) in like manner as payment of any debt adjudged by the court to be paid may be enforced under this Act; or
- (b) in like manner as payment of a sum adjudged to be paid on summary conviction may be enforced under the Summary Jurisdiction Acts.

Registrar
to take
charge of
fees, &c.

170.—(1) All fees payable under this Act, and all penalties, forfeitures and fines imposed under this Act (if not by this Act directed to be otherwise applied) shall be paid to the registrar.

(2) All fees, fines, penalties and forfeitures paid to a registrar (other than the registrar of the Mayor's and City of London Court) under this Act or any other Act, shall be dealt with by him in such manner as the Lord Chancellor, after consultation with the Treasury, may direct.

Security
for money
in hands of
officers.

171.—(1) Every registrar, other than a whole time registrar, shall give security for such sum, and in such manner and form, as the Treasury may from time to time direct for the due performance of his duties and for the due accounting for, and payment of, all moneys received by him under this Act or which he may become liable to pay for any misbehaviour in his office.

(2) Subject to the provisions of the last foregoing subsection, the Lord Chancellor, with the concurrence of the Treasury, shall from time to time make such rules as he thinks fit for securing the balances and other sums of money in the hands of any officers of a county court, and for the due accounting for and application of those balances and sums.

Accounts of
registrar.

172.—(1) A registrar shall, in addition to the accounts required to be kept by him under the County Court Funds Rules, keep such accounts as the Lord Chancellor, after consultation with the Treasury, may direct.

(2) All accounts kept by a registrar shall be audited at such times and in such manner as the Lord Chancellor, after consultation as aforesaid, may direct.

(3) This section shall not apply to the registrar of the Mayor's and City of London Court. PART IX.
—cont.

173. The Lord Chancellor may, subject to the consent of the Treasury as to numbers and salaries, appoint as officers in his department such auditors and other officers as he may consider necessary for the purpose of controlling the accounts of county courts. Central
accounts.

174. There shall be paid out of moneys provided by Parliament— Payment of
salaries and
expenses.

- (a) all salaries, remuneration, allowances, gratuities and other sums payable under Part I of this Act (except where otherwise expressly provided) or under the last foregoing section of this Act; and
- (b) the expenses of supplying the courts and offices with law and office books and stationery and postage stamps; and
- (c) expenses incurred in conveying to prison persons committed by the courts; and
- (d) all other expenses arising out of any jurisdiction for the time being conferred on the courts or any officer thereof.

Summonses and other documents.

175.—(1) Where any summons or other process issued from a county court is served by the bailiff of any court, the service may be proved by endorsement on a copy of the summons or process under the hand of that bailiff showing the fact and mode of the service. Proof of
service of
summonses,
&c.

(2) Any bailiff wilfully and corruptly endorsing any false statement on a copy of a summons or other process shall be guilty of a misdemeanour, and, on conviction thereof, shall be removed from his office or employment and shall be liable—

- (a) on conviction on indictment, to imprisonment for any term not exceeding two years; or
- (b) on summary conviction, to imprisonment for any term not exceeding six months or to a fine not exceeding fifty pounds, or to both such imprisonment and fine.

PART IX.
—*cont.*
Summonses
and other
process to be
under seal.

176.—(1) All summonses issuing out of a county court, and all such other documents so issuing as may be prescribed, shall be sealed or stamped with the seal of the court.

(2) All such summonses and other documents purporting to be sealed as aforesaid shall, in England, be received in evidence without further proof thereof.

Penalty for
falsely
pretending
to act under
authority
of court.

177. Any person who—

(a) delivers or causes to be delivered to any other person any paper falsely purporting to be a copy of any summons or other process of a county court, knowing it to be false; or

(b) acts or professes to act under any false colour or pretence of the process or authority of a county court;

shall be guilty of felony, and shall for each offence be liable on conviction on indictment to penal servitude for a term not exceeding seven years.

Penalty for
repre-
senting
document
to have
been issued
from county
court.

178.—(1) It shall not be lawful to deliver or cause to be delivered to any person any document which, not having been issued under the authority of a county court, has, by reason of its form or contents or both, the appearance of having been issued under such authority.

(2) If any person contravenes the provisions of this section, he shall for each offence be liable on summary conviction to a fine not exceeding fifty pounds.

(3) Nothing in this section shall be taken to prejudice the provisions of the last foregoing section of this Act.

Lessee to
give notice
of summons
for recovery
of land.

179. Every lessee to whom there is delivered any summons issued from a county court for the recovery of land demised to or held by him, or to whose knowledge any such summons comes, shall forthwith give notice thereof to his lessor or his bailiff or receiver, and if he fails so to do, he shall be liable to forfeit to the person of whom he holds the land an amount equal to the value of three years improved or rack rent of the land, to be recovered by action in any county court or other court having jurisdiction in respect of claims for such an amount.

*Forfeiture for Non-Payment of Rent.*PART IX.
—cont.

180.—(1) Where a lessor is proceeding by action in a county court (being an action in which a county court has jurisdiction) to enforce against a lessee a right of re-entry or forfeiture in respect of any land for non-payment of rent, the following provisions shall have effect :—

Provisions
as to for-
feiture for
non-pay-
ment of
rent.

- (a) If the lessee pays into court not less than five clear days before the return day all the rent in arrear and the costs of the action, the action shall cease, and the lessee shall hold the land according to the lease without any new lease ;
- (b) If the action does not cease as aforesaid and the court at the trial is satisfied that the lessor is entitled to enforce the right of re-entry or forfeiture, the court shall order possession of the land to be given to the lessor at the expiration of such period, not being less than four weeks from the date of the order, as the court thinks fit, unless within that period the lessee pays into court all the rent in arrear and the costs of the action ;
- (c) If within the period specified in the order, the lessee pays into court all the rent in arrear and the costs of the action, he shall hold the land according to the lease without any new lease, but if the lessee does not, within the said period, pay into court all the rent in arrear and the costs of the action, the order shall be enforced in the prescribed manner, and so long as the order remains unreversed, the lessee shall be barred from all relief :

Provided that, where the lessor is proceeding in the same action to enforce a right of re-entry or forfeiture on any other ground as well as for non-payment of rent, or to enforce any other claim as well as the right of re-entry or forfeiture and the claim for arrears of rent, sub-paragraph (a) of this subsection shall not apply, and nothing in this subsection shall be taken to affect the power of the court to make any order which it would otherwise have power

PART IX. to make as respects the right of re-entry or forfeiture on
—*cont.* that other ground.

(2) Where any such action as aforesaid is brought in a county court and, at the time of the commencement of the action, one-half year's rent is in arrear and the lessor has a right to re-enter for non-payment thereof and no sufficient distress is to be found on the premises counter-vailing the arrears then due, the service of the summons in the action in the prescribed manner shall stand in lieu of a demand and re-entry.

(3) Where a lessor has enforced against a lessee, by re-entry without action, a right of re-entry or forfeiture as respects any land for non-payment of rent, the lessee may, if neither the annual value of the land nor the annual rent payable in respect thereof exceeds one hundred pounds, at any time within six months from the date on which the lessor re-entered apply to the county court for relief, and on any such application the court may, if it thinks fit, grant to the lessee such relief as the High Court could have granted.

(4) Nothing in this section shall be taken to affect the provisions of subsection (4) of section one hundred and forty-six of the Law of Property Act, 1925.

15 & 16
Geo. 5. c. 20.

(5) For the purposes of this section—

(a) the expression “lease” includes an original or derivative under-lease; also an agreement for a lease where the lessee has become entitled to have his lease granted; also a grant at a fee farm rent, or securing a rent by condition;

(b) the expression “lessee” includes an original or derivative under-lessee, and the persons deriving title under a lessee; also a grantee under any such grant as aforesaid and the persons deriving title under him;

(c) the expression “lessor” includes an original or derivative under-lessor, and the persons deriving title under a lessor; also a person making such grant as aforesaid and the persons deriving title under him;

(d) the expression "under-lease" includes an agreement for an under-lease where the under-lessee has become entitled to have his under-lease granted;

(e) the expression "under-lessee" includes any person deriving title under an under-lessee.

PART IX.
—cont.

Provisions as to solicitors.

181. No privilege shall be allowed to any solicitor to exempt him from the jurisdiction of the court.

No privilege
allowed to
solicitors.

182. No roll of solicitors shall be kept in a county court, and a person qualified to act as a solicitor may practise in a county court notwithstanding that no such roll is kept therein and notwithstanding anything in section forty-four of the Solicitors Act, 1932.

Discontinu-
ance of roll
of solicitors.

22 & 23
Geo. 5. c. 37.

183. A county court shall have the same power to enforce an undertaking given by a solicitor in relation to any proceedings in that court as the High Court has to enforce an undertaking so given in relation to any proceedings in the High Court.

Power to
enforce
under-
takings of
solicitors.

184. The remuneration of a solicitor in respect of contentious business done by him in a county court shall be regulated in accordance with the provisions of sections fifty-nine to seventy of the Solicitors Act, 1932, and for that purpose those sections shall have effect subject to the following provisions:—

Remunera-
tion of
solicitors
for con-
tentious
business
done in
county
court.

(a) for the purpose of paragraph (i) of subsection (9) of section sixty, a county court shall be deemed to be a court having jurisdiction to enforce and set aside agreements;

(b) a county court shall have the same jurisdiction as the High Court to make orders for the delivery by a solicitor of a bill of costs and for the delivery up of, or otherwise in relation to, any deeds, documents or papers in his possession, custody or power, in cases where the bill of costs, deeds, documents or papers relate wholly

PART IX.
—*cont.*

or partly to contentious business done by the solicitor in that county court ;

- (c) where a bill of costs relates wholly or partly to contentious business done in a county court and the amount of the bill does not exceed one hundred pounds, the powers and duties of the High Court relating thereto under sections sixty-five, sixty-six and sixty-seven may be exercised and performed by a county court in which any of the business was done ;
- (d) the registrar of a county court shall be the taxing officer of that court but any taxation of costs by him may be reviewed by the judge on the application of any party thereto ;
- (e) on the taxation of any costs or bill of costs, the amount which may be allowed in respect of any item relating to proceedings in a county court shall not exceed the amount which could have been allowed in respect of that item as between party and party in those proceedings, having regard to the nature of the proceedings and the amount of the claim and counterclaim (if any) therein.

Prohibition on persons other than solicitors receiving remuneration for business done in county court.

185. No person other than a solicitor shall be entitled to have or recover any fee or reward for appearing or acting on behalf of any other party in any proceedings in a county court :

Provided that nothing in this Act shall affect the right of any barrister to appear or act in any court, or of any solicitor to recover costs in respect of his employment of a barrister to appear or act as aforesaid.

Provisions as to other local courts.

Mayor's and City of London Court.
10 & 11 Geo. 5.
c. cxxxiv.
15 & 16 Vict.
c. lxxvii.

186.—(1) For the purpose of all proceedings within the jurisdiction of a county court, the Mayor's and City of London Court shall be deemed to be a county court, and shall, subject to the provisions of the Mayor's and City of London Court Act, 1920, be governed by the statutes and rules for the time being applicable to county courts so far as they do not conflict with the London (City) Small Debts Extension Act, 1852.

(2) Nothing in this Act shall be taken to diminish any of the powers, rights or privileges of the judges of the Mayor's and City of London Court or the authority of the mayor, aldermen and commons of the City of London in common council assembled in relation to that court or in relation to the judge or officers thereof, or in relation to the fees taken therein, as the said powers, rights, privileges and authority existed immediately before the commencement of this Act.

PART IX.
—cont.

187.—(1) Where—

- (a) any court of local jurisdiction other than a county court (hereafter in this section referred to as a "local court") is established within the limits of any city, borough or parish; or
- (b) the jurisdiction of any local court extends into the limits of a city, borough or parish;

Exclusion of
jurisdiction
of local
courts in
certain
cases.

the council of the city or borough, or a majority of the ratepayers of the parish, as the case may be, may present a petition to His Majesty in Council praying that the jurisdiction of the local court in any proceedings whereof a county court has cognizance shall be excluded.

(2) At least two months before any such petition is presented, notice thereof shall be given by public advertisement in the city, borough or parish, as the case may be, and in some newspaper circulating therein.

(3) If such a petition is duly presented, His Majesty, by Order in Council, may, if no counter petition has been presented, and if no caveat has been entered at the Privy Council Office, declare the exclusion of the jurisdiction of the local court throughout the whole or any part of any county court district.

(4) If a counter petition is presented, or any caveat so entered, His Majesty may refer the petition and the counter petition (if any) to the Judicial Committee of the Privy Council, and upon the report of that Committee may—

- (a) make such Order in Council with respect to the matter of the petition as He is advised to make; and

PART IX.
-cont.

(b) award compensation to any person entitled to appoint officers of the local court or to any officer thereof appointed before the thirteenth day of August, eighteen hundred and eighty-eight.

(5) The Treasury shall have power to pay any compensation so awarded.

Actions for price of beer, &c.

Prohibition
of actions
for price
of beer, &c.
consumed
on premises.

188. No action shall be brought in any county court or any other court to recover any debt or sum of money alleged to be due—

(a) in respect of the sale of any ale, porter, beer, cider or perry which was consumed on the premises where it was sold or supplied, or

(b) in respect of any money or goods lent or supplied, or of any security given, for, in or towards the obtaining of any such ale, porter, beer, cider or perry.

Transitional.

Transitional
provisions
as to high
bailiffs.

189.—(1) Where, immediately before the commencement of this Act, the offices of high bailiff and registrar of any county court were held by different persons—

(a) nothing in this Act shall affect the position of the person holding the office of high bailiff of that court, but, on that person vacating his office, no other person shall be appointed thereto; and

(b) so long as the said offices continue to be held by different persons, the provisions of this Act shall have effect in relation to that court subject to the modifications set out in Part I of the Fourth Schedule to this Act.

(2) References to a high bailiff in any enactment, Order in Council, order, rule, regulation or any document whatsoever shall, except in relation to any court where the offices of registrar and high bailiff are held by different persons, be construed as a reference to a registrar.

190. This Act shall have effect subject to the transitional provisions set out in Parts II and III of the Fourth Schedule to this Act.

PART IX.
—cont.
Miscel-
laneous
transitional
provisions.

General.

191. In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them :—

Interpreta-
tion.

- (a) “ Action ” includes a suit, and means any proceedings in a county court which may be commenced as prescribed by plaint;
- (b) “ Admiralty county court ” means a court appointed to have admiralty jurisdiction by order under this Act;
- (c) “ Admiralty proceedings ” means proceedings in which the claim would not be within the jurisdiction of a county court but for the provisions of sections fifty-five and fifty-six of this Act;
- (d) “ Bailiff ” includes a registrar;
- (e) “ County court rules ” means rules made under section ninety-nine of this Act;
- (f) “ Court ” and “ county court ” mean a court held for a district under this Act;
- (g) “ District ” and “ county court district ” mean a district for which a court is to be held under section two of this Act;
- (h) “ Fees orders ” means orders made under section one hundred and sixty-seven of this Act;
- (i) “ Hearing ” includes trial, and the expressions “ hear ” and “ heard ” shall be construed accordingly;
- (j) “ Hereditament ” includes both a corporeal and an incorporeal hereditament;
- (k) “ Judge ” and “ judge of county courts ” mean a judge appointed for a district under this Act;

PART IX.
—cont.

- (l) "Landlord," in relation to any land, means the person entitled to the immediate reversion of that land or, if the property therein is held in joint tenancy, any of the persons entitled to the immediate reversion;
- (m) "Lord Chancellor" includes the First Commissioner for the custody of the Great Seal;
- (n) "Matter" means every proceeding in a county court which may be commenced as prescribed otherwise than by plaint;
- (o) "Officer" in relation to a court means any registrar, deputy registrar or assistant registrar of that court, and any clerk, bailiff, usher or messenger in the service of that court;
- (p) "Party" includes every person served with notice of, or attending, any proceeding, whether named as a party to that proceeding or not;
- (q) "Prescribed" means prescribed by the county court rules for the time being in force;
- (r) "Proceedings" includes both actions and matters;
- (s) "Probate proceedings" means proceedings brought in a county court by virtue of the provisions of section sixty of this Act, or transferred to that court under section sixty-one of this Act;
- (t) "Registrar" and "Registrar of a county court" means a registrar appointed for a district under this Act, or in a case where two registrars are appointed jointly, either of those registrars;
- (u) "Return day" means the day appointed in any summons or proceeding for the appearance of the defendant or any other day fixed for the hearing of any proceedings;
- (v) "Solicitor" means solicitor of the Supreme Court;
- (w) "Superannuation Acts" means the Superannuation Acts, 1834 to 1919;

- (x) "Whole-time registrar" means a registrar in whose case a direction has been given by the Lord Chancellor under section seventeen of this Act.

PART IX.
—cont.

192.—(1) Nothing in this Act shall affect any Order in Council, order, rule, regulation, scale of fees made, direction given, instrument issued or thing done under any former enactment relating to county courts, but any such Order in Council, order, rule, regulation, scale of fees, direction, instrument or thing shall, if in force at the commencement of this Act, continue in force and, so far as it could have been made, given, issued or done under this Act, shall have effect as if made, given, issued or done under this Act, Savings.

(2) For the purpose of the last foregoing subsection it shall be deemed that an Order in Council made under section two of the County Courts Admiralty Jurisdiction Act, 1868, could have been made under section fifty-five of this Act, and that an Order in Council made under section four of the County Courts Act, 1888, could have been made under section two of this Act.

(3) Any person holding office or acting or serving, or deemed to be acting or serving, under any former enactment relating to county courts shall continue to hold his office, or to act or serve, as if he had been appointed under this Act, but nothing in this Act shall affect the terms and conditions on and subject to which any person held office immediately before the commencement of this Act, or prejudice or affect any right to pension, compensation, gratuity or allowance which a person would otherwise have had on retirement from his office or otherwise, or the amount thereof.

(4) References in any enactment or document to a county court constituted under the County Courts Act, 1888, shall be construed as references to a county court constituted under this Act and any act done or proceedings taken in respect of any action or matter whatsoever before the commencement of this Act in a county court constituted under the County Courts Act, 1888, shall be deemed to have been done or taken in a county court constituted under this Act.

PART IX.
—*cont.*

(5) Save as therein otherwise expressly provided, nothing in this Act shall affect the operation of any enactment which came into force after the first day of January, eighteen hundred and eighty-nine, and is in force at the commencement of this Act, and is not expressly repealed by this Act, except that references in any such enactment to any enactment repealed by this Act shall be construed as references to the corresponding enactment in this Act, and nothing in section one hundred and four or one hundred and five of this Act shall be taken to affect the following enactments, namely,—

- | | |
|--------------------------|---|
| 16 & 17 Vict.
c. 137. | (a) sections thirty-seven to forty of the Charitable Trusts Act, 1853; |
| 37 & 38 Vict.
c. 42. | (b) section thirty-six of the Building Societies Act, 1874; |
| 41 & 42 Vict.
c. 76. | (c) section four of the Telegraph Act, 1878; |
| 49 & 50 Vict.
c. 27. | (d) section ten of the Guardianship of Infants Act, 1886; |
| 49 & 50 Vict.
c. 57. | (e) section one of the Parliamentary Elections (Returning Officers) Act (1875) Amendment Act, 1886. |

(6) Nothing in the provisions of this Act which relate to any matter with respect to which Rules of the Supreme Court may be made under section ninety-nine of the Supreme Court of Judicature (Consolidation) Act, 1925, as amended by any other Act, shall affect the power to make such rules as to that matter, and any power to repeal any enactment repealed by this Act conferred by paragraph (g) of subsection (1) of the said section ninety-nine shall include power to repeal so much of this Act as re-enacts that enactment.

(7) Any document referring to any former enactment relating to county courts shall be construed as referring to the corresponding enactment in this Act.

(8) Nothing in this Act shall affect the rights or privileges of the chancellor, masters and scholars of the universities of Oxford or Cambridge, or the jurisdiction of the courts of the chancellors or vice-chancellors of the said universities held under their respective charters or otherwise.

(9) Nothing in this Act shall affect the title of the Commissioners of Works to any property vested in them under the County Court (Buildings) Act, 1870.

PART IX.
—cont.
33 & 34 Vict.
c. 15.

(10) In this section the expression “former enactment relating to county courts” means any enactment repealed by this Act, and any enactment repealed by the County Courts Act, 1888.

(11) Nothing in this section shall be taken to prejudice the provisions of section thirty-eight of the Interpretation Act, 1889.

52 & 53 Vict.
c. 63.

193.—(1) This Act may be cited as the County Courts Act, 1934.

Short title,
extent, com-
mencement
and repeal.

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

(3) This Act shall come into operation on the first day on which, by virtue of orders made by His Majesty in Council under subsection (4) of section thirty-five of the County Courts (Amendment) Act, 1934, all the provisions of that Act will be in operation.

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

SCHEDULES.

FIRST SCHEDULE.

SCALE OF PENSIONS AND ALLOWANCES OF JUDGES AND REGISTRARS.

PART I.

Section 9.

JUDGES' PENSIONS.

When the number of completed years of service in the office of judge of county courts is as specified in the first column of the

1ST SCH.
—cont.

following table, the annual pension shall not exceed the fraction of the last annual salary respectively specified in the second column of that table :—

Years of service.	Fraction of salary.
Less than 5	Six-thirtieths.
5	Ten-thirtieths.
6	Eleven-thirtieths.
7	Twelve-thirtieths.
8	Thirteen-thirtieths.
9	Fourteen-thirtieths.
10	Fifteen-thirtieths.
11	Sixteen-thirtieths.
12	Seventeen-thirtieths.
13	Eighteen-thirtieths.
14	Nineteen-thirtieths.
15 or more	Twenty-thirtieths.

PART II.

Section 21.

REGISTRARS' SUPERANNUATION ALLOWANCES.

1. An annual allowance not exceeding one-ninth of the last annual salary may be granted after the completion of a period of service of five years.

2. Where the period of service completed exceeds five years, there may be granted an annual allowance not exceeding one-ninth of the last annual salary with an addition of one-thirty-sixth of that salary for each completed year's service in excess of five.

3. The maximum allowance shall be two-thirds of the last annual salary.

4. For the purpose of this Schedule, the annual salary of a registrar who is also a district registrar of the High Court shall be deemed to include any salary payable in respect of his services as such district registrar.

SECOND SCHEDULE.

EXTENT OF JURISDICTION OF COURT UNDER CERTAIN ENACTMENTS. Section 52.

Enactment.	Limit of jurisdiction.
THE LAW OF PROPERTY ACT, 1922—	
Subsection (1) of section one hundred and twenty-nine, paragraph (v) of subsection (1) of section one hundred and thirty-nine, and paragraphs (6) and (8) of the Twelfth Schedule.	In a case where the land which is to be dealt with in the court does not exceed in capital value five hundred pounds or in annual rateable value thirty pounds.
Section one hundred and thirty-two.	In a case where the lord is proceeding by action in the court to enforce the right of forfeiture.
THE TRUSTEE ACT, 1925—	
Subsection (1) of section forty-one, sections forty-two, fifty-one, fifty-seven, sixty, sixty-one and sixty-two.	In a case where the trust estate or fund to be dealt with in the court does not exceed in amount or value five hundred pounds.
Sections forty-four, forty-five, and forty-six.	In a case where the land or the interest or contingent right in land which is to be dealt with in the court forms part of a trust estate which does not exceed in amount or value five hundred pounds.
Sections forty-seven and forty-eight.	In a case where the judgment is given or order is made by the court.
Sections fifty and fifty-six	In a case where a vesting order can be made by the court.
Section fifty-three	In a case where the amount or value of the property to be dealt with in the court does not exceed five hundred pounds.

2ND SCH.
—*cont.*

Enactment.

Limit of jurisdiction.

THE TRUSTEE ACT, 1925—*cont.*

- | | | |
|---------------------|-----|---|
| Section fifty-nine | - - | In the case of any proceedings before the court. |
| Section sixty-three | - - | In a case where the money or securities to be paid into court do not exceed in amount or value five hundred pounds. |

THE LAW OF PROPERTY ACT,
1925—

- | | |
|--|---|
| Subsections (4) and (5) of section three, sections thirty, forty-nine, and sixty-six, proviso (iii) to paragraph 3 of Part III of the First Schedule, and proviso (v) to sub-paragraph (3) and provisos (iii) and (iv) to sub-paragraph (4) of paragraph 1 of Part IV of the First Schedule. | In a case where the land which is to be dealt with in the court does not exceed in capital value five hundred pounds or in annual rateable value thirty pounds. |
| Subsection (1) of section eighty-nine, subsection (1) of section ninety, and sections ninety-one and ninety-two. | In a case where the amount owing in respect of the mortgage or charge at the date of the commencement of the proceedings does not exceed five hundred pounds. |
| The proviso to subsection (1) of section one hundred and thirty-six. | In a case where the amount or value of the debt or thing in action does not exceed one hundred pounds. |
| Section one hundred and forty-six. | In a case where the lessor is proceeding by action in the court to enforce the right of entry or forfeiture, or, if the lessor is proceeding to enforce the said right otherwise than by action, in a case where neither the rent nor the value of the property comprised in the lease exceeds the sum of one hundred pounds by the year. |

Enactment.	Limit of jurisdiction.	2ND SCH. —cont.
THE LAW OF PROPERTY ACT, 1925—cont.		
Section one hundred and forty-seven.	In a case where neither the rent nor the value of the house or other building exceeds the sum of one hundred pounds by the year.	
Sections one hundred and sixty-nine, one hundred and eighty-one and one hundred and eighty-eight.	In a case where the amount or value of the property or of the interest in the property which is to be dealt with in the court does not exceed five hundred pounds.	
THE LAND CHARGES ACT, 1925—		
Subsection (6) of section two	In a case where the action was brought or the petition in bankruptcy was filed in the court.	
Subsection (5) of section six	In a case where the order affecting land has been made by the court.	
Subsection (3) of section eight	In a case where an application under section twenty-three of the Deeds of Arrangement Act, 1914, could be entertained by the court.	
Subsection (8) of section ten	In a case where the land charge is within one of the following classes specified in the said section ten, viz., Class C (i), C (ii), or D (i), if the amount does not exceed five hundred pounds. In a case where the land charge is within Class C (iii), if the charge is for a specified capital sum of money not exceeding five hundred pounds, or, where the charge is not for a specified capital sum, if the land affected does not exceed in capital value five hundred pounds or in annual rateable value thirty pounds.	

2ND SCH.
—cont.

Enactment.

Limit of jurisdiction.

THE LAND CHARGES ACT, 1925—
cont.

Subsection (8) of section ten In a case where the land charge is within one of the following classes specified in the said section ten, viz., Class A, Class B, Class C(iv), Class D(ii), Class D (iii) or Class E, if the land affected does not exceed in capital value five hundred pounds or in annual rateable value thirty pounds.

THE ADMINISTRATION OF ESTATES ACT, 1925—

Subsection (2) of section thirty-eight, proviso (ii) to subsection (1) of section forty-one, and subsection (2) of section forty-three. In a case where the estate in respect of which the application is made does not exceed in amount or value five hundred pounds.

Section seventeen - - In a case where the legal proceeding is pending in the court.

THIRD SCHEDULE.

Section 99. ENACTMENTS FORMERLY REGULATING OR PROVIDING FOR MATTERS WHICH CAN BE REGULATED OR PROVIDED FOR BY COUNTY COURT RULES.

THE COUNTY COURTS ADMIRALTY JURISDICTION ACT, 1868
(31 & 32 Vict. c. 71).

Section 8.—If during the progress of an Admiralty cause in a county court it shall appear to the court that the cause could be more conveniently prosecuted in some other county court the court may by order transfer it to such other county court and the cause shall thenceforward be so prosecuted accordingly.

THE COUNTY COURTS ACT, 1888 (51 & 52 Vict. c. 43).

Section 22.—A judge proposing to sue any person dwelling or carrying on business in any district of which he is the judge may bring his action in the court of any adjoining district of which he is not the judge; and any person proposing to sue a judge may bring his action in any court of a district adjoining the district of which the defendant is judge.

Section 33.— . . . Every bailiff duly appointed may serve or execute any process which by any Act passed or to be passed is directed to be served or executed by a high bailiff, unless otherwise specially provided against therein.

3rd Sch.
—cont.

Section 42.—If an action be brought by an officer in the court of which he is an officer, except as official receiver, the judge shall, at the request of the defendant, order that the venue be changed, and that the action be sent for trial to the court of some convenient district of which he is not the judge; and the registrar of the first-mentioned court shall forthwith transmit by post to the registrar of such last-mentioned court a certified copy of the plaint as entered in the plaint book, the duplicate copy of the summons and particulars served on the defendant, and a certified copy of the order for changing the venue as entered in the minute book; and the judge of such last-mentioned court shall appoint a day for the trial, notice whereof shall be sent by post or otherwise by the registrar of such last-mentioned court to both parties.

Section 43.—If an action be brought against an officer of a county court, the summons may issue in the district of which he is an officer, or in any adjoining district the judge of which is not the judge of a court of which the defendant is an officer.

Section 56.—All personal actions where the debt, demand or damage claimed is not more than one hundred pounds, whether on balance of account or otherwise . . . shall be heard and determined in a summary way according to the provisions of this Act . . .

Section 59.—Actions of ejectment . . . may be brought and prosecuted in the court of the district in which the lands, tenements or hereditaments are situate . . .

Section 73.—On the application of any person desirous to bring an action under this Act, the registrar of the court shall enter in a book to be kept for this purpose in his office a plaint in writing, stating the names and the last known places of abode of the parties, and the substance of the action intended to be brought, every one of which plaints shall be numbered in every year according to the order in which it shall be entered; and thereupon a summons, stating the substance of the action, and bearing the number of the plaint on the margin thereof, shall be issued under the seal of the court, according to such form, and be served on the defendant so many days before the day on which the court shall be holden at which the action is to be tried, as shall be prescribed, and delivery of such summons to the defendant, or in such other manner as shall be so prescribed, shall be deemed good service; and no misnomer or inaccurate description of any person

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or place in any such plaint or summons shall vitiate the same, so that the person or place be therein described so as to be commonly known.

Section 74.—Except where by this Act it is otherwise provided, every action or matter may be commenced in the court within the district of which the defendant or one of the defendants shall dwell or carry on his business at the time of commencing the action or matter, or it may be commenced, by leave of the judge or registrar, in the court within the district of which the defendant or one of the defendants dwelt or carried on business, at any time within six calendar months next before the time of commencement, or, with the like leave in the court in the district of which the cause of action or claim wholly or in part arose.

Section 75.—The provisions of the next preceding section shall not apply to any of the following proceedings; but

- (1) Proceedings which relate to the recovery or sale of any mortgage, charge, or lien on lands, tenements, or hereditaments, or to partition, shall be taken in that court within the districts of which the lands, tenements, or hereditaments, or any part thereof, are situate :
- (2) Proceedings under the Trustee Acts, 1850 and 1852, shall be taken in the court within the district of which the persons making the application, or any of them, reside or resides :
- (3) Proceedings for the administration of the assets of a deceased person shall be taken in the court within the district of which the deceased person had his last place of abode in England, or in which the executors or administrators, or any one of them, shall have their or his place of abode :
- (4) Proceedings in any partnership case shall be taken in the court within the district of which the partnership business was or is carried on :

Provided that if during the progress of any such proceedings it shall be made to appear to the court that the same could be more conveniently heard in some other court, it shall be competent for the court to transfer the same to such other court, and thereupon the proceedings shall be taken in such other court.

Section 76.—Any summons or other process which under this Act shall be required to be served or executed out of the district of the court from which the same shall have issued, may be served or executed by the bailiff of any court in any part of England, and such service or execution shall be as valid as if the same had been made by the bailiff of the court out of which such summons or other process shall have issued within the jurisdiction of the court for which he acts.

Section 77.—Any summons or other process may be served or a warrant executed within five hundred yards of the boundary of the district of the court from which the same issued by the bailiff of such court, or if the judge of such court so orders, by such bailiff within the district of any other court.

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Section 79.—On the return day the plaintiff shall appear, and thereupon the defendant shall be required to appear to answer the plaint; and on answer being made in court the judge shall proceed in a summary way to try the action and give judgment, without further pleading or formal joinder of issue.

Section 80.—Subject to the power of amendment conferred by this Act, no evidence of any demand or claim shall be given by the plaintiff on the trial or hearing, except such as shall be stated in the summons or other proceeding under this Act directed to be issued or taken.

Section 82.—Subject to the power of amendment conferred by this Act, no defendant shall be allowed to set off or set up by way of counterclaim any debt or demand claimed or recoverable by him from the plaintiff, or to set up by way of defence, and to claim and have the benefit of infancy, coverture, or any statute of limitations, or of his discharge under any statute relating to bankrupts or any Act for relief of insolvent debtors, without the consent of the plaintiff, unless the prescribed notice thereof shall have been given to the registrar; and in every case in which the practice of the court shall require such notice to be given, the registrar of the court shall as soon as conveniently may be after receiving such notice, communicate the same to the plaintiff by post, or by causing the same to be delivered at his usual place of abode or business, but it shall not be necessary for the defendant to prove on the trial that such notice was communicated to the plaintiff by the registrar.

Section 84.—Where a plaintiff shall dwell or carry on business in the district of the Bloomsbury County Court of Middlesex, or in the district of the Brompton County Court of Middlesex, or in the district of the Clerkenwell County Court of Middlesex, or in the district of the Lambeth County Court of Surrey, or in the district of the Marylebone County Court of Middlesex, or in the district of the Shoreditch County Court of Middlesex, or in the district of the Southwark County Court of Surrey, or in the district of the Westminster County Court of Middlesex, or in the district of the Whitechapel County Court of Middlesex, or in the district of the City of London Court, and the defendant shall dwell or carry on business in the district of any of the said courts, the action or matter may be commenced and all proceedings thereon taken and had either in the court of the district in which the plaintiff shall dwell or carry on business, or in the court of the district in which the defendant shall dwell or carry on business.

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Section 85.—If a judge shall be satisfied by either party to an action or matter pending in his court that such action or matter can be more conveniently or fairly tried or heard in some other court, he shall order that the same be transferred to such other court, or, if the judge shall be interested in any action or matter pending in his court, he shall order that the same be transferred to some convenient court of which he is not the judge, at his discretion; and in either case the registrar of the court in which the action or matter was commenced shall forthwith transmit by post to the registrar of the court to which it is to be sent, a certified copy of all the proceedings therein, and the judge of such last-mentioned court shall appoint a day for the trial or hearing, notice whereof shall be sent, by post or otherwise, by the registrar to all parties interested, and thenceforth all proceedings therein shall be taken in such court as if the action or matter had been commenced therein.

Section 87.—The judge may at all times amend all defects and errors in any proceeding in the court, whether there is anything in writing to amend by or not, and whether the defect or error be that of the party applying to amend, or not; and all such amendments may be made with or without costs, and upon such terms as the judge may think just; and all such amendments as may be necessary for the purpose of determining the real question in controversy between the parties shall be so made, if duly applied for.

Section 88.—If upon the return day, or at any continuation or adjournment of the court, or of the action or matter, the plaintiff shall not appear, the action or matter shall be struck out; and if he shall appear but shall not make proof of his claim to the satisfaction of the court, it shall be lawful for the judge to nonsuit the plaintiff, or to give judgment for the defendant, and in either case where the defendant shall appear and shall not admit the claim, to award to the defendant, by way of costs and satisfaction for his trouble and attendance, such sum as the judge in his discretion shall think just, and such sum shall be recoverable from the plaintiff by such ways and means as any debt or damage ordered to be paid by the same court can be recovered: Provided always, that if the plaintiff shall not appear when called upon, and the defendant, or some one duly authorised on his behalf, shall appear, and admit the cause of action to the full amount claimed, and pay the fees payable in the first instance by the plaintiff, the judge, if he shall think fit, may proceed to give judgment as if the plaintiff had appeared.

Section 89.—In every case where the plaintiff shall not appear, either in person or by some person duly authorised on his behalf, upon the return day, or at any continuation or adjournment of the court or of the action or matter, and the defendant shall appear

either in person or by some person duly authorised on his behalf, it shall be lawful for the court to award to the defendant by way of costs of attendance and satisfaction for his trouble, such sum as the court shall think just; and the sum so awarded shall be recoverable from the plaintiff by such ways and means as any debt or damage ordered to be paid by the court can be recovered.

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Section 90.—If in any action founded on contract a defendant shall not appear at the hearing, either in person or by some person duly authorised on his behalf, and no sufficient excuse for the defendant's absence shall be shown, the registrar may, by leave of the judge or in case of the judge's death or unavoidable absence, upon due proof of the service of the summons and of the debt being due and owing, enter up judgment for the plaintiff, and shall have the same power to make an order for payment by instalments, or to enter up judgment of nonsuit, or to strike out or adjourn the action, as a judge would have; and such judgment shall be as valid as if both parties had attended the court.

Section 91.—If on the return day, or at any continuation or adjournment of the court or of the action or matter, the defendant shall not appear either in person or by some person duly authorised on his behalf, or sufficiently excuse his absence, or shall neglect to answer when called in court, the judge, upon due proof of service, may proceed to the trial or hearing on the part of the plaintiff only, and the judgment or order thereupon shall be as valid as if both parties had attended: Provided always, that the judge in any such case, at the same or any subsequent court, may set aside any judgment or order so given or made in the absence of the defendant, and the execution thereupon, and may grant a new trial or hearing, upon such terms, if any, as to payment of costs, giving security or such other terms as he may think just, on sufficient cause shown to him for that purpose.

Section 92.—Where a defendant appearing at the hearing, either in person or by some person duly authorised on his behalf, admits the claim, the registrar may, by leave of the judge, or in case of the judge's death or unavoidable absence, settle the terms and conditions upon which it is to be paid, and enter up judgment accordingly as a judgment of the court. . . .

Section 93.— . . . but the Court shall have power to nonsuit the plaintiff in every case in which satisfactory proof shall not be given entitling either the plaintiff or defendant to judgment. The judge shall also in every case whatever have the power, if he shall think just, to order a new trial to be had upon such terms as he shall think reasonable, and in the meantime to stay the proceedings.

Section 101.—The party requiring a jury to be summoned shall give to the registrar of the court, or leave at his office,

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such notice thereof as shall be prescribed; and the said registrar shall cause notice of such demand of a jury, made either by the plaintiff or defendant, to be communicated to the other party to the said action, either by post or by causing the same to be delivered at his usual place of abode or business, but it shall not be necessary for either party to prove on the trial that such notice was communicated to the other party by the registrar. Every party requiring a jury to be summoned shall, at the time of giving the said notice, and before he shall be entitled to have such jury summoned, pay to the registrar of the court the sum of eight shillings for payment of the jury, and such sum shall be considered as costs in the action, unless otherwise ordered by the judge. Whenever it is required that a jury should be summoned for the trial of any matter arising out of the jurisdiction given to the court by section sixty-seven of this Act, the jury shall be summoned from the list of jurors in the possession of the registrar of the court in which the action or matter was commenced.

Section 106.—The judge may in any case make orders for granting time to the plaintiff or defendant to proceed in the prosecution or defence of the action or matter and also may from time to time adjourn . . . the hearing or further hearing of any action or matter in such manner as the judge may think fit.

Section 107.—It shall be lawful for the defendant in any action or matter within such time as shall be prescribed, to pay into court such sum of money as he shall think a full satisfaction for the demand of the plaintiff, together with the costs incurred by the plaintiff up to the time of such payment; and notice of such payment shall be communicated by the registrar to the plaintiff by post, or by causing the same to be delivered at his usual place of abode or business; and the said sum of money shall be paid to the plaintiff; but if the plaintiff shall elect to proceed, and shall recover no further sum in the action or matter than shall have been so paid into court, he shall pay to the defendant the costs incurred by him in the said action or matter after such payment; and such costs shall be settled by the court, and an order shall thereupon be made by the court for the payment of such costs by the plaintiff.

Section 108.—Where a party is required to give security, such security shall be at the cost of the party giving it, and in the form of a bond, with sureties, to the other party or intended party in the action or matter: Provided always, that the court in which any action on the bond shall be brought may by order give such relief to the obligors as may be just, and such order shall have the effect of a defeasance of such bond.

Section 109.—Where a party is required to give security, he may in lieu thereof deposit with the registrar, if the security is required to be given in the court, or with a master of the Supreme

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Court if the security is required to be given in the High Court, a sum equal in amount to the sum for which he would be required to give security, together with a memorandum, to be approved of by such registrar or master, and to be signed by such party, his solicitor or agent, setting forth the conditions on which such money is deposited, and the registrar or master shall give to the party paying a written acknowledgment of such payment; and the judge of the county court, when the money shall have been deposited in such court, or a Judge of the High Court when the money shall have been deposited in the High Court, may, on the same evidence as would be required to enforce or avoid such bond as in the last preceding section is mentioned, order such sum so deposited to be paid out to such party or parties as he shall think just.

Section 110.—Either of the parties to any action or matter may obtain from the registrar summonses to witnesses, with or without a clause requiring the production of books, deeds, papers, and writings in the possession or control of the person summoned as a witness; and such summonses, and any summonses which are now or may be required to be served personally, may, under such regulations as may be prescribed, be served by a bailiff of the court or otherwise.

Section 113.—All the costs of any action or matter in the court, not herein otherwise provided for, shall be paid by or apportioned between the parties in such manner as the court shall think just, and in default of any special direction shall abide the event of the action or matter, and execution may issue for the recovery of any such costs in like manner as for any debt adjudged in the said court.

Section 118.—All costs and charges between party and party shall be taxed by the registrar of the court in which such costs and charges were incurred, but his taxation may be reviewed by the judge on the application of either party, and no costs or charges shall be allowed on such taxation which are not sanctioned by the scale then in force . . .

Section 119.—The judge may award costs on any scale higher than that which would be otherwise applicable to the plaintiff on any amount recovered, however small, or to a defendant who successfully defends an action brought for any amount, however small, provided that the said judge certifies in writing that the action involved some novel or difficult point of law, or that the question litigated was of importance to some class or body of persons, or of general or public interest.

Section 129.— . . . but if a copy of such order or summons [granted by the High Court or by any judge thereof to shew cause why a writ of certiorari or prohibition should not issue to any court] shall not be served by the party who obtained

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it on the opposite party and on the registrar two clear days before the day fixed for the trial of the action or matter, the judge may, in his discretion, order the party who obtained the order or summons to pay all the costs of the day, or so much thereof as he may think fit, unless the High Court or a Judge thereof shall have made some order respecting such costs.

Section 130.—Where a writ of certiorari or of prohibition to a court shall have been granted by the High Court or a Judge thereof on an ex parte application, and the party who obtained it shall not lodge it with the registrar, and give notice to the opposite party that it has issued, two clear days before the day fixed for the trial of the action or matter to which it shall relate, the judge may, in his discretion, order the party who obtained the writ to pay all the costs of the day, or so much thereof as he shall think fit, unless the High Court, or a Judge thereof shall have made some order respecting such costs.

Section 133.—All actions of replevin which shall be brought in the court, shall be brought by plaint, and in every such action the plaint shall be entered in the court of the district where the goods were seized.

THE COUNTY COURTS ACT, 1919 (9 & 10 GEO. 5. C. 73).

Section 5.—(2) Where a defendant gives notice in the prescribed manner that he admits his liability for the whole or any part of a claim, but desires the decision of the court as to the time and mode of payment thereof and offers to pay the same, the registrar shall, subject to county court rules, on such notice to the plaintiff as may be prescribed, and unless, where the defendant admits less than the full amount claimed, the plaintiff objects in the prescribed manner to accept the amount admitted and the offer of payment in satisfaction of his claim, have power to enter up judgment and, for this purpose, to decide any question as to time and mode of payment.

(3) Where the plaintiff and defendant enter into an agreement in the prescribed manner as to the amount payable in respect of the whole or any part of a claim and the terms and conditions upon which the same is to be paid and satisfied, the registrar shall, subject to county court rules, have power to enter up judgment for the amount so agreed upon and for a payment thereof upon the terms and conditions sanctioned in the agreement.

(4) In any case where the registrar has power under the principal Act or this Act to hear and determine a case or to enter up judgment he shall have power to make such order as to payment by instalments as the judge might have made, and to exercise any other power which the judge might have exercised,

and, subject to the provisions of this Act with respect to appeals, any judgment entered up by the registrar in pursuance of the principal Act or this Act shall, to all intents and purposes, have the same effect and shall be enforced and enforceable in the same manner as if it had been a judgment of the judge of the same court.

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Section 7.—Any judgment or order of a registrar, and any execution thereof (except where all parties have consented to the terms of the judgment or order), may, on application made within such time and in such manner as may be prescribed, be set aside by the judge of the county court, and the judge may give such judgment or make such order in substitution therefor as he thinks fit, or may grant a new trial on such terms (if any) as he may think fit.

Section 8.—The following section shall be substituted for section eighty-six of the principal Act:—

“(1) County Court rules may provide for the issue, under the prescribed conditions, of a default summons, in the prescribed form or to the prescribed effect, in any action for a debt or liquidated demand in money, and may provide for the manner in which such a summons is to be served and the conditions (if any) under which the defendant is to be entitled to defend the action; and, where such conditions are not complied with, it shall be lawful for the registrar to enter up judgment summarily for the plaintiff in manner prescribed by the rules.

“(2) The rules may provide for different procedure and different conditions according to the amount of the claim or the nature thereof or the position or occupation of the defendant, for the exclusion of any actions from the procedure by default summons, and for the amendments to be allowed in the case of a default summons, and the procedure consequent on any such amendment.”

Section 10.—(1) Where an action or matter is commenced in a county court, which ought to have been commenced in some other county court, the judge may, if he thinks fit, and upon such terms as to costs and otherwise as he thinks fit, instead of ordering it to be struck out in accordance with section one hundred and fourteen of the principal Act, either transfer the action or matter to the county court in which it ought to have been commenced or proceed to hear and determine the case in the court in which it was commenced, and in the latter case that court shall have jurisdiction in like manner as if it had been the court in which the action or matter ought to have commenced.

(2) Where an action or matter is transferred from one county court to another under this section, the provisions of

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section eighty-five of the principal Act relating to procedure on transfer and to the trial or hearing of a transferred action or matter shall apply in like manner as if the action or matter had been transferred under that section.

Section 13.—Section twenty-one of the County Courts Admiralty Jurisdiction Act, 1868 (which prescribes the county courts in which admiralty proceedings are to be commenced), shall cease to have effect, and provision may be made by county court rules as to the courts in which proceedings may be commenced in cases which by virtue of that Act, or any Act amending that Act, may be brought in a county court.

Section 24.—(2) The power of making rules under section one hundred and sixty-four of the principal Act shall extend to making rules—

(a) for carrying this Act into effect:

(b) for requiring each party in any action where the debt demand, or damage claimed or counterclaimed exceeds twenty pounds, or such greater amount as may be provided by the rules, to state the nature of his claim or defence in writing in sufficient time before the trial in the form of particulars or otherwise;

and the provisions of the principal Act as to the procedure and practice in actions in the county court shall have effect subject to such modifications therein as may be made by any rules made in pursuance of the powers given by this section.

THE COUNTY COURTS ACT, 1924 (14 & 15 GEO. 5. c. 17).

Section 8.—A registrar on the application of the defendant, of the hearing of which application seven clear days' notice shall be given by the defendant to the plaintiff, may order a plaint or other proceeding to be struck out on the ground that it discloses no reasonable cause of action, and shall make such order as to costs as he may think proper.

From the decision of the registrar an appeal shall lie to the county court judge in chambers.

THE SETTLED LAND ACT, 1925 (15 & 16 GEO. 5. c. 18).

Section 113 (3).—The powers of the court . . . [which are exercisable by a county court] shall be exercised by any county court within the district whereof is situate any part of the land which is to be dealt with in the court or from which the capital money to be dealt with in the court arises under this Act or in connection with which the personal chattels to be dealt with in the court are settled.

FOURTH SCHEDULE.

PART I.

Section 189.

TRANSITIONAL PROVISIONS.

MODIFICATIONS OF ACT IN THE CASE OF COURTS WHERE
THE OFFICES OF HIGH BAILIFF AND REGISTRAR ARE
HELD BY DIFFERENT PERSONS.

1. The following provisions shall have effect as if references to the registrar included references to the high bailiff, that is to say,—

Subsections (1) and (3) of section nineteen, subsection (1) of section twenty, subsections (1) and (2) and paragraph (a) of subsection (5) of section twenty-four, and subsection (1) of section one hundred and seventy-one.

2. The following provisions shall have effect as if references to the high bailiff were substituted for references to the registrar, that is to say,—

Subsection (2) of section twenty-eight, section one hundred and twenty-two, section one hundred and twenty-three, section one hundred and twenty-seven, section one hundred and twenty-nine, section one hundred and thirty, subsections (2) and (3) of section one hundred and thirty-one, subsections (3) and (4) of section one hundred and thirty-three, subsection (7) of section one hundred and thirty-four, subsection (1) of section one hundred and forty, and section one hundred and forty-four.

3. The proviso to subsection (1) of section twenty-eight shall have effect as if the words “ or high bailiff ” were inserted after the word “ registrar ” where that word first occurs.

4. Subsection (2) of section thirty-six shall have effect as if the words “ or in his unavoidable absence the high bailiff ” were inserted after the word “ enactment.”

5. Subsection (2) of section one hundred and sixteen shall have effect as if the words “ to the high bailiff ” were inserted after the word “ issue,” and as if the words “ high bailiff ” were substituted for the word “ registrar ” where that word secondly occurs.

6. Subsection (1) of section one hundred and thirty-three shall have effect as if the words “ on the application of the high bailiff ” were inserted after the word “ registrar.”

4TH SCH.
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7. Section one hundred and thirty-five shall have effect as if in subsection (1) thereof the words "high bailiff" were substituted for the word "registrar" where that word first occurs, and as if in subsection (2) thereof the words "issue it to the high bailiff of that other county court and thereupon that high bailiff" were inserted after the words "county court shall," and the words "high bailiff" were substituted for the word "registrar" in the second and third places where that word occurs and as if in subsection (3) thereof the words "high bailiff" were substituted for the word "registrar" where that word first occurs.

8. Section one hundred and forty-three shall have effect as if in subsection (1) thereof the words "high bailiff" were substituted for the word "registrar" where that word first occurs, and as if in subsection (2) thereof the words "issue it to the high bailiff of that other court and thereupon that high bailiff" were inserted after the words "county court shall" and the words "high bailiff" were substituted for the word "registrar" in the second and third places where that word occurs, and as if in subsection (5) thereof the words "high bailiff" were substituted for the word "registrar" where that word first occurs.

9. Paragraph (d) of section one hundred and ninety-one shall have effect as if the words "and high bailiff" were inserted after the word "registrar," and paragraph (o) of that section shall have effect as if the words "high bailiff" were inserted after the word "registrar" where that word first occurs, and as if the words "deputy high bailiff" were inserted after the words "deputy registrar."

Section 190.

PART II.

PROVISION AS TO CERTAIN DEPUTY REGISTRARS.

Subsection (6) of section twenty-four of this Act shall apply to a deputy appointed in the case of the illness or unavoidable absence of a registrar—

- (a) to whom a salary had been assigned before the fourteenth day of July, nineteen hundred and twenty-four, under section forty-five of the County Courts Act, 1888; and
- (b) who gave notice in such form and within such period as was prescribed by order of the Lord Chancellor under paragraph (b) of subsection (3) of section four of the County Courts Act, 1924, of his desire to accept the provisions of that Act relating to retirement and pensions;

as it applies to a deputy appointed in the case of the illness or unavoidable absence of a whole-time registrar.

PART III.

4TH SCH.
—cont.

PROVISIONS AS TO PENDING PROCEEDINGS.

Section 190.

1. Nothing in—

- (a) sections forty-eight, forty-nine, one hundred and seventy-nine or one hundred and eighty of this Act; or
- (b) section six of the County Courts (Amendment) Act, 1934; or
- (c) the provisions of the County Courts (Amendment) Act, 1934, repealing sections one hundred and thirty-eight to one hundred and forty-five of the County Courts Act, 1888; or
- (d) the provisions of the County Courts (Amendment) Act, 1934, repealing certain words in sections fifty-nine and one hundred and twenty of the County Courts Act, 1888, and in section seven of the County Courts Act, 1924;

shall affect any proceedings commenced in a county court under section fifty-nine, one hundred and thirty-eight or one hundred and thirty-nine of the County Courts Act, 1888, before the date on which section six of the County Courts (Amendment) Act, 1934, came into operation, and in relation to any such proceedings, sections fifty-nine, one hundred and twenty, and one hundred and thirty-eight to one hundred and forty-five of the County Courts Act, 1888, as amended by any subsequent enactment other than section six of the County Courts (Amendment) Act, 1934, shall, notwithstanding anything in this Act, continue to have effect as they had effect immediately before the said date.

2. Nothing in section fifty-four of this Act shall affect any action or matter commenced in the High Court before section eight of the County Courts (Amendment) Act, 1934, came into operation.

3. Nothing in section fifty-eight of this Act shall affect any action commenced in the High Court before section sixteen of the County Courts (Amendment) Act, 1934, came into operation.

4. Nothing in sections sixty-three or seventy-one of this Act or in section eleven of the County Courts (Amendment) Act, 1934, or in the provisions of that Act repealing section two hundred and three of the Supreme Court of Judicature (Consolidation) Act, 1925, shall affect any proceedings commenced in a county court before the date on which section eleven of the County Courts (Amendment) Act, 1934, came into operation, and in relation to any such proceedings sections two hundred and two and two hundred and three of the Supreme Court of

4TH SCH.
—cont.

Judicature (Consolidation) Act, 1925, shall, notwithstanding anything in this Act, continue to have effect as they had effect immediately before the said date.

32 & 33 Vict.
c. 51.

5. Where in any proceedings pending in a county court at the date on which section fourteen of the County Courts (Amendment) Act, 1934, came into operation, any assessors had been summoned before that date under sections ten, eleven, fourteen, fifteen and sixteen of the County Courts Admiralty Jurisdiction Act, 1868, or section five of the County Courts Admiralty Jurisdiction Amendment Act, 1869, they shall be deemed to have been summoned under section eighty-eight of this Act.

15 & 16
Geo. 5. c. 28.

6. Nothing in section ninety-one of this Act or in section seventeen of the County Courts (Amendment) Act, 1934, or in the provisions of that Act repealing section nineteen of the Administration of Justice Act, 1925, shall affect any proceedings commenced in a county court before the date on which section seventeen of the County Courts (Amendment) Act, 1934, came into operation, and, in relation to any such proceedings, section three of the Administration of Justice Act, 1920, and section nineteen of the Administration of Justice Act, 1925, shall, notwithstanding anything in this Act, continue to have effect as they had effect immediately before the said date.

10 & 11
Geo. 5. c. 81.

7. For the purpose of section ninety-two of this Act, a notice requiring a jury to be summoned given to the registrar by a party to any proceedings commenced in a county court before the date on which section seventeen of the County Courts (Amendment) Act, 1934, came into operation, shall be treated as if it were an order of the court for the trial of those proceedings with a jury.

8. Nothing in—

- (a) subsections (1) or (2) of section one hundred and six of this Act; or
- (b) subsections (1) or (2) of section fifteen of the County Courts (Amendment) Act, 1934; or
- (c) the provisions of the County Courts (Amendment) Act, 1934, repealing sections twenty-six, twenty-seven, twenty-eight, thirty and thirty-one of the County Courts Admiralty Jurisdiction Act, 1868;

shall affect any proceedings commenced in a county court before the date on which section fifteen of the County Courts (Amendment) Act, 1934, came into operation, and in relation to any such proceedings the sections aforesaid of the County Courts Admiralty Jurisdiction Act, 1868, as amended by any subsequent enactment other than the County Courts (Amendment) Act, 1934, shall, notwithstanding anything in this Act,

continue to have effect as they had effect immediately before the said date.

4TH SCH.
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9. In relation to any appeal from a judgment, direction, decision or order of a judge of county courts given or made on or before such date as may have been appointed by the Lord Chancellor under subsection (1) of section two of the Administration of Justice (Appeals) Act, 1934, sections one hundred and five, one hundred and six, one hundred and nine, and one hundred and ten of this Act shall have effect as if the words "High Court" were substituted for the words "Court of Appeal" wherever those words occur, except in the second and third places when they occur in subsection (3) of section one hundred and six.

24 & 25
Geo. 5. c. 40.

10. If section twenty-one of the County Courts (Amendment) Act, 1934, came into operation after the end of the month of February in any year, section one hundred and seventy-three of the County Courts Act, 1888, shall, notwithstanding anything in this Act, or in the County Courts (Amendment) Act, 1934, not cease to have effect until the first day of January next following the date on which the said section twenty-one came into operation.

11. Nothing in any provision of the County Courts (Amendment) Act, 1934, or in any provision of this Act re-enacting any provision of that Act, shall restrict the jurisdiction of a county court to hear and determine any proceedings commenced in the court before that provision of the County Courts (Amendment) Act, 1934, came into operation.

FIFTH SCHEDULE.

ENACTMENTS REPEALED.

Section 193.

Session and Chapter.	Short Title.	Extent of Repeal.
20 & 21 Vict. c. 77.	The Court of Probate Act, 1857.	Sections fifty-five, fifty-six, and fifty-seven.
31 & 32 Vict. c. 71.	The County Courts Admiralty Jurisdiction Act, 1868.	The whole Act.
32 & 33 Vict. c. 51.	The County Courts Admiralty Jurisdiction Amendment Act, 1869.	The whole Act.
33 & 34 Vict. c. 15.	The County Court (Buildings) Act, 1870.	The whole Act.

5TH SCH. —cont.	Session and Chapter.	Short Title.	Extent of Repeal.
	35 & 36 Vict. c. 51.	The Judges Salaries Act, 1872.	The whole Act in so far as it relates to judges of county courts.
	46 & 47 Vict. c. 52.	The Bankruptcy Act, 1883	Sections forty - two, one hundred and twenty-two, and one hundred and twenty - seven; section one hundred and forty- five in so far as it relates to sales by a high bailiff or other officer of a county court.
	51 & 52 Vict. c. 43.	The County Courts Act, 1888.	The whole Act.
	53 & 54 Vict. c. 71.	The Bankruptcy Act, 1890	Section twelve in so far as it relates to sales by a high bailiff or other officer of a county court, and section twenty-eight.
	3 Edw. 7. c. 42	The County Courts Act, 1903.	The whole Act.
	3 & 4 Geo. 5. c. 34.	The Bankruptcy and Deeds of Arrangement Act, 1913.	Section fifteen in so far as it relates to sales by a high bailiff or other officer of a county court, and section eighteen.
	9 & 10 Geo. 5. c. 70.	The County Court Judges (Retirement Pensions and Deputies) Act, 1919.	The whole Act.
	9 & 10 Geo. 5. c. 73.	The County Courts Act, 1919.	The whole Act.
	10 & 11 Geo. 5. c. cxxxiv.	The Mayor's and City of London Court Act, 1920.	Section nine.
	10 & 11 Geo. 5. c. 81.	The Administration of Justice Act, 1920.	Subsection (2) of section three and section fifteen in so far as they relate to county courts.
	14 & 15 Geo. 5. c. 17.	The County Courts Act, 1924.	Sections one and two; in subsection (1) of section three the words "in con- nection with any court "such assistant registrars, " clerks, bailiffs, ushers " and messengers, and," the words "of the court or" and the word "respectively" in both places where that word

Session and Chapter.	Short Title.	Extent of Repeal.
14 & 15 Geo. 5. c. 17— <i>cont.</i>	The County Courts Act, 1924— <i>cont.</i>	occurs; subsections (2), (3), (4) and (5) of section three; subsections (3) and (4) of section four, and in subsection (5) the words "as they apply to registrars of county courts"; in subsection (5) of section five the words "a registrar, a high bailiff, or"; sections seven, eight and nine; in subsection (1) of section eleven the words from "and shall" to the end of the subsection; in subsection (2) of section eleven the definitions of "court," "registrar," "the principal Act," "solicitor" and "prescribed," and in the definition of "court service" the words "employment as an assistant registrar or as a clerk, bailiff, usher or messenger in the service of a court or," and the words "and includes employment in those capacities simultaneously"; subsections (3) and (5) of section eleven; paragraph 4 of the First Schedule; and the Second and Third Schedules.
15 & 16 Geo. 5 c. 28.	The Administration of Justice Act, 1925.	Section twenty.
15 & 16 Geo. 5. c. 49.	The Supreme Court of Judicature (Consolidation) Act, 1925.	Paragraph (k) of subsection (1) of section thirty-one; paragraphs (a) (b) and (c) of subsection (1) of section thirty-three and subsection (3) of that section; in section one hundred and fifty the words from "Provided that"

5TH SCH.
—*cont.*

5TH SCH. —cont.	Session and Chapter.	Short Title.	Extent of Repeal.
	15 & 16 Geo.5. c. 49—cont.	The Supreme Court of Judicature (Consolida- tion) Act, 1925—cont.	to the end of the sec- tion; section two hun- dred and two in so far as it relates to county courts; sections two hundred and four and two hundred and five.
	18 & 19 Geo.5. c. 26.	The Administration of Justice Act, 1928.	Sections seventeen and eighteen; subsection (2) of section nineteen, and Part II of the First Schedule.
	23 & 24 Geo.5. c. 36.	The Administration of Justice (Miscellaneous Provisions) Act, 1933.	Subsections (2), (3) and (4) of section four.
	24 & 25 Geo.5. c. 17.	The County Courts (Am- endment) Act, 1934.	The whole Act.
	24 & 25 Geo.5. c. 40.	The Administration of Justice (Appeals) Act, 1934.	In subsection (1) of section two the words " Part I of ", the words " and the " enactments set out in " the first column of Part " II of the said Sche- " dule " and the words " of those Parts "; sub- section (2) of section two; Part I of the Schedule in so far as it relates to section twenty-six of the County Courts Admiralty Jurisdiction Act, 1868, to section one hundred and twenty of the County Courts Act, 1888, and to section fifteen of the County Courts (Amend- ment) Act, 1934; and Parts II and III of the Schedule.



CHAPTER 54.

An Act to provide for the establishment of a Cattle Fund; for the making of payments and advances to the said fund out of moneys provided by Parliament and out of the Consolidated Fund of the United Kingdom; for the making of payments out of the Cattle Fund to producers of cattle in respect of the sale by them, during a limited period, of certain cattle or carcasses of certain cattle; for the marking of imported cattle; for the appointment of a Cattle Committee; and for purposes connected with the matters aforesaid. [31st July 1934.]

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

1.—(1) For the purposes of this Act there shall be established a fund (which shall be called, and is hereinafter referred to as, “the Cattle Fund”), and that fund shall, subject to such directions as may be given by the Treasury, be administered and controlled by the Minister of Agriculture and Fisheries and the Secretaries of State concerned with agriculture in Scotland and Northern Ireland respectively (hereinafter referred to as “the appropriate Ministers”).

Establishment of, and payments to, Cattle Fund.

(2) The Treasury may, during the financial year ending the thirty-first day of March, nineteen hundred and thirty-five, make, out of the Consolidated Fund of the United Kingdom or the growing produce thereof, advances to the Cattle Fund not exceeding in the aggregate three million pounds, but any advances made under this subsection to the Cattle Fund shall be repaid from that fund to the Exchequer of the United Kingdom before the end of that financial year.

(3) There shall be paid into the Cattle Fund out of moneys provided by Parliament such sums as Parliament may determine.

Payments
out of
Cattle Fund
to producers
of cattle.

2.—(1) Subject to the provisions of this section, the appropriate Ministers may, in accordance with any arrangements approved by them for the purposes of this section, make out of the Cattle Fund payments to producers of cattle in respect of—

- (a) steers, heifers or cow-heifers certified in accordance with the arrangements to conform with a standard prescribed by regulations of the said Ministers; or
- (b) carcasses of such steers, heifers or cow-heifers as have been so certified to conform with that standard,

being animals or carcasses, as the case may be, which have been sold in the United Kingdom by such producers during a period beginning on such day after the end of August, nineteen hundred and thirty-four, as those Ministers may appoint, and ending on the thirty-first day of March, nineteen hundred and thirty-five.

Regulations made for the purposes of this subsection may prescribe different standards in relation to different descriptions of cattle.

(2) Every payment under this section shall—

- (a) in the case of any live animal, be an amount computed on the weight of the animal as at the time when it was certified for the purposes of the foregoing subsection, at such rate per hundredweight, not exceeding five shillings, as may be specified in an order made by the appropriate Ministers and approved by the Treasury; or
- (b) in the case of any carcass, be an amount computed on the weight of the carcass at such rate per hundredweight, not exceeding nine shillings and fourpence, as may be specified in an order so made and approved as aforesaid;

and such an order as aforesaid may provide for the weight of any animal being determined for the purposes of this section in such manner, and subject to such deduction, as may be prescribed by the order, and may further provide that no certificate shall be issued for

the purposes of this section in respect of any animal weighing less than such weight as may be specified in that behalf in the order.

(3) An application for the issue of a certificate for the purposes of this section in respect of an animal shall not be granted, if it appears to the person whose function it is to entertain the application either that the animal has been castrated after attaining the age of nine months, or that the animal is in milk or is more than five months advanced in pregnancy.

(4) An application for the issue of a certificate for the purposes of this section in respect of an animal imported into the United Kingdom shall not be granted unless it is shown to the satisfaction of the person whose function it is to entertain the application that the animal has been in the United Kingdom for a continuous period of at least three months.

(5) No payment under this section shall be made in respect of the carcase of any animal, unless the carcase has been dressed in accordance with regulations of the appropriate Ministers.

(6) As soon as may be after they have approved any arrangements for the purposes of this section, the appropriate Ministers shall lay particulars of the arrangements before both Houses of Parliament, and any regulations made for the purposes of this section shall, as soon as may be after they are made, be laid before both Houses of Parliament.

(7) Every order under this section shall, as soon as may be after it is made, be laid before the Commons House of Parliament, and if that House, within the next subsequent twenty days on which the House has sat after the order is laid before it, resolves that the order be annulled, the order shall thenceforth be void, but without prejudice to anything previously done thereunder or to the making of a new order.

3.—(1) With a view to ensuring the due making of payments to producers of cattle in accordance with this Act, the appropriate Ministers shall by order provide (subject to such exceptions, if any, as may be specified in the order) for the marking of cattle imported into the United Kingdom, and an order under this section may

Marking of
imported
cattle.

contain such provisions as appear to the appropriate Ministers to be necessary for giving effect to the order :

Provided that an order under this section shall not apply in relation to any cattle imported into the United Kingdom after the end of March, nineteen hundred and thirty-five.

(2) If any person —

(a) contravenes or fails to comply with any order under this section; or

(b) with intent to deceive, alters or defaces any mark placed on any animal for the purposes of such an order;

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

(3) An order under this section shall, as soon as may be after it is made, be laid before both Houses of Parliament.

The Cattle
Committee.

4.—(1) The appropriate Ministers shall appoint a Committee (hereinafter referred to as “the Cattle Committee”), whose duty it shall be to advise those Ministers generally in the discharge of their functions under this Act, and to prepare and submit to those Ministers particulars of such arrangements as are mentioned in section two of this Act, and, if those Ministers so direct, to carry into effect any such arrangements approved by them.

(2) The appropriate Ministers may appoint a secretary to the Cattle Committee, and the Committee may employ such officers, agents and servants as those Ministers, with the approval of the Treasury, may determine.

(3) The appropriate Ministers may pay such remuneration to the members of the Cattle Committee and to the secretary, officers, agents and servants of the Committee, and such other expenses of the Committee, as those Ministers, with the approval of the Treasury, may determine.

(4) The expenses incurred by the appropriate Ministers in pursuance of the last foregoing subsection,

and such other expenses as may, with the approval of the Treasury, have been incurred by those Ministers for the purposes of this Act, shall be defrayed out of the Cattle Fund.

5.—(1) For the purposes of this Act—

- (a) a person shall be taken to be a producer of cattle if he is a person whose business it is to keep cattle in the United Kingdom for the purpose of selling them in an improved condition;
- (b) the expression “cow-heifer” means any female bovine animal which has calved, but which has not grown more than six permanent incisor teeth; and
- (c) cattle removed from the Isle of Man into the United Kingdom shall be deemed to be imported into the United Kingdom.

Interpre-
tation, and
provisions
as to orders
and regula-
tions and as
to accounts
of Cattle
Fund.

(2) The power or duty to make an order under any of the provisions of this Act shall be construed as including a power, exercisable in the like manner and subject to the like restrictions and approval, if any, to vary or revoke the order by a subsequent order, and all orders and regulations made for the purposes of this Act shall, notwithstanding anything in subsection (4) of section one of the Rules Publication Act, 1893, be deemed not to be statutory rules to which that section applies.

56 & 57
Vict. c. 66.

(3) The Minister of Agriculture and Fisheries shall prepare, in such form and manner, at such time, and with respect to such period, as the Treasury may direct, an account of receipts into, and payments out of, the Cattle Fund, and the Comptroller and Auditor General shall examine and certify the account and shall lay copies of the account, together with his report thereon, before both Houses of Parliament.

6. This Act may be cited as the Cattle Industry Short title.
(Emergency Provisions) Act, 1934.



CHAPTER 55.

An Act to approve an agreement made on behalf of His Majesty with the Sultan of Perak.

[16th November 1934.]

WHEREAS by an agreement made, subject to the approval of Parliament, on the sixth day of June, nineteen hundred and thirty-four, (being the agreement set out in the Schedule to this Act) provision is made for the cession by His Majesty to His Highness the Sultan of Perak of the territory known as the Dindings, formerly a part of the State of Perak :

And whereas it is expedient to give such approval :

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

Approval of agreement for cession of the Dindings.

1. The approval of Parliament is hereby given to the agreement set out in the Schedule to this Act, and it shall be lawful for His Majesty to do everything that appears to His Majesty necessary or proper for carrying that agreement into effect.

Short title.

2. This Act may be cited as the Dindings Agreement (Approval) Act, 1934.

SCHEDULE.

AGREEMENT made between His Excellency ANDREW CALDECOTT, Esquire, C.M.G., C.B.E., Officer Administering the Government of the Colony of the Straits Settlements, on behalf of HIS MAJESTY THE KING OF GREAT BRITAIN, IRELAND AND THE BRITISH DOMINIONS BEYOND THE SEAS, EMPEROR OF INDIA, and HIS HIGHNESS THE SULTAN OF PERAK.

WHEREAS by agreement signed on the 18th October 1826 and 20th January 1874, to which His Majesty the King of Great Britain, Ireland, and the British Dominions beyond the Seas,

Emperor of India, hereinafter styled His Majesty, and His Highness the Sultan of Perak, hereinafter styled His Highness, are parties, the territory therein defined and known as the Dindings, formerly a part of the State of Perak, was ceded by the Ruler and Chiefs of Perak :

And whereas His Majesty, in token of the friendship which he bears towards His Highness, is willing that the said territory shall once again form part of the State of Perak :

It is hereby agreed as follows :—

1. His Highness shall as from the date of the entry into force of this agreement have full sovereign rights and title over the territory of the Dindings and such territory shall once more form part of the State of Perak.

2. Nothing in this agreement shall operate to affect the nationality of any persons domiciled or ordinarily resident in the territory of the Dindings at the date of the entry into force of this agreement.

3. All treaties and agreements applicable to the State of Perak at the date of entry into force of this agreement shall thenceforward apply to the territory of the Dindings.

4. All rights to property which private persons or corporations have acquired in the territory of the Dindings at the date of entry into force of this agreement shall be maintained and all such persons or corporations shall retain their property, provided that in the place of the titles to immovable property possessed by such persons or corporations at that date there shall be substituted documents of title issued in accordance with the law in force in Perak and conveying as nearly as may be the same rights in such property.

5. The Government of Perak will pass such legislation as may be necessary to make the law of Perak applicable as from the date of the entry into force of this agreement to the territory of the Dindings.

6. The Government of Perak will pay to the Government of the Straits Settlements the sum of \$86,850 (dollars eighty-six thousand eight hundred and fifty) in respect of the buildings, bridges, roads or other immovable property of the Government of the Straits Settlements in the territory of the Dindings.

7. This agreement shall enter into force three months after the date on which an Act of the Parliament of the United Kingdom of Great Britain and Northern Ireland approving the agreement has been passed into law. His Excellency the Governor of the Straits Settlements will inform His Highness of the date on which the said Act passes into law.

In witness whereof, His Excellency Andrew Caldecott, Esquire, C.M.G., C.B.E., and His Highness Sultan Iskandar Shah, G.C.M.G., K.C.V.O., inbi al-Marhum Sultan Idris Rahmat-u'llah Shah have set their respective seals and signatures.

Dated at Singapore this sixth day of June 1934.

L.S.

(Signature) A. CALDECOTT.

(Witness)

G. L. HAM,

Acting Colonial Secretary, S.S.

L.S.

(Signature) R. A. ISKANDAR.

Witness)

G. E. CATOR,

British Resident, Perak.

CHAPTER 56.

An Act to make better provision for the prevention and punishment of endeavours to seduce members of His Majesty's forces from their duty or allegiance. [16th November 1934.]

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

1. If any person maliciously and advisedly endeavours to seduce any member of His Majesty's forces from his duty or allegiance to His Majesty, he shall be guilty of an offence under this Act.

2.—(1) If any person, with intent to commit or to aid, abet, counsel, or procure the commission of an offence under section one of this Act, has in his possession

Penalty on persons endeavouring to seduce members of His Majesty's forces from their duty or allegiance.

Provisions for the prevention and detection of

or under his control any document of such a nature that the dissemination of copies thereof among members of His Majesty's forces would constitute such an offence, he shall be guilty of an offence under this Act. offences
under this
Act.

(2) If a judge of the High Court is satisfied by information on oath that there is reasonable ground for suspecting that an offence under this Act has been committed, and that evidence of the commission thereof is to be found at any premises or place specified in the information, he may, on an application made by an officer of police of a rank not lower than that of inspector, grant a search warrant authorising any such officer as aforesaid named in the warrant together with any other persons named in the warrant and any other officers of police to enter the premises or place at any time within one month from the date of the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize anything found on the premises or place or on any such person which the officer has reasonable ground for suspecting to be evidence of the commission of such an offence as aforesaid :

Provided that—

- (a) a search warrant shall only be issued in respect of an offence suspected to have been committed within the three months prior to the laying of the information thereof; and
- (b) if a search warrant under this Act has been executed on any premises, it shall be the duty of the officer of police who has conducted or directed the search to notify the occupier that the search has taken place, and to supply him with a list of any documents or other objects which have been removed from the premises, and where any documents have been removed from any other person to supply that person with a list of such documents.

(3) No woman shall, in pursuance of a warrant issued under the last foregoing subsection, be searched except by a woman.

(4) Anything seized under this section may be retained for a period not exceeding one month, or if

60 & 61 Vict.
c. 30.

within that period proceedings are commenced for an offence under this Act until the conclusion of those proceedings, and subject as aforesaid, and to the provisions of this Act conferring powers on courts dealing with offences, 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 under this section as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act.

Provisions
as to
punishment
of offences.

3.—(1) A person guilty of an offence under this Act 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 on summary conviction to imprisonment for a term not exceeding four months or to a fine not exceeding twenty pounds, or (whether on conviction on indictment or on summary conviction) to both such imprisonment and fine.

(2) No prosecution in England under this Act shall take place without the consent of the Director of Public Prosecutions.

(3) Where a prosecution under this Act is being carried on by the Director of Public Prosecutions, a court of summary jurisdiction shall not deal with the case summarily without the consent of the Director.

(4) Where any person is convicted of an offence under this Act, the court dealing with the case may order any documents connected with the offence to be destroyed or dealt with in such other manner as may be specified in the order, but no documents shall be destroyed before the expiration of the period within which an appeal may be lodged, and if an appeal is lodged no document shall be destroyed until after the appeal has been heard and decided.

Short title
and applica-
tion to
Scotland
and
Northern
Ireland.

4.—(1) This Act may be cited as the *Incitement to Disaffection Act, 1934.*

(2) This Act shall apply to Scotland subject to the following modifications:—

(a) subsection (2) of section two shall have effect as if for references to a judge of the High Court there were substituted references to the

sheriff, and any application for a search warrant under the said subsection shall be made by the procurator fiscal instead of such officer as is therein mentioned;

- (b) subsection (4) of section two shall not apply provided that anything seized under that section may be retained for a period not exceeding one month, or if within that period proceedings are commenced for an offence under this Act until the conclusion of those proceedings, and subject as aforesaid and to the provisions of any enactment, including this Act, conferring powers on courts dealing with offences, any property which has come into the possession of the police under this section shall be returned to the owner, or, if the owner cannot be ascertained, shall be disposed of in such manner as the sheriff, in a summary application made to him, may direct;
- (c) the powers conferred by this Act on the sheriff shall not be exercisable by an honorary sheriff substitute.

(3) It is hereby declared that this Act extends to Northern Ireland, and in the application thereof to Northern Ireland the provisions of this Act requiring the consent of the Director of Public Prosecutions to the summary trial of cases shall have effect as if references to the Attorney-General for Northern Ireland were therein substituted for references to the Director of Public Prosecutions.

CHAPTER 57.

An Act to continue certain expiring laws.

[16th November 1934.]

WHEREAS the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the thirty-first day of December, nineteen hundred and thirty-four :

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

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

Continuance
of Acts in
Schedule.

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

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

Short title
and applica-
tion to
Northern
Ireland.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act, 1934.

(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.

SCHEDULE.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Act.
(1) 4Edw.7.c.24	The Wireless Tele- graphy Act, 1904.	The whole Act -	6 Edw. 7. c. 13. 15 & 16 Geo. 5. c. 67. 16 & 17 Geo. 5. c. 54.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Act.
(2) 2 & 3 Geo. 5. c. 2.	The Coal Mines (Minimum Wage) Act, 1912.	The whole Act.	—
(3) 8 & 9 Geo. 5. c. 34.	The Statutory Under- takings (Temporary Increase of Charges) Act, 1918.	So far as it relates to tramway undertakings.	10 & 11 Geo. 5. c. 14.
(4) 9 & 10 Geo. 5. c. 92.	The Aliens Restriction (Amendment) Act, 1919.	Section one.	—
(5) 9 & 10 Geo. 5. c. 97.	The Land Settlement (Scotland) Act, 1919.	Section two	12 & 13 Geo. 5. c. 52.
(6) 10 & 11 Geo. 5. c. 21.	The Harbours, Docks and Piers (Tempo- rary Increase of Charges) Act, 1920.	The whole Act	12 & 13 Geo. 5. c. 23.
(7) 10 & 11 Geo. 5. c. 47.	The Ministry of Food (Continuance) Act, 1920.	So far as it autho- rises the making or revoking, in whole or in part, of Part III. of the Sale of Food Order, 1921, and provides for the enforcement, and imposes penalties for the breach, thereof.	—
(8) 10 & 11 Geo. 5. c. 57.	The Unemployment (Relief Works) Act, 1920.	The whole Act	20 & 21 Geo. 5. c. 50.
(9) 10 & 11 Geo. 5. c. 65.	The Employment of Women, Young Persons and Child- ren Act, 1920.	Section two.	—
(10) 12 & 13 Geo. 5. c. 27.	The Canals (Continu- ance of Charging Powers) Act, 1922.	The whole Act	15 & 16 Geo. 5. c. 2.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Act.
(11) 16&17Geo.5. c. 28.	The Mining Industry Act, 1926.	Section eighteen.	—
(12) 20&21Geo.5. c. 50.	The Public Works Facilities Act, 1930.	The whole Act, except section one.	—

CHAPTER 58.

An Act to amend the law with respect to betting on tracks where sporting events take place, including the law with respect to totalisators on horse racecourses; to authorise, subject to restrictions, the establishment of totalisators on dog racecourses; to prohibit betting on tracks with young persons and pari mutuel betting except by authorised totalisators; to amend the law with respect to lotteries and certain prize competitions; and for purposes connected with the matters aforesaid.

[16th November 1934.]

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

PART I.

BETTING.

1.—(1) Betting by way of bookmaking or by means of a totalisator shall not take place on any track—

- (a) on more than one hundred and four days in any year; nor
- (b) on any Good Friday, Christmas Day or Sunday.

Restriction
of betting
on tracks.

(2) If bookmaking is carried on, or a totalisator is operated, by any person on any track on a day on which betting on that track is prohibited by this section, that person, and if he is not the occupier of the track, the occupier also, shall be guilty of an offence :

PART I.
—cont.

Provided that where the occupier of a track is charged with an offence by reason of a contravention of this section on the part of another person, it shall be a defence for him to prove that the contravention occurred without his knowledge.

2.—(1) Bookmaking shall not be carried on on any track unless the occupier of the track is the holder of a licence in force under this Part of this Act authorising the provision of betting facilities on that track :

Restriction
of book-
making on
tracks.

Provided that the foregoing provisions of this subsection shall not apply in relation to—

(a) anything done on any track which is an approved horse racecourse on any day on which that track is used only for the purpose of horse races ; or

(b) anything done on any track on any day if—

(i) during the year in which that day falls bookmaking has not been carried on on that track on more than seven previous days ; and

(ii) notice of the intention to permit bookmaking on that track on that day has been given by post not less than seven clear days beforehand by the occupier of the track to the chief officer of police.

(2) Bookmaking shall not be carried on on any licensed track on any day not being one of the days appointed in accordance with this Part of this Act as the days on which betting facilities may be provided on licensed tracks in the licensing area in which the track is situate.

(3) If bookmaking is carried on by any person on any track on any day in contravention of this section, that person, and, if he is not the occupier of the track, the occupier also, shall be guilty of an offence :

Provided that where the occupier of a track is charged with an offence by reason of a contravention of this section on the part of another person, it shall be

PART I. a defence for him to prove that the contravention
—*cont.* occurred without his knowledge.

Restriction
of pari
mutuel or
pool betting.
18 & 19
Geo. 5. c. 41.

3.—(1) No pari mutuel or pool betting business shall be carried on on any track, except—

(a) on an approved horse racecourse by, or by authority of, the Racecourse Betting Control Board under the Racecourse Betting Act, 1928, as amended by this Act, or

(b) on a licensed track being a dog racecourse, in accordance with the provisions of this Act which relate to totalisators on dog racecourses :

Provided that nothing in this subsection shall prohibit a person from receiving or negotiating bets on an approved horse racecourse with a view to those bets being made by means of a totalisator lawfully operated on that course.

(2) Save as is permitted by the preceding subsection, no person shall use any premises whether situate on a track or not, or cause or knowingly permit any such premises to be used, as a place where persons resorting thereto may effect pari mutuel or pool betting transactions.

(3) Every person who contravenes any of the provisions of this section shall be guilty of an offence.

Restriction
of betting
on dog
racecourses.

4.—(1) Betting by way of bookmaking or by means of a totalisator shall not take place on any day on a track being a dog racecourse, in connection with more than eight dog races, and betting by way of bookmaking or by means of a totalisator on the results of dog races shall not take place on any day on such a track as aforesaid except during one continuous period not exceeding four hours :

Provided that, in relation to any of the four special appointed days fixed in any year by the licensing authority in accordance with this section, the foregoing provisions of this subsection shall have effect as if there were therein substituted for the word “ eight ” the word “ sixteen ” and for the words “ one continuous period not exceeding four hours ” the words “ a period or periods not exceeding eight hours in the aggregate.”

(2) If bookmaking is carried on or a totalisator is operated by any person on any track in contravention of this section, that person, and if he is not the occupier of the track, the occupier also, shall be guilty of an offence:

Provided that where the occupier of a track is charged with an offence by reason of a contravention of this section on the part of another person, it shall be a defence for him to prove that the contravention occurred without his knowledge.

PART I.
—*cont.*

(3) The licensing authority, when fixing the appointed days for any year in accordance with this Part of this Act, shall also fix four of those days (which four days shall be the same for the whole of their licensing area) as the special appointed days for the purposes of subsection (1) of this section.

5.—(1) Subject as hereinafter provided, the councils of administrative counties and the councils of county boroughs shall, in relation to their respective areas, be the authorities empowered to grant licences under this Part of this Act authorising the provision of betting facilities on tracks : Licensing
authorities.

Provided that—

- (a) any such council may delegate their functions under this Part of this Act to a committee consisting of members of the council; and
- (b) any two or more such councils may combine in delegating their functions under this Part of this Act to a joint committee consisting of members of the constituent councils; and
- (c) a county council may delegate their functions under this Part of this Act to the standing joint committee of quarter sessions and of the county council appointed under section thirty of the Local Government Act, 1888.

51 & 52 Vict.,
c. 41.

(2) If a county council elect under the foregoing provisions of this section to delegate their functions under this Part of this Act to the standing joint committee, it shall be the duty of that committee to discharge those functions so long as the delegation is in force.

(3) Where functions under this Part of this Act are delegated to a committee or joint committee, the number and term of office of the members thereof shall, in the case of a committee or joint committee specially appointed for the purpose, be fixed by the appointing council or councils, and, subject to the provisions of this Part of this Act and to any directions given by the appointing council or councils, the procedure of the

PART I.
—*cont.*

committee or joint committee shall be such as they may themselves determine.

(4) Any expenses incurred in the execution of this Part of this Act by a standing joint committee shall be defrayed by the council of the county, and any expenses so incurred by any other joint committee shall be defrayed by the appointing councils in such shares as may be agreed.

(5) A standing joint committee to whom the functions of a county council under this Part of this Act are delegated under this section shall have such powers as are conferred on councils of counties and county boroughs by paragraph (b) of the proviso to subsection (1) of this section, and accordingly references in that paragraph and in subsections (3) and (4) of this section to a council or councils shall be construed as including references to such a standing joint committee as aforesaid.

23 & 24
Geo. 5. c. 51. (6) Section two hundred and seventy-four of the Local Government Act, 1933, shall not apply in relation to the functions of a county council under this Part of this Act.

Notices of,
and pro-
cedure with
respect to,
applications
for licences.

6.—(1) Every licensing authority shall, as soon as maybe after the passing of this Act, and may subsequently from time to time, fix the dates on which they will entertain applications from the occupiers of tracks within their licensing area for the grant of licences, and shall cause information as to the dates so fixed to be given to any person who asks for it.

The dates first so fixed shall be such as will enable licences to be granted so as to take effect on the first day of July, nineteen hundred and thirty-five.

(2) No application for a licence shall be entertained unless, at least two months before the date on which the application is made, the applicant has given to the licensing authority, to the council of the county district or metropolitan borough in which the track or any part thereof is situate, to the responsible authority under any planning scheme in force in an area which includes the track or any part thereof and to the chief officer of police notice in writing stating that it is intended to make the application on that date, and containing such particulars as are hereinafter mentioned, and has also

published such a notice in at least two newspapers circulating in the locality in which the track is situate.

PART I.
—*cont.*

The notice required by this subsection shall describe the situation of the track and the number and position of the exits provided or intended to be provided, and state the number of spectators for whom accommodation is provided or is intended to be provided.

(3) Every such notice as aforesaid given in respect of any track to the licensing authority shall, until the hearing of the application to which the notice relates, be kept by the licensing authority at their offices so as to be available, at any time during office hours, for inspection by any member of the public free of charge.

(4) Subject as hereinafter provided, upon the consideration by the licensing authority of an application for the grant of a licence, the following persons, in addition to the applicant, shall be entitled to be heard in person or by a representative, that is to say, the chief officer of police, any responsible authority under a planning scheme in force in an area which includes the track or any part thereof, the council of the county district or metropolitan borough in which the track or any part thereof is situate, the local authority of any district adjoining that county district or metropolitan borough, any person owning or occupying premises in the neighbourhood of the track and the governing body of any school or institution in the neighbourhood of the track :

Provided that—

- (a) no objector shall be heard unless he has given to the applicant and to the licensing authority at least seven days notice in writing of the grounds on which he proposes to contend that the application ought to be refused; and
- (b) no local authority shall be entitled to be heard as objectors if the licensing authority are a committee of that local authority, or a joint committee including persons appointed by that local authority.

In this subsection the expression “local authority” means any of the following councils, that is to say, the council of an administrative county or of a county borough, metropolitan borough or county district and the common council of the city of London; and the expression

PART I.
—*cont.*

“district” means, in relation to a local authority, the area for which that authority acts.

(5) An application for the grant of a licence in respect of a track which it is proposed to construct may be made by a person who proposes to become the occupier of the track if a licence is granted, and, in relation to such an application, any reference in this or the next following section to a track shall be construed as including a reference to the site of the proposed track.

Discretion
of licensing
authority as
to grant of
licences.

7.—(1) Subject as hereinafter provided, the licensing authority may refuse to grant a licence in respect of any track—

(a) if they are satisfied that, in the event of the licence being granted, the existence or user of the track—

(i) would injuriously affect either the health or the comfort of persons residing in the neighbourhood of the track, or be detrimental to the interests of persons receiving instruction, or residing, in any school or institution in that neighbourhood; or

(ii) would seriously impair the amenities of that neighbourhood; or

(iii) would result in undue congestion of traffic, or seriously prejudice the preservation of law and order; or

(b) if the applicant or, where the applicant is a corporate body, any director or the manager thereof has been convicted of any offence under this Part of this Act or under the First Schedule to this Act or of any offence involving fraud or dishonesty,

and, where the track, or any part thereof, is situate in an area—

(a) in which there is in force a planning scheme under which the consent of the planning authority to the establishment or continuance of the track is necessary; or

(b) with respect to which a resolution to prepare or adopt a planning scheme has taken effect, but no such scheme is in force,

the licensing authority shall either refuse to grant a licence unless they are satisfied that the planning autho-

rity have consented to the establishment or continuance of the track, or shall grant a licence but suspend its operation until the planning authority have notified their consent in writing to the licensing authority :

PART I.
—cont.

Provided that the foregoing provisions of this subsection shall not apply in relation to any application for the first licence in respect of an existing track, as defined in the next following section of this Act, if the applicant has elected to make his application under that section and the conditions imposed by that section in connection with applications made thereunder have been complied with.

(2) Save as is mentioned in the last preceding subsection or, as the case may be, in the next following section of this Act, the licensing authority shall not refuse any application for the grant of a licence.

(3) Where the licensing authority refuse an application for the grant of a licence, they shall send to the applicant by post a written statement of the grounds of their refusal.

8.—(1) The provisions of this section apply in relation to any track on which on more than eight days in the year nineteen hundred and thirty-three book-making was carried on in connection with sporting events on that track, and every such track is hereafter in this section referred to as “an existing track.”

Special provisions as to first licences for certain existing tracks.

(2) An application for a licence in respect of an existing track made on any such date fixed by the licensing authority under subsection (1) of section six of this Act as falls before the first day of July, nineteen hundred and thirty-five, shall be granted by the licensing authority if, but shall be refused by them unless—

(a) at least two months before the application is made the applicant—

(i) has delivered to the licensing authority and to the chief officer of police a written notice describing the situation of the track and stating that he intends to make application on that date claiming the grant of the licence by virtue of this section, and also a written declaration signed by the applicant, or, where the applicant is a corporate body, by two directors thereof, specifying not less

PART I.
— *cont.*

than nine days in the year nineteen hundred and thirty-three on which bookmaking was carried on on the track in connection with sporting events thereon and, as respects each of the days specified, the kinds of sporting events in connection with which bookmaking was carried on on the track on that day; and

(ii) has published the said notice and a copy of the said declaration in at least two newspapers circulating in the locality in which the track is situate; and

(b) the licensing authority have no reason to believe that the statements contained in the said declaration are untrue in any material particular.

(3) Every such declaration as aforesaid delivered to the licensing authority in connection with any application for a licence shall, until the hearing of the application, and, if the application is granted, so long as the licence remains in force, be kept by the licensing authority at their offices so as to be available at any time during office hours for inspection by any member of the public free of charge.

(4) Where an application for a licence in respect of an existing track is made under this section, then, if the conditions laid down in paragraph (a) of subsection (2) of this section have been complied with, no objection to the grant of the licence shall be entertained by the licensing authority except an objection made on the ground that the statements contained in the declaration made by the applicant for the purposes of paragraph (a) of that subsection are untrue.

Save as aforesaid, the provisions of subsection (4) of section six of this Act shall apply in relation to any such application.

(5) A licence granted by virtue of this section in respect of an existing track—

(a) shall, unless revoked or cancelled under the following provisions of this Part of this Act, be in force from the date on which it is expressed to take effect until the expiration of five years from the beginning of July, nineteen hundred and thirty-five; and

(b) shall be expressed to authorise the provision of betting facilities on the track in connection with such kinds of sporting events only as may be specified in the licence, being the same kinds of sporting events as are specified in the declaration delivered to the licensing authority under subsection (2) of this section in connection with the application for the grant of the licence;

PART I.
—*cont.*

and so far as regards the carrying on of bookmaking, on the track in connection with any kind of sporting event not specified in the licence, the track shall be deemed, for the purposes of subsection (1) of section two of this Act, not to be a licensed track.

(6) Every person who knowingly makes any false statement in a declaration delivered to the licensing authority in pursuance of this section shall be guilty of an offence.

9.—(1) Subject to the provisions of the last preceding section as to the first licences granted in respect of certain tracks, a licence shall, unless revoked or cancelled under the following provisions of this Part of this Act, be in force for seven years from the date on which it is expressed to take effect.

Duration
and transfer
of licences
and fees in
respect of
licences and
transfers.

(2) The licensing authority, if they think fit, may at any time, on an application made to them after notice in writing to the chief officer of police, direct that a licence granted to any person in respect of a track, or the site of a proposed track, within their licensing area shall be transferred to another person, and thereupon the transferee shall, subject as hereinafter provided, be deemed to be the holder of the licence :

Provided that, if the transferee is not the occupier of the track or the site, the transfer shall not take effect until he becomes the occupier thereof.

(3) In the event of the death of the holder of a licence, his legal personal representative shall, during the period of three months from the date of the death, be deemed to be the holder of the licence, notwithstanding that it has not been transferred to him.

(4) The licensing authority shall, upon receiving from the holder of a licence for the time being in force a written request in that behalf accompanied by the

PART I.
—cont.

licence, cancel the licence, which shall thereupon cease to be in force.

(5) In respect of any application for a licence, such fee not exceeding ten pounds as the licensing authority may from time to time fix for their licensing area, shall be payable by the applicant before the hearing of the application, but, if the licence is granted, the fee so paid shall be treated as a payment on account of the first annual payment to be made in respect of the licence under the next following subsection.

(6) In respect of every licence, such annual fee not exceeding fifty pounds as the licensing authority may fix annually shall be payable during the currency of the licence by the person who is for the time being the holder thereof, and the first of such payments shall be made on the day on which the licence takes effect, and subsequent payments shall be made at intervals of twelve months thereafter.

(7) In respect of any transfer of a licence, such fee not exceeding ten pounds as the licensing authority may from time to time fix for their area shall be payable by the person to whom the licence is transferred.

(8) Every fee which by virtue of this section is payable by any person shall be recoverable from that person by the licensing authority as a debt due from him to them.

(9) A standing joint committee who receive any sum in respect of fees paid under this section, shall pay, or account for, that sum to the county council represented on the committee.

Fixing of
days on
which
betting
facilities
may be
provided.

10.—(1) Not later than the end of May in each year, every licensing authority shall, subject to the provisions of this section, fix one hundred and four days in the year which begins on the first day of July next following, as the days on which betting facilities may be provided on licensed tracks within their licensing area, and the days fixed in pursuance of this section are in this Part of this Act referred to as “appointed days”:

Provided that a licensing authority shall not be bound to fix in advance appointed days in any year if it appears to them that at the commencement of that year no licence in respect of a track in their licensing area will be in force, but, if they avail themselves of this

provision, then, so soon as they grant a licence to take effect on any date during that year, they shall proceed to fix appointed days in the period between the day preceding that date and the first day of the next year, and the number of the days to be so fixed shall be twice the number of the complete weeks in that period.

(2) The appointed days fixed by a licensing authority shall be the same for the whole of their licensing area, and shall not include any Good Friday, Christmas Day or Sunday.

(3) The following provisions shall have effect in relation to the fixing of appointed days for any year:—

- (a) at least one month before fixing appointed days for the year, the licensing authority shall publish in at least two newspapers circulating in their licensing area a notice of their intention so to do;
- (b) if, within the period of one month from the date of the publication of the said notice, the licensing authority receive a written notice signed—

- (i) in the case of the fixing of appointed days for the year beginning on the first day of July, nineteen hundred and thirty-five, by all the persons who have given to the licensing authority notice in writing of their intention to apply for licences in respect of tracks in the licensing area; or

- (ii) in any other case by all the holders of licences in force in respect of tracks in the licensing area;

stating that the signatories unanimously desire that the appointed days in that year should be the days specified in the notice given under this paragraph, then, if those days are days which might lawfully be fixed under the foregoing provisions of this section as the appointed days for the year, the licensing authority shall fix as those appointed days the days so specified;

- (c) unless the licensing authority fix the appointed days for the year in accordance with paragraph (b) of this subsection, the authority shall, before fixing those days, consider any representations which may, during the period of one month from the date of the publication of the notice required by paragraph (a) of this subsection,

PART I.
—cont.

have been made to the licensing authority in writing by the chief officer of police, or by any person who is the holder of a licence in force in respect of a track in the licensing area or who has given to the licensing authority notice in writing of his intention to apply for a licence in respect of such a track;

- (d) the licensing authority shall, on being requested by any person so to do, inform that person as to the latest time by which a notice under paragraph (b) or a representation under paragraph (c) of this subsection must be received by the licensing authority if it is to be effective.

(4) In this section the expression “week” means a period of seven consecutive days beginning on a Sunday.

Establish-
ment of
totalisators
on dog race-
courses.

11.—(1) Notwithstanding any enactment or rule of law to the contrary, it shall be lawful on any licensed track being a dog racecourse for the occupier of the track or any person authorised by him in writing—

- (a) to set up and keep a totalisator, whether in a building or not; and
- (b) on any appointed day, while the public are admitted to the track for the purpose of attending dog races and no other sporting events are taking place on the track, to operate a totalisator so set up, but only for effecting with persons resorting to the track betting transactions on dog races run on that track on that day; and for any person to effect betting transactions by means of a totalisator lawfully operated.

(2) The occupier of a licensed track—

- (a) shall not, so long as a totalisator is being lawfully operated on the track, exclude any person from the track by reason only that he proposes to carry on bookmaking on the track; and
- (b) shall take such steps as are necessary to secure that, so long as a totalisator is being lawfully operated on the track, there is available for bookmakers space on the track where they can conveniently carry on bookmaking in connection with dog races run on the track on that day;

and every person who contravenes, or fails to comply with, any of the provisions of this subsection shall be guilty of an offence.

PART I.
—cont.

(3) The provisions of the First Schedule to this Act shall have effect with respect to every totalisator operated in pursuance of this section on a licensed track being a dog racecourse, and if any person operating a totalisator on such a track contravenes, or fails to comply with, any of the provisions of that Schedule not being a provision failure to comply with which is punishable under that Schedule, he shall be guilty of an offence.

12. Nothing in the Betting Act, 1853, shall apply to anything done on any licensed track by a bookmaker on any day on which bookmaking may lawfully be carried on on the track :

Facilities
for book-
making
on tracks.

16 & 17 Vict.
c. 119.

Provided that nothing in this section shall affect the operation of the said Act in relation to the use by a bookmaker for the purposes of his business—

- (a) of any permanent structure other than a structure used by him in common with members of the public resorting to the track; or
- (b) of any position on the track specially appropriated for the use of that particular bookmaker by the occupier of the track or by any person purporting to act on behalf of the occupier.

13.—(1) The occupier of any licensed track may make to a bookmaker, or to any assistant accompanying a bookmaker to the track for the purpose of his business, any charge for admission to any particular part of the track not exceeding, in the case of a bookmaker, five times the amount, or, in the case of an assistant, the amount, of the highest charge made to members of the public for admission to that part of the track :

Charges to
bookmakers
on tracks
where
betting
facilities are
lawfully
provided.

Provided that there shall not be made to any bookmaker or bookmaker's assistant for admission to any particular part of the track any charge differing in amount from the charge made to any other bookmaker or bookmaker's assistant, as the case may be, for admission to that part of the track.

(2) If any charge other than a charge authorised by the preceding subsection is made to a bookmaker or

PART I.
—*cont.*

an assistant of a bookmaker, or if any payment, valuable thing or favour, other than a charge so authorised, is demanded or received by or for the benefit of the occupier of a track as a consideration for facilities being given to a bookmaker for the carrying on of his business, the person immediately responsible and also the occupier of the track shall be guilty of an offence :

Provided that where the occupier of a track is charged with an offence under this section by reason of an act of another person, it shall be a defence for the occupier to prove that the act took place without his knowledge.

Occupiers
of tracks
not to have
an interest
in book-
making
thereon.

14. It shall not be lawful for the occupier of any licensed track, or for any servant or agent of his, or for any person having, under a lease, agreement or licence granted by the occupier, any interest in, or right over or in respect of, any part of the track, to engage either directly or indirectly, and either on his own behalf or on behalf of another, in bookmaking on that track, and if any person contravenes the provisions of this section, that person, and if he is not himself the occupier of the track, the occupier also, shall be guilty of an offence :

Provided that where the occupier of a track is charged with an offence by reason of a contravention of this section on the part of another person, it shall be a defence for the occupier to prove that the contravention occurred without his knowledge.

Betting
with young
persons, and
employ-
ment of
young per-
sons in
betting
businesses,
prohibited
on tracks.

15.—(1) If on any track—

- (a) any bookmaker or commission agent has any betting transaction with a person apparently under, or known to him to be under, the age of eighteen years; or
- (b) any person engaged in operating a totalisator has by means thereof any betting transaction with a person apparently under, or known to him to be under, the age of eighteen years,

then in the first case that bookmaker or commission agent, and in the second case the occupier of the track on which the totalisator is set up, shall be guilty of an offence.

(2) If any person employs on any track for the purposes of his business as a bookmaker or commission agent, or in connection with the operation of a totalisator,

a person apparently under, or known to him to be under, the age of eighteen years, he shall be guilty of an offence.

PART I.
—cont.

(3) Upon a charge under this section in respect of a person apparently under the age of eighteen years, it shall be a defence to prove that, at the time of the alleged offence, he had in fact attained that age.

(4) In this section the expression “commission agent” includes any person who by way of business receives bets to be transmitted by him directly or indirectly to another person with a view to the bets being made by means of a totalisator.

(5) Section four of the Racecourse Betting Act, 1928, is hereby repealed.

16.—(1) A licensing authority may at any time, after giving to the holder of the licence an opportunity of being heard, revoke a licence in respect of a track in their licensing area—

Revocation
of licences.

- (a) if they are satisfied that the track has been conducted in a disorderly manner or so as to cause a nuisance; or
- (b) if without their approval, to be given after such notice as they deem proper, the accommodation for spectators on the track as stated in the notice under subsection (2) of section six of this Act has been substantially increased, or the exits from the track as described in that notice have been materially altered, and they are satisfied that undue congestion of traffic or serious prejudice to the preservation of law and order has resulted therefrom; or
- (c) if on a report made to them by the accountant appointed under the First Schedule to this Act, or upon a refusal of that accountant to give such a certificate as is mentioned in the said Schedule, they are satisfied that any totalisator on the track has been maintained or operated otherwise than in accordance with the provisions of that Schedule; or
- (d) if the holder of the licence or, where the holder is a corporate body, any director or the manager thereof is convicted of any offence

PART I.
—*cont.*

under this Part of this Act or under the First Schedule to this Act or of any offence involving fraud or dishonesty;

and, if they revoke a licence, shall forthwith send notice of the revocation by post to the holder of the licence and to the chief officer of police.

(2) The holder of a licence which has been revoked under this section may appeal, in accordance with the provisions of the Quarter Sessions Act, 1849, to the next practicable court of quarter sessions having jurisdiction in the county, borough or place in which the track is situate and held not less than twenty-one clear days after notice of the revocation is given to him by the licensing authority.

12 & 13 Vict.
c. 45.

In any case arising under this subsection, the notice of appeal shall be given to the licensing authority and to the clerk of the peace.

(3) Where a licensing authority revoke a licence under this section, then, until the time within which notice of an appeal under this section may be given has expired and, if such notice is duly given, until the determination of the appeal, the licence shall be deemed to continue in force, and if the court of quarter sessions confirm the decision of the licensing authority, the court may, if they think fit, order that the licence shall continue in force for a further period not exceeding two months from the date of the order.

Saving for
right of
occupier of
track to
prohibit
betting.

17. Nothing in the foregoing provisions of this Part of this Act shall be construed as requiring the occupier of a licensed track to permit betting thereon at any time at which no totalisator is being operated on that track.

Amend-
ment and
interpre-
tation of
Racecourse
Betting Act,
1928.

18.—(1) The power of the Racecourse Betting Control Board under subsection (2) of section one of the Racecourse Betting Act, 1928, to authorise any person to set up and keep, or to operate, a totalisator on an approved racecourse shall be limited to the giving of such authority to the persons having the management of the racecourse, and where such authority is so given, such deductions as the Board may, under paragraph (3) of section three of the said Act, direct to be made from moneys staked by means of the totalisator shall be paid into the totalisator fund, but the Board may pay out of

that fund to the persons having the management of the racecourse the amount of the expenses shown to the satisfaction of the Board to have been properly incurred by those persons in connection with the setting up, keeping and operation of the totalisator.

PART I.
—*cont.*

(2) For the avoidance of doubts it is hereby declared that the powers of the Racecourse Betting Control Board under the Racecourse Betting Act, 1928, include, and always have included, power to remunerate any person, by the payment of commissions or otherwise, in respect of the negotiation, receipt or transmission by that person of bets to be made by means of a totalisator lawfully operated on an approved horse racecourse and to provide facilities on any such racecourse for persons engaged in receiving bets to be so made.

(3) Nothing in the Racecourse Betting Act, 1928, shall be construed as restricting the betting transactions which may be effected by means of a totalisator lawfully operated on an approved horse racecourse on any day to betting transactions upon the result of a single race, or upon the result or results of a race or races run on that course or run on that day.

(4) The percentage of the moneys staked which may be deducted under paragraph (3) of section three of the Racecourse Betting Act, 1928, may be a percentage of the whole or of any part of such moneys.

(5) The purposes for which the Racecourse Betting Control Board, acting under paragraph (6) of section three of the Racecourse Betting Act, 1928, may, in accordance with a scheme approved by the Secretary of State, apply moneys comprised in the totalisator fund shall include purposes conducive to the advancement and encouragement of veterinary science and education.

19. Any person authorised in writing in that behalf by the licensing authority, on producing his authority on demand, and any constable, may at all reasonable times enter upon any track for the purpose of ascertaining whether the provisions of this Part of this Act are being complied with, and every person who obstructs any constable or other person in the exercise of his powers under this section shall be guilty of an offence.

Powers of
entry on
tracks.

PART I.
—*cont.*
Interpreta-
tion of
Part I.

20.—(1) In this Part of this Act the following expressions have, unless the context otherwise requires, the meanings hereby assigned to them :—

“ approved horse racecourse ” means a track which is an approved racecourse within the meaning of the Racecourse Betting Act, 1928 ;

“ bookmaker ” means any person who, whether on his own account or as servant or agent to any other person, carries on, whether occasionally or regularly, the business of receiving or negotiating bets or conducting pari mutuel or pool betting operations, or who in any manner holds himself out, or permits himself to be held out in any manner, as a person who receives or negotiates bets or conducts such operations, and “ bookmaking ” shall be construed accordingly ; so, however, that a person shall not be deemed to be a bookmaker by reason only of the fact that he operates, or is employed in operating a totalisator, and the operating of a totalisator shall be deemed not to be bookmaking ;

“ chief officer of police ” and “ police area ” have the same meanings as in the Police Pensions Act, 1921, and, in relation to any particular track or proposed track, the first mentioned expression means the chief officer of police within whose police area the track, or the site of the proposed track, is situate ;

“ dog race ” means a race in which an object propelled by mechanical means is pursued by dogs, and “ dog racecourse ” shall be construed accordingly ;

“ licence ” means a licence granted under this Part of this Act ;

“ licensed track ” means a track in respect of which a licence is for the time being in force ;

“ licensing area ” means the area over which a licensing authority have jurisdiction ;

“ licensing authority ” means a council or committee having power to grant licences and, in relation to a track or proposed track, means

11 & 12
Geo. 5. c. 31.

the licensing authority having jurisdiction in the licensing area in which the track or proposed track is, or will be, situate;

PART I.
—*cont.*

“ planning authority ” means, in relation to any land subject to a planning scheme or a resolution to prepare or adopt such a scheme, the authority having power to control the development or interim development of that land, and includes any tribunal or authority to whom an appeal lies from any decisions of a planning authority;

“ planning scheme ” means a scheme made under the Town Planning Act, 1925, or the Town and Country Planning Act, 1932, or any enactment repealed by either of those Acts;

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Geo. 5. c. 16.
22 & 23
Geo. 5. c. 48.

“ quarter sessions area ” means the area within which a court of quarter sessions have jurisdiction;

“ totalisator ” means the contrivance for betting known as the totalisator or pari mutuel, or any other machine or instrument of betting of a like nature, whether mechanically operated or not;

“ track ” means premises on which races of any description, athletic sports or other sporting events take place;

“ year ” means a period of twelve consecutive months beginning on the first day of July.

(2) Where a track or the site of a proposed track extends into two or more licensing areas, or two or more quarter sessions areas, the track or site shall, for the purpose of this Part of this Act, be deemed to be situate wholly within that area which comprises the greater part of the superficial area of the track or site.

(3) Where a track or the site of a proposed track extends into two or more police areas, anything which by this Part of this Act is required to be done to, or is authorised to be done by, the chief officer of police, shall be done to, or, as the case may be, may be done by, the chief officer of police of each of those areas.

PART II.

LOTTERIES AND PRIZE COMPETITIONS.

Illegality of
lotteries.

21. Subject to the provisions of this Part of this Act, all lotteries are unlawful.

Offences
in connec-
tion with
lotteries.

22.—(1) Subject to the provisions of this section, every person who in connection with any lottery promoted or proposed to be promoted either in Great Britain or elsewhere—

- (a) prints any tickets for use in the lottery; or
 - (b) sells or distributes, or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution, any tickets or chances in the lottery; or
 - (c) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution—
 - (i) any advertisement of the lottery; or
 - (ii) any list (whether complete or not) of prize winners or winning tickets in the lottery; or
 - (iii) any such matter descriptive of the drawing or intended drawing of the lottery, or otherwise relating to the lottery, as is calculated to act as an inducement to persons to participate in that lottery or in other lotteries; or
 - (d) brings, or invites any person to send into, Great Britain for the purpose of sale or distribution any ticket in, or advertisement of, the lottery; or
 - (e) sends or attempts to send out of Great Britain any money or valuable thing received in respect of the sale or distribution, or any document recording the sale or distribution, or the identity of the holder, of any ticket or chance in the lottery; or
 - (f) uses any premises, or causes or knowingly permits any premises to be used, for purposes connected with the promotion or conduct of the lottery; or
 - (g) causes, procures or attempts to procure any person to do any of the above mentioned acts,
- shall be guilty of an offence.

PART II.
— cont.

(2) In any proceedings instituted under the preceding subsection it shall be a defence to prove that the lottery to which the proceedings relate was such a lottery as is declared by any subsequent section of this Part of this Act not to be an unlawful lottery, and that at the date of the alleged offence the defendant believed, and had reasonable ground for believing, that none of the conditions required by that section to be observed in connection with the promotion and conduct of the lottery had been broken.

(3) Proceedings under sub-paragraph (iii) of paragraph (c) of subsection (1) of this section in respect of any matter published in a newspaper shall not be instituted except by, or by direction of, the Director of Public Prosecutions.

23.—(1) A lottery promoted as an incident of an entertainment to which this section applies shall be deemed not to be an unlawful lottery, but the conditions specified in the next succeeding subsection shall be observed in connection with the promotion and conduct of the lottery, and if any of those conditions is broken, every person concerned in the promotion or conduct of the lottery shall be guilty of an offence unless he proves that the offence was committed without his knowledge.

Exemption
of small
lotteries
incidental
to certain
entertain-
ments.

(2) The conditions referred to in the preceding subsection are that—

(a) the whole proceeds of the entertainment (including the proceeds of the lottery) after deducting—

(i) the expenses of the entertainment, excluding expenses incurred in connection with the lottery; and

(ii) the expenses incurred in printing tickets in the lottery; and

(iii) such sum (if any) not exceeding ten pounds as the promoters of the lottery think fit to appropriate on account of any expense incurred by them in purchasing prizes in the lottery,

shall be devoted to purposes other than private gain;

PART II.
—cont.

- (b) none of the prizes in the lottery shall be money prizes;
- (c) tickets or chances in the lottery shall not be sold or issued, nor shall the result of the lottery be declared, except on the premises on which the entertainment takes place and during the progress of the entertainment; and
- (d) the facilities afforded for participating in lotteries shall not be the only, or the only substantial, inducement to persons to attend the entertainment.

(3) The entertainments to which this section applies are bazaars, sales of work, fêtes and other entertainments of a similar character, whether limited to one day or extending over two or more days.

Exemption
of private
lotteries.

24.—(1) In this section, the expression “private lottery” means a lottery in Great Britain which is promoted for, and in which the sale of tickets or chances by the promoters is confined to, either—

- (a) members of one society established and conducted for purposes not connected with gaming, wagering or lotteries; or
- (b) persons all of whom work on the same premises; or
- (c) persons all of whom reside on the same premises,

and which is promoted by persons each of whom is a person to whom under the foregoing provisions tickets or chances may be sold by the promoters and, in the case of a lottery promoted for the members of a society, is a person authorised in writing by the governing body of the society to promote the lottery.

For the purposes of this section, the expression “society” includes a club, institution, organisation or other association of persons by whatever name called, and each local or affiliated branch or section of a society shall be regarded as a separate and distinct society.

(2) A private lottery shall be deemed not to be an unlawful lottery, but the following conditions shall be observed in connection with the promotion and conduct of the lottery, that is to say:—

- (a) the whole proceeds, after deducting only expenses incurred for printing and stationery, shall be

devoted to the provision of prizes for purchasers of tickets or chances, or, in the case of a lottery promoted for the members of a society, shall be devoted either to the provision of prizes as aforesaid or to purposes which are purposes of the society or, as to part, to the provision of prizes as aforesaid and, as to the remainder, to such purposes as aforesaid;

- (b) there shall not be exhibited, published or distributed any written notice or advertisement of the lottery other than—
- (i) a notice thereof exhibited on the premises of the society for whose members it is promoted or, as the case may be, on the premises on which the persons for whom it is promoted work or reside; and
 - (ii) such announcement or advertisement thereof as is contained in the tickets, if any;
- (c) the price of every ticket or chance shall be the same, and the price of any ticket shall be stated on the ticket;
- (d) every ticket shall bear upon the face of it the names and address of each of the promoters and a statement of the persons to whom the sale of tickets or chances by the promoters is restricted, and a statement that no prize won in the lottery shall be paid or delivered by the promoters to any person other than the person to whom the winning ticket or chance was sold by them, and no prize shall be paid or delivered except in accordance with that statement;
- (e) no ticket or chance shall be issued or allotted by the promoters except by way of sale and upon receipt of the full price thereof, and no money or valuable thing so received by a promoter shall in any circumstances be returned; and
- (f) no tickets in the lottery shall be sent through the post.

(3) If any of the conditions specified in the preceding subsection is broken, each of the promoters of the lottery, and where the person by whom the condition is broken is not one of the promoters, that person also, shall be guilty of an offence :

PART II.
—*cont.*

Provided that it shall be a defence for a person charged only by reason of his being a promoter of the lottery to prove that the offence was committed without his knowledge.

Amendment
of the law
with res-
pect to, and
saving for,
lotteries of
Art Unions.
9 & 10 Vict.
c. 48.

25.—(1) The power of His Majesty under section one of the Art Unions Act, 1846, to revoke or annul the charter, deed or other instrument under which an Art Union has been constituted may be exercised by His Majesty at any time upon a recommendation from the President of the Board of Trade that it is desirable for His Majesty so to do, and it shall not be necessary to the exercise of that power that there should have been given such a certificate as is mentioned in the said section.

(2) In the case of an Art Union constituted under a deed or other instrument, not being a charter, the power of annulment referred to in the foregoing subsection may be exercised also by the President of the Board of Trade or, in his absence, by a Secretary of State, if, in the opinion of the President or Secretary of State, as the case may be, it is expedient, having regard to the circumstances, that immediate action be taken in the matter.

(3) Save as aforesaid, nothing in this Part of this Act shall affect the operation of the Art Unions Act, 1846, and a lottery promoted and conducted in accordance with that Act, as amended by this section, shall be deemed not to be an unlawful lottery.

Restriction
on certain
prize com-
petitions.

26.—(1) It shall be unlawful to conduct in or through any newspaper, or in connection with any trade or business or the sale of any article to the public—

- (a) any competition in which prizes are offered for forecasts of the result either of a future event, or of a past event the result of which is not yet ascertained or not yet generally known;
- (b) any other competition success in which does not depend to a substantial degree upon the exercise of skill:

Provided that nothing in this subsection with respect to the conducting of competitions in connection with a trade or business shall apply in relation to pari-mutuel or pool betting operations carried on by a

person whose only trade or business is that of a book-maker as defined in Part I of this Act.

PART II.
—*cont.*

(2) Any person who contravenes the provisions of this section shall be guilty of an offence, without prejudice, however, to his liability, if any, to be proceeded against under the preceding provisions of this Part of this Act relating to lotteries.

27. Any justice of the peace, if satisfied by information on oath that there is reasonable ground to suspect that any premises are being used for the purpose of the commission of an offence under this Part of this Act in connection with a lottery or proposed lottery, may grant a warrant under his hand authorising any constable at any time or times within one month from the date thereof to enter, if necessary by force, the said premises and every part thereof, and to search for and seize and remove any documents, money or valuable thing found therein which he has reasonable ground to suppose are on those premises for any purpose which constitutes an infringement of any provision of this Part of this Act relating to lotteries.

Power to
issue search
warrant.

28.—(1) In this Part of this Act the following expressions have the meanings hereby respectively assigned to them, that is to say :—

Interpreta-
tion of
Part II.

“ chief officer of police ” has the same meaning as in the Police Pensions Act, 1921 ;

“ money ” includes a cheque, banknote, postal order or money order ;

“ newspaper ” includes any journal, magazine or other periodical publication ;

“ ticket ” includes, in relation to any lottery or proposed lottery, any document evidencing the claim of a person to participate in the chances of the lottery.

(2) For the purposes of this Part of this Act—

(a) references to printing shall be construed as including references to writing and other modes of representing or reproducing words in a visible form ; and

PART II.
—*cont.*

- (b) documents or other matters shall be deemed to be distributed if they are distributed to persons or places whether within or outside Great Britain, and the expression “distribution” shall be construed accordingly.

PART III.

GENERAL.

Offences by
bodies cor-
porate.

29. Where a person convicted of an offence under this Act is a body corporate, every person who at the date of the commission of the offence was a director or officer of the body corporate shall also be deemed to be guilty of that offence unless he proves that the offence was committed without his knowledge.

Penalties
for offences
under this
Act and
forfeitures.

30.—(1) A person guilty of an offence under section one, section two, section three or section eleven, or under any section contained in Part II, of this Act shall be liable—

- (a) on summary conviction, to a fine not exceeding one hundred pounds, and in the case of a second or any subsequent conviction for an offence under the same section, to imprisonment for a term not exceeding three months or to a fine not exceeding two hundred pounds or to both such imprisonment and such fine; or
- (b) on conviction on indictment, to a fine not exceeding five hundred pounds, and in the case of a second or any subsequent conviction for an offence under the same section, to imprisonment for a term not exceeding one year or to a fine not exceeding seven hundred and fifty pounds or to both such imprisonment and such fine.

(2) A person guilty of an offence under any other section of this Act, being a section which does not provide a special penalty, shall be liable—

- (a) on summary conviction, to a fine not exceeding fifty pounds, and in the case of a second or any subsequent conviction for an offence under the same section, to imprisonment for a term not exceeding two months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine; or

- (b) on conviction on indictment, to a fine not exceeding three hundred pounds, and in the case of a second or any subsequent conviction for an offence under the same section, to imprisonment for a term not exceeding six months or to a fine not exceeding five hundred pounds or to both such imprisonment and such fine.

PART III.
—cont.

(3) The court before which a person is proved to have committed any offence under Part II of this Act in relation to a lottery or proposed lottery shall order to be forfeited any coins and bank notes produced to the court which are shown to the satisfaction of the court to represent the price of tickets or chances, or prize money, or prizes in the lottery, and shall order to be destroyed all documents (other than bank notes) produced to the court which are shown to the satisfaction of the court to relate to the promotion or conduct of the lottery.

31. This Act shall, in its application to Scotland, have effect subject to the following modifications:—

Application
to Scotland.

- (1) For any reference in section five of this Act to the council of an administrative county there shall be substituted a reference to a county council, or to the joint county council of the combined county in any case where two counties are combined for the purposes mentioned in subsection (7) of section ten of the Local Government (Scotland) Act, 1929; for any reference to a county borough there shall be substituted a reference to a large burgh as defined in the said Act, and for the purposes of the said section five every other burgh shall be deemed to be included in the county in which it is situate.

19 & 20
Geo. 5. c. 25.

- (2) For any reference to section two hundred and seventy four of the Local Government Act, 1933, there shall be substituted a reference to section thirteen of the Local Government (Scotland) Act, 1929, and for references to the Town Planning Act, 1925, and the Town and Country Planning Act, 1932, there shall be respectively substituted references to the Town Planning (Scotland) Act, 1925, and the Town and Country Planning (Scotland) Act, 1932.

15 & 16
Geo. 5. c. 17
22 & 23
Geo. 5. c. 49.

PART III.
—cont.

- (3) Subsection (2) of section six shall have effect as if for the councils and authorities (other than the licensing authority) therein mentioned the following councils and authorities were substituted, that is to say:—

(a) the council of the county or burgh within which the track or any part thereof is situate; and

(b) the responsible authority under a planning scheme in force in any area which includes the track or any part thereof;

where such council or responsible authority is not the licensing authority.

- (4) The following subsection shall be substituted for subsection (4) of section six and any reference to the said subsection (4) shall be construed as a reference to the following subsection:—

“(4) Subject as hereinafter provided, upon the consideration by the licensing authority of an application for the grant of a licence, the following persons, in addition to the applicant, shall be entitled to be heard in person or by a representative, that is to say,—

(a) the chief officer of police:

(b) the council of any county or burgh adjoining the area of the licensing authority:

(c) where the licensing authority are a county council or a joint county council, the town council of any burgh situate in the county, or in either of the counties combined:

(d) where the licensing authority are a town council, the council of the county in which the burgh is situate:

(e) any person owning or occupying premises in the neighbourhood of the track:

(f) the governing body of any school or institution in the neighbourhood of the track:

Provided that no objector shall be heard unless he has given to the applicant and the licensing authority at least seven days' notice

in writing of the grounds on which he proposes to contend that the application ought to be refused.” PART III
—cont.

- (5) The following subsection shall be substituted for subsection (2) of section sixteen—

“(2) The holder of a licence which has been revoked under this section may, on giving such notice within such time as may be prescribed by Act of Sederunt, appeal in accordance with any rules that may be made by Act of Sederunt to the sheriff.”

- (6) Any reference to a court of quarter sessions shall be construed as a reference to the sheriff and any reference to a quarter sessions area shall be construed as a reference to the area within which a sheriff is entitled to exercise jurisdiction.
- (7) Subsection (3) of section twenty-two shall not apply.
- (8) The power conferred by section twenty-seven on a justice of the peace shall be exercisable also by the sheriff.

32. The enactments mentioned in the Second Schedule to this Act shall be repealed to the extent specified in the third column of that Schedule. Repeal

33.—(1) This Act may be cited as the Betting and Lotteries Act, 1934. Short title,
commence-
ment and
extent.

(2) Sections five to ten, sections eighteen and twenty and sections twenty-nine to thirty-one of this Act shall come into operation forthwith, and Part II of this Act and (except in so far as it effects the repeal of any provision of the Racecourse Betting Act, 1928), section thirty-two of this Act shall come into operation on the first day of January, nineteen hundred and thirty-five, but save as aforesaid this Act shall come into operation on the first day of July, nineteen hundred and thirty-five.

- (3) This Act does not extend to Northern Ireland.

SCHEDULES.

Sections 7,
11 and 16.

FIRST SCHEDULE.

PROVISIONS REGULATING THE ESTABLISHMENT AND OPERATION OF TOTALISATORS ON DOG RACECOURSES.

1. A totalisator set up under this Act on a dog racecourse shall be a mechanically or electrically operated apparatus complying with such conditions as a Secretary of State may by regulations prescribe.

2. The person, whether the occupier of the track or a person authorised in writing by the occupier, by whom the totalisator is operated (in this Schedule referred to as "the operator") shall take all such steps as are necessary to secure that, so long as the totalisator is in use, it is in proper working order and is properly operated.

3. The operator shall, before receiving any bets in connection with any race, post in a conspicuous position on the track a notice showing the minimum stake (hereinafter referred to as the "betting unit") which will be accepted at the totalisator from persons betting on that race, and shall distribute or cause to be distributed the whole of the moneys staked on any race or races by means of the totalisator among the persons winning bets made by means of the totalisator on that race or those races, after deducting or causing to be deducted such percentage not exceeding six per cent. as he may have specified in the said notice :

Provided that—

- (a) where the number of pence in the amount payable in respect of each betting unit staked by a person winning a bet is not exactly divisible by three, then—
 - (i) if the remainder does not exceed three halfpence, it may be retained by the operator; but
 - (ii) if the remainder exceeds three halfpence, the amount payable in respect of each betting unit staked by the said person shall be deemed to be increased to the next greater number of pence which is so divisible; and
- (b) the terms on which the operator invites persons to bet by means of the totalisator may include a condition entitling the operator to retain any sum payable to a person winning a bet, unless the money won on the

bet is claimed before such time, not being earlier than forty-eight hours after the conclusion of the race, or as the case may be, of the last of the races, in connection with which the bet was made, as may have been specified in the notice aforesaid.

1st Sch.
—cont.

4. The licensing authority shall appoint a qualified accountant, who shall be charged with the duty of examining and certifying the accounts relating to the operation of the totalisator, and, after consultation with the accountant so appointed, the licensing authority shall appoint also an experienced mechanic who shall act as technical adviser to the accountant and shall be charged with the duty of advising him as to the condition of the totalisator and all matters connected with the operation thereof.

5. The accountant and the mechanic appointed by the licensing authority under the last foregoing paragraph shall hold office on such terms (including terms as to remuneration) as may, subject as hereinafter provided, be determined by the licensing authority after consultation with the holder of any licence for the time being in force in respect of the track in connection with which the appointment is made, and the remuneration of the accountant and the mechanic shall be payable by the licensing authority; but so much of the remuneration paid to the accountant and to the mechanic, in respect of the performance of their functions under this Schedule in relation to the totalisator as is attributable to any period during which any person held a licence in force in respect of the track on which the totalisator is set up, shall be recoverable by the licensing authority as a debt due to them from that person :

Provided that the terms on which any accountant is appointed as aforesaid shall include a term that on every appointed day either he or a servant of his authorised in that behalf by him in writing must be in attendance at the totalisator during such period or periods as may before that day have been notified to him in writing by the operator.

6. The totalisator shall not be operated at any time when neither the accountant nor a servant of the accountant authorised in that behalf by him in writing is present.

7. The accountant and his technical adviser and their respective servants authorised in that behalf in writing may, at all reasonable times, enter the premises in which the totalisator is set up, and examine any part of the mechanism and test and watch the working thereof, and may require the operator and any servant of his to give to them all such information, and to produce to them all such accounts, books and other documents,

1ST SCH.
—cont.

as they deem necessary for the purpose of ascertaining whether the provisions of this Schedule are being complied with.

Every person who—

- (a) obstructs the accountant or his technical adviser or any duly authorised servant of either of them in the exercise of any of the powers conferred on him by this paragraph; or
- (b) neglects or refuses to give to any such person as aforesaid any such information, or to produce to him any such document, as may have been called for by him in pursuance of this paragraph; or
- (c) knowingly gives to any such person as aforesaid any information which is false or misleading,

shall be guilty of an offence and liable on summary conviction to a fine not exceeding fifty pounds.

8. The operator shall, within seven days after the close of each month, submit to the accountant for examination by him a complete statement of accounts for that month, giving all such information as he may require for the purpose of ascertaining whether the provisions of this Schedule have been complied with.

9. The accountant shall examine the statements of accounts so submitted to him and shall, as often as he thinks proper, consult with his technical adviser and carry out, or cause to be carried out, such inspections as either of them deem necessary for the purpose of ascertaining whether the provisions of this Schedule are being complied with, and shall forthwith make a report to the licensing authority if he has reason to believe that the totalisator no longer complies with the prescribed conditions, or is not being kept in proper working order, or is not being properly operated, or if in his opinion any of the provisions of this Schedule are not being complied with.

10. The accountant shall retain for a period of two years all statements of account so submitted to him as aforesaid and shall at any time during that period give facilities for their examination by any person authorised in that behalf by the licensing authority.

11. Without prejudice to his duties under the preceding paragraphs, the accountant shall, as soon as may be after the close of each calendar year, audit the accounts of the operator for the year and, if such be the fact, shall certify thereon that satisfactory statements of account have been submitted to him monthly in accordance with the provisions of paragraph 8 of this Schedule and have been examined by him, and that to the best of his information and belief, formed after consultation

with his technical adviser, the accounts for the year are complete and accurate and the totalisator complies with the prescribed conditions and has throughout the year been maintained in proper working order and properly operated in accordance with the provisions of this Schedule; and the operator shall forthwith cause the accounts and certificate to be printed and shall transmit two copies thereof to the licensing authority, who shall cause one of those copies to be deposited at their offices for inspection at any time during office hours by any member of the public free of charge :

1st Sch.
—cont.

Provided that, where the licensing authority are a joint committee appointed in accordance with the provisions of section five of this Act, the operator shall transmit to the licensing authority such number of copies of the accounts and certificate as are sufficient to enable the licensing authority to keep one copy at their offices for the purpose of record and to deposit for inspection as aforesaid one copy at their offices and one copy at the offices of each of the councils by whom the licensing authority were appointed.

12. For the purposes of this Schedule the expression "qualified accountant" means a person being a member of one or more of the following bodies, that is to say :—

- The Institute of Chartered Accountants in England and Wales ;
- The Society of Incorporated Accountants and Auditors ;
- The Society of Accountants in Edinburgh ;
- The Institute of Accountants and Actuaries in Glasgow ;
- The Society of Accountants in Aberdeen ;
- The London Association of Certified Accountants, Limited ;
- The Corporation of Accountants, Limited.

SECOND SCHEDULE.

Section 32.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
10 Will. 3. c. 23.*	An Act for Suppressing of Lotteries.	The whole Act.
9 Anne c. 6	The Lotteries Act, 1710	The whole Act.

* c. 17 in Ruffhead.

2ND SCH.
—cont.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
8 Geo. 1. c. 2 -	The Lotteries Act, 1721 -	The whole Act.
9 Geo. 1. c. 19	The Lotteries Act, 1722 -	Sections four and five.
6 Geo. 2. c. 35	The Lotteries Act, 1732 -	The whole Act.
12 Geo. 2. c. 28.	The Gaming Act, 1738 -	Section one; in section two, the words "Games or" and the words from "by cards" to the end of the section; section three; in section four, the word "such" where that word first occurs, and the words from "and all such" to the end of the section; sections five to seven and section nine.
42 Geo. 3. c. 119.	The Gaming Act, 1802 -	The whole Act.
46 Geo. 3. c. 148.	The Lotteries Act, 1806 -	The whole Act.
4 Geo. 4. c. 60	The Lotteries Act, 1823 -	The whole Act.
6 & 7 Will. 4. c. 66.	The Lotteries Act, 1836 -	The whole Act.
8 & 9 Vict. c. 74.	The Lotteries Act, 1845 -	The whole Act.
61 & 62 Vict. c. 46.	The Revenue Act, 1898 -	In paragraph (ii) of section one the words "the Lotteries Act, 1836, " or," the word "other" where it secondly occurs, and the word "foreign."
18 & 19 Geo. 5. c. 41.	The Racecourse Betting Act, 1928.	Section four.

CHAPTER 59.

An Act to amend the enactments relating to the relief of the poor in England and Wales so as to secure uniformity throughout Great Britain in the provisions relating to the disregarding of sick pay, maternity benefit, and wounds or disability pensions. [16th November 1934.]

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

1. Section forty-eight of the Poor Law Act, 1930, (which makes provision as to the matters to be disregarded in granting outdoor relief to members of friendly societies and certain other persons) shall have effect subject to the following amendments, that is to say :—

Amendment
of 20 & 21
Geo. 5. c. 17.
s. 48.

(a) in subsection (1) of the said section after the words " friendly society " wherever those words occur therein, there shall be inserted the words " or trade union " ;

(b) at the end of the said section there shall be inserted the following subsections, that is to say :—

" (3) The last foregoing subsection shall not apply to maternity benefit and in granting outdoor relief to any person the council of a county or county borough shall not take into consideration any maternity benefit under the National Health Insurance Acts, 1924 to 1932, except any increase of such benefit by way of additional benefit and any second maternity benefit.

(4) In granting outdoor relief to any person the council of a county or county borough shall not take into consideration any wounds or disability pension received by any person whose resources are taken into account in relieving him, except so far as it exceeds one pound a week.

(5) In this section the expression 'wounds or disability pension' means any retired pay or pension to which section sixteen of the Finance Act, 1919, applies."

9 & 10
Geo. 5. c. 32.

Citation,
repeal,
extent and
commence-
ment.

22 & 23
Geo. 5. c. 54.

2.—(1) This Act may be cited as the Poor Law Act, 1934, and the Poor Law Act, 1930, and this Act may be cited together as the Poor Law Acts, 1930 and 1934.

(2) Paragraph (a) of subsection (1) of section one of the Transitional Payments (Determination of Need) Act, 1932, so far as it applies to the granting of outdoor relief under the enactments relating to the poor law is hereby repealed.

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

(4) This Act so far as it relates to wounds or disability pensions and to the Transitional Payments (Determination of Need) Act, 1932, shall come into operation on such date as the Minister of Health may by order appoint.



TABLE II.

A

TABLE

OF

THE TITLES OF THE MEASURES

PASSED BY THE NATIONAL ASSEMBLY OF THE CHURCH
OF ENGLAND WHICH RECEIVED THE ROYAL
ASSENT DURING THE SESSION.

[24 & 25 GEORGE 5.]

ROYAL ASSENT, 22ND JUNE, 1934.

- No. 1.** A Measure to amend the Clerical Disabilities Act, 1870, by enabling clerks in Holy Orders who have availed themselves of that Act to resume the position of officiating ministers. (*Clerical Disabilities Act, 1870 (Amendment).*)

ROYAL ASSENT, 31ST JULY, 1934.

- No. 2.** A Measure to amend and declare the law relating to the publication of Banns of Marriage and for purposes connected therewith. (*Banns of Marriage.*)
- No. 3.** A Measure to amend the law relating to Cathedral Churches. (*Cathedrals (Amendment).*)

M E A S U R E S

PASSED BY THE NATIONAL ASSEMBLY OF THE
CHURCH OF ENGLAND WHICH RECEIVED
THE ROYAL ASSENT DURING THE
YEAR 1934.

24 & 25 GEO. 5.

No. 1.

A MEASURE passed by the National Assembly
of the Church of England.

To amend the Clerical Disabilities Act, 1870, by
enabling clerks in Holy Orders who have availed
themselves of that Act to resume the position
of officiating ministers. [22nd June 1934.]

1.—(1) Any person who has relinquished the rights, privileges, advantages and exemptions of the office of minister in the Church of England in the manner provided by the Clerical Disabilities Act, 1870 (in this Measure referred to as “the Act”) may at any time after the deed of relinquishment executed by him has been recorded in the registry of a diocese present to the archbishop of the province in which such diocese is situate a petition in writing setting forth—

Procedure
to effect
vacation of
enrolment
and record
of deeds of
relinquish-
ment.
33 & 34 Vict.
c. 91.

- (i) the circumstances and reasons in and for which he executed the deed of relinquishment;
- (ii) the nature of the work or employment upon or in which he has been engaged, and the place or places in which he has resided subsequently to executing the deed of relinquishment;
- (iii) the circumstances and reasons in and for which he wishes to resume the position of an officiating minister.

(2) Such petition shall be verified by a statutory declaration delivered to the archbishop with the petition.

(3) The archbishop to whom a petition is presented under this Measure shall after consultation with the bishop of the diocese, not being his own diocese, in which the deed of relinquishment has been recorded, and after such other inquiry and consultation as he shall deem necessary, communicate his decision to the petitioner, and may, if he shall think fit, either forthwith or after an interval, by writing under his hand and archiepiscopal seal, request the vacation of the enrolment of the deed of relinquishment executed by the petitioner.

(4) Upon the production of such request such enrolment shall, subject to any rules of court being complied with, be vacated as if such vacation had been ordered by the High Court.

(5) After the vacation of the enrolment of a deed of relinquishment under this Measure, the bishop of the diocese in the registry of which such deed is recorded shall cause the vacation of the enrolment thereof to be likewise recorded in such registry, and thereupon, with respect to the person who has executed the deed, the consequences mentioned in paragraphs (1) and (3) of section four of the Act shall, subject to the provisions of this Measure, cease to have effect.

Position of
 clerk after
 vacation of
 enrolment
 and record
 of such
 vacation.

2.—(1) A clerk in Holy Orders who has executed a deed of relinquishment, the vacation of the enrolment of which has been recorded under this Measure, shall, during a period of two years after the date of the recording of the vacation, be incapable of holding any benefice or other preferment including the office of a curate licensed under seal, but, subject as aforesaid, may to such extent and under such conditions as the bishop of any diocese may determine, officiate as a minister in such diocese under the permission of such bishop.

(2) After the said period of two years such clerk shall be capable of holding any benefice or other preferment as aforesaid in any diocese, subject to the consent of the bishop of such diocese being first obtained, and so that a consent given under this subsection may be either a general consent or consent given in respect of some particular benefice or preferment.

3.—(1) A copy of the record in the registry of a diocese of the vacation under this Measure of the enrolment of a deed of relinquishment duly extracted and certified by the registrar of the diocese shall be evidence of such vacation and of the recording of such vacation. Copy of record to be evidence.

(2) The registrar of the diocese shall, on the application of the clerk in Holy Orders concerned, give to him a copy of such record duly extracted and certified, on payment of a fee not exceeding ten shillings.

4. In this Measure the terms “the Church of England,” “minister,” “preferment,” “bishop” and “diocese” have the same meaning as in the Act. Interpretation.

5. This Measure may be cited as the Clerical Disabilities Act, 1870 (Amendment) Measure, 1934. Short title.

No. 2.

A MEASURE passed by the National Assembly
of the Church of England.

To amend and declare the law relating to the publication of Banns of Marriage and for purposes connected therewith.

[31st July 1934.]

1.—(1) Whenever upon any Sunday in any church or other building in which banns of marriage may for the time being lawfully be published a clerk in Holy Orders does not officiate at the service at which it is usual in that church or building to publish banns, then such publication may be made therein either (a) by a clerk in Holy Orders at some other service at which banns of marriage may lawfully be published, or (b) by a layman, but in the latter case only if the following conditions are complied with (that is to say) :— Publication of banns by lay persons in certain cases.

(i) Such publication must be made during the course of a public reading authorised by the

bishop of a portion or portions of the service of Morning or Evening Prayer, such public reading being at the hour when the service at which it is usual to publish banns is commonly held, unless the bishop shall authorise otherwise;

- (ii) The incumbent or minister in charge of the said church or building, or some other clerk in Holy Orders nominated in that behalf by the bishop, must before the first of such publications have made or authorised to be made the requisite entry in the register book of banns of the said church or building.

4 Geo. 4.
c. 76.

(2) Whenever a layman shall have published banns of marriage under this Measure he shall sign the register book of banns kept under section six of the Marriage Act, 1823, and for that purpose shall be deemed to be the officiating minister within the meaning of that section, and a certificate of due publication of such banns signed by the incumbent or minister in charge of the church or other building in which the publication shall have been made or by some other clerk in Holy Orders nominated in that behalf by the bishop shall be equivalent to a like certificate given by a clerk in Holy Orders who has published banns.

8 Edw. 7.
c. 26.

(3) Except under and subject to the express provisions of this Measure and except as provided by section one of the Naval Marriages Act, 1908, it shall not be lawful for any person other than a clerk in Holy Orders to publish banns of marriage.

Extent.

2. This Measure shall apply to the whole of the Provinces of Canterbury and York except the Channel Islands and the Isle of Man, but may be applied to the Channel Islands as defined in the Channel Islands (Church Legislation) Measure, 1931, or either of them, in accordance with that Measure.

Short title.

3. This Measure may be cited as the Banns of Marriage Measure, 1934.

No. 3.

A MEASURE passed by the National Assembly
of the Church of England.

To amend the law relating to Cathedral Churches.

[31st July 1934.]

1. Without prejudice to the generality of the provisions of section two of the Cathedrals Measure, 1931, (in this Measure referred to as “the principal Measure”) defining the principal function of the Cathedral Commissioners for England (in this Measure referred to as “the Commissioners”) a scheme under the principal Measure may contain all or any of the following provisions, that is to say :—

General provisions as to schemes under the principal Measure.

- (i) such scheme may provide that any body of persons to whom this paragraph applies shall be a body corporate with perpetual succession and a common seal with power to hold land including rights of patronage to the extent defined by such scheme without licence in mortmain ;

This paragraph shall apply to every cathedral chapter established under the principal Measure, and to every other cathedral chapter established in a cathedral church which is not a body corporate or which being a body corporate should, in the opinion of the Commissioners, be re-incorporated, to every cathedral council established under the principal Measure, and to every other body established under the principal Measure or otherwise in a cathedral church ;

- (ii) such scheme may (subject in any case where a cathedral council is established under section eleven of the principal Measure to the provisions of subsection (5) of that section) determine the body by which the powers and duties conferred and imposed by the principal Measure upon the

consenting body of the cathedral church to which the scheme relates shall be exercised and performed;

- (iii) such scheme may, where the dean and chapter of the cathedral church to which the scheme relates as at present constituted consists of the dean and all the canons and prebendaries (whether residentiary or not), provide either that the body so constituted shall act both as the general cathedral chapter and as the administrative chapter, or that the administrative chapter shall consist of the dean and such of the canons and prebendaries as may be laid down by the scheme;
- (iv) such scheme may determine or provide for regulating from time to time the number of residentiary canonries in the cathedral church to which the scheme relates and give effect to such determination by such creation, suppression or suspension of residentiary canonries as may be requisite, and so that after the scheme has become effectual in law any existing statutory determination of the number of residentiary canonries in such cathedral church (whether contained in the schedule to the Ecclesiastical Commissioners Act, 1840, or in any other statute or Measure) shall cease to apply to such cathedral church;
- (v) such scheme may determine or provide for regulating from time to time the number, or the maximum and minimum numbers, of minor canonries in the cathedral church to which the scheme relates, and so that after such scheme has become effectual in law the provisions of the Ecclesiastical Commissioners Act, 1840, and of any regulations made thereunder fixing such number or such maximum and minimum numbers shall cease to apply to such cathedral church.

3 & 4 Vict.
c. 113.

Provisions
as to
schemes
relating to

2.—(1) In their application to a parish the parish church of which is a cathedral church, the Parochial Church Councils (Powers) Measure, 1921, and the Rules for the Representation of the Laity contained in the

Representation of the Laity Measure, 1929, shall have effect subject to the provisions of any scheme under the principal Measure relating to such cathedral church. parish church cathedrals.

(2) Such scheme may also provide—

(a) for the abolition of the jurisdiction of the consistory court of the diocese over such cathedral church and the churchyard thereof in respect of the granting of faculties;

(b) for conferring on the cathedral chapter or on the cathedral council of such cathedral church or on any other similar body established therein, or partly on one and partly on another of those bodies, but subject to any limitations or conditions expressed in the scheme, all or any of such powers in respect of the fabric, monuments, and ornaments of the cathedral church, and alterations of and additions to the same, and matters connected therewith, and in respect of the churchyard, as are commonly exercisable by the cathedral chapter in cathedral churches which are not parish churches; and

(c) for making any chapel or other part of such cathedral church exclusively parochial and for conferring and imposing on the parochial church council of the parish to the exclusion of any other body any powers, duties and liabilities in connection therewith.

3. In calculating the income of a dean or a canon for the purposes of section sixty-six of the Ecclesiastical Commissioners Act, 1840, and any Order in Council made thereunder, any share of the dean or the canon in any grant made under section twenty of the principal Measure shall not be taken into account, nor, if a scheme under the principal Measure so provides, shall there be taken into account any sum paid under the scheme in augmentation of the income. Calculation of income under section 66 of 3 & 4 Vict. c. 113.

4.—(1) No sale or other disposition whether made for valuable consideration or not (including a sale or disposition giving effect to an antecedent contract) of any real or personal property subject to compulsory Transfers of property by minor corporations.

transfer under section thirteen of the principal Measure shall be valid unless such disposition, in addition to complying with all other conditions imposed by law, shall be made with the consent of the Ecclesiastical Commissioners and the cathedral chapter of the cathedral church concerned respectively.

(2) After the passing of this Measure an affected sale or other disposition of any such property made in breach of the preceding subsection before the compulsory transfer thereof is carried out shall be void.

Provisions
as to loans
under
section 59
of 3 & 4
Vict. c. 113.

5.—(1) Where a scheme under the principal Measure provides for transferring to and vesting any residence house attached to any dignity or office in a cathedral church in the cathedral chapter, or provides that the liability for the structural repairs of any such house shall be borne by the cathedral chapter, the following provisions shall have effect (that is to say)—

- (i) if at the time when the scheme comes into operation there is outstanding any loan for the building, enlarging or otherwise improving of the house made by Queen Anne's Bounty under the existing statutory provisions, the liability for the loan shall, if the scheme so provides, be transferred to the cathedral chapter, and the loan shall become charged on the capitular revenues instead of on the revenues and possessions of the dignity or office;
- (ii) after the scheme comes into operation the existing statutory provisions shall be extended so as to authorise loans by Queen Anne's Bounty to the cathedral chapter for building or purchasing new houses of residence for occupation by holders of dignities or offices in the cathedral church, or for re-building, enlarging or otherwise improving either such houses or any house transferred to the cathedral chapter, or for the structural repairs of which the cathedral chapter has become liable as aforesaid;
- (iii) all such loans shall be made upon the security of the capitular revenues in accordance *mutatis mutandis* with the existing statutory provisions, including the provisions transferring mortgages

or charges to the purchase money in the event of a sale, and so that in addition to any other remedies the Ecclesiastical Commissioners may in the event of any interest or any instalment of principal payable in respect of any such loan being in arrear and unpaid for thirty days, on receiving an application from Queen Anne's Bounty, pay the amount in arrear to Queen Anne's Bounty out of any money payable by them to the cathedral chapter.

(2) In this section the expression "existing statutory provisions" means the provisions of section fifty-nine of the Ecclesiastical Commissioners Act, 1840, and such of the provisions of the Loans (Incumbents of Benefices) Amendment Act, 1918, and of the Acts mentioned in the First Schedule thereto as are applicable to a loan made under the said section of the said first-mentioned Act.

8 & 9 Geo. 5.
c. 42.

6. Section three of the principal Measure (which relates to consenting bodies of cathedral churches) shall have effect as if the cathedral church of Liverpool had never been inserted in the Second Schedule to the principal Measure, and as if the following paragraph had always been inserted between paragraphs (ii) and (iii) of subsection (1), namely:—

Consenting
body of
Liverpool
Cathedral.

"(iia) In the case of the cathedral church of Liverpool the principal chapter as defined by the statutes of that cathedral church established under an Order in Council dated the 29th day of June, 1931; and"

7. If a cathedral chapter of the cathedral church of Newcastle shall be established by a scheme under the principal Measure and constituted a body corporate with powers to hold rights of patronage, such cathedral chapter shall for all the purposes of section twelve of the Newcastle Chapter Act, 1884, (which relates to the transfer of the patronage of benefices in the diocese of Newcastle) be deemed to be the dean and chapter of Newcastle mentioned in that section.

Provisions
relating to
patronage
of certain
benefices in
the diocese
of New-
castle.
47 & 48 Vict.
c. 33.

8. The proviso to section nineteen of the Ecclesiastical Commissioners Act, 1850, (which imposes a limitation upon the value of the benefice which may be held by the dean of a cathedral church) shall have effect

Amendment
of proviso
to section 19
of 13 & 14
Vict. c. 94.

as if the words “except with the consent of the bishop and of the Ecclesiastical Commissioners” were added at the end thereof.

Section 12 of the principal Measure not to apply to Durham cathedral.

9. Section twelve of the principal Measure shall not apply to land forming part of the endowment of the Cathedral Church of Durham.

Transfer of stock.

10. The following provisions shall be added to section sixteen of the principal Measure (that is to say):—

“The production of a copy of such scheme purporting to be sealed with the common seal of the Commissioners shall be sufficient authority to any company in whose books any stock transferred by such scheme is standing to transfer the stock into the name of the transferee named in such scheme and to pay the dividends thereon to such transferee, and such stock shall be transferred and such dividends paid accordingly.

‘Company’ includes the Bank of England and any company or person keeping books in which any stock is registered or inscribed.

‘Stock’ includes any share, annuity or other security.”

Interpretation.

11. In this Measure—

the expression “churchyard” includes a closed churchyard;

the expression “minor canonry” includes the office held by any clerk in Holy Orders, however designated, who performs the duties of a minor canon in a cathedral church.

Short title, &c.

12. This Measure may be cited as the Cathedrals (Amendment) Measure, 1934, and shall be construed as one Measure with the principal Measure, and these Measures may be cited together as the Cathedral Measures, 1931 and 1934.

TABLE III.

Showing the EFFECT of the LEGISLATION of the THIRD
SESSION of the THIRTY-SIXTH PARLIAMENT of the
UNITED KINGDOM OF GREAT BRITAIN AND
NORTHERN IRELAND.

(NOVEMBER 21, 1933—NOVEMBER 16, 1934.)

FORMER ACTS (IN CHRONOLOGICAL ORDER) REPEALED OR AMENDED BY ENACTMENTS OF 24 & 25 GEO. 5.

Session and Chapter.	Short Title.	How affected.	Chapter of 24 & 25 Geo. 5.
10 Will. 3 : c. 23 -	Act for suppressing of Lotteries.	Repealed except as to N.I.	c. 58, ss. 32, 33 (2) (3), sch. 2.
8 Anne : c. 18 -	Landlord and Tenant Act, 1709.	S. 1 excluded and substituted.	53, ss. 134, 193 (3).
9 Anne : c. 6 -	Lotteries Act, 1710	Repealed except as to N.I.	c. 58, ss. 32, 33 (2) (3), sch. 2.
8 Geo. 1 : c. 2 -	Lotteries Act, 1721	Repealed except as to N.I.	c. 58, ss. 32, 33 (2) (3), sch. 2.
9 Geo. 1 : c. 19 -	Lotteries Act, 1722	Ss. 4, 5 repealed except as to N.I.	c. 58, ss. 32, 33 (2) (3), sch. 2.
6 Geo. 2 : c. 35 -	Lotteries Act, 1732	Repealed except as to N.I.	c. 58, ss. 32, 33 (2) (3), sch. 2.
12 Geo. 2 : c. 28 -	Gaming Act, 1738 -	Ss. 1, 3, 5-7, 9 repealed, 2, 4 repealed in part, except as to N.I.	c. 58, ss. 32, 33 (2) (3), sch. 2.
42 Geo. 3 : c. 119 -	Gaming Act, 1802 -	Repealed except as to N.I.	c. 58, ss. 32, 33 (2) (3), sch. 2.
46 Geo. 3 : c. 148 -	Lotteries Act, 1806	Repealed except as to N.I.	c. 58, ss. 32, 33 (2) (3), sch. 2.
1 & 2 Geo. 4 : c. 54 -	Clerk of Assize (Ireland) Act, 1821.	S. 2, statutory salary in part restored.	24.

Session and Chapter.	Short Title.	How affected.	Chapter of 24 & 25 Geo. 5.
4 Geo. 4: c. 60 - c. 76 -	Lotteries Act, 1823 Marriage Act, 1823	Repealed except as to N.I. Publication of banns by lay persons; extension of s. 6. <i>See</i> Banns of Marriage Measure (24 & 25 Geo. 5. No. 2).	c. 58, ss. 32, 33 (2) (3), sch. 2.
7 & 8 Geo. 4: c. 53 -	Excise Management Act, 1827.	S. 69 applied (spirit duty) -	32, s. 12 (2).
1 & 2 Will. 4: c. 55 -	Illicit Distillation (Ireland) Act, 1831.	Constitution of court— <i>see</i> -	32, s. 15.
2 & 3 Will. 4: c. 116 -	Lord Lieutenants' and Lord Chancellors' Salaries (Ireland) Act, 1832.	S. 3 (as adapted to Governor of N.I.)— <i>see</i>	24.
3 & 4 Will. 4: c. 42 - c. 90 -	Civil Procedure Act, 1833. Lighting and Watching Act, 1833.	Ss. 28-9 repealed - - Further lighting powers— <i>see</i>	41, s. 3 (2). 50, s. 23.
4 & 5 Will. 4: c. 70 -	House of Commons Officers Act, 1834.	S. 1, Speaker's salary in part restored.	24.
6 & 7 Will. 4: c. 66 -	Lotteries Act, 1836	Repealed except as to N.I.	c. 58, ss. 32, 33 (2) (3), sch. 2.
1 & 2 Vict. : c. 55 - c. 118 -	Act as to City of Edinburgh. Court of Session (No. 2) Act, 1838.	S. 33 repealed - - - S. 24, statutory salary of Auditor of Accounts in part restored.	v, schedule (s. 368, sch. 13, and <i>see</i> s. 204). 24.
3 ^d & 4 Vict. : c. 113 -	Ecclesiastical Commissioners Act, 1840.	S. 30 excluded - - - Ss. 59, 66 amended, s. 45 and sch. prosp. excluded, by Cathedrals (Arndt.) Measure (24 & 25 Geo. 5. No. 3, ss. 1 (iv), (v), 3, 5).	xxiv, s. 4.
8 & 9 Vict. : c. 16 - c. 18 -	Companies Clauses Consolidation Act, 1845. Lands Clauses Consolidation Act, 1845.	Excluded - - - - Act applicable, ss. 84-90 restricted. Applied - - - -	28, s. 26 (1). 20, ss. 3 (3) (7), 12 (2). 53, ss. 34 (2), 193 (3).

Session and Chapter.	Short Title.	How affected.	Chapter of 24 & 25 Geo. 5.
8 & 9 Vict. : c. 19 -	Lands Clauses Consolidation (Scotland) Act, 1845.	Ss. 83-8 restricted - -	20, ss. 3 (7), 11 (2), 12 (2).
c. 74 -	Lotteries Act, 1845	Repealed except as to N.I.	c. 58, ss. 32, 33 (2) (3), sch. 2.
c. 83 -	Poor Law (Scotland) Act, 1845.	Ss. 72 repealed, 55, 70, 73-4 amended, 71, 75 excluded; rules, &c., under s. 64 in part revoked.	52, ss. 3 (1) (2), 5, 6, 9 (2), 11 (2), 16, 17 (1) (2), 18 (3),* sch.
9 & 10 Vict. : c. 48 -	Art Unions Act, 1846.	Amended and saved, except as to N.I.	58, ss. 25, 33 (2) (3).
c. 93 -	Fatal Accidents Act, 1846.	Extended, &c. - - -	41, ss. 1 (5), 2.
10 & 11 Vict. : c. 15 -	Gasworks Clauses Act, 1847.	S. 13 amended; Act in part applied; provision for applying Act by special order.	28, ss. 6 (5) (b), 7, 9 (3), 17 (4), 36 (2) (3).
c. 17 -	Waterworks Clauses Act, 1847.	Ss. 28-34 applied - - - Act applicable, ss. 28-34 applicable by order. Ss. 19-28, 30-4 applicable by order.	15, ss. 1 (4), 8. . 20, ss. 2 (a), . 3 (3), 12 (2). 36, s. 3 (1).
12 & 13 Vict. : c. 45 -	Quarter Sessions Act, 1849.	Applied - - - -	58, ss. 16 (2),* 33 (2).
13 & 14 Vict. : c. 94 -	Ecclesiastical Commissioners Act, 1850.	S. 19 amended by Cathedrals (Amdt.) Measure (24 & 25 Geo. 5. No. 3, s. 8).	
16 & 17 Vict. : c. 119 -	Betting Act, 1853 -	Excluded (E. S.) - - -	58, ss. 12, 33 (2) (3).
c. 137 -	Charitable Trusts Act, 1853.	Excluded - - - - Ss. 37-40 saved - - -	43, s. 7. 53, ss. 192 (5) (a), 193 (3) (replacing c. 40, s. 2 (2), sch. Part III).
17 & 18 Vict. : c. 80 -	Registration of Births, Deaths and Marriages (Scotland) Act, 1854.	Ss. 36 and in part 26 repealed, 6 extended (Jan. 1, 1935).	19, ss. 1-3, 5, 6, 7 (2).
c. 91 -	Lands Valuation (Scotland) Act, 1854.	S. 20 amended (name and appointment of assessor), s. 29 applied.	22, ss. 1, 3.
18 & 19 Vict. : c. 120 -	Metropolis Management Act, 1855.	Ss. 58-9, 203 and in part 202 repealed.	xl, s. 76, sch.

Session and Chapter.	Short Title.	How affected.	Chapter of 24 & 25 Geo. 5.
20 & 21 Vict.: c. 77 -	Court of Probate Act, 1857.	Ss. 56-7 in part and 58 repealed (prosp.). Ss. 55-7 repealed (prosp.) -	17, ss. 34 (2), 35 (4), sch. 5 Part II. 53, s. 193, sch. 5.
22 Vict.: c. 26 -	Superannuation Act, 1859.	Applied, s. 10 excluded -	53, ss. 21 (1) (2) (4) (5), 191 (w), 193 (3).
24 & 25 Vict.: c. 47 -	Harbours and Passing Tolls, &c., Act, 1861.	Ss. 22-40 repealed (Rams-gate Harbour).	xcii, ss. 4, 5, 50.
26 & 27 Vict.: c. 87 -	Trustee Savings Banks Act, 1863.	S. 16 extended - . -	37, s. 1 (2).
27 & 28 Vict.: c. 55 -	Metropolitan Police Act, 1864.	S. 1 excluded (Middlesex) -	lxxxix, s. 147.
30 & 31 Vict.: c. 5 -	Dog Licences Act, 1867.	S. 8 applied (disqualification for cruelty), in Scotland.	25, ss. 3, 4 (2).
31 & 32 Vict.: c. 71 -	County Courts Admiralty Jurisdiction Act, 1868.	Ss. 3-5, 7, 10-6, 18-9, 23 in part, 26-8, 30-1, 33, 35-6 repealed, 8 repealed in part as replaceable by rules, ss. 2, 22, 24 amended, 32 applied (prosp.). Ss. 26-7, 32 modified (prosp.). Act repealed with savings, and transitional provisions (prosp.).	17, ss. 12, 14, 15 (2)-(4), 28 (1), 29, 30 (1) (d), 34, 35 (4), schs. 4, 5 (superseded by c. 53 below). 40, s. 2 (1), sch. Parts I, II (superseded by c. 53 below). 53, ss. 55 (3), 99 (3) (d), 190, 192 (2), 193, schs. 3, 4 Part III para. 8 and sch. 5.
c. 100 -	Court of Session Act, 1868.	S. 91 applied - . -	29, ss. 13 (2), 32 (6).
32 & 33 Vict.: c. 51 -	County Courts Admiralty Jurisdiction Amdt. Act, 1869.	Ss. 2-5 repealed (prosp.) - Act repealed (prosp.) -	17, ss. 14, 34, 35 (4), sch. 5. 53, s. 193, sch. 5.
c. 115 -	Metropolitan Public Carriage Act, 1869.	S. 8 (as amended, applied, &c.) amended.	50, ss. 39, 42 (3).
33 & 34 Vict.: c. 15 -	County Court (Buildings) Act, 1870.	S. 4 amended and saved (prosp.). Act repealed (prosp.) with saving.	17, ss. 4, 29, 34, 35 (4), schs. 4, 5. 53, ss. 192 (9), 193, sch. 5.
c. 91 -	Clerical Disabilities Act, 1870.	Power to resume clerical duties; vacation of enrolment, &c. See Measure, 24 & 25 Geo. 5. No. 1.	

Session and Chapter.	Short Title.	How affected.	Chapter of 24 & 25 Geo. 5.
34 & 35 Vict.: c. 41 -	Gasworks Clauses Act, 1871.	Ss. 12, 28-30, 33, 36, sch. A repealed in part, ss. 21-2 amended, 11, 22 saved, 11 (1) excluded; provision for applying Act by special order (prosp.) (E. S.).	28, ss. 6 (6), 9 (3), 17 (3), 20 (3) (5), 21, 33, 36 (2) (3), sch. 3 Part III.
35 & 36 Vict.: c. 51 -	Judges' Salaries Act, 1872.	Act repealed as to county court judges in England (prosp.).	53, s. 193, sch. 5.
c. 77 -	Metalliferous Mines Regulation Act, 1872.	Ss. 14, 19 applied - -	36, s. 7.
36 & 37 Vict.: c. 52 -	Intestates Act, 1873.	Act repealed as to England (prosp.).	17, ss. 34 (2), 35 (3) (4), sch. 5 Part II.
37 & 38 Vict.: c. 42 -	Building Societies Act, 1874.	S. 36 saved - - -	53, ss. 192 (5) (b), 193 (3) (replacing c. 40, s. 2 (2), sch. Part III).
38 & 39 Vict.: c. 27 -	Intestates Act, 1875.	Act repealed as to E. (prosp.).	17, ss. 34 (2), 35 (3) (4), sch. 5 Part II.
c. 55 -	Public Health Act, 1875.	Ss. 161, 276 excluded - -	50, s. 23.
39 & 40 Vict.: c. 36 -	Customs Consolidation Act, 1876.	Applied - - - -	31, ss. 1 (4), 2 (3), 6 (4), 7 (2).
c. 49 -	Burghs Gas Supply (Scotland) Act, 1876.	Applied - - - -	28, s. 34.
c. 56 -	Commons Act, 1876	S. 30 amended (prosp.) - -	40, s. 2 (1), sch. Part I.
c. 59 -	Appellate Jurisdiction Act, 1876.	S. 6, statutory salaries in part restored.	24.
c. 75 -	Rivers Pollution Act, 1876.	S. 5 extended - - - S. 11 amended (prosp.) - -	40, s. 1 (2). 40, s. 2 (1), sch. Part I.
40 & 41 Vict.: c. 2 -	Treasury Bills Act, 1877.	S. 6 excluded - - - S. 6 excluded - - -	3, s. 3 (2). 44, s. 2 (2).
c. 56 -	County Officers and Courts (Ireland) Act, 1877.	S. 86 (3), statutory salary in part restored.	24.
c. 57 -	Supreme Court of Judicature (Ireland) Act, 1877.	S. 18 (statutory salaries in part restored).	24.
41 & 42 Vict.: c. 76 -	Telegraph Act, 1878	S. 4 saved - - - -	53, ss. 192 (5) (c), 193 (3) (replacing c. 40, s. 2 (2), sch. Part III).

Session and Chapter.	Short Title.	How affected.	Chapter of 24 & 25 Geo. 5.
43 & 44 Vict.: c. 24 -	Spirits Act, 1880 -	S. 95 (5) excluded; s. 95 applicable by regulations to warehousing in bottles.	32, s. 13.
44 & 45 Vict.: c. 58 - (as amended).	Army Act - -	Continued, ss. 184B, 188 (2) added, 190 (27) substituted, 56 (5), 91 (1) (3) (4), 163 (1) (b), 190 (4) amended.	11, ss. 2, 4, 5, 7, sch. 2.
45 & 46 Vict.: c. 48 -	Reserve Forces Act, 1882.	S. 11 (1) excluded - -	5.
c. 81 -	Somersham Rectory Act, 1882.	Ss. 5, 9, 10, 12-4 repealed, 4, 7 amended, 11 explained.	xv, ss. 3-5, 15.
46 & 47 Vict.: c. 22 -	Sea Fisheries Act, 1883.	Ss. 12, 14 applied (as modified), s. 14 (2) amended.	18, ss. 3, 5.
c. 52 -	Bankruptcy Act, 1883.	Ss. 42, 122 (5) amended (prosp.). Ss. 42, 122, 127 repealed; s. 145 repealed as to certain sales (prosp.).	17, ss. 29, 35 (4), sch. 4. 53, s. 193, sch. 5.
47 & 48 Vict.: c. 33 -	Newcastle Chapter Act, 1884.	S. 12 amended (prosp.) by Cathedrals (Amdt.) Measure (24 & 25 Geo. 5. No. 3, s. 7).	
49 & 50 Vict.: c. 14 -	Marriage Act, 1886.	S. 1 amended - - -	13.
c. 27 -	Guardianship of Infants Act, 1886.	S. 10 saved - - -	53, ss. 192 (5) (d), 193 (3) (replacing c. 40, s. 2 (2), sch. Part III).
c. 57 -	Parliamentary Elections (Returning Officers) Act (1875) Amdt. Act, 1886.	S. 1 saved - - -	53, ss. 192 (5) (e), 193 (3) (replacing c. 40, s. 2 (2), sch. Part III).
50 & 51 Vict.: c. 16 -	National Debt and Local Loans Act, 1887.	Applied - - -	48, s. 1 (2).
c. 35 -	Criminal Procedure (Scotland) Act, 1887.	S. 45, statutory salaries in part restored.	24.
c. 67 -	Superannuation Act, 1887.	Applied, s. 4 (as amended) extended.	53, ss. 21, 29 (2) (4), 193 (3).
51 & 52 Vict.: c. 41 -	Local Government Act, 1888.	Ss. 16, 80 (3) repealed, 28 (2), 75 repealed in part, as to London. S. 30 extended - -	xl, s. 76, sch. 58, ss. 5 (1) (c), 33 (2).

Session and Chapter.	Short Title.	How affected.	Chapter of 24 & 25 Geo. 5.
51 & 52 Vict.: c. 43	County Courts Act, 1888.	<p>Ss. 110-2 applied (agric. holdings arbitrations). Ss. 5, 6, 26, 39, 58, 61, 68-71, 114-5, 127, 138-45, 169, 171, 173-4, 177-8 repealed, 4, 8, 11, 14-5, 18, 21, 27, 33-5, 41, 50, 54-5, 59, 60, 64, 67, 72, 102, 111-2, 118, 120-1, 126, 131, 146, 158-9, 162, 168, 175, 181, 185-6 repealed in part; ss. 22, 42-3, 73-7, 79, 80, 82, 84-5, 87-91, 101, 107-10, 113, 119, 130, 133 and in part ss. 33, 56, 59, 92-3, 106, 118, 129 repealed as replaceable by rules; ss. 3, 67 (1), 83, 166 substituted, provisions as to Lancaster in ss. 8, 18 substituted, certain references substituted; ss. 1, 10, 13, 23, 27-8, 31-2, 40-1, 48, 50-1, 54, 56-7, 59 (1), 60, 62-4, 72, 78, 93-4, 100, 104, 111, 121, 126, 137, 151, 157-8, 160-3, 175, 183, 186 amended; 20-1, 103, 120, 123, 153 applied, 164 extended, 8, 67, 120, 180 saved, 65, 105, 179 excluded (prosp.). S. 67 in part excluded Ss. 120, 122 amended, 120, 124 excluded (prosp.). Act repealed (prosp.) with savings and transitional provisions and with substitution of certain references.</p>	<p>14, ss. 18, 21 (7). 17, ss. 1, 2 (3) (4), 3 (10)-(12), 4 (1), 5 (1) (2), 6, 7, 8 (3), 14-5, 16 (4), 21 (7), 24, 26, 27-9, 30 (1), 31 (3), 32-3, 34, 35 (4), schs. 4, 5 (superseded on consolidation). 23, ss. 5 (2), 7 (2). 40, s. 2, sch. (superseded on consolidation). 53, ss. 48 (2), 99 (3) (d), 134 (8), 158 (m), 190, 192 (2) (4), 193, schs. 3-5.</p>
52 & 53 Vict.: c. 23	Herring Fishery (Scotland) Act, 1889.	S. 6 amended (and 1890 replacement repealed).	18, ss. 4 (1), 5-7, sch.
c. 30	Board of Agriculture Act, 1889.	S. 5 (2), statutory salary in part restored.	24.
c. 49	Arbitration Act, 1889.	Ss. 7 (b), 19, sch. 1 paras. (c) (e) and in part (d) repealed, (b) substituted and (j) (k) added, ss. 5 (c), 11-2 amended, 10 (2) applied, "award" defined (prosp.).	14, ss. 5 (1), 6 (3), 7, 10, 15, 21, sch. 3.
53 & 54 Vict.: c. 7	Commissioners for Oaths Amendment Act, 1890.	Act repealed (prosp.)	17, ss. 34 (2), 35 (4), sch. 5 Part II.
c. 10	Herring Fishery (Scotland) Act Amendment Act, 1890.	Act repealed	18, s. 7, sch.

Session and Chapter.	Short Title.	How affected.	Chapter of 24 & 25 Geo. 5.
53 & 54 Vict.: c. 37 -	Foreign Jurisdiction Act, 1890.	S. 5 extended - - -	49, s. 13 (2).
c. 71	Bankruptcy Act, 1890.	Ss. 12 as to certain sales and 28 repealed (prosp.).	53, s. 193, sch. 5.
54 & 55 Vict.: c. 8 -	Tithe Act, 1891 -	S. 7 amended (prosp.) -	40, s. 2 (1), sch. Part I.
c. 39 -	Stamp Act, 1891 -	S. 112 excluded (new Curnarder).	10, s. 2 (2).
c. 68 -	County Councils (Elections) Act, 1891.	S. 5 repealed as to London	xl, s. 76, sch.
c. 76 -	Public Health (London) Act, 1891.	Ss. 20 (5), 99 (3) repealed, 99 (4), 114, 117 (1), sch. 1 repealed in part.	xl, s. 76, sch.
55 & 56 Vict.: c. 23 -	Foreign Marriage Act, 1892.	S. 8 (2) amended - -	13.
c. 55 -	Burgh Police (Scotland) Act, 1892.	S. 412 in part repealed -	50, ss. 30, 42 (3).
56 & 57 Vict.: c. 12 -	Day Industrial Schools (Scotland) Act, 1893.	S. 4 applied - - -	29, ss. 14 (2), 32 (7).
c. 66 -	Rules Publication Act, 1893.	S. 1 excluded - - -	31, s. 4 (2).
c. 73 -	Local Government Act, 1894.	S. 1 excluded - - - S. 16 (rural water supplies) —see	54, s. 5 (2). 7.
57 & 58 Vict.: c. 15 -	Music and Dancing Licences (Middlesex) Act, 1894.	S. 2 (7) substituted - -	lxxxix, s. 149.
c. 30 -	Finance Act, 1894	S. 2 (1) (d) amended - -	32, s. 28.
c. 57 -	Diseases of Animals Act, 1894.	S. 31 repealed as to London County Council.	xl, ss. 3 (1), 76, sch.
c. 60 -	Merchant Shipping Act, 1894.	S. 496 (3) extended - - Ss. 547-9 repealed as to summary determination of salvage dispute in county court, ss. 555 amended, 165, 167, 544-5 saved (prosp.). Ss. 692-3 applied, 373 (5) excluded. Ss. 555 amended, 165, 167, 544-5 saved (prosp.).	14, ss. 16 (3) (4), 21 (5) (7). 17, ss. 13, 29, 34, 35 (4), schs. 4, 5. 18, ss. 1 (4) (5), 2. 53, ss. 56 (1) (c) (f) (8), 193 (3).
58 & 59 Vict.: c. 42 -	Sea Fisheries Regulation (Scotland) Act, 1895.	S. 10 (4)-(6) repealed -	18, s. 7, sch.
60 & 61 Vict.: c. 12 -	Railway Assessors (Scotland) Superannuation Act, 1897.	Act repealed - - -	22, ss. 3, 4.
c. 30 -	Police (Property) Act, 1897.	Applied (E. and N.I.) -	56, ss. 2 (4), 4 (3).
61 & 62 Vict.: c. 21 -	Poor Law (Scotland) Act, 1898.	S. 3 repealed - - -	52, s. 3 (1).

Session and Chapter.	Short Title.	How affected.	Chapter of 24 & 25 Geo. 5.
61 & 62 Vict.: c. 44 -	Merchant Shipping (Mercantile Marine Fund) Act, 1898.	S. 3 excluded (new Cu-narder).	10, s. 2 (1).
c. 46 -	Revenue Act, 1898	S. 1 (ii) in part repealed, except as to N.I.	c. 58, ss. 32, 33 (2) (3), sch. 2.
62 & 63 Vict.: c. 9 -	Finance Act, 1899	S. 8, "loan capital" restricted.	32, ss. 29, 30 (6).
c. 14 -	London Government Act, 1899.	Ss. 2 (7), 8 (1) (2) repealed, 2 (4) (5), 8 (3), sch. 2 Part II repealed in part.	xl, s. 76, sch.
c. 44 -	Small Dwellings Acquisition Act, 1899.	S. 5 (5), references substituted.	53, s. 48 (2).
63 & 64 Vict.: c. 46 -	Members of Local Authorities Relief Act, 1900.	Repealed as to London	xl, s. 76, sch.
c. 47 -	County Courts (Investment) Act, 1900.	Act repealed (prosp.) with transitional arrangements under rules.	17, ss. 21 (7), 34, 35 (4), schs. 3 (10), 5; and see c. 53, s. 153 (m).
c. 62 -	Colonial Stock Act, 1900.	Alternative to 3rd condition prescribed under s. 2 (Dominion stocks).	47.
1 Edw. 7: c. 22 -	Factory and Workshop Act, 1901.	Ss. 80-1 applied (as modified). Ss. 119, 121 applied, Act saved.	28, ss. 9 (4), 36 (2) (3). 42, ss. 13 (3), 15 (1) (5); and see s. 1 (4).
c. 35 -	Public Works Loans Act, 1901.	S. 3 (2) (Eyemouth) (repealed by S.L.R. Act, 1927)—see	48, s. 3.
2 Edw. 7: c. 17 -	Midwives Act, 1902.	S. 8 repealed in part as to London.	xl, s. 76, sch.
3 Edw. 7: c. 42 -	County Courts Act, 1903.	S. 5 repealed (prosp.) Act repealed (prosp.)	17, ss. 34 (2), 35 (4), sch. 5 Part II. 53, s. 193, sch. 5.
6 Edw. 7: c. 14 -	Alkali &c., Works Regulation Act, 1906.	S. 17 (5) amended (prosp.)	40, s. 2 (1), sch. Part I.
7 Edw. 7: c. 41 -	Whale Fisheries (Scotland) Act, 1907.	Saved - - - -	49, s. 17 (2).
8 Edw. 7: c. 26 -	Naval Marriages Act, 1908.	S. 1 saved by Banns of Marriage Measure (24 & 25 Geo. 5. No. 2, s. 1 (3)).	
c. 31 -	Whale Fisheries (Ireland) Act, 1908.	Saved - - - -	49, s. 17 (2).
c. 65 -	Summary Jurisdiction (Scotland) Act, 1908.	S. 49 saved - - - -	18, s. 1 (4).

Session and Chapter.	Short Title.	How affected.	Chapter of 24 & 25 Geo. 5.
9 Edw. 7: c. 10	Superannuation Act, 1909.	Applied, ss. 2 (as amended), 3, 6 (2) excluded.	53, ss. 21 (1)-(3) (5), 29, 191 (w), 193 (3).
1 & 2 Geo. 5: c. 49	Small Landholders (Scotland) Act, 1911.	S. 5 temporarily amended	35.
c. 50	Coal Mines Act, 1911.	Ss. 20-1 applied	36, s. 7.
c. 57	Maritime Conventions Act, 1911.	S. 5 repealed as to county courts (E.) (prosp.).	17, ss. 34, 35 (4), sch. 5.
2 & 3 Geo. 5: c. 3	Shops Act, 1912	Ss. 2 repealed, 3 (1) amended, 13-4 applied, s. 1, sch. 1 extended as modified, s. 17 extended, s. 1 (1) excluded.	42, ss. 9, 12, 13 (1) (4), 15 (1), 18 (2)-(4); and see s. 5 (6).
c. 14	Protection of Animals (Scotland) Act, 1912.	Power to disqualify for dog licence on conviction of cruelty to dog.	25.
c. 24	Shops Act, 1913	S. 1 (1) (a) restricted	42, s. 5 (5); and see s. 5 (6).
3 & 4 Geo. 5: c. 3	Provisional Collection of Taxes Act, 1913.	S. 2 applied	32, s. 21 (2).
c. 20	Bankruptcy (Scotland) Act, 1913.	S. 118 extended	23, ss. 3 (6) (a), 7 (2).
c. 27	Forgery Act, 1913	Definition of "forgery" applied.	49, s. 9.
c. 28	Mental Deficiency Act, 1913.	Ss. 28, 66 repealed as to London.	x1, s. 76, sch.
c. 34	Bankruptcy and Deeds of Arrangement Act, 1913.	Ss. 15 as to certain sales, and 18 repealed.	53, s. 193, sch. 5.
4 & 5 Geo. 5: c. 58	Criminal Justice Administration Act, 1914.	S. 5 applied	49, s. 16.
c. 59	Bankruptcy Act, 1914.	S. 33 extended	23, ss. 3 (6) (a), 7 (2).
c. 86	Superannuation Act, 1914.	Ss. 35, 40-1 saved	53, ss. 130 (ii), 134 (8), 193 (3).
		Applied and excluded	53, ss. 21, 29, 191 (w), 193 (3).
5 & 6 Geo. 5: c. 61 (as amended).	Government of India Act.	S. 3 (8), statutory salaries in part restored.	24.
7 & 8 Geo. 5: c. 51	Air Force (Constitution) Act, 1917.	S. 6 extended	5.
—	Air Force Act	Modifications in Part I of sch. 2 applied. Continued, ss. 188 (2) added, 190 (27) substituted, 56 (5), 91 (1) (3) (4), 156 (9) (a), 163 (1) (b), 175 (1), 190 (4) amended.	11, s. 6. 11, ss. 2, 4-6, 8, schs. 2, 3.

Session and Chapter.	Short Title.	How affected.	Chapter of 24 & 25 Geo. 5.
8 & 9 Geo. 5: c. 40 -	Income Tax Act, 1918.	Sch. A, Rule 5 of No. III repealed; annual provision; amendments, &c., as to tax.	32, ss. 19-22, 30, sch. 4.
c. 48 -	Education (Scotland) Act, 1918.	S. 15 (8) applied - -	29, ss. 14 (2), 32 (7).
c. 52 -	Petroleum (Production) Act, 1918.	Repealed (except as to N.I.), with saving for licences.	36, ss. 1 (1), 11 (2) (3), sch.
9 & 10 Geo. 5: c. 37 -	War Loan Act, 1919	S. 1 (1) applied - - S. 1 (1) extended - -	10, s. 1 (2). 32, s. 23.
c. 70 -	County Court Judges (Retirement Pensions and Deputies) Act, 1919.	S. 4 (1) amended (prosp.) - Act repealed (prosp.) -	17, ss. 29, 35 (4), sch. 4. 53, s. 193, sch. 5.
c. 73 -	County Courts Act, 1919.	Ss. 4 (1) in part, 18 (2), 22 (3) repealed, 5 (2)-(4), 7, 8, 10, 13, 24 (2) repealed as replaceable by rules, ss. 5 (1) amended, 1, 6 excluded (prosp.). Act repealed (prosp.).	17, ss. 8 (3), 16 (4), 19, 20, 29, 30 (1) (d), 34 (1) (3), 35 (4), schs. 4, 5. 53, ss. 99 (3) (d), 193, schs. 3, 5.
c. 91 -	Ministry of Agriculture and Fisheries Act, 1919.	S. 7 (1) (2) (ii) repealed in part.	xl, s. 76, sch.
c. 97 -	Land Settlement (Scotland) Act, 1919.	S. 1, grant temporarily increased.	35.
10 & 11 Geo. 5: c. 17 -	Increase of Rent and Mortgage Interest (Restrictions) Act, 1920.	County court proceedings (no jury)— <i>see</i>	53, ss. 91 (1) (b), 193 (3).
c. 18 -	Finance Act, 1920	S. 13, sch. 2 amended; sch. 2 paras. 1, 6 substituted.	32, s. 18, sch. 3.
c. 28 -	Gas Regulation Act, 1920.	Ss. 4 (3) (4), 9 (4) and in part 18 repealed, 16 (2), 28 (3) substituted, 1 (6), 5 (2), 6 (2) (3), 7 (3), 10 (1), 15 (2), 17-8, 20 amended, 2-10, 15 (1) extended, 5 (1), 10 (3)-(5), 16-7 applied; provision for expenses under s. 7 (2) (prosp.). Ss. 4 (1) in part, 6 (1), 7 (1) (2) in part, 8 (b) (c), 9 (6) repealed, 9 (5) substituted, 6 (2)-(4) amended (1.1.35) Ss. 4, 7 (1) (2) (a) (b) repealed, 5, 6, 8, 9 substituted (1.1.30).	28, ss. 9 (4) (7), 13 (5), 14 (2), 15-6, 28-9, 31 (1), 32 (1)-(3), 33 (1), 35, 36 (2) (3), schs. 2 Part I, 3 Part I. 28, ss. 12 (1), 31 (2), 32 (1) (2), 33 (2), 36 (2) (3), schs. 2 Part II, 3 Part II. 28, ss. 31 (3), 32 (1) (2), 33 (3) schs. 2 Part III, 3 Part III.

Session and Chapter.	Short Title.	How affected.	Chapter of 24 & 25 Geo. 5.
10&11Geo.5: c. 30 -	Unemployment Insurance Act, 1920.	Ss. 4 (with saving), 7 (1) proviso, 8 (2) in part, 12 (3) proviso, 15-6, 41 (2) repealed, 5 (5), 7 (1) (v), 12 (2), 17 (3), 47 (1) (e) substituted, 10 (1) (e), 12 (4), 35 (1) (h) added, 1, 3 (1) (c) (d), 5 (7), 7 (1) (statutory conditions), 10 (1) (b), 17 (1) (a), 20, 22 (7), 33, 35 (1) (c), 41 (1), sch. 1 Part I para. (c) amended; new provision for making regulations; power to amend ss. 7, 8, 41 by order approved by Parliament; references to orders &c. construed as references to regulations; ss. 17 (4), 22 (3) 40 (2) applied, 22, 35 extended, 22 (1) saved.	29, ss. 2 (2), 6 (2), 7, 8 (2), 9 (2), 17, 19 (1)-(4), 21 (2), 22-5, 29, 31 (1), 34, 64 (2) (3), sch. 3 Part II, 5, 9 Part I; and see ss. 15 (3), 30 (a) and sch. 1 Part II para. 3.
c. 43	Firearms Act, 1920	S. 3 (1A) (1B) substituted for subs. (1), s. 12 (1) (2) amended (E.S.).	16.
c. 49 -	Blind Persons Act, 1920.	S. 2 (4) repealed as to London County Council.	x1, ss. 3 (1), 76, sch.
c. 50 -	Mining Industry Act, 1920.	S. 20 (as amended) extended and amended, s. 20 (3) excluded (E.S.).	9, ss. 1, 2 (1), 3 (2) (4), 4 (2) (3).
c. 67 -	Government of Ireland Act, 1920.	S. 37 (3) amended on part restoration of statutory salaries.	24.
c. 72 -	Roads Act, 1920 -	S. 2 temporarily amended	32, s. 26.
c. 77 -	Dyestuffs (Import Regulation) Act, 1920.	Act made permanent, ss. 5 (1) repealed, 1 (1) amended, 3 added, new subs. (6)-(9) substituted for s. 2 (6), power to renumber sections &c. on reprint.	6.
c. 80 -	Air Navigation Act, 1920.	S. 11, &c. (admiralty county court jurisdiction)— <i>see</i>	53, ss. 56 (1) (c), 193 (3).
c. 81 -	Administration of Justice Act, 1920	S. 16 repealed (prosp.) - Ss. 3 (2) and 15 repealed as to county courts.	14, s. 21, sch. 3. 53, s. 193, sch. 5.
11&12Geo.5: c. 1 -	Unemployment Insurance Act, 1921.	Ss. 5 in part and 7 repealed	29, ss. 18 (1) (2), 33, 64 (2) (3), sch. 9 Part I.
c. 12 -	Public Health (Tuberculosis) Act, 1921.	S. 4 repealed as to London	x1, s. 76, sch.
c. 15 -	Unemployment Insurance (No. 2) Act, 1921.	Ss. 4, 10 and in part 16 (1) repealed, 9 applied.	29, ss. 8 (2), 25 (3), 64 (2) (3), sch. 9 Part I.
c. 42 -	Licensing Act, 1921	S. 1 (permitted hours) amended.	26.
c. 47 -	Safeguarding of Industries Act, 1921.	Part I amended	32, ss. 4, 5.

Session and Chapter.	Short Title.	How affected.	Chapter of 24 & 25 Geo. 5.
11&12Geo.5: c. 51 -	Education Act, 1921.	Ss. 45, 78 applied - -	29, s. 14 (2); and <i>see</i> s. 31 (4).
c. 52 -	Exchequer and Audit Departments Act, 1921.	S. 7 (1), statutory salary in part restored.	24.
c. 58 -	Trusts (Scotland) Act, 1921.	S. 10 (a) (6) (7) applied -	37, s. 1 (1) (a).
c. 64 -	Poor Law Emergency Provisions (Scotland) Act, 1921.	Made permanent (as amended) except s. 2 (4); ss. 1 (1) (2), 3 (4) amended.	52, ss. 1 (1), 2 (1), 18 (3).
12&13Geo.5: c. 7 -	Unemployment Insurance Act, 1922.	Ss. 7, 8 repealed, 1 (1), 16 (1) repealed in part, 14 (1) substituted, 1 (1a) added; power to amend s. 1 by order approved by Parliament.	29, ss. 17, 29, 64 (2) (3), schs. 3 Part II, 5, 9 Part I.
c. 16 -	Law of Property Act, 1922.	Limits of county court jurisdiction fixed (prosp.). In ss. 129 (1), 132, 139 (1) (v), sch. 12 paras. (6) (8) limits of county court jurisdiction fixed (prosp.).	17, ss. 7, 35 (4), sch. 2. 53, ss. 52 (3), 193 (3), sch. 2.
c. 34 -	Whale Fisheries (Scotland) Act, 1922.	Saved - - - -	49, s. 17 (2).
c. 54 -	Milk and Dairies (Amendment) Act, 1922.	S. 3 substituted (with saving for orders), s. 14 (a) amended.	51, ss. 10, 14 (2).
13 Geo. 5. sess. 2. c. 2 -	Irish Free State (Consequential Provisions) Act, 1922.	Sch. 1 para. 1 (2) amended (statutory salary in part restored).	24.
13&14Geo.5: c. 2 -	Unemployment Insurance Act, 1923.	Ss. 4, 6 (2) proviso, sch. 1 repealed, s. 6 (1) (2) (b) amended; power to amend s. 5 by order approved by Parliament; s. 6 applied.	29, ss. 17, 29, 42 (2), 64 (2) (3), schs. 3 Part II, 5, 9 Part I.
c. 6 -	Local Authorities (Emergency Provisions) Act, 1923.	S. 3 in part repealed - -	52, ss. 1 (1), 18 (3).
c. 9 -	Agricultural Holdings Act, 1923.	S. 16 (5A) (5B) added (as to ss. 111-2 of 1888 Act <i>see</i> now 24-5 Geo. 5. c. 53 ss. 81, 83; as to s. 110 <i>see</i> 24-5 Geo. 5. c. 53, ss. 99 (3) (d), 192 (5), sch. 3).	14, s. 18.
c. 14 -	Finance Act, 1923	S. 13 (4) amended - -	32, s. 15.
c. 20 -	Mines (Working Facilities and Support) Act, 1923.	Part I applied (petroleum)	36, ss. 3, 11 (3).
14&15Geo.5: c. 8 -	Trade Facilities Act, 1924.	S. 3 (1), period extended -	12.

Session and Chapter.	Short Title.	How affected.	Chapter of 24 & 25 Geo. 5.
14&15Geo.5: c. 9 -	Poor Law Emergency Provisions Continuance (Scotland) Act, 1924.	Repealed as to duration of 1921 Act.	52, ss. 1 (1), 18 (3).
c. 17 -	County Courts Act, 1924.	Ss. 8 repealed as replaceable by rules, 7 (1) repealed in part, 3 amended (prosp.). Ss. 1, 2, 3 (2)-(5), 4 (3) (4), 7-9, 11 (3) (5), sch. 1 para. 4 and schs. 2 and 3 repealed, ss. 3 (1), 4 (5), 5 (5), 11 (1) (2) repealed in part (prosp.) with savings and transitional provisions.	17, ss. 6 (7), 29, 30 (1) (d), 34 (1) (3), 35 (4), schs. 4, 5. 53, ss. 99 (3) (d), 190, 193, schs. 3-5.
c. 21 -	Finance Act, 1924	S. 18 (1) in part repealed (prosp.), s. 12 (1) (b) (2) modified.	32, ss. 14, 18 (3), 30, sch. 4.
c. 24 -	Isle of Man (Customs) Act, 1924.	S. 4 continued - - -	46, s. 4.
c. 30 -	Unemployment Insurance (No. 2) Act, 1924.	Ss. 1 (5), 11, 15 and in part sch. 2 repealed, s. 6, sch. 1 Part I para. 5 substituted, s. 1 (4), sch. 1 Part I para. 4 amended; power to amend s. 1 (4) and sch. 1 Part I by order approved by Parliament.	29, ss. 17, 29, 64 (2) (3), schs. 3 Part II, 5, 9 Part I.
c. 38 -	National Health Insurance Act, 1924.	S. 89 applied; benefit to be regarded. S. 105 (1) repealed as to Scotland. Maternity benefit and outdoor relief (E.).	29, ss. 36 (3), 38 (3). 52, ss. 11 (3) (4), 18 (3). 59, s. 1.
15&16Geo.5: c. 12 -	British Sugar (Subsidy) Act, 1925.	Extended, s. 1 (1), sch. I amended.	39.
c. 14 -	Housing Act, 1925	S. 111 (1) repealed as to L.C.C. and metrop. borough councils.	xl, ss. 3 (1), 76, sch.
c. 18 -	Settled Land Act, 1925.	S. 113 (3) repealed in part as replaceable by rules; county court jurisdiction by agreement (prosp.). County court jurisdiction by agreement (prosp.).	17, ss. 7 (3), 30 (1) (d), 34 (3), 35 (4), sch. 5 Part III. 53, ss. 53, 99 (3) (d), 193 (3), sch. 3.
c. 19 -	Trustee Act, 1925 -	S. 63 extended; limits of county court jurisdiction fixed (prosp.). S. 1 (1) (m) (g) applied - S. 63 extended, in ss. 41 (1), 42, 44-8, 50-1, 53, 56-7, 59, 60-3 limits of county court jurisdiction fixed (prosp.).	17, ss. 7, 21 (5), 35 (4), sch. 2. 37, s. 1 (1) (a). 53, ss. 52 (3), 165, 193 (3), sch. 2.

Session and Chapter.	Short Title.	How affected.	Chapter of 24 & 25 Geo. 5.
15&16Geo.5. c. 20	Law of Property Act, 1925.	Ss. 145 amended, 146 (4) saved and (5) applied; limits of county court jurisdiction fixed (prosp.). S. 194 (2) amended as to appeals (prosp.). S. 146 (4) saved; in ss. 3 (4) (5), 30, 49, 66, 89 (1), 90 (1), 91-2, 136 (1), 146-7, 169, 181, 188, sch. 1 Part III para. 3 (iii), Part IV para. 1 (3) (v) (4) (iii) (iv) limits of county court jurisdiction fixed (prosp.).	17, ss. 6, 7, 35 (4), schs. 1, 2. 40, s. 2 (1), sch. Part I. 53, ss. 52 (3), 180 (4), 193 (3), sch. 2.
c. 22	Land Charges Act, 1925.	Limits of county court jurisdiction fixed (prosp.). In ss. 2 (6), 6 (5), 8 (3), 10 (8) limits of county court jurisdiction fixed (prosp.).	17, ss. 7, 35 (4), sch. 2. 53, ss. 52 (3), 193 (3), sch. 2.
c. 23	Administration of Estates Act, 1925.	Limits of county court jurisdiction fixed (prosp.). S. 26 (1) (2) (5) (6) repealed In ss. 17, 38 (2), 41 (1) (ii), 43 (2) limits of county court jurisdiction fixed (prosp.).	17, ss. 7, 35 (4), sch. 2. 41, s. 1 (7). 53, ss. 52 (3), 193 (3), sch. 2.
c. 28	Administration of Justice Act, 1925.	S. 19 (1) repealed as to county courts, 19 (2) repealed in part (prosp.). S. 20 repealed, transitional arrangements as to repeal of s. 19 (prosp.).	17, ss. 17 (4), 34 (1), 35 (4), sch. 5. 53, ss. 190, 193, sch. 4 Part III para. 6 and sch. 5.
c. 35	Poor Law Emergency Provisions (Scotland) Act, 1925.	Repealed as to duration of 1921 Act.	52, ss. 1 (1), 18 (3).
c. 36	Finance Act, 1925	S. 8 applied - - -	32, s. 1 (1), sch. 1 Part I.
c. 40	Supreme Court of Judicature (Consolidation) Act, 1925.	S. 27 "judgment" extended. Ss. 205 (3) (5) (6) repealed, 22 (1) (a) (v), 150 (a) repealed in part, 203 repealed as to county court proceedings, 33 (1) (a), 202 amended, in s. 205 (1) "county court rules" extended, in s. 22 (1) (a) (iii) -(viii) (xii) jurisdiction of county court extended (prosp.). Ss. 13, 121 (1), statutory salaries in part restored. Ss. 31 (1) (k), 33 (3) amended (prosp.). Claims under s. 189 saved Ss. 31 (1) (k), 33 (1) (a)-(c) (3), 150 from "Provided that," 202 as to county courts, 204-5 repealed, 22 (1) (a), 99, 205-6 amended or otherwise affected (prosp.).	14, ss. 9 (3), 21 (5) (7). 17, ss. 11 (4) (5), 16, 21 (5) (7), 29, 34 (1) (2), 35 (4), schs. 4, 5. 24. 40, s. 2 (1), sch. Part II. 41, s. 1 (1). 53, ss. 58, 60, 99 (8), 158 (m), 190, 192 (6), 193, sch. 4 Part III para. 4, sch. 5.

Session and Chapter.	Short Title.	How affected.	Chapter of 24 & 25 Geo. 5.
15&16Geo.5: c. 56	Isle of Man (Customs) Act, 1925.	Ss. 5, 6 (as amended), 7 (as amended) continued.	46, s. 4.
c. 69	Unemployment Insurance Act, 1925.	S. 4 (1) in part repealed; power to amend s. 4 by order approved by Parliament.	29, ss. 17, 64 (2) (3), schs. 3 Part II, 9 Part I.
c. 70	Widows', Orphans' and Old Age Contributory Pensions Act, 1925.	S. 39 (1) amended	29, s. 29, sch. 5.
c. 71	Public Health Act, 1925.	S. 68 saved	50, s. 29 (1).
c. 84	Workmen's Compensation Act, 1925.	Sch. 2, paras. 4-7 repealed, paras. 1, 3 extended (prosp.). Compulsory insurance by owners of coal mines, &c. Effect of adoption of child Sch. 2 paras. 4-7, transitional arrangements under rules, paras. 1, 3 extended (prosp.).	17, ss. 21 (5) (7), 34 (1), 35 (4), sch. 5 (super- seded by c. 53 below). 23. 34. 53, ss. 158 (m), 165, 193 (3).
16&17Geo.5: c. 3	Trade Facilities Act, 1926.	S. 2, period extended	12.
c. 22	Finance Act, 1926	S. 10 (2), sch. 3 and (prosp.) s. 42 repealed in part.	32, ss. 4, 18 (1), 26, 30 sch. 4.
c. 27	Isle of Man (Customs) Act, 1926.	S. 13 and sch. 2, arc lamp carbon duty increased and insulin duty ended, ss. 6, 8 continued.	46, ss. 1, 2, 4.
c. 28	Mining Industry Act, 1926.	S. 17 extended S. 13 applied to scheduled minerals. S. 23 (1) "minerals" extended to petroleum.	9, ss. 3 (1), 4 (3). 27, ss. 1, 2 (2), sch. 36, s. 9.
c. 29	Adoption of Children Act, 1926.	Child as dependent (unemployment insurance). S. 11 (5) extended Rights of child under Fatal Accidents Acts— <i>see</i>	29, s. 9 (3). 34, s. 1 (2). 41, s. 2.
c. 44	Supreme Court of Judicature of Northern Ireland Act, 1926.	S. 1 (1), statutory salaries in part restored.	24.
c. 52	Small Holdings and Allotments Act, 1926.	S. 7 (5), references substituted.	53, s. 48 (2).
17&18Geo.5: c. 3	Poor Law Emergency Provisions (Scotland) Act, 1927.	Ss. 1, 5 made permanent (as amended), 3 and, as to duration of certain enactments, 4 repealed, s. 1 (3) amended.	52, ss. 1, 2 (2) (3), 18 (3).
c. 20	Isle of Man (Customs) Act, 1927.	Ss. 1 (as amended), 11-2 continued.	46, s. 4.

Session and Chapter.	Short Title.	How affected.	Chapter of 24 & 25 Geo. 5.
17&18Geo.5: c. 30	Unemployment Insurance Act, 1927.	Ss. 1, 3, 4 (2) (c), 8, 13 and in part sch. 4 repealed, ss. 5 (3), 14 and in part 16 (1) repealed with saving for transitional payments, ss. 4 (1), 5 (1) (a), (2) (5), 12, 14 (2), 16 (1) amended; power to amend ss. 4, 5 by order approved by Parliament; s. 5 (2) (i) applied.	29, ss. 1 (3), 3 (4), 5, 17, 29, 59, 64 (2) (3), schs. 1 Part II, 3 Part II, 5, 9 Parts I and II.
c. 37	Road Transport Lighting Act, 1927.	Lights on bicycles, &c.— <i>see</i>	50, ss. 19, 42 (3).
18&19Geo.5: c. 17	Finance Act, 1928	S. 2 (hydrocarbon oils)— <i>see</i> Ss. 23 (4) (b) (iii) added, 3 (1) (d), 23 (4) amended, s. 4, sch. 2 applied, s. 2 (5) saved and excluded.	4. 32, ss. 1 (1), 2 (2)–(5), 23, sch. 1 Part II.
c. 26	Administration of Justice Act, 1928.	Ss. 17–8, 19 (2) and sch. 1, Part II repealed (prosp.).	53, s. 193, sch. 5.
c. 38	Isle of Man (Customs) Act, 1928.	S. 14 continued	46, s. 4.
c. 41	Racecourse Betting Act, 1928.	Amended, explained and saved, ss. 4 repealed, 3 (3) amended, 1 (2) restricted.	58, ss. 3 (1), 15 (5), 18, 20 (1), 32, 33 (2), sch. 2.
19&20Geo.5: c. 8	Appellate Jurisdiction Act, 1929.	S. 1 (4), statutory salaries in part restored.	24.
c. 12	Overseas Trade Act, 1929.	Period extended	12.
c. 17	Local Government Act, 1929.	S. 57 (rural water supplies) — <i>see</i> S. 14 (5) and in part (3) repealed, s. 124, sch. 10 amended, as to London.	7. xl, ss. 42–5, 76, sch.
c. 19	Unemployment Insurance (Transitional Provisions Amendment) Act, 1929.	Act repealed with saving.	29, ss. 59 (1), 64 (2) (3), sch. 9 Part II.
c. 23	Companies Act, 1929.	Ss. 78, 264 extended S. 43 (1) (b) substituted as respects gas companies. Ss. 268–9 saved	23, ss. 3 (6) (b) (c), 7 (2). 28, ss. 3 (2), 36 (2) (3). 53, ss. 130 (ii), 193 (3).
c. 24	Gas Undertakings Act, 1929.	Sch. in part repealed, ss. 3 (5) added, 1 (1) (2), 2, 3 (1) (2), 5 (3), 6 (1) (5), 7 (a), 9 amended (prosp.— <i>see</i> dates).	28, ss. 31, 33, 36 (3), sch. 2 Part I, sch. 3 Parts I and III.
c. 25	Local Government (Scotland) Act, 1929.	S. 23 applied Sch. 6 temporarily amended S. 23 applied S. 13 excluded	20, ss. 4 (1), 11 (6). 35. 52, ss. 7 (5), 18 (3). 58, ss. 5 (6), 31 (2), 33 (2).
c. 27	Savings Banks Act, 1929.	S. 6 (1) repealed	37, s. 2 (2) (3).

Session and Chapter.	Short Title.	How affected.	Chapter of 24 & 25 Geo. 5.
20&21 Geo. 5: c. 1	Isle of Man (Customs) Act, 1929.	Ss. 2 (as amended), 3 continued.	46, s. 4.
c. 5	Colonial Development Act, 1929.	S. 1 (1) amended (Newfoundland).	2, s. 5.
c. 10	Widows', Orphans' and Old Age Contributory Pensions Act, 1929.	S. 23 amended	29, s. 49.
c. 16	Unemployment Insurance Act, 1930.	Act continued, ss. 1, 2 (2) (d) (e) (g), 14-5, 18, 20 (8) repealed, 16 repealed with saving for transitional payments, 5, 6, 9, 17, 20 (3), sch. 2 repealed in part, ss. 8 (3) (5) (c) substituted, 2 (3) added, 2 (2), 4 (1), 5, 7, 8 (5) (b), 13 amended; power to amend ss. 4, 8 (9), 9 by order approved by Parliament.	29, ss. 5, 6 (1), 8 (2), 12 (1)-(3), 17, 28-9, 59 (1), 64 (2) (3), schs. 3 Part II, 5, 9 Parts I and II.
c. 17	Poor Law Act, 1930	S. 17 applied and saved	29, s. 53, sch. 8 Part I.
		S. 48 (1) amended, (3)-(5) added.	59.
c. 28	Finance Act, 1930	S. 6 (1) final para. saved and renumbered 7.	32, s. 18 (2).
c. 37	Adoption of Children (Scotland) Act, 1930.	Child as dependant (unemployment insurance). Ss. 5 (2) amended, 11 (6) extended. Rights of child under Fatal Accidents Acts. Poor relief for child	29, ss. 9 (3), 32 (3). 34, ss. 1 (2), 2 (2). 41, s. 2. 52, ss. 15, 18 (3).
c. 39	Housing Act, 1930	Appeals under s. 22 (county court trial without jury) —see	53, ss. 91 (1) (c), 193 (3).
c. 42	Isle of Man (Customs) Act, 1930.	S. 2 continued	46, s. 4.
c. 43	Road Traffic Act, 1930.	Ss. 10 (1A), 57 (4A), 59 (3) added; 8 (2) (a) (5), 10 (2) (3) (4) (a), 12 (2), 59 (1) (c), 61 (1) (a) (b), sch. 1 substituted, s. 80 (1) (1A) substituted for 80 (1); ss. 5 (3), 10 (1), 11 (1) (b), 11-2, 15, 19 (3), 27 (4) (5), 35 (4), 36, 48 (2) (3), 49, 57 (2) (3) (5), 61 (2), 72 (2), 74 (1), 80 (2), 81 (1) (b), 107 (3), 112 (2), 116 (1) (2), 119 (3), 121 (1) (2), sch. 4 amended; ss. 10, 30, 59 (1) (a), 94 and time limit for s. 112 extended; ss. 4 (6), 7 (3) (4), 21, 36 (2), 64 (1) excluded; ss. 49, 90 (2) (3) explained (prosp.).	50, ss. 1 (2), 2, 4, 5, 6 (2)-(4), 7, 9-15, 16 (4), 17 (7), 21-2, 24, 25 (1), 27, 29 (1), 31 (10), 33 (1) (3)-(5), 34-8, 40-2, schs. 1-3.

Session and Chapter.	Short Title.	How affected.	Chapter of 24 & 25 Geo. 5.
21&22Geo.5: c. 2	Cunard (Insurance) Agreement Act, 1930.	Transfer of benefits and obligations, s. 3 applied and other references adapted.	10, s. 3.
c. 8	Unemployment Insurance Act, 1931.	Ss. 1, 3 and, with saving for transitional payments, 2 repealed.	29, ss. 59 (1), 64 (2) (3), sch. 9 Parts I and II.
c. 23	Mining Industry (Welfare Fund) Act, 1931.	Amended on further amdt. of 1920 Act.	9, ss. 1, 4 (2) (a).
c. 25	Unemployment Insurance (No. 2) Act, 1931.	Ss. 1, 3 and, with saving for transitional payments, 2 repealed.	29, ss. 59 (1), 64 (2) (3), sch. 9 Parts I and II.
c. 28	Finance Act, 1931	Ss. 10-27, 29-31, 33, 35 (a)-(e) (g)-(v) (y) (z), sch. 1 repealed, ss. 32, 34, 35 (f) repealed in part.	32, ss. 27, 30, sch. 4.
c. 33	Architects (Registration) Act, 1931.	S. 14 amended - - -	38.
c. 36	Unemployment Insurance (No. 3) Act, 1931.	Ss. 1 (1) in part, 1 (2) proviso and (6), 2, 5 (1) in part and 5 (3) repealed, 1 continued and amended, 3, 5 amended; power to amend s. 1 by order approved by Parliament.	29, ss. 11, 17, 29, 64 (2) (3), schs. 3 Part II, 5, 9 Part I; and see ss. 19 (4), 30 (a).
c. 42	Agricultural Marketing Act, 1931.	Ss. 5, 13 extended - - -	1, ss. 5, 6, 7 (1), 51.
c. 45	Local Government (Clerks) Act, 1931.	Amended (Middlesex); s. 14 (2), sch. 3, paras 1 (a), 3 repealed, 1 (c) proviso prosp. substituted.	lxxxix, ss. 90(11) (b), 118, 125, 128, 136-7.
c. 48	National Economy Act, 1931.	Power to revoke O. in C. as to statutory salaries; partial restoration. Unemployment insurance orders amended, &c.	24. 29, ss. 5, 29, 59, 64 (2) (3), schs. 3 Part II, 9 Parts I and II.
22&23Geo.5: c. 4	Statute of Westminster, 1931.	Temporary provision as to Newfoundland.	2.
c. 7	Indian Pay (Temporary Abatements) Act, 1931.	Extended, s. 1 (1) (a) amended.	8.
c. 8	Import Duties Act, 1932.	S. 2 (7) (powers of Advisory Committee) extended. Ss. 19 (5) (a) repealed, 1 (3), 2 (7), 10, sch. 2 para. 3 amended, Act extended, sch. 1 extended to insulin, ss. 3, 19 applied, Part I and s. 10 excluded.	6, s. 4. 32, ss. 5, 6 (1), 7 (3) (4), 8 (2), 9, 10 (2) (3), 11, 30, schs. 2, 4.
c. 16	Isle of Man (Customs) Act, 1932.	S. 19 continued, Part I with sch. 1 extended (insulin), s. 1 (3) extended.	46, ss. 2, 4, 5.
c. 19	Transitional Payments Prolongation (Unemployed Persons) Act, 1932.	Repealed with saving -	29, ss. 59 (1), 64 (2) (3), sch. 9 Part II.

Session and Chapter.	Short Title.	How affected.	Chapter of 24 & 25 Geo. 5.
22&23Geo.5: c. 25	Finance Act, 1932	Ss. 2 (1) (3), 27, sch. 1 and (prosp.) s. 13 repealed; ss. 7, 9 (2)(b), 10 amended, 9 extended, 2 (2) applied.	32, ss. 1 (1), 7 (1) (2), 8 (1), 10 (2) (3), 30, sch. 4.
c. 37	Solicitors Act, 1932	S. 69 applied (arbitrations). Ss. 70 (iv) repealed, 59-70 applied, 44 excluded.	14, s. 17. 17, ss. 24, 25 (1), 34 (1), 35 (4), sch. 5. 45, s. 1 (1) (2).
c. 40	Gas Undertakings Act, 1932.	Ss. 45, 47-9, 51 (1) explained (application to bodies corporate). Ss. 59-70 applied, 44 excluded.	53, ss. 182, 184, 193 (3).
c. 41	Isle of Man (Customs) (No. 2) Act, 1932.	Expenses of Board of Trade— <i>see</i>	28, ss. 28 (1), 29; <i>see also</i> s. 28 (2).
c. 47	Children and Young Persons (S.) Act, 1932.	Ss. 7-9 continued, 1 extended, 2 saved.	46, ss. 3 (1), 4, 5.
c. 48	Town and Country Planning Act, 1932.	Detention in approved school and poor law settlement— <i>see</i>	52, ss. 14, 18 (3).
c. 53	Ottawa Agreements Act, 1932.	S. 48 repealed as to London County Council.	xl, ss. 3 (1), 76, sch.
c. 54	Transitional Payments (Determination of Need) Act, 1932.	Ss. 1 extended, 1 (2) excluded, 1 (4) (b) saved. Act, so far as relating to unemployment insurance transitional payments, repealed with saving.	32, ss. 6 (2), 10 (1).
		S. 1 (1) (a) excluded (Scotland).	29, ss. 59 (1), 64 (2) (3), sch. 9 Part II; and <i>see</i> as to poor relief, ss. 53, 61 (4), sch. 8.
		S. 1 (1) (a) in part repealed (England).	52, s. 11 (3) (4). 59, s. 2 (2)-(4).
23&24Geo.5. c. 7	Indian Pay (Temporary Abatements) Act, 1933.	Amended on further extension of 1931 Act.	8.
c. 14	London Passenger Transport Act, 1933.	Interim financial arrangements— <i>see</i>	lix.
c. 19	Finance Act, 1933	Ss. 2 (1), 20 (1) amended, 21, 23 saved, 23 (5) excluded, 29 (1) applied.	xcvi, ss. 4, 7 (2), 14 (2), 30 (2), 31, 37 (3), 65, 76.
c. 21	Solicitors (Scotland) Act, 1933.	S. 6 (4) repealed	32, ss. 3 (3), 30, sch. 4.
c. 26	Unemployment Insurance (Expiring Enactments) Act, 1933.	Ss. 36-7, 39 explained (application to bodies corporate). Repealed and excluded	45, s. 1 (2) (3). 29, ss. 11 (1), 28, 33 (1), 64 (2) (3), sch. 9 Part I.
c. 31	Agricultural Marketing Act, 1933.	S. 16 (1) extended	1, ss. 1, 7 (1).
c. 36	Administration of Justice (Miscellaneous Provisions) Act, 1933.	S. 4 (2)-(4) repealed (prosp.)	53, s. 193, sch. 5.

Session and Chapter.	Short Title.	How affected.	Chapter of 24 & 25 Geo. 5.
23&24Geo.5: c. 37	Private Legislation Procedure (Scotland) Act, 1933.	S. 6— <i>see</i>	28, s. 35 (2).
c. 40	Isle of Man (Customs) Act, 1933.	Ss. 1, 3-5, 8 continued, 19, sch. 5 Part II para. 4 amended, sch. 5 Part I substituted, ss. 9-10 applied, 9 (4) saved.	46, ss. 3 (2)-(4), 4-6, sch.
c. 48	Expiring Laws Continuance Act, 1933.	Repealed as to Dyestuffs (Import Regulation) Act, 1920.	6, s. 1.
c. 51	Local Government Act, 1933.	Repealed as to certain Scottish poor law Acts. S. 290 applied Borrowing powers extended, s. 290 (2) (3) (5) (8) applied, (4) applied as amended. S. 274 excluded.	52, s. 1. 15, s. 2 (2). 20, ss. 1 (6), 4 (1), 10 (1), 12 (2), sch. 58, ss. 5 (6), 33 (2).
c. 53	Road and Rail Traffic Act, 1933.	Ss. 34 (3), 36 (1) amended, 47 applied, time limit for s. 34 extended, s. 33 excluded.	50, ss. 1 (5), 17 (7), 33 (1), 40, 42 (3), sch. 3.
24&25Geo.5: c. 17	County Courts (Amendment) Act, 1934.	S. 15 amended (prosp.) Repealed with savings and transitional arrangements (prosp.).	40, s. 2 (1), sch. Part I. 53, ss. 99 (3) (d), 190, 193 (3) (4), schs. 4, 5.
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AND

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